

Official Zoning Ordinance Conewago Township Adams County, PA

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- **Maintenance Crewman:** Joe Ernst
- **Maintenance Crewman:** Shannon Ensor

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Article I

Background Provisions

Section 101 SHORT TITLE

This Ordinance shall be known and may be cited as the “Conewago Township Zoning Ordinance of 2009.”

Section 102 PURPOSE

1. This Ordinance is enacted for the following purposes:
 - A. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities; the provision of adequate light and air; access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds; the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use; as well as the preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.
 - B. To prevent any or all of the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic or other dangers.
 - C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, as well as mobile homes and mobile home parks.
 - E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.
2. This Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Township, and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township.
3. The basis for this Ordinance is the Conewago Township Comprehensive Plan adopted on April 21, 2008. This Plan establishes detailed community development goals and objectives, which this Ordinance seeks to promote and to establish; however, it is recognized that circumstances may necessitate the adoption and timely pursuit of new goals and the enactment of new ordinances or amendments to

this Ordinance that may neither require nor allow for the completion of a new Comprehensive Plan and approval of new community development objectives.

SECTION 103 SCOPE

1. Except as noted below, 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 Conewago Township shall be in conformity with the provisions of this Ordinance. Any legally-existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming and may be continued, extended, or changed subject to the regulations contained in Article 7 of this Ordinance.
2. This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.
3. This Ordinance shall not apply to any existing or proposed uses, buildings structures, signs, or extension thereof, occupied, owned and/or operated by the Township.
4. The application of requirements of this Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have heretofore been superseded and preempted by:
 - A. the act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act;"
 - B. the act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act;"
 - C. the act of December 19, 1984 (P.L. 1140, No. 223), known as the Oil and Gas Act;" and,
 - D. to the extent that the subsidence impacts of coal extraction action are regulated by the act of April 27, 1966 (1 st Sp. Sess., P.L. 31, No.1), known as 'The Bituminous Mine Subsidence and Land Conservation Act.
5. The application of requirements of this Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under:
 - A. the act of May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act;"
 - B. the act of June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area Security Law;" or,
 - C. the act of June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain

circumstances," or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.

SECTION 104 INTERPRETATION

1. In interpreting and applying the provisions of this Ordinance, such shall be considered to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.
2. In interpreting the language this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

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 AND SEVERABILITY

Except as noted in Sections 222.19.6., and 230.19.6., 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. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

SECTION 107 USES NOT PROVIDED FOR

Whenever a use is neither specifically permitted nor denied by this Ordinance, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the following criteria. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. To approve the use the Board must find that the proposed use:

1. is similar to and compatible with the permitted uses in the Zone in which the subject property is located;
2. is not permitted in any other Zone under the terms of this Ordinance;
3. is proposed in a manner that complies with all applicable requirements imposed upon other uses that in the opinion of the Board of Supervisors most closely reflect the likely impacts that will be generated by the proposed use;

4. complies with all other applicable sections of this Ordinance and other ordinances of the Township;
5. in no way conflicts with the general purposes and intent of this Ordinance; and,
6. would not be detrimental to the public health, safety and welfare of the neighborhood or Township.

SECTION 108 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Conewago Township is hereby divided into Zones which shall be designated as follows:

Base Zones Mapped on the Zoning Map

- Agricultural Zone (A) – Section 200
- Suburban Residential Zone (R-1) – Section 210
- Village Residential Zone (R-2) – Section 211
- Multi-Family Residential Zone – (R-3) – Section 212
- Traditional Neighborhood Design Overlay Zone (TND) – Section 213 (mapped as R-1 & R-3)
- Mixed Use Zone (MU) – Section 220
- Village Commercial Zone (VC) – Section 221
- Highway Commercial Zone (HC) – Section 222
- Industrial Zone (I) – Section 230
- Quarry Zone (Q) – Section 231
- Airport Safety Zone (AS) – Section 240

Overlay Zones mapped on the Natural & Cultural Features Map

- Floodplain Zone – Section 510
- Riparian Buffers – Section 511
- Wetland and Wetland Buffers – Section 512
- Steep Slopes – Section 513
- Pennsylvania Natural Diversity Inventory Sites – Section 514
- Carbonate Geology – Section 515
- Wellhead Protection Zone – Section 517

SECTION 109 ZONING MAP

All areas within Conewago Township are assigned to one of several Zones, the locations of which are established by this Ordinance and depicted upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance. In addition, for the purposes of administering the requirements of Article 5 (Environmental Protection) the attached Natural and Cultural Features Map is also specifically 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 in accordance with Section 804.5.

of this Ordinance. When a property is contained within more than one Zone, every use is required to comply with all applicable design standards upon that portion of the property within the Zone in which the use is permitted and for the purposes of satisfying applicable design standards, the zoning boundary shall be treated as a property line.

SECTION 111 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 Article.

SECTION 112 LANGUAGE INTERPRETATION

In this Ordinance, when not inconsistent with the context:

- A. words in the present tense imply also the future tense.
- B. the singular includes the plural.
- C. the male gender includes the female gender.
- D. the word "person" includes an individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee or similar representative.
- E. the term "shall" or "must" is always mandatory.

SECTION 113 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 - An improved cartway designed and constructed to provide for vehicular movement between a public or private road and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

ACCESS DRIVE THROAT LENGTH – That portion of an access drive in which exiting vehicles queue at a traffic control point along which there is no conflicting vehicle access point, or that portion of an access drive in which entering encounter no conflicting vehicle access points.

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

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.

ACT - The Pennsylvania Municipalities Planning Code as amended and codified.

ADJACENT / ADJOINING - The state of being side by side, next to or abutting one another.

ADULT USE - Any of the following, either alone or in combination with any other use.

- A. An establishment having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.

- B. An establishment or place of assembly to which the public is permitted or invited:
1. which has all or a substantial or significant portion of its stock in trade consisting of any the following items, whether alone or in combination:
 - a. books, magazines or other periodicals as well as films or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas
 - b. instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
 2. 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 exposed male or female genital areas; and/or
 3. which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
 4. which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.
- C. The following specific uses are examples of adult uses, but shall not be considered the only types of adult uses.
1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
 2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
 3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
 - a. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult 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, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place 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 to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified

anatomical areas.

12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AGRICULTURE - The tilling of the soil, the raising of crops, horticulture, and the keeping or raising of livestock such as alpacas, birds, beaver, bees, cattle, chinchilla, cows, emus, fish, fowl, foxes, hogs, horses, lynx, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish and other similar animals for commercial distribution. This definition also includes noncommercial greenhouses and mushroom houses as well as the processing and retail sale of goods produced on the farm. This definition also includes uses devoted to research into agricultural technology that would change the conduct of normal farming operations. This definition does not include concentrated animal feeding operations, concentrated animal operations, commercial produce operations and gardening, each, as defined herein.

AIRCRAFT - Any contrivance, except an un-powered hang glider or parachute, used for manned ascent into flight through the air.

AIRPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights of way, together with all airport buildings and facilities thereon. For the purposes of Section 240 of this Ordinance (Airport Safety Zone) the term airport shall refer to the commercial aviation facility within Conewago Township known as "Hanover Airport."

- A. Private Airport - An airport that is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa.Const. Stat. Section 5102.
- B. Public Airport - An airport that is either publicly or privately owned and that is open to the public as defined in 74 Pa.Const.Stat. Section 5102.

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from sea level.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS - Any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

ALTERNATIVE ENERGY PRODUCTION FACILITIES – Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources (e.g. solar panels, wind turbines, hydro turbines, geo-thermal exchangers and similar technologies.) Also see the definition of “outdoor furnaces.”

AMBER ALERT - A method of alerting citizens of Pennsylvania when a child has been abducted developed by the Pennsylvania State Police. The Amber Alert Plan uses the Emergency Alert System (EAS), via the code CAE – Child Abduction Emergency, to warn citizens by radio and television when a child abduction has occurred. The emergency alert contains information regarding the victim, the suspect and if applicable the suspects vehicle information. This allows the citizens and the media to assist police by getting the message out immediately and reporting sightings of the child, perpetrator, or any other associated information. Properties with dynamic message signs are required to display amber alert information in accordance with Section 322.C.34.F. of this Ordinance.

AMUSEMENT ARCADE - A commercial establishment which provides at least four (4) amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of less than four (4) such devices as an accessory use that can be offered at suitable locations (e.g. restaurants, taverns, nightclubs, commercial recreation establishments, and similar uses).

AMUSEMENT, THEME AND/OR ZOO PARK - A principal use designed and operated for public amusement and education that features a self contained and secure setting with:

- A. Permanent amusement structures, rides, or activities;
- B. Venues for cultural, sports, entertainment and educational activities;
- C. Cages, habitats and exhibits of domestic and/or exotic animals and plants;
- D. Museums, planetariums and other similar exhibits for cultural and educational display; and,
- E. Accessory comfort and leisure facilities (dining, rest rooms, offices, first aid, and other similar activities) for those visiting the park.

ANIMAL EQUIVALENCY UNIT (AEU) - A standardized measure that enables regulation of density or intensity of animal population upon an area of land. One (1) AEU is equivalent to one thousand (1,000) pounds of animal(s), including both animals customarily raised as livestock as well as animals kept as pets.

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

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final,

required to be filed and approved prior to start of construction or development including but not limited to an application for zoning approval, for the approval of a subdivision plat or plan, or for the approval of a land development plan.

APPROACH SURFACE - A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 240.6. of this Ordinance.

AREA - The two-dimensional measurement of space between known lines or boundaries.

- A. Building Area: The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).
- B. Gross Floor Area: The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.
- C. Gross Lot Area: The total surfacial area contained within the property lines of a lot, exclusive of exterior public rights-of-way.
- D. Habitable Floor Area: 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, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches.
- E. Lot Area: The total surfacial area contained within the property lines of a lot, exclusive of public rights-of-way, and public and private streets.
- F. Minimum Lot Area - The least amount of land area required to be to be associated with a principal use as specified within this Zoning Ordinance, except that the following features are expressly excluded:
 - 1. street rights-of-way;
 - 2. ultimate rights-of-way;
 - 3. access easements serving another principal use;
 - 4. sanitary sewer and water easements serving another principal use;
 - 5. gas pipeline easements and/or rights-of-way;
 - 6. land within easements and/or rights-of-way for overhead electric transmission lines 66 KV and greater;
 - 7. storm water management facilities, pipes and/or swales intended to serve another principal use;
 - 8. riparian buffers as regulated in Section 511 of this Ordinance;
 - 9. permanent and open bodies of water;
 - 10. the Floodplain Zone as delineated under the terms of Section 510 of this Ordinance;
 - 11. wetlands as regulated as delineated under the terms of Section 512 of this Ordinance;

12. areas that are identified by the PNDI as being necessary for the protection of species of concern as regulated by Section 514 of this Ordinance; and/or,
 13. slopes of 25% or greater.
- G. **Retail Sales Area:** The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

AREA OF DISTURBANCE - The total land area proposed to be used for and/or within any, and all, of the following:

- A. Any area within the lot proposed for development that is within fifteen (15) feet of any or all of the following existing or proposed features:
 1. A principal building or structure (except as provided in Subsection 3. below);
 2. Accessory structures or uses existing or proposed at the time of development of the principal building or structure; and
 3. An accessory structure of more than five hundred (500) feet of lot coverage.
- B. Any areas within the lot proposed for development that are within ten (10) feet of any existing or proposed gravel or paved areas, including gravel or paved driveways;
- C. Any areas within the lot proposed for development that are within forty (40) feet of the rear of the principal building; and
- D. Any areas proposed to be graded, cleared or otherwise altered that are five hundred (500) square feet or greater in size.

ATTIC - That part of a building which is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUCTION HOUSE – A principal commercial use at which items are imported for public or private sale during a competitive bidding process. This use shall also expressly include a cafeteria or refreshment counter provided such use is contained completely within an enclosed building and patrons are limited to those participating in the auction. This term shall not include automobile auctions as defined below.

AUTOMOBILE AUCTION - A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged sales during a competitive bidding process.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the retail 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 PARKING COMPOUND - See definition of "Parking Compound."

AUTOMOBILE SALES – See "Passenger Vehicle Sales"

AUTOMOBILE SERVICE AND REPAIR - See "Passenger Vehicle Service and Repair"

AUTOMOBILE STORAGE YARDS - A use whereby passenger vehicles are stored awaiting transport to a different location.

AVOIDANCE MEASURES – Specific actions that have been identified by one of the Pennsylvania Natural Diversity Inventory (PNDI) jurisdictional agencies that must be fulfilled by an applicant in order to inflict no impact upon a special concern species or resource in the vicinity of the project area.

BANKS AND SIMILAR FINANCIAL INSTITUTIONS – Principal uses devoted to the receipt, saving, loaning, distribution, investment, and transfer of money, currency and wealth. This use shall expressly include uses commonly known as banks, credit unions, savings and loan associations, savings banks, investment companies, philanthropic foundations, or the offices of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

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

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

BASEMENT – A space with less than half of its floor-to-ceiling height above the average finished grade of the adjoining ground and with a floor-to-ceiling height of greater than six and one-half (6½) feet; however, for the purposes of Section 510 of this Ordinance basement shall include any area of the building having its floor below ground level on all sides.

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

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

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

BLINDING GLARE - Glare that is so intense that for an appreciable length of time after it has been removed, no object can be seen.

BOARD OF SUPERVISORS – The governing body of Conewago Township, Adams County, Pennsylvania.

BOARDER - An individual other than a member of a family occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility, and who also may be furnished meals or other domestic services in return for compensation.

BOARDING HOUSE - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, for four (4) but not more than ten (10) boarders. This term includes single-room occupancy residences (SROs), tourist homes and rooming houses. Boarding houses must include a full-time on-site resident manager.

BUGGY – A carriage drawn by a horse that is commonly used by plain sects as a mode of transport and travel.

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

- A. Detached: A building which has no party wall.
- B. Semi-detached: A building which has only one party wall in common.
- C. Attached: A building which has two or more party walls in common.

BUILDING AREA - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

BUILDING ENVELOPE - The area of a lot that is available for development and free of restrictions as specified in this Ordinance and may include building set back requirements, rights-of-way, easements, floodplains, wetlands, steep slopes, and all similar restrictions

BUILDING HEIGHT - A building's vertical measurement from the mean sea level of the ground abutting the building as measured at its corners to the highest point of the roof, unless otherwise specified.

BUILDING LENGTH – The longest horizontal measurement of a building.

BUILDING SETBACK LINE - The actual distance between the closest part of a building including roof overhangs, (excluding those permitted projections listed in Section 319 of this Ordinance) and:

- A. in the case of a front yard, all adjoining street right-of-way lines;
- B. in the case of a side yard, all side lot lines; and,
- C. in the case of a rear yard, all rear lot lines.

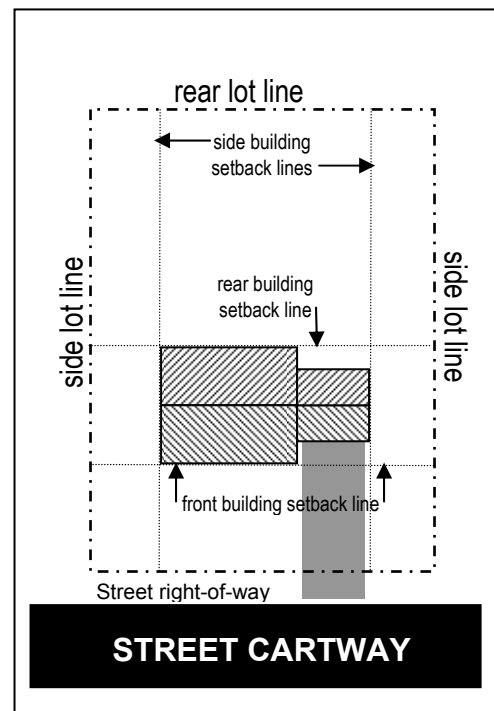
BUILDING PERMIT – Permits issued under the Uniform Code Construction Code. (Permits issued under this Zoning Ordinance are “zoning permits.”)

CAFÉ - An accessory use to a restaurant and/or a drive-thru/fast-food restaurant that is devoted to the outdoor seating of up to 40 patrons.

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

CAMPSITE - A plot of ground within a campground intended for occupation by a recreational vehicle, cabin, tent or travel trailer.

CANDELA - The standard industrial unit of luminous intensity. One candela is one lumen per steradian (lm/sr).



CANDLEPOWER - Luminous intensity expressed in candelas.

CARPORT – A roofed structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of motor vehicles.

CARRIAGE & BUGGY HORSE – An animal kept accessory to a principal residence whose occupants rely upon as a primary mode of transport and travel.

CARTWAY - The surface of a street intended and available for use by vehicular traffic.

CAR WASH – A commercial use devoted to cleaning the exterior, and sometimes the interior, of automobiles and other passenger vehicles. There are several types of car washes, ranging from self-service coin operated automatic car washes to fee-based full service operations.

CASINOS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

CATERERS, BAKERS AND CONFECTIONERS – A retail commercial use devoted to the preparation, packaging and/or delivery of prepared foods for consumption at another location. This use shall also expressly include the retail sales of those goods produced on the site; however, no seating for on site consumption shall be permitted.

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area.

CEMETERY – Lands and/or facilities 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. This definition shall also include facilities for the burial of domestic pets.

CERTIFICATE OF USE AND OCCUPANCY - A statement, signed by the Zoning Officer verifying that a building, structure, sign, and/or land complies with this Zoning Ordinance and may be lawfully employed for its intended use.

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

CHANNEL FLOW - That water that is flowing within the limits of a defined channel.

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, cemeteries and church-related recreation, educational and/or day-care facilities and orphanages.

CLINIC, MEDICAL, DENTAL, VISION, OR COUNSELING - A building or group of buildings occupied by medical and/or other licensed practitioners and related services for the purpose of providing health, emergency medical, wellness, dietary, social, behavioral, therapeutic, occupational and psychological services to outpatients.

CODE - Code of the Township of Conewago.

CO-LOCATED COMMUNICATION ANTENNAS - Any device that is attached to an existing structure and used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device

COMMERCIAL DAY CARE – A principal use offering care or supervision of more than four (4) minors or adults for a period not to exceed 18 continuous hours that is licensed by the Commonwealth of Pennsylvania. (See also “Family Day Care”.)

COMMERCIAL PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten percent (10%).

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, cinemas, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, and etc. This does ***not*** include adult-related uses, shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, off-track betting and/or casinos unless such use are specifically approved under their respective terms of this Ordinance.

COMMERCIAL SCHOOL – See “School, Commercial”

COMMERCIAL TRUCK – A motor vehicle that is associated with a business and/or exceeds the limitations of a “personal motor vehicle” as defined herein.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Common open spaces shall not include areas devoted to driveways, access drives, parking lots, street rights-of-way, storm water detention basins, required setbacks and private yards.

COMMON PARKING AREA - A parking facility serving multiple uses or properties.

COMMON WALL - A wall separating two units of occupancy.

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device. This term includes without limitation omni-directional (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 residential satellite dishes, television antennas, or antennae for amateur radio equipment.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennae.

COMMUNICATIONS TOWER - A freestanding structure designed and used solely to support communications antennae.

COMMUNITY CENTER - A building or portion of a building used as a gathering place by local residents and/or the general public.

COMMUNITY GREEN - A plaza, square, courtyard, park, pocket park, walkway, promenade, or other outdoor space in which features such as pavers, benches, gazebos, pergolas,

trellises, planters, plantings, lighting, sculpture, and the like, are installed and maintained for public use and enjoyment.

COMMUNITY SEWAGE DISPOSAL SYSTEMS - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is not proposed to be owned and/ or operated by Conewago Township. All community sewage disposal systems shall be approved and permitted by the Pennsylvania Department of Environmental Protection.

COMPOSTING - The conversion of organic matter, such as yard waste, into fertilizer.

COMPREHENSIVE PLAN - The latest adopted version of the Conewago Township Comprehensive Plan, including any freestanding supplemental documents, as may be amended.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria:

Three Criteria to Determine CAFO Uses
<p style="text-align: center;">Criteria 1</p> <p>The proposed agricultural operation exceeds any of the following animal type thresholds:</p> <ul style="list-style-type: none">• 700 mature dairy cows;• 1,000 veal calves;• 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs;• 2,500 swine of 55 lbs. or more;• 10,000 swine under 55 lbs.;• 500 horses;• 10,000 sheep or lambs;• 55,000 turkeys;• 30,000 layers or broiler chickens using a liquid manure handling system;• 125,000 broiler chickens not using a liquid manure handling system;• 82,000 layer chickens not using a liquid manure handling system;• 30,000 ducks not using a liquid manure handling system; and/or,• 5,000 ducks using a liquid manure handling system.
<p style="text-align: center;">Criteria 2</p> <p>Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry.</p>
<p style="text-align: center;">Criteria 3</p> <p>Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.</p>

CONCENTRATED ANIMAL OPERATION (CAO) - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis. Animal weights shall be determined using Table A within the above-described definition of a "concentrated animal feeding operation", which may be amended.

CONDITIONAL USE - A use that may appropriate to a particular zone when specific conditions and criteria prescribed for such uses are satisfied. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 905 of this Ordinance.

CONDOMINIUM - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended, are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONICAL SURFACE – As it relates to Section 240 of this Ordinance, a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONSERVATION EASEMENT – A private agreement between the landowner and the Township (and possibly other designated persons or parties) that is applied to property to perpetually protect it from future development.

CONSERVATION MEASURE – A specific action that has been identified by one of the Pennsylvania Natural Diversity Inventory (PNDI) jurisdictional agencies that can minimize impact upon a special concern species or resource in the vicinity of the project area.

CONSERVATION PLAN - A plan including a map(s) and narrative that, at a minimum, describes and outlines an erosion and sedimentation control plan for an identified parcel of land.

CONSISTENCY - An agreement or correspondence between matters being compared, which denotes a reasonable, rational, or similar connection or relationship.

CONSTRUCTION - The placement of materials and equipment in a defined area to be assembled, built, applied, and/or demolished in a temporary or permanent manner, as approved by the designated officials of the Township.

CONSTRUCTION SITE - The total necessary land area required for all buildings or uses within a development.

CONVENTION AND/OR CONFERENCE CENTER – A principal use that is designed to offer accommodations that are integrated in form and function to visitors and groups of attendees for the purposes of education, training, trade shows, exhibits, presentations, and other similar activities.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Although this use is permitted by right within the Commercial Zone, some of the permitted activities require the approval of a special exception or conditional use if they are conducted as part of the convenience store:

- A. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult uses are expressly prohibited;
- B. Restaurants, including drive-thru or fast-food operations, subject to the requirements of Section 427 of this Ordinance, and provided that rest rooms are made available to the public;
- C. Amusement arcades, subject to the requirements of Section 405 of this Ordinance;

- D. Automatic bank teller machines;
- E. Photomats and film development drop-off sites;
- F. Laundry, dry cleaning and tailoring drop-off sites;
- G. Lottery sales counters and machines;
- H. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;
- I. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 410 of this Ordinance;
- J. Car washes, subject to the requirements of 416 of this Ordinance; and,
- K. Post offices and other parcel delivery drop-off sites.

CONVERSION - To change or adapt improved property to a use, occupancy, or purpose other than what existed on the effective date of this Ordinance.

COUNTY - The County of Adams, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Adams County Planning Commission.

CRT – Cathode ray tube.

CULTURAL FACILITIES – A use conducted indoors devoted to the development and personal acquaintance with fine arts, humanities and broad aspects of science.

CURATIVE AMENDMENT - A proposed zoning amendment:

- A. requested of the Board of Supervisors by any landowner or applicant who desires to challenge the substantive validity of an ordinance that prohibits or restricts the use or the development of land in which the landowner or applicant has an interest; or,
- B. initiated by the Board of Supervisors to cure some known substantial defect.

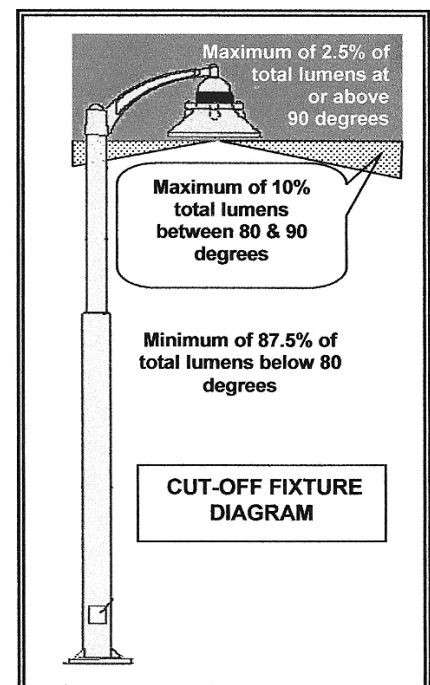
CUTOFF ANGLE (OF A FIXTURE) - The angle, measured up from the horizon, between the vertical axis and the first line of sight at which the bare source is not visible.

CUTOFF FIXTURE – A fixture that distributes light not exceeding (2.5%) at an angle of 90 degrees above the horizon, and (10%) at a vertical angle of 80 degrees above the horizon.

DANCE, MUSIC, ART, FASHION AND PHOTOGRAPHIC STUDIO AND GALLERY – A principal use devoted to the:

- A. training and performance of dance and music;
- B. development, display, and sales of individual works of art and/or photography; and,
- C. design, development, display and sales of custom articles of clothing.

DAY-CARE – (See “Commercial Day Care” and “Family Day Care.”)



DENSITY - A term used to express the allowable number of dwelling units per acre of land exclusive of public rights-of-way, and public and private streets.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DOMESTIC COMPOST – An accessory use that converts organic waste of the residents (excluding sewage) on-site, such as yard waste, into fertilizer.

DOMESTIC PETS - The noncommercial keeping of no more than four (4) adult non-farm animals that are locally available for purchase as pets, as an accessory use to a primary residential use. Domestic pets shall not include any species identified as "exotic animals" and "livestock," both as defined herein nor any animal species that, in the opinion of the Zoning Officer, poses a threat to the health, safety and/or welfare of the community.

DOMESTIC TOOLS – Electric and/or liquid fuel powered devices that assist in the maintenance and repair of personal property and one's residence (e.g. power tools, lawn mowers, chain saws, snow blowers, generators, compressors, power washers and etc.)

DRIPLINE – The outside edge of the area located directly beneath the canopy of a plant upon which rain is intercepted before it falls to the ground.

DRIVE-THROUGH FACILITY - Any portion of a building or structure from which business may be transacted with a customer in a motor vehicle.

DRIVE-THRU AND/OR FAST-FOOD RESTAURANT - 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.

DRIVEWAY - An improved cartway designed and constructed to accommodate vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm; provided however, that joint use driveways as permitted under Section 437.B. of this Ordinance may serve up to four (4) single family detached dwelling units.

DRIVING RANGE - An accessory or principal use devoted to the practice of driving golf balls.

DRY CLEANERS AND LAUNDROMATS – A principal retail use at which patrons can either perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles, or drop-off facilities for such services. This use shall not include accessory laundry services associated with lodging facilities and/or institutional uses.

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 must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical, and other utility systems.

A. **Single-Family Detached:** A freestanding building containing one dwelling unit for one

family. Manufactured homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the manufactured 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. Manufactured and modular homes shall be considered single-family detached dwellings so long as they are designed and constructed in accordance with the Uniform Construction Code. (Figure 1)

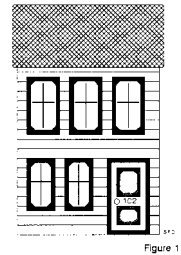


Figure 1

- B. Duplex: (Two-family; single-family semi-detached): A free-standing building containing two dwelling units for two families, arranged in a side-by-side (Figure 2) or over-and-under (Figure 3) configuration.

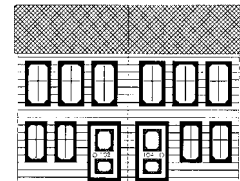


Figure 2

- C. Multiple Family: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)

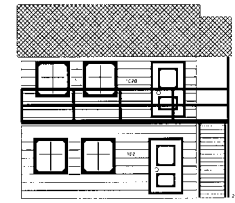


Figure 3

- D. Quadraplex: A building containing four dwelling units that each are located on grade that are not arranged in a side-by-side layout.

- E. Townhouse: A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common walls. (Figure 5)

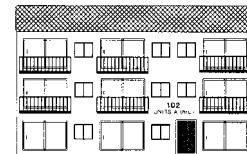


Figure 4

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.

DYNAMIC MESSAGE DISPLAY - A sign incorporating LCD, LED, plasma, CRT, pixelized lights, other video-like displays or other means of changing messages.

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. For the purposes of this Ordinance this definition shall not include the tilling of the soils and cultivation associated with the growing of crops.



Figure 5

ECHO HOUSING - A temporary dwelling unit placed on a property with another single family detached dwelling for occupancy by either an elderly, handicapped, or disabled person(s) related by blood, marriage, or adoption, to the occupants of the principal dwelling, or their care-giving family members.

ELEVATION – The average ground level at all corners of a structure, storage area, sign or other improvement.

EMERGENCY SERVICES - An organization comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fund-raising amenities, all

of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges.

EMISSIONS RELEASE POINT – That location where an exhaust chimney of an outdoor furnace permits the unrestricted flow of exhaust into the environment.

ENTERTAINMENT FACILITIES – A use conducted indoors that offers personal amusement and/or enjoyment through mental engagement. This definition does not include adult uses, amusement arcades, casinos, off-track betting parlors, wagering, or shooting ranges.

EQUESTRIAN CENTER AND RIDING STABLE – A principal use at which the operator offers services and facilities to board, train, and exercise horses that are owned by non-residents of the subject property. This use also expressly includes the recreational riding of horses for a fee, riding lessons, periodic competitions and similar events related to the care, use and enjoyment of horses.

EXOTIC ANIMALS - All bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

FAMILY - Any one of the following:

- A. A single individual occupying a dwelling unit.
- B. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- C. Not more than three (3) unrelated persons occupying a dwelling unit.
- D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together and who are part of a community-based residential home that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a “family.”

FAMILY DAY CARE – An accessory use to a detached single-family dwelling principal use offering care or supervision to no more than six (6) different persons during any calendar day for a period not to exceed 18 continuous hours that is registered by the Commonwealth of Pennsylvania. The limit on the number of persons shall not be applied to those who reside on the property. (See also “Commercial Day Care”.)

FARM - A parcel of land that is used for one (1) or more agricultural operations, including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A “farm” shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

FARM OCCUPATION - A business or commercial activity that is conducted as an accessory use to a principal agricultural or horticultural use.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

FCC – The Federal Communications Commission of the United States of America.

FELLING – The act of cutting a standing tree so that it falls to the ground.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - Bank, credit union, savings and loan association, savings bank, investment company, philanthropic foundation, or the office of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

FISH HATCHERIES – A principal use devoted to the raising of fish for wholesale distribution and/or wholesale public release.

FIXTURE - A complete lighting unit consisting of one or more lamps (light sources) together with the parts designed to control the light distribution, and other mechanical and electrical components.

500-YEAR FLOOD - A flood that, on the average, is likely to occur once every 500 years.

FLAG LOT – A lot permitted under specific requirements of this Ordinance whose lot width at its frontage is less than that required at the building setback line.

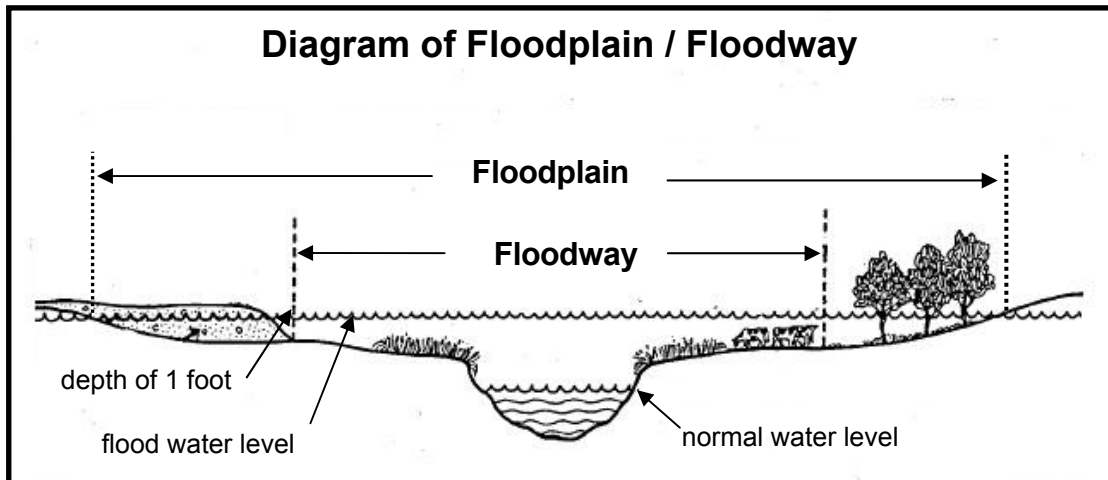
FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

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.

FLOOD OF RECORD - The flood which has reached the highest flood elevation above mean sea level at a particular location.**FLOODPLAIN** - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOF - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to property, structures and their contents.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.



FOOTCANDLE – A measure of intensity of light stated in lumens per square foot.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FORESTRY OPERATOR – An individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

FOREST STEWARDSHIP PLAN – A written strategy approved by the PA DCNR, Bureau of Forestry, for the long term care and maintenance of a property, or portion thereof, upon which a timber harvest is to occur.

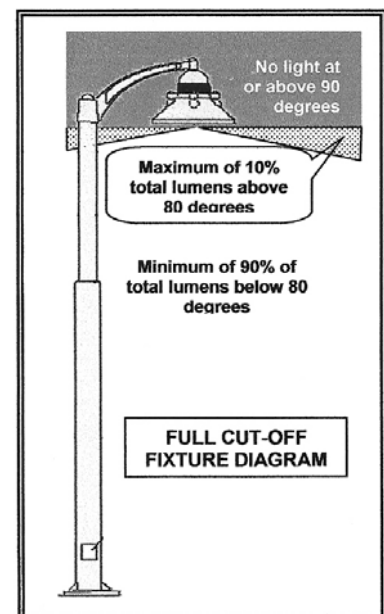
FREESTANDING COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT – See “Communications Antennas,” “Communications Towers” and “Communications Equipment.”

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street that can be used for vehicular access to the site.

FULL CUTOFF FIXTURE/FIXTURE - A fixture that distributes no light at or above an angle of 90 degrees above the horizon, and ten percent (10%) at a vertical angle of 80 degrees above the horizon.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. a funeral chapel or similar gathering place;
- B. embalming and the performance of other services used in preparation of the dead for burial;
- C. cremation of human remains;
- D. the performance of autopsies and other surgical procedures;
- E. the storage of caskets, urns, and other related supplies; and



F. the storage of funeral vehicles.

GARAGE, MOVING AND YARD SALE – An occasional and temporary use of a residential lot, wherein the occupants of the said lot display and offer personal possessions for sale to the general public.

GARAGE, PRIVATE - An accessory building for the storage of one (1) or more motor vehicles and/or other vehicles all of which must be accessory and incidental to the primary use of the residential premises, except as noted in Section 314.Y. of this Ordinance.

GARDENING – The growing of plants for personal use as an accessory use upon a residential site, or the growing of plants for personal use upon assigned plots located away from the residential site.

GLARE - The sensation produced by lighting that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.

GOLF COURSE - A golf course with a minimum of 2000 yards of play in nine (9) holes.

GOLF COURSE DRIVING RANGE - An accessory use to a golf course devoted to the practice of driving golf balls.

GOLF COURSE, MINIATURE – A commercial recreational use based upon golf that requires only a putter and is typically, but not necessarily, lit for night play.

GOVERNING BODY - The Board of Supervisors of Conewago Township, Adams County, Pennsylvania.

GOVERNMENTAL USE – A use that is operated by a duly recognized level of government (local, State and Federal) provided however, that such use shall not include solid waste disposal and/or handling facilities, prisons, and/or hospitals.

GRADE – A measurement of slope expressed in terms of percentage of vertical versus horizontal distance.

GRID-BLOCK STREETS – A private access way for pedestrian and/or vehicular use within the Town Center Core that is generally arranged in a series of interconnecting parallel and perpendicular alignments. A sidewalk, alone shall not be construed as a grid-block street.

GROUP HOME – See the definition of “family” and “dwelling.”

HAZARD TO AIR NAVIGATION – As it relates to Section 240 of this Ordinance (Airport Safety Zone) any structure, growth or other object, including a mobile object, which exceeds a specific height limit and thus is determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS MATERIAL – For the purposes of Section 510 of this Ordinance “hazardous materials include substances that have the potential to damage health or impair safety. Hazardous substances include, but are not limited to, inorganic mineral acids, sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

For all other Sections of this Ordinance hazardous materials shall include solid, liquid, or gaseous materials that exhibit characteristics of being dangerous to human health or the environment as regulated by 49 CFR parts 171-180, is considered dangerous by such laws as Resource Conservation and Reclamation Act (RCRA) (42 U.S.C. s/s 6901 et seq. [1976]), Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)(42 U.S.C. s/s 9601 et seq. [1980]), Superfund Act Reauthorization Act (SARA) (42 U.S.C.9601 et seq. [1986]), or recognized by the National Institutes of Health (NIH) and National Institute for Occupational Safety and Health (NIOSH).

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water 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:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- B. 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, FITNESS, FRATERNAL, SOCIAL AND OTHER PRIVATE CLUBS – A principal use that offers service, support, entertainment, recreation, leisure and other activities only to club members and their guests. Such use does not include adult uses, casinos, golf courses, off-track betting parlors or outdoor shooting ranges, all as defined herein.

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks in excess of 11,000 pounds gross vehicle weight, cargo and storage containers, cargo trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

HEAVY INDUSTRIAL USE – A principal use that involves:

- A. the production and processing of asphalt and asphalt products, bricks, cement and cement blocks, tar and other synthetic paving and masonry-like materials;
- B. the production and processing of chemicals, dyes, solvents, fertilizers, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, pharmaceutical and industrial alcohol, nitrates, potash, plastic and synthetic resins, pyroxylin, rayon, and hydrochloric, nitric, picric and sulfuric acids;
- C. the production, processing and/or refining of matches, fuels and explosives, including but not limited to, gasoline, kerosene, ethanol, coal, coke, naphtha, natural gas, oil (natural and synthetic), lubricating oil, charcoal and other fuel briquettes, and other similar materials;
- D. The above-ground bulk storage of oil, gasoline or other similar flammable liquids;
- E. the production, processing and/or distillation of gelatin, glue, soap, starch and other plant and animal by-products not associated with food processing;
- F. the production and processing of linoleum, oil cloth, paint, varnish, turpentine, vinyl,

- rubber (natural and synthetic) and other similar materials;
- G. the production and processing of glass and glass products;
- H. a metal foundry, reduction, refinishing, smelting, alloying and/or refining operation;
- I. the milling or processing of flour or grain;
- J. the production and/or assembly of passenger vehicles and heavy equipment and manufactured homes; and,
- K. an operation of assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products not listed in Section 230.2., Section 230.3.1.A. through 230.3.1.D., and Sections 230.3.1.F. through 230.3.1.T. and Section 230.4. of this Ordinance.

HEIGHT - For the purpose of determining the height limits in all zones set forth in Section 240 of this Ordinance and shown on the Zoning Map, the datum shall be mean sea level elevation, unless otherwise specified.

HELICOPTER PAD (PRIVATE) – A heliport conducted as an accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of helicopter aircraft and any appurtenant areas which are used, or intended to be used, for heliport buildings or navigation facilities or rights of way, together with all heliport buildings and facilities thereon.

HISTORIC STRUCTURE – Any structure that is:

- A. 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;
- B. 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;
- C. 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
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or,
 - 2. Directly by the Secretary of the Interior in states without approved programs.

HISTORIC STRUCTURE CONVERSION – The change or adaptation of an historic structure for use and occupancy other than what existed on the effective date of this Ordinance.

HOME IMPROVEMENT AND BUILDING SUPPLY STORE - A facility for the retail sale of a combination of products used in the construction, repair and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always

involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a detached dwelling unit, except that any use that adheres to the definition of “no-impact home-based business”, as defined herein, is permitted by right in any dwelling unit within any Zone.

HORIZONTAL SURFACE – As it relates to Section 240 of this Ordinance (Airport Safety Zone) a horizontal plane 150 feet above the established airport elevation.

HORTICULTURE – The cultivation of fruits, vegetables, flowers, and ornamental plants for commercial distribution.

HOSPITAL AND RELATED USES - An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

HOTEL, MOTEL OR SIMILAR LODGING FACILITIES - A building or group of buildings containing rooms for rental on a transient basis of not more than thirty (30) continuous days nor more than sixty (60) days within any calendar year. This term excludes “boarding house” and “bed and breakfast” both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “hotel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels, motels and similar lodging facilities may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services. Hotels are a building or group of buildings containing rooms for rental on a transient basis whose primary access is limited through a lobby. Motels are a building or group of buildings containing rooms for rental on a transient basis whose primary exterior access occurs at each respective unit. Hotels and motels may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services. Mail service shall be limited to counter service within the facility’s lobby and no individual unit mail boxes, individual unit mail slots or exterior gang mail boxes shall be permitted. All hotels, motels and similar lodging facilities shall require a full time on-site staff that operates 24 hours per day and seven days per week and shall not require guests to sign a lease agreement.

HOUSEHOLD HAZARDOUS WASTES - Those wastes in households that are hazardous in nature, but are not regulated as hazardous waste, under Federal and State laws. Included are such items as old paints and paint related products, pesticides, pool chemicals, drain cleaners, and degreasers, car care products and etc.

IESNA – Illuminating Engineers Society of North America.

ILLUMINANCE - The quantity of light per unit area, measured with a light meter in footcandles.

IMPERVIOUS SURFACE – A surface not readily penetrated by water under normal pressure associated with rainfall or other typical conditions associated with the proposed use. These typically include but are not limited to roads, access drives, interior drives, driveways, buildings, structures, sidewalks, off-street parking spaces, off-street loading spaces and paved recreation courts.

IMPROVEMENT - Any structure, including but not limited to the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the placement of stormwater management facilities, sidewalks, signs, traffic control devices, and monuments. This definition shall expressly exclude the tilling of soil.

INDIVIDUAL LOT GRADING PLAN (ILGP) – A report and drawing that is prepared by a professional registered engineer, landscape architect or professional land surveyor in accordance with Section 307 of this Ordinance.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) other than an access drive that are associated with a use other than a single-family dwelling and/or farm.

INVASIVE PLANT SPECIES OF PENNSYLVANIA - Invasive plants displace naturally occurring native vegetation and, in the process, upset nature's balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, highly successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. These invasive plant species are:

Trees:

Acer platanoides, commonly known as Norway Maple
Acer pseudoplatanus commonly known as Sycamore Maple
Allanthus altissima commonly known as Tree-of-Heaven
Elaeagnus angustifolia commonly known as Russian Olive
Populus Alba commonly known as White Poplar
Ulmus pumila commonly known as Siberian Elm
Viburnum lantana commonly known as Wayfaring Tree

Shrubs and Vines:

Berberis thunbergii, commonly known as Japanese Barberry
Elaeagnus umbellaa, commonly known as Autumn Olive
Euonymus alatus, commonly known as Winged Euonymus
Ligustrum vulgura, commonly known as European Privet
Lonicera japonica, commonly known as Japanese Honeysuckle
Lonicera maacki, commonly known as Amur Honeysuckle
Lonicera morrowil, commonly known as Morrow's Honeysuckle
Lonicera tatarica, commonly known as Tartarian Honeysuckle
Lonicera x-bella, commonly known as Hybrid Honeysuckle
Lythrum salicaria, commonly known as Purple Loosestrife (herbaceous)
Morus Alba, commonly known as White Mulberry
Morus rubra, commonly known as Red Mulberry
Phyllostachys, commonly known as aubea Bamboo
Rhamnus cathartica, commonly known as Common Buckthorn
Rhamnus franguia, commonly known as Glossy Buckthorn
Rosa multiflora, commonly known as Multiflora Rose
Viburnum opulus, commonly known as European Highbush Cranberry

ISA – International Society of Arboriculture.

ISO – Insurance Services Office

JOINT PARKING LOT – A parking lot that is designed, constructed and operated on a shared basis by two or more adjoining uses with one or more shared access drives.

JOINT-USE DRIVEWAY - An improved cartway designed and constructed to provide for vehicular movement between a road and up to four (4) properties, each of which contain a single dwelling unit.

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The term, "junkyard," does not include scrap metal processing operations and automobile shredding establishments. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard." (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 does not have a valid current registration plate or that has a certificate of inspection which has expired.)

KENNEL - Any lot on which non-farm animals are kept, boarded, raised, bred, treated, or trained for commercial purposes or a fee, including but not limited to dog or cat kennels. This definition shall also expressly include animal rescue and similar emergency treatment facilities whether or not they are operated on a commercial basis.

LABORATORY – A use devoted to the conduct of experiments, research and observation associated with scientific study.

LAMP - A man-made source of light.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. 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
 - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. The following activities are excluded from this term:
 - 1. the conversion of an existing single-family detached dwelling into not more than two (2) residential units, unless such units are intended to be a condominium;
 - 2. the addition of an accessory building / use, including farm buildings, on a lot or lots subordinate to an existing principal residence or farm; and
 - 3. the addition or conversion of buildings or rides within the confines of an amusement park (q.v.). This exclusion shall not apply to newly proposed or

newly acquired areas of an existing amusement park until the initial land development plans for such parks or areas have been approved pursuant to the terms of the Subdivision and Land Development Ordinance.

4. Construction of non-residential additions or non-residential accessory buildings provided the construction does not result in the following:
 - a. Building addition or accessory structure in excess of 1,000 square feet or 10% of the existing building's square footage. Once the 1,000 square feet or 10% addition has been reached, any further expansions will require land development approval.
 - b. Increase in employees greater than 5% of the existing staff, except all principal businesses are entitled to add a minimum of 2 employees if allowed elsewhere by this Ordinance.
 - c. Increased storm water impacts requiring an expansion of existing storm water facilities or additional storm water impact upon neighboring properties.
 - d. Installation of additional access drives providing vehicular access to or from a public- right-of-way.
 - e. Need for DEP Sewer Planning Module or exemption.
 - f. Impacts on floodplains and/or wetlands.
 - g. More than five (5) additional parking spaces.

LANDING – The place where logs, pulpwood, or firewood are assembled for transport to processing facilities.

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.

LANDSCAPE SCREEN - A planting of noninvasive species arranged to form both a low-level and a high-level barrier between grade and to a height of six (6) feet. This definition can also include the use of an earthen berm provided such berm is covered with noninvasive vegetative materials that stabilize its slopes and form both a low-level and a high-level screen between grade and to a height of six (6).

LAUNDROMAT – A principal retail use at which patrons can perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles.

LAUNDRY PLANT – A non-retail principal use at which clothing and/or other fabric items are cleaned dried and/or pressed.

LCD – Liquid crystal display.

LED – Light emitting diode.

LIGHT - Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770

nanometers.

LIGHT TRESPASS - A normal perception of undesirable illumination including the following examples:

- A. The classic "light shining in a window;"
- B. Unwanted light on an adjacent property; and,
- C. Excessive brightness in the normal field of vision (nuisance glare)

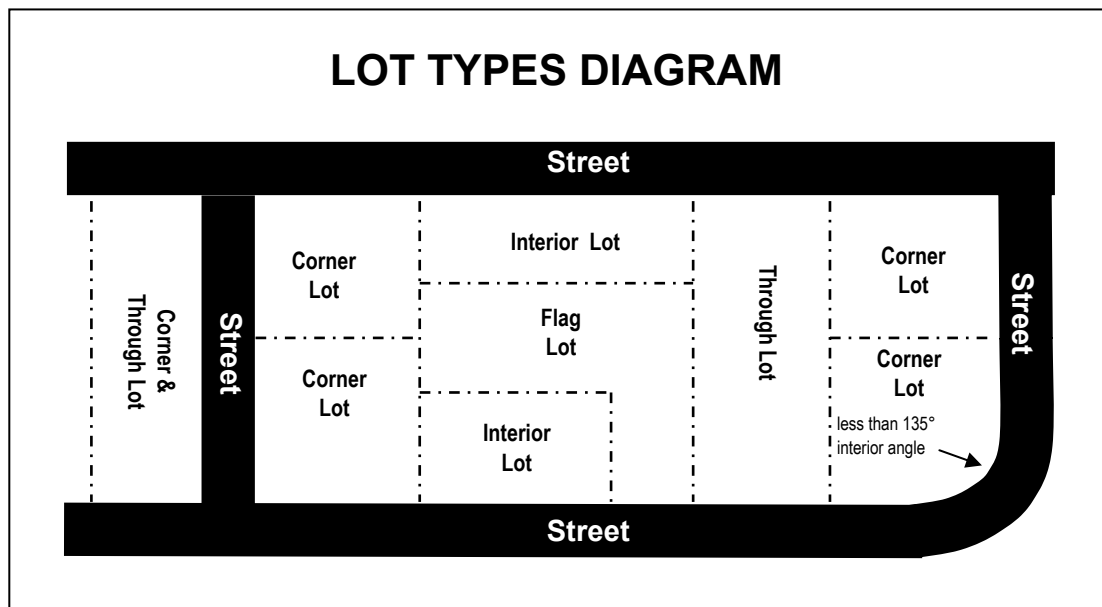
LIVE-WORK UNIT - A shop, studio, office, or other place of business in combination with a dwelling unit located within such place of business within a Traditional Neighborhood Design development. A person or persons other than the proprietor of the business may occupy a Live-Work Unit.

LIVESTOCK – An animal typically bred and raised associated with some form of agriculture. This term shall expressly include alpacas, birds, beaver, bees, burrows, cattle, chinchilla, cows, donkeys, emus, fish, fowl, foxes, goats, hogs, horses, lynx, mules, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish, swine, and other similar animals for commercial distribution.

LOADING SPACE – See "Off-Street Loading Space".

LOP – The process of cutting treetops and slash into smaller pieces to allow material to settle close to the ground.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit and that is not divided by a street.



- A. **Lot, Corner:** A property having street frontage along two (2) or more contiguous sides or along a single curved street with an interior angle of less than 135 degrees as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.
- B. **Lot, Flag:** A lot that relies upon a thin strip of land for street access whose frontage

does not satisfy the minimum width requirements for the respective Zone, but that said lot has the required lot width away from the street frontage.

- C. Lot, Interior: A lot with only one (1) street frontage.
- D. Lot, Through / Reverse Frontage: An interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

LOT COVERAGE - A percentage of the lot area that may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line measured perpendicular along straight streets rights-of-way and measured radially along curved street rights-of-way. On corner and reverse frontage 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 LINE - A recorded boundary line of a lot; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Ordinance.

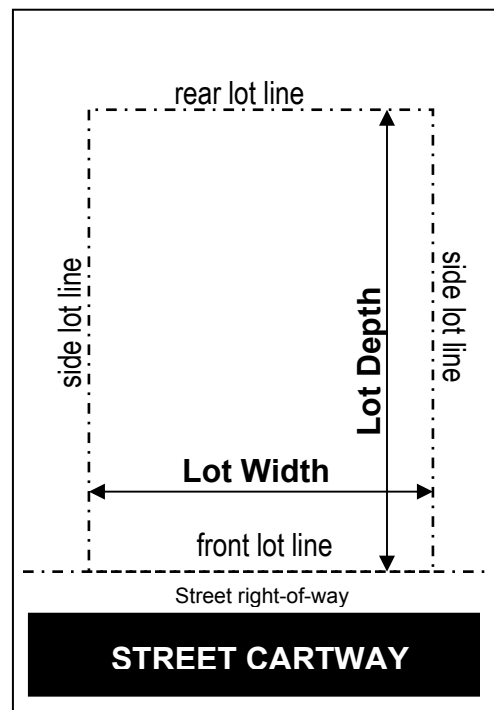
- A. Lot Line, Front: The lot line coincident with the right-of-way line of a street.
- B. Lot Line, Rear: Lot lines that are formed at the outermost edge of any rear yard as defined herein.
- C. Lot Line, Side: Lot lines that are formed at the outermost edge of any side yard as defined herein.

LOT WIDTH – The horizontal distance measured between side property lines along the minimum front yard setback line and at the street right-of-way line. 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 along the minimum front yard setback line and at the street right-of-way line along the street of address. In the case of flag lots, only where specifically permitted within this Ordinance, lot width shall be the horizontal distance measured between side property lines along the front yard building setback line, as defined herein.

LUMEN - The unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.

LUMINANCE - The emitted or reflected light from a surface; its perceived brightness. The unit of luminance is the candela per square meter (cd/m²).

LUMINOUS INTENSITY - The luminous flux per unit solid angle in the direction in question. May be expressed in candelas or lumens per steradian (lm/sr).



MACHINE, TOOL AND DIE AND METAL FABRICATION SHOPS – A principal use devoted to the shaping, forming and finishing of metals into finished products or parts used in other industrial production and/or assembly.

MAN-MADE LAKES, DAMS AND IMPOUNDMENTS - Any area designed and improved for the collection, storage and/or release of water.

MANUFACTURED HOME – Except as applied to Section 510 of this Ordinance as noted below, 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. Manufactured homes placed in parks shall meet the requirements for manufactured home parks listed in Section 454 of this Ordinance. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed.

For the purposes of Section 510 of this Ordinance, the term “manufactured home” shall mean a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities.

The term includes park trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME LOT - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

MANUFACTURED HOME PARK - A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANUFACTURING - Production of goods from raw materials, by the assembly of constituent parts produced elsewhere, or by a combination of these means, including the final packaging of such goods for sale or shipment. Includes all activities included in the NAICS (q.v.) list of “manufacturing” activities.

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

MANURE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal.

MASS TRANSIT AND/OR TAXI-CAB TERMINALS – An area of land with or without structures where the principal use is the housing, storing, maintaining, repairing and/or dispatching of buses, trains, taxi-cabs or other passenger vehicles (other than aircraft) owned and operated by a provider of public transportation. This term excludes the storage of junked or discarded vehicles.

MATURE TREE - A deciduous tree with a diameter at breast height (DBH) greater than or equal to six (6) inches or a coniferous tree at least six (6) feet tall.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National

Geodetic Vertical Datum of 1929.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL, DENTAL, VISION AND COUNSELING CLINIC - Any building or group of buildings occupied by medical, dental, optical, psychological, social, and/or behavioral practitioners and related services for the purpose of providing such services to people on an outpatient basis.

MEDICAL RESIDENTIAL CAMPUS – A use that provides a harmonious and balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community.

MESSAGE DISPLAY CYCLE – That unit of time in which one complete message is displayed upon a sign incorporating a dynamic message display.

METHADONE TREATMENT FACILITY – Any use licensed by the Pennsylvania Department of Health that administers the drug methadone in the treatment, maintenance or detoxification of persons.

MINIMUM LOT AREA - The least amount of land area required to be to be associated with a principal use as required by this Zoning Ordinance, except that the following features are expressly excluded from such calculations:

- A. street rights-of-way;
- B. ultimate rights-of-way;
- C. access easements serving another principal use;
- D. sanitary sewer and water easements serving another principal use;
- E. gas pipeline easements and/or rights-of-way;
- F. land within easements and/or rights-of-way for overhead electric transmission lines 66 KV and greater;
- G. storm water management facilities, pipes and/or swales intended to serve another principal use;
- H. riparian buffers as regulated in Section 511 of this Ordinance;
- I. permanent and open bodies of water;
- J. the Floodplain Zone as delineated under the terms of Section 510 of this Ordinance;
- K. wetlands as regulated as delineated under the terms of Section 512 of this Ordinance;
- L. areas that are identified by the PNDI as being necessary for the protection of species of concern as regulated by Section 514 of this Ordinance; and/or,
- M. slopes of 25% or greater.

MINIMUM SEPARATION DISTANCE - The minimum horizontal distance measured between two identifiable points.

MINING, QUARRYING AND RELATED PROCESSING OPERATIONS - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including

any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial or construction use; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall expressly exclude the following:

- A. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- B. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act;
- C. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process;
- D. Dredging operations that are carried out in the rivers and streams of this Commonwealth;
- E. The removal and sale of non-coal materials from retail outlets;
- F. The extraction of minerals or other deposits carried out beneath the surface by means of shafts, tunnels and similar openings; and,
- G. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this section, the minerals removed are incidental if the excavator demonstrates that:
 - 1. Extraction, handling, processing, or storing are conducted concurrently with construction;
 - 2. The area mined is limited to the area necessary to construction; and,
 - 3. The construction is reasonably related to the use proposed for the site.

MINI-WAREHOUSES - A building, series of buildings, a portion of one or more buildings and/or exterior areas divided into separate storage spaces for personal property and/or property associated with some business or other organization. These storage spaces shall be used solely for storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MOBILE HOME – See “manufactured home.”

MOVING SALE – See “Garage, Moving and Yard Sale.”

MULTIPLE FAMILY DWELLING – See “Dwelling, Multiple Family.”

MUNICIPALITY – The Township of Conewago, Adams County, PA.

MUNICIPAL USES – Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include, but are not limited to:

- A. Township offices, meeting halls, garages, and storage yards;

- B. Police, fire and ambulance stations;
- C. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- D. Outdoor community service facilities and activities, including fair grounds, golf courses, community bulletin boards and other similar uses; and,
- E. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

MUSEUM – An institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for the purpose of study, education and enjoyment, the tangible and intangible evidence of people, their history, culture and surroundings.

NAICS – The North American Industrial Classification System, as developed and maintained by the U.S. Bureau of the Census.

NET ACRE – An area of land with 43,560 square feet, exclusive of public rights-of-way, and public and private streets.

NEW CONSTRUCTION – Structures, including substantial improvements thereto, for which the start of construction commenced on or after the effective date of this Ordinance.

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 may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an “under 21” club which features entertainment. This use does not include adult uses or gaming facilities as defined herein.

NIGHTTIME - The hours between official sunset and official sunrise.

NO-IMPACT HOME BASED BUSINESS – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventorying of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. 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.

- F. 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.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- H. The business may not involve any illegal activity.

NON-COMMERCIAL GREENHOUSE – A structure designed or used for the indoor growing of plants, typically found as an accessory structure to a residence. No sales may be conducted from the structure, nor may the plants grown in the greenhouse be sold from the residence as a business operation.

NONCOMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure that does not comply with the applicable extent of use or bulk provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in this 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, or when such nonconformity is the result of the acquisition of land and/or rights-of-way by a governmental agency.

NONPRECISION INSTRUMENT RUNWAY - A aircraft runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

NOXIOUS SPECIES – Plants identified by the Pennsylvania Department of Agriculture's Noxious Weed Control list, as may be amended. The following lists the current known species:

(Source: <http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=127683>.)

- Cannabis sativa L, commonly known as Marijuana
- Cirsium arvense, commonly known as Canadian thistle
- Rosa multiflora, commonly known as Multiflora rose
- Sorghum halepense, commonly known as Johnson grass
- Polygonum perfoliatum, commonly known as Mile-a-minute
- Pueraria lobata, commonly known as Kudzu-vine

Cirsium vulgare, commonly known as Bull or Spear Thistle
Carduus nutans, commonly known as Musk or Nodding Thistle
Sorghum bicolor, commonly known as Shattercane
Datura stramonium, commonly known as Jimsonweed
Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars
Heracleum mantegazzianum, commonly known as Giant Hogweed
Galega officinalis, commonly known as Goatsrue

NURSERY AND GARDEN CENTER - A commercial operation devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting along with related materials, tools and equipment.

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.

OFF-STREET LOADING SPACE - An off-street area provided for the loading or unloading of goods and/or materials that has direct usable access to a use's loading docks and/or doors and is connected to a street or alley by an access drive subject to the requirements listed in Section 312 of this Ordinance. This definition shall also expressly include any area that directly adjoins the loading docks and/or doors that is necessary for the vehicles to maneuver into place with the use's loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors.

OFF-STREET PARKING LOT - An accessory use in which required and, potentially, additional parking spaces are provided subject to the requirements listed in Section 313 of this Ordinance.

OFF-TRACK BETTING FACILITY - A facility other than a racetrack wherein pari-mutuel wagering, but no other lawful gambling activity, is conducted under Pennsylvania law.

OFFICE - A building or a space in a building the primary use of which is the conduct of 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, except that office supplies necessary for the operation may be stored as an incidental use. An office shall only involve the incidental sales or delivery of any materials, goods, or products physically located on the premises.

ON-LOT SEWAGE DISPOSAL SYSTEMS – A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by one principal use within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE – The provision of water to a single user from a private well located on the user's lot.

100-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 percent (1%) chance of occurring each year, although the flood may occur in any year).

100-YEAR FLOOD BOUNDARY - The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one percent (1%) chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Delaware River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

100-YEAR FLOOD ELEVATION - The water surface elevations of the 100-year flood.

OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site that is free of improvement and impervious surfaces. Open spaces shall not include, among other things, areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and/or storm water detention basins, but can include required setbacks and private yards.

ORNAMENTAL PONDS AND WADING POOLS – An accessory use that:

- A. contains no more than 337.5 cubic feet of water (2,530 gallons);
- B. has a length or diameter not exceeding fifteen feet (15'); and,
- C. has a maximum depth less than one and one-half (1½') feet.

ORPHANAGE - A building or group of buildings designed for and intended to provide housing facilities for minors, who are in need of direct care in lieu of that available from their parents. The facility may include accessory medical facilities intended to serve the residents of the orphanage but not the general public.

OUTDOOR FURNACE - A freestanding or attached accessory structure or appliance designed to be located outside of a principal use which is designed to provide heat and or hot water to said principal use through the consumption of wood, natural gas, kerosene, propane, domestic heating oil, or electricity. For the purposes of this definition wood fuel shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, and waste pallets. Wood fuel does not include materials chemically treated with any preservative, paint, or oil.

OUTDOOR SHOOTING RANGE – A facility designed and constructed that is not completely enclosed within a building that allows for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

OUTPARCEL – A separate lot within a planned center that relies upon the planned center's circulation system for vehicular access.

OVERBURDEN - The strata or material overlying a non-coal mineral deposit or in between non-coal mineral deposits in its natural state and material before or after its removal by surface mining.

OVERSIZE PARKING SPACE – An off-street parking space designed to accommodate a

vehicle that is larger than a personal motor vehicle and is regulated by Section 313 of this Ordinance.

PA – Commonwealth of Pennsylvania.

PA DCNR – Pennsylvania Department of Conservation and Natural Resources.

PA DEP – Pennsylvania Department of Environmental Protection.

PA DOT - Pennsylvania Department of Transportation.

PACKAGING – The enclosure of products into sealers, containers, wrappers, boxes or other suitable protective coverings for shipping, distribution and/or sales.

PARKING COMPOUND – A principal business use at which passenger vehicles are parked in rented spaces on an hourly, daily, monthly or continuous basis.

PARK AND RIDE LOTS – A use provided by the Township, Adams County and/or the Commonwealth of Pennsylvania that is devoted to the daily storage of passenger vehicles who engage in some form of mass transit and/or carpooling.

PARKING LOT – See “Off-Street Parking Lot,” as defined herein.

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 AND PLAYGROUNDS – Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult uses, amusement arcades, amusement or theme parks, gaming facilities, golf courses, off-track betting facilities, racetracks, and shooting ranges. Such uses may include:

- A. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses;
- B. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymbores, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses;
- C. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites and other similar uses;
- D. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, publicly operated historic sites, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- E. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;
- F. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses; and,
- G. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights,

waste receptacles and dumpsters, bleachers and other similar uses.

PASSENGER VEHICLE – A motorized means of personal conveyance upon the public road system specifically excluding “commercial trucks” and “heavy equipment” as defined herein.

PASSENGER VEHICLE SALES – Any building or land devoted to the retail sales, leasing and/or rental of passenger vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

PASSENGER VEHICLE SERVICE AND REPAIR - The retail repair, servicing, maintenance and reconstruction of passenger vehicles, provided that the washing of passenger vehicles as a principal use is excluded from this definition (See “car wash”).

PAVED – A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

PEDESTRIAN ORIENTED SPACE – An outdoor and/or covered area (other than designated sidewalks) within the Traditional Neighborhood Design development that is open to the general public for passive recreational, cultural and entertainment activities designed for principal access by pedestrians.

PERSON - An individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee or similar representative.

PERSONAL CARGO TRAILER – A licensed vehicle that is meant to be attached to a personal motor vehicle for the purposes of transporting personal property upon the public road system.

PERSONAL MOTOR VEHICLE - A passenger vehicle that is less than 11,001 pounds gross vehicle weight (weight of vehicle with rated passenger and/or load capacity) that is used and licensed as the principal mode of conveyance by the occupants of a residential premises upon the public road system. This definition shall expressly exclude race vehicles, stake-body trucks, dump trucks, panel trucks, tractor trailers, commercial trucks and heavy equipment.

PERSONAL SERVICE - A principal use including barber shops, beauty and tanning salons, dry cleaning and laundry pick-up and drop-off facilities, music, art, dance and photographic studios, the repair of clocks and small appliances and similar activities. This use shall not include “adult uses” as defined herein.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PHMC – Pennsylvania Historical and Museum Commission

PLANNING COMMISSION - The Planning Commission of Conewago Township.

PLANNED CENTER SIGN – A freestanding sign that is associated with a coordinated development of more than one land use all sharing common vehicle access and off-street parking.

PLASMA – A video display technology that relies upon the electric excitation of phosphors to emit light.

PLAY STRUCTURE – An accessory use to a residence comprised of a structure (freestanding or otherwise) with one or more components and supportive members which in whole or part is intended for use or play by children, including but not limited to tree houses, swingsets, sliding boards, jungle gyms, climbers, seesaws, rockers, non-portable sand boxes, big toys, modular playsets, etc.

PNDI – The Pennsylvania Natural Diversity Inventory

POD STORAGE CONTAINERS – Portable containers that are used for temporary storage of personal property of occupants on the site during times of transition (e.g. remodeling, moving, construction, emergency).

POWER GENERATION FACILITIES – A principal use devoted to the creation, storage, conversion, distribution and transmission of electrical energy for use at another location.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT – A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, are too small or are otherwise of limited marketability or value.

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:

- A. 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.
- B. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
- C. 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 non-buildable 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.

PRIMARY SURFACE – As it relates to Section 240 of this Ordinance (Airport Safety Zone) a surface longitudinally centered on a runway and extending 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section 240.5. of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soil of the

first, second, or third class as defined by the latest edition of the United States Department of Agriculture Natural Resource and Conservation Services' Adams County Soil Survey.

PRINCIPAL WASTE HANDLING, RECYCLING PROCESSING, TRANSFER AND DISPOSAL FACILITIES – A principal use operated by Adams County responsible for the safe and healthful collection, sorting, storage, transport and disposal of solid waste.

PRIVATE SCHOOL – See “School, Private.”

PROCESSING – Pertaining to a systematic modification through mechanical, physical, chemical, and/or energy forces.

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 in accordance with this Ordinance.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, and conditional use and/or variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. These sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. Once posted in accordance with the requirements of the Act, the Township, absent actual notice, shall not be responsible for loss or destruction of sign(s) due to vandalism or an act of God.

PUBLIC SCHOOL – See “School, Public.”

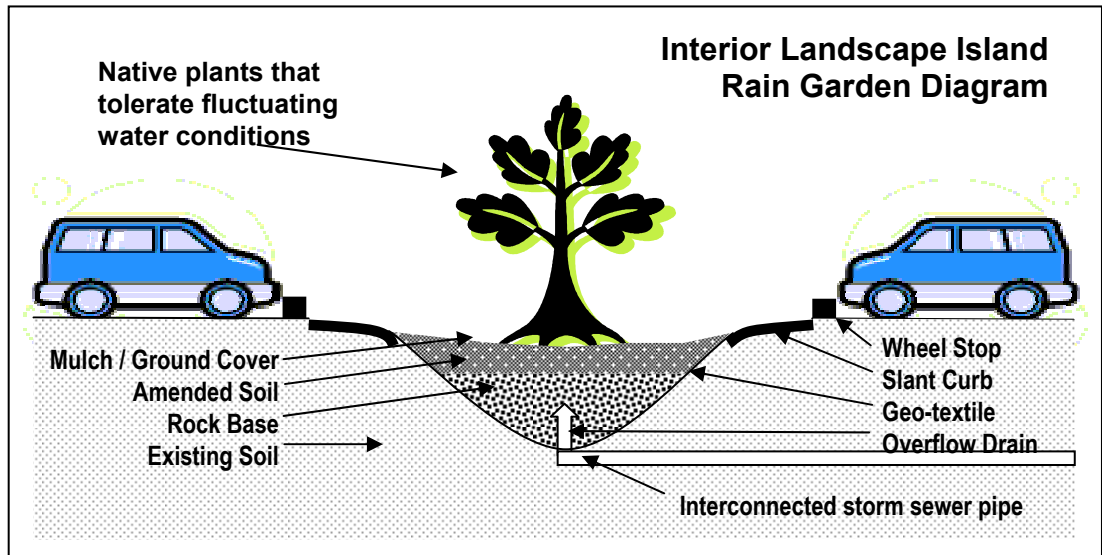
PUBLIC SEWER - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is owned and/or operated by Conewago Township Municipal Authority, including their successors.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a “Certificate of Public Convenience” 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 system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is owned and/or operated by the Hanover Borough Water Department, including their successors.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance which emits radiation spontaneously.

RAIN GARDEN – An area of land designed and maintained to offer on-site stormwater regeneration. Within off-street parking lots the use of rain gardens must include interconnected drains with the site's stormwater management system that prevent the overflow of stormwater at each of the respective rain garden locations.



RECREATIONAL VEHICLE - a vehicle which is (1) built on a single chassis; (2) not more than 400 square feet, measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a passenger vehicle; and (4) designed for recreation and/or human occupancy solely under transient circumstances (e.g. vacations, camping, seasonal recreation, temporary visitation, but expressly excluding residency and migrant employment).

RECYCLING COLLECTION FACILITY – A use devoted solely to the collection of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable, for processing and disposal at another location.

RECYCLING FACILITY – A use that specializes in the collection and processing of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable.

REGULATORY FLOOD ELEVATION - An elevation equal to one and one-half (1½) feet higher than the surface water elevation associated with the one-hundred year flood as defined herein.

RENTAL - The temporary transfer of goods for compensation.

REPETITIVE LOSS – Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals, or exceeds twenty-five (25%) percent of the market value of the damaged structure.

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

RETAIL – Pertaining to the general public availability for purchase and personal use and/or consumption.

RETAIL SALES – A use devoted to the display and retail transfer of ownership and/or rental of goods and products. This term shall not include "adult uses" as defined herein.

RETAINING WALL – A man-made structure used to stably contain land at a location of substantial elevation change.

RIGHT-OF-WAY – An area secured for public use and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

RIGHT-OF-WAY, LEGAL – The existing width or area of land currently owned by the Township, the State, or some other public agency or authority.

RIGHT-OF-WAY, ULTIMATE – The width or area of land necessary to accommodate present or future public improvements.

ROADSIDE STAND – An accessory use to a farm in which no less than fifty percent (50%) of the products for retail sale have been produced on the farm.

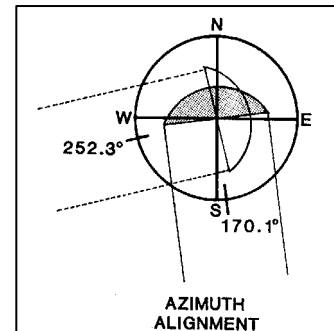
RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

RURAL OCCUPATION - An accessory business or commercial activity that is conducted within an accessory structure of a principal single-family detached dwelling.

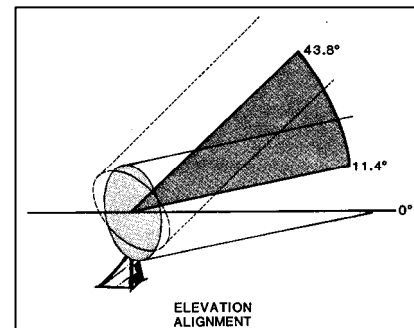
SALES - A use devoted to the transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

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 electromagnetic waves between terrestrially and/or orbitally-based uses.

SATELLITE DISH ANTENNA AZIMUTH ALIGNMENTS - That range of horizontal directions the installed satellite dish antenna must be aimed to send or receive signals. These directions are usually expressed as degrees from true north. The adjacent diagram illustrates a range of azimuth alignments between 170.1 and 252.3 degrees.



SATELLITE DISH ANTENNA ELEVATION ALIGNMENTS - That range of vertical directions the installed satellite dish antenna must be aimed to send or receive signals. These directions are usually expressed as degrees above the horizon. The adjacent diagram illustrates a range of elevation alignments between 11.4 and 43.8 degrees.



SATELLITE DISH ANTENNA LOOK ANGLES -The combination of azimuth and elevation alignments needed for an installed satellite dish antenna to send or receive signals.

SATELLITE DISH ANTENNAS RECEPTION WINDOW - The area within a direct line between the satellite dish antenna and an orbiting satellite and or a fixed terrestrially based sending station. For the satellite dish to remain unimpaired, this reception window must be kept relatively free from obstructions.

SAWMILL – A principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

- A. **Commercial School:** A school not operated by a public agency that can offer any of a wide range of curriculums including, but not limited to, all levels of academic, business and technical instruction and training in artistic, dance, baton-twirling, athletic, martial arts, musical, gymnastics, and other similar activities. Commercial schools are principal uses that are neither home occupations nor day-care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance. Nursery schools shall be considered commercial schools if they are operated as a business.
- B. **Private School:** A school that offers elementary, secondary, post-secondary, post-graduate, or any combination thereof, education that may, or may not, be operated as a gainful business, and is not operated by the School District or another governmental agency.
- C. **Public School:** A school licensed by the Department of Education for the purpose of providing elementary, secondary, vocational, post-secondary, post-graduate, and adult education, or any combination thereof, and operated by the School District.
- D. **Vocational-Mechanical Trade School:** A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - 1. Agriculture and/or horticulture
 - 2. Cosmetology;
 - 3. Truck driving;
 - 4. Engineer repairs;
 - 5. Building construction and general contracting;
 - 6. Woodworking;
 - 7. Masonry;
 - 8. Plumbing;
 - 9. Electrical contracting; and,
 - 10. Other similar trades.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a minimum height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal.

SEASONAL RESIDENCE - A dwelling, cabin, camp, cottage, lodge or summer house which is intended for occupancy less than one hundred eighty two (182) days of the year.

SEPTAGE – A semi-solid waste that collects at the bottom of sewage treatment devices that is not continuously released during normal treatment flows and needs to be periodically removed and processed and disposed-of elsewhere.

SEPTAGE AND COMPOST PROCESSING – A principal use devoted to the collection and conversion of the septage and/or compost for healthful disposal.

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

- A. Setback, Front: The distance between the street line and the front building setback line projected the full width of the lot. Commonly, called “required front yard.”
- B. 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.”
- C. 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 line or street line which delineates the required minimum distance between some particular use of property and that property line or street line.

SHOOTING RANGE - A facility designed and constructed to allow for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Shooting ranges may be indoor or outdoor facilities, subject to the regulation of this Ordinance among other applicable regulations. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - A development consisting of any single retail store in excess of 60,000 square feet of gross floor area or two (2) or more establishments of any size which are designed to function as a unit, for retail sales; personal services; restaurants, taverns and nightclubs; business, professional, or banking offices; and/or similar uses together with shared stormwater management, vehicular access, off-street parking and signage.

SHOPS FOR CONTRACTORS – A principal place of business where tradesmen perform their services within completely enclosed buildings on site and where they schedule and prepare to conduct work at other locations.

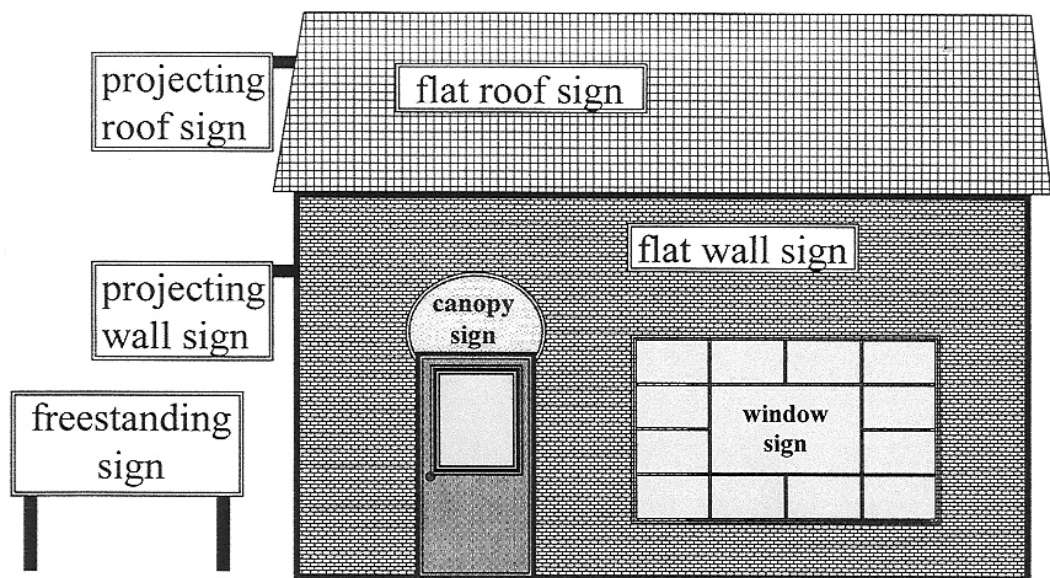
SIGN – A device for visual communication that is used to bring the subject to the attention of the public. This term includes:

- A. lettering, logos, trademarks, and other symbols that are an integral part of the architectural design of a building which are applied to a building or which are located elsewhere on the premises;
- B. signs that are affixed to windows or glass doors or are otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building;
- C. flags and insignia of civic, charitable, religious, fraternal, patriotic, and similar organizations;
- D. insignia of governments and government agencies;
- E. banners, streamers, pennants, spinners, reflectors, tinsel, and similar objects; and
- F. inflatable objects.

This term shall not include:

- G. architectural features that may be identified with a particular business;
- H. backlit awnings that include no lettering, logos, or other symbols;
- I. signs within a building that are obviously intended to be seen primarily from within the building;
- J. outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-through lanes;
- K. signs with regulations within a park;
- L. building identification signs within a campus;
- M. flags of governments or government agencies;
- N. decorative seasonal and holiday banners on residential properties; and
- O. display of merchandise either behind store windows or outdoors.

SIGN TYPES DIAGRAM



1. Billboard - An off-premise sign which directs attention to a product, service, business, or cause.
2. Canopy Sign – A sign that is incorporated into an awning or canopy that is attached to the building.
3. Dynamic Message Display - A sign incorporating LCD, LED, plasma, CRT, pixelized lights, other video-like displays or other means of changing messages.
4. Flat Roof Sign – A sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.

5. Flat Wall Sign – A sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction.
6. Freestanding Sign – A sign that has a separate support structure and is not physically attached to a building.
7. Projecting Roof Sign – A sign whose support structure is attached to the roof of a building and whose face either runs generally perpendicular to the roof line or its underlying wall, or extends beyond the outside edges of the roof to which it is attached.
8. Projecting Wall Sign – A sign whose support structure is attached to the wall of a building and whose face either runs generally perpendicular to the wall, or extends beyond the outside edges of the wall to which it is attached.
9. Window Sign – A sign that is either located on the inside or outside surface of a window but whose message faces outward.

SIGN MAKERS – A principal use devoted to the production of signs.

SINGLE-FAMILY DETACHED DWELLINGS - See “Dwellings, single-family detached.”

SKIDDING – The dragging of felled trees on the ground from the stump to the landing by any means.

SLASH – Woody debris left in the woods after timber harvesting, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.

SLAUGHTERING, PROCESSING, RENDERING AND PACKAGING OF FOOD PRODUCTS AND THEIR BY-PRODUCTS – A principal industrial use at which live animals and/or their physical remains are imported for preparation into materials of human, plant and/or animal nourishment or some other beneficial use.

SLDO - The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

SLOT MACHINE PARLORS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

SMALL ENGINE REPAIR SHOPS - A use devoted to the mechanical restoration of machines that power domestic tools and other household devices and appliances. This definition shall not include uses involved in the repair of personal motor vehicles, commercial trucks and heavy equipment, all as defined herein.

SOIL SURVEY - The latest published version of the United States Department of Agriculture Natural Resource and Conservation Services’ soil survey for Adams County, Pennsylvania.

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste

materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SPECIAL EXCEPTION - A use that is generally compatible with uses permitted in a Zone but for which additional criteria have been established and approval by the Zoning Hearing Board is required as provided for by Section 804.C. of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.
- B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- C. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
- D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast.
- E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.
- F. Erotic or lewd touching, fondling or other contact with an animal by a human being.
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STAND – Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STEEP SLOPES - Existing natural slopes of 15 % or greater (equal to 15 feet vertical distance over 100 feet horizontal distance). The alteration of slopes that were lawfully man-made (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the pre-existing natural slope.

STERADIAN – The unit of measurement of a solid angle in a sphere.

STORAGE – A temporary placement of products and materials for preservation, later use and/or disposal.

STORY - That part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a half-story. A basement shall be counted a story if it averages more than five (5) feet above grade.

STREET - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word “street” includes “thoroughfare,” “avenue,” “boulevard,” “court,”

“drive,” “expressway,” “highway,” “lane,” “road,” and similar terms. This definition shall not include alleys as defined herein.

STREET CENTERLINE – A line laterally bisecting a street right-of-way into equal widths. Where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

STREET LINE OR RIGHT-OF-WAY LINE – The line defining the limit 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.

STREETSCAPE – The publicly-accessible area straddling public and/or private streets often located between building facades and including service lanes, sidewalks, pedestrian oriented spaces and pedestrian corridors.

STREAM – Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

STRUCTURE – Except as noted below for Section 510 of this Ordinance, any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures shall not include such things as fences, sandboxes, decorative fountains, swingsets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

- A. **Structure, Accessory:** A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.). However, for the purpose of establishing setbacks, any accessory building larger than seven hundred twenty (720) square feet shall comply with principal structure setbacks.
- B. **Structure, Principal:** A structure associated with a primary use.

For the purposes of Section 510 of this Ordinance structures shall be considered anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

STRUCTURE HEIGHT - A structure's vertical measurement from the mean sea level of the ground abutting the corners of the structure to the highest point of the structure, including any signs, antennas or other appurtenances, unless otherwise noted.

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the Township engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

SWIMMING POOL - Any structure and inflatable device, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment which 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.

THEATER – A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

TIMBER HARVESTING OR TREE HARVESTING – A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products.

TND – “Traditional Neighborhood Development” - A development that features a mixture of different housing types, civic and potentially local commercial uses in accordance with the requirements of Section 213 of this Ordinance.

TOWNHOUSE – See “Dwelling, Townhouse.”

TOWNSHIP - Conewago Township.

TOWNSHIP ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Conewago Township

TOXIC MATERIALS - Hazardous materials that are persistent, bioaccumulative (accumulate in living organisms), and highly dangerous because they pose significant risks to our health and our environment as regulated by such statutes as the Toxic Substances Control Act (TSCA)(15 U.S.C. s/s 2601 et seq. [1976]) or as recognized by the Agency for Toxic Substances and Disease Registry (ATSDR).

TRAINING CENTER - A principal use that involves the indoor instruction of clients/customers on any of a wide range of subjects including but not limited to occupational, cultural, business, technical, professional, trade, religious, life skills, emergency response, and similar activities.

TRANSIENT – Any person who assumes temporary occupancy for the purposes of visitation, recreation or leisure purposes. This definition shall expressly exclude permanent residents and/or migratory workers and their families.

TRANSITIONAL SURFACES – As it relates to Section 240 of this Ordinance (Airport Safety Zone) these surfaces extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

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”:

- A. 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;
- B. The unit is mounted or designed to be mounted on wheels;
- C. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
- D. The unit contains, or was designed to contain, temporary storage of water and sewage, and,
- E. The unit contains some identification by the manufacturer as a travel trailer.

TREE - As it relates to Section 240 of this Ordinance (Airport Safety Zone) any object of natural growth.

TREETOP – The upper portion of a felled tree that is not merchantable because of small size, taper or defect.

TRUCK OR MOTOR FREIGHT TERMINAL – A principal use contained on a single property:

- A. to which materials and products are imported for their redistribution and export by commercial truck or other modes of transport; or,
- B. whereby a fleet of commercial vehicles is maintained for their dispatch on an as needed or contractual basis.

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

TURBINE HEIGHT - The distance measured from the surface of the tower foundation upon which the wind turbine is attached to the highest point of the turbine rotor blades at their highest point of rotation.

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

UNIFORM CONSTRUCTION CODE (UCC) – The latest version of the statewide building code adopted by the Pennsylvania General Assembly applicable to new construction in all municipalities whether administered by the municipality, a third party of the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted by the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

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

- A. **Use, Accessory:** A use customarily incidental and subordinate to the principal use or

building and located on the same lot with such principal use or building.

- B. Use, Principal: The use of land or structure that is most dominant (either visually or economically) in the determination of the Zoning Officer.

USE AND OCCUPANCY PERMIT – See “Certificate of Use and Occupancy” as defined herein.

USES DEVOTED TO THE CONSERVATION OF LOCAL NATURAL AND CULTURAL RESOURCES – Principal uses that:

- A. Are free of buildings, structures or other improvements and require little to no property maintenance;
- B. Include outdoor passive recreation facilities, including picnic pavilions, hiking trails, park benches, drinking fountains, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites and other similar uses; and/or,
- C. House organizations whose principal purpose is the permanent protection of important and sensitive features and landscapes; and,
- D. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, and other similar uses.

UTILITY RUNWAY- An airport runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

VARIANCE – One form of relief available to the terms of this Ordinance upon application to the Zoning Hearing Board pursuant to Section 804.D. of this Ordinance.

VETERINARIAN'S OFFICE - A building or portion thereof, used primarily for the treatment of small domestic animals such as dogs, cats, rabbits and birds or fowl., by a licensed veterinarian. This term excludes the outdoor boarding or outdoor keeping of animals.

VISUAL RUNWAY - A airport runway intended solely for the operation of aircraft using visual approach procedures.

VOCATIONAL - MECHANICAL TRADE SCHOOL – See “School, Vocational and Mechanical Trade.”

WAREHOUSE AND WHOLESALE TRADE ESTABLISHMENTS – A principal use where the goods, products and/or materials of a single company or organization are stored awaiting further processing, delivery and/or distribution. This definition shall not include satellite lots where vehicles are parked, stored and /or loaded/unloaded away from the actual property where the warehouse resides.

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.

WATERSHED - All the land area from which water drains into a particular watercourse.

WELDING SHOPS – A principal use devoted to the joining of metals through intense heat for repair or the preparation of parts used in other industrial production and/or assembly.

WETLAND MARGINS - The transitional area extending from the outer limit of a delineated wetland. For the purpose of this Ordinance, the wetland margin shall extend fifty feet (50') from the wetland boundary or to the limit of the hydric soils outside the boundary, whichever is less.

WETLANDS – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, and which shall be identified using that method of the following that delineates the greatest area of wetlands:

- A. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
- B. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
- C. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.

WHOLESALE - Pertaining to the sale of goods for resale.

WIND ENERGY CONVERSION SYSTEM (WECS) - Any device which converts wind energy to mechanical or electrical energy as an accessory use to a principal residence.

WIND ENERGY CONVERSION SYSTEM 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.

WIND FARMS – An assemblage of wind energy devices whose main purpose is to supply electricity consisting of one or more wind turbines and other accessory structures including but not limited to substations, towers, electrical infrastructure, transmission lines and other appurtenant facilities.

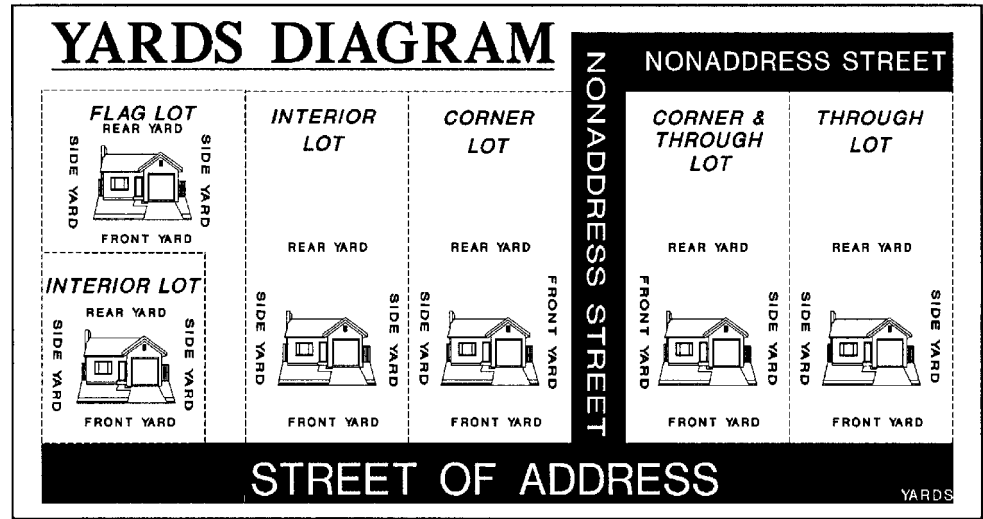
WIND TURBINE - A wind energy device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

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

- A. Yard, Front: The area contained between the principal structure and the street right-of-way line, except that where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the principal structure and the front property line that generally parallels the street (see adjacent diagram). On corner lots the front yard shall be those yards that are located between the principal structure and the adjoining streets. On corner lots that are also through lots, the front yard shall be those yards that are located between the principal structure and the adjoining street of address and located between the principal structure and the adjoining street that intersects with the street of address.
- B. Yard, Rear: The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area be-

tween the principal structure and that lot line which is directly opposite the above-described front yard. On corner lots that are also through lots, the rear yard shall be that yard that is located directly opposite the adjoining street that intersects with the street of address.

- C. **Yard, Side:** The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the nonaddress street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal



structure. On corner lots that are also through lots, the side yard shall be that yard that is located directly opposite the adjoining street that intersects with the street of address.

YARD SALE – See “Garage, Moving and Yard Sale.”

ZONE - A portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

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

ZONING HEARING BOARD - The Zoning Hearing Board of Conewago Township, Adams County, Pennsylvania.

ZONING MAP - The Official Zoning Map of Conewago Township adopted as part of this Zoning Ordinance.

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

ZONING ORDINANCE – The Official Zoning Ordinance of Conewago Township.

ZONING PERMIT – A permit stating that the purpose for which a building or land is to be used is in conformity with the applicable requirements of this Ordinance for the Zone in which it is, or will be, located.

Article 2

Zone Regulations

SECTION 200 - AGRICULTURAL ZONE (A)

200.1. PURPOSE OF ZONE

The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. It is further intended to protect farms of sufficient size to allow them to remain economically viable, as opposed to the creation of “farmettes” that are not agriculturally productive. 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. Additionally, large-scale and obtrusive uses are permitted by conditional use, to separate them from the Township's population concentrations. Provisions of this Zone have been specifically formulated to further the objectives of the Pennsylvania Municipalities Planning Code, which provides that local zoning ordinances shall be designed “to preserve prime agriculture and farmland considering topography, soil type and classification, and present use.” The Township hopes to protect surface water quality through various techniques applied within this Zone.

In addition to the creation and perpetuation of this Zone, the Township supports creation of agricultural security areas and shall promote expansion of current agricultural security areas. The regulations are not intended to restrict agricultural operations, or changes to or expansions of agricultural operations in geographical areas where agriculture has traditionally existed.

The regulations of the Agricultural Zone are not intended to violate or exceed the provisions of the Act of May 20, 1993 (P.L. 12, No.6), known as the “Nutrient Management Act,” the Act of June 30, 1981 (P.L. 128, No.43), known as the “Agricultural Area Security Law,” the Act of June 10, 1982 (P.L. 454, No.133), entitled “An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances” as mandated by the Act, as amended the Pennsylvania Act 133 of 1982, “The Right to Farm Law,” or the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, as may be amended

Finally, in accordance with the recommendations of the Conewago Township Comprehensive Plan, this Zone also intends to serve as a sending area for the transfer of development rights as enabled in Section 603.(c) (2.2) of the Act to voluntarily compensate landowners who agree to the perpetual protection of agriculturally-productive or open lands via conservation easements.

200.2. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site, excluding concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs), both as defined herein.
2. **Co-located communication antennas** upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 419 of this Ordinance.
3. **Equestrian centers and riding stables**, as defined herein, subject to the requirements of Section 431 of this Ordinance.
4. **Forestry uses** subject to the requirements of Section 438 of this Ordinance.

5. **Single family detached dwellings**, including those contained upon flag lots provided such flag lots comply with the requirements of Section 437 of this Ordinance.
6. **Bed and breakfasts**, as defined herein, subject to the requirements of Section 411 of this Ordinance.
7. **Parks and playgrounds.**
8. **Public utilities structures.**
9. **Uses devoted to the conservation of natural and cultural resources.**
10. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way.
11. **Veterinary offices**, as defined herein, subject to the requirements of Section 486 of this Ordinance.
12. **Governmental uses**, as defined herein.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - B. **Beekeeping**, subject to the requirements of Section 412 of this Ordinance.
 - C. **Detached buildings** (e.g. sheds, barns, pole buildings, etc.) used to house personal property of the residents.
 - D. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
 - E. **Domestic pets**, as defined herein.
 - F. **ECHO housing**, as defined herein, subject to the requirements of Section 429 of this Ordinance.
 - G. **Family day-care facilities**, as defined herein subject to the requirements of Section 432 of this Ordinance.
 - H. **Farm occupations**, as defined herein, subject to the requirements of Section 433 of this Ordinance.
 - I. **Fences and walls**, subject to the requirements of Section 435 of this Ordinance.
 - J. **Garages for the storage of personal vehicles and or personal property**, attached or detached to the dwelling unit.
 - K. **Garage yard and/or moving sales**, subject to the requirements of Section 441 of this Ordinance.
 - L. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 453 of this Ordinance
 - M. **Manure storage facilities**, as an accessory use to an agricultural or horticultural use if contained upon a farm, subject to the requirements of Section 455 of this Ordinance.
 - N. **Ornamental ponds and wading pools** subject to the requirements of Section 463 of this Ordinance.

- O. **Home occupations**, as defined herein, subject to the requirements of Section 448 of this Ordinance.
- P. **No-impact home-based business**, as defined herein.
- Q. **Noncommercial keeping of livestock**, as defined herein, subject to the requirements of Section 461 of this Ordinance.
- R. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
- S. **Parking and/or storage of recreational vehicles, personal cargo trailers and POD storage containers**, (each as defined herein) subject to the requirements of Section 466 of this Ordinance.
- T. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- U. **Roadside stands** for the seasonal sale of agricultural products subject to the requirements of Section 473 of this Ordinance.
- V. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 474 of this Ordinance.
- W. **Rural occupations**, as defined herein subject to the requirements of Section 475 of this Ordinance.
- X. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
- Y. **Signs** as defined herein, subject to the requirements of Section 321 of this Ordinance.

200.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

- 1. **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401 of this Ordinance.
- 2. **Airports and heliports**, subject to the requirements of Sections 403 and 240 of this Ordinance.
- 3. **Campgrounds**, as defined herein, subject to the requirements of Section 415 of this Ordinance.
- 4. **Commercial produce operations**, as defined herein, subject to the requirements of Section 421 of this Ordinance.
- 5. **Concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs)**, both as defined herein, subject to the requirements of Section 423 of this Ordinance.
- 6. **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 439 of this Ordinance.
- 7. **Golf courses and driving ranges**, as defined herein, subject to the requirements of Section 442 of this Ordinance.
- 8. **Historic structure conversions**, subject to the requirements of Section 446 of this Ordinance.
- 9. **Kennels**, subject to the requirements of Section 452 of this Ordinance.

10. **Septage and compost processing**, subject to the requirements of Section 479 of this Ordinance.
11. **Outdoor Shooting ranges**, as defined herein, subject to the requirements of Section 465 of this Ordinance.
12. **Wind farms** as defined herein, subject to the requirements of Section 489 of this Ordinance.

200.4. LIMITATIONS ON SUBDIVISION AND/OR LAND DEVELOPMENT

1. In order to preserve agricultural properties, it is the express intent of the Agricultural Zone regulations that the subdivision of lots, or the development of nonagricultural uses and structures, shall be limited. It is the purpose and intent of the Agricultural Zone to limit the development of agricultural properties, regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Act. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Act to preserve prime agricultural land through the enactment of these regulations.
2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone. The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Agricultural Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the effective date of this Ordinance. If land is added to the Agricultural Zone after the effective date of this Ordinance, the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural Zone. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - A. such land is divided into one or more lots, parcels, purparts or tracts;
 - B. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - C. such land is separated by public or private streets or rights-of-way.

Lot Area (Acres)		Total number of lots that may be subdivided and/or principal uses that may be created
At least	Less than	
2	20	1
20	40	2
40	60	3
60	80	4
80	100	5
100	120	6
120	140	7
140 or more		7, plus 1 per each 20 acres in excess of 140 acres

3. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as set forth in footnote 2 of the Table in Section 200.5. of this Ordinance. Any lot existing on the effective date of this Ordinance which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes and the size of such lot shall not be increased to more than two (2) acres.
4. A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided in Section 200.4.2. of this Ordinance; however, such transfer shall not cause either farm to contain less than ten (10) acres, (the minimum lot area for a farm as specified in Section 200.5.).
5. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 200.4.2. of this Ordinance.
6. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 200.4.2. of this Ordinance. Such information shall be depicted as a note on the subdivision / land development plan, and also be included in the deed for any new lots;
7. The number of lots which may be created, or single-family dwellings or other principal nonagricultural uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.
8. Any common open space proposed on a separate lot shall comply with Section 315 of this Ordinance.

200.5. AREA & DESIGN REQUIREMENTS WITHIN THE (A) ZONE – All uses within the Agricultural Zone shall comply with those standards listed in the following table.

AREA & DESIGN REQUIREMENTS WITHIN THE (A) ZONE										
Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height ⁵
			At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Agriculture, and horticulture ³	10 acres ⁶	N/A	200 ft.	N/A	50 ft. ¹	50 ft. ¹	100 ft. ¹	50 ft. ¹	10%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Forestry uses	1 acre	N/A	200 ft.	N/A	50 ft. ¹	50 ft. ¹	100 ft. ¹	50 ft. ¹	10%	35 ft.
Uses of Township agencies & authorities ³	None	None	None	None	5 ft.	5 ft.	10 ft.	5 ft.	100%	Unlimited
Single-family detached dwellings without public sewer ^{3,4}	1 acre ³	2 acres ²	150 ft.	120 ft.	50 ft.	15 ft.	30 ft.	35 ft.	20%	35 ft.
Single-family detached dwellings with public sewer ⁴	20,000 square feet	1 acre	100 feet	85 ft.	35 ft.	15 ft.	30 ft.	30 ft.	35%	35 ft.
Other principal uses ³	1 acre ³	N/A	150 ft.	120 ft.	50 ft.	50 ft.	100 ft.	50 ft.	20%	35 ft.
Residential accessory structures	Included in above	Included in above	N/A	N/A	Not permitted in front yard	5 ft.	10ft.	5 ft.	Included in above	20 ft.

¹ Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

² The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not consist of more than 50% Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

³ All uses relying upon on-lot sewers shall comply with Section 314 of this Ordinance.

⁴ Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 437 of this Ordinance.

⁵ Section 308 lists height limit exceptions and all structures higher than 35 feet must demonstrate compliance with Section 240 (Airport Safety Zone) of this Ordinance.

⁶ The minimum lot size for agricultural and horticultural uses may be reduced by special exception use subject to the requirements of Section 8o4.3. of this Ordinance provided that the Zoning Hearing Board determines that the proposed use is in accordance with the PA "Right-to Farm" law.

200.6. SITE PLANNING OBJECTIVES

To enhance compatibility between proposed residential development and continued surrounding farming, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the farm, as determined in this Section 200.4. of this Ordinance. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision / land development plans that successfully reflect these design objectives.

1. Minimize the loss of valuable farmland;
2. Minimize the disruption of farming operations;
3. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
4. Minimize the length of property lines shared by all residential lots and adjoining farms;
5. Assure adequate vehicular access to future residences not currently proposed; and,
6. Assure that the proposed subdivision/land development plan can comply with the SLDO.

200.7. DRIVEWAYS AND ACCESS DRIVES

All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry uses shall be exempt from driveway and access drive requirements.

200.8. 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 Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with the (A) Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

200.9. REQUIRED CONSERVATION PLAN

Any agricultural, horticultural or forestry- related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved conservation plan by the County Conservation Zone 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.

200.10. GENERAL PROVISIONS

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

200.11. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

200.12. GRANTING OF TRANSFERABLE DEVELOPMENT RIGHTS (TDR)

1. In accordance with Sections 603.(c) (2.2) and 619.1. of the Act, the Township hereby issues transferable development rights that are severable and separate from, and in no way alter the development rights authorized in Section 200.4. of this Ordinance. Such transferable development rights can be voluntarily conveyed (sold or donated) in return for the perpetual protection of agriculturally-productive or open lands via conservation easements within the (A) Zone in accordance with Article 6 of this Ordinance.
2. Except as noted below, every parcel within the (A) Zone that, on the effective date of this Ordinance, contains at least three (3) acres, is issued one (1) transferable development right for each two (2) gross acres contained therein that can be voluntarily transferred. No transferable development rights are issued to parcels containing less than three (3) acres and no additional transferable development rights are issued for fractions of lot area above each two-acre interval. Should a parcel of three (3) acres or more which was not classified as part of the (A) Zone on the effective date of this Ordinance, be subsequently rezoned to the (A) Zone, that parcel, too, will be issued one (1) transferable development right for each two (2) gross acres contained therein on the effective date of the rezoning. Adjoining parcels under the same ownership can be considered to be combined for the purposes of the granting of transferable development rights under this Section.
3. Transferable development rights are not issued to:
 - A. Tracts of land or portions thereof owned by or subject to easements (including, but not limited to, easements of roads, railroads, electrical transmission lines, and water, gas or petroleum pipelines) in favor of governmental agencies, utilities, and nonprofit corporations; and/or,
 - B. Land restricted from development by covenant, easement or deed restriction, unless and until such time as said covenant, restriction or easement is dissolved or rescinded. In the event said covenant, restriction or easement is dissolved or rescinded, such land shall be automatically issued transferable development rights at that time.

SECTION 210 - SUBURBAN RESIDENTIAL ZONE (R-1)

210.1. PURPOSE OF ZONE

The purpose of this Zone is to accommodate low to medium density residential uses in areas with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of developments in accordance with the Conewago Township Comprehensive Plan and acknowledge the location of existing land uses with these suburban characteristics.

This Zone provides for a continued pattern of suburban residential development with the use of both public sewer and public water. Required design standards reflect existing development patterns. Residential density bonuses have been provided for the future use traditional neighborhood designs to blend historic development styles amid areas of protected open space.

210.2. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site, excluding concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs), both as defined herein, subject to the requirements of Section 200.5. of this Ordinance.
2. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
3. **Forestry uses** subject to the requirements of Sections 200.5. and 438 of this Ordinance.
4. **Parks and playgrounds.**
5. **Public utilities structures.**
6. **Public and private schools.**
7. **Churches and related uses**, subject to the requirements of Section 418 of this Ordinance.
8. **Single family detached dwellings.**
9. **Bed and breakfasts**, as defined herein, subject to the requirements of Section 411 of this Ordinance.
10. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
11. **Governmental uses**, as defined herein.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - B. **Beekeeping**, subject to the requirements of Section 412 of this Ordinance.
 - C. **Detached buildings** (e.g. sheds, barns, pole buildings, etc.) used to house personal property of the residents.
 - D. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.

- E. **Domestic pets**, as defined herein.
- F. **Family day-care facilities**, as defined herein subject to the requirements of Section 432 of this Ordinance.
- G. **Fences and walls**, subject to the requirements of Section 435 of this Ordinance.
- H. **Garages for the storage of personal vehicles and or personal property**, attached or detached to the dwelling unit.
- I. **Garage yard and/or moving sales**, subject to the requirements of Section 441 of this Ordinance.
- J. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 453 of this Ordinance
- K. **Ornamental ponds and wading pools** subject to the requirements of Section 463 of this Ordinance.
- L. **Home occupations**, as defined herein, subject to the requirements of Section 448 of this Ordinance.
- M. **No-impact home-based business**, as defined herein.
- N. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
- O. **Parking and/or storage of recreational vehicles, personal cargo trailers and POD storage containers**, (each as defined herein) subject to the requirements of Section 466 of this Ordinance.
- P. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- Q. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 474 of this Ordinance.
- R. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
- S. **Signs** as defined herein, subject to the requirements of Section 321 of this Ordinance.

210.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

- 1. **Golf courses and driving ranges**, subject to the requirements of Section 442 of this Ordinance.
- 2. **Historic structure conversions**, subject to the requirements of Section 446 of this Ordinance.

210.4. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Traditional neighborhood design developments**, as defined herein, subject to the requirements of Section 213 of this Ordinance.
- 2. **Medical residential campus**, as defined herein, subject to the requirements of Section 457 of this Ordinance.
- 3. **Manufactured home parks**, as defined herein, subject to the requirements of Section 454 of this Ordinance.

210.5. DRIVEWAYS AND ACCESS DRIVES

All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry uses shall be exempt from driveway and access drive requirements.

210.6. REQUIRED PUBLIC UTILITIES

All dwellings, churches, public and private schools and emergency services must be served by both public sewer and public water.

210.7. GENERAL PROVISIONS

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

210.8. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

210.9. AREA & DESIGN REQUIREMENTS WITHIN THE (R-1) ZONE – All uses within the Suburban Residential Zone shall comply with those standards listed in the following table.

AREA & DESIGN REQUIREMENTS WITHIN THE (R-1) ZONE								
Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height ¹
	At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
20,000 square feet with both public sewer and public water	100 ft.	80 ft.	35 ft.	15 ft.	30 ft.	35 ft.	35%	35 ft.
REQUIREMENTS FOR ACCESSORY RESIDENTIAL USES								
Included in above	N/A	N/A	Not permitted in front yard	5 ft.	10 ft.	5 ft.	Included in above	20 ft.
¹ All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.								

SECTION 211 - VILLAGE RESIDENTIAL ZONE (R-2)

211.1. PURPOSE OF ZONE

The purpose of this Zone is to accommodate in-fill developments amid the Township's tightly-knit older neighborhoods with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of detached and duplex dwellings in accordance with the Conewago Township Comprehensive Plan and acknowledge the location of existing land uses with these urban characteristics. Required design standards reflect existing development patterns with long and narrow lots and minimal front and side yard setbacks.

211.2. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site, excluding concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs), both as defined herein, subject to the requirements of Section 200.5. of this Ordinance.
2. **Duplex dwellings.**
3. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
4. **Forestry uses** subject to the requirements of Sections 200.5. and 438 of this Ordinance.
5. **Parks and playgrounds.**
6. **Public utilities structures.**
7. **Public and private schools.**
8. **Churches and related uses**, subject to the requirements of Section 418 of this Ordinance.
9. **Single family detached dwellings.**
10. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way subject, subject to the requirements of Section 200.5. of this Ordinance.
11. **Governmental uses**, as defined herein.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - B. **Detached buildings** (e.g. sheds, barns, pole buildings, etc.) used to house personal property of the residents.
 - C. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
 - D. **Domestic pets**, as defined herein.
 - E. **Family day-care facilities**, as defined herein subject to the requirements of Section 432 of this Ordinance.
 - F. **Fences and walls**, subject to the requirements of Section 435 of this Ordinance.

- G. **Garages for the storage of personal vehicles and or personal property**, attached or detached to the dwelling unit.
- H. **Garage yard and/or moving sales**, subject to the requirements of Section 441 of this Ordinance.
- I. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 453 of this Ordinance
- J. **Ornamental ponds and wading pools** subject to the requirements of Section 463 of this Ordinance.
- K. **Home occupations**, as defined herein, subject to the requirements of Section 448 of this Ordinance.
- L. **No-impact home-based business**, as defined herein.
- M. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
- N. **Parking and/or storage of recreational vehicles, personal cargo trailers and POD storage containers**, (each as defined herein) subject to the requirements of Section 466 of this Ordinance
- O. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- P. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 474 of this Ordinance.
- Q. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
- R. **Signs** as defined herein, subject to the requirements of Section 321 of this Ordinance.

211.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

- 1. **Historic structure conversions**, subject to the requirements of Section 446 of this Ordinance.
- 2. **Two-family conversions**, as defined herein and subject to the requirements of Section 484 of this Ordinance.

211.4. DRIVEWAYS AND ACCESS DRIVES

All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving forestry uses shall be exempt from driveway and access drive requirements.

211.5. REQUIRED PUBLIC UTILITIES

All dwellings, churches, public and private schools and emergency services must be served by both public sewer and public water.

211.6. GENERAL PROVISIONS

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

211.7. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

211.8. AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) ZONE – All uses within the Village Residential Zone shall comply with those standards listed in the following table.

§ 211.8. AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) ZONE								
Use	Lot Area	Lot Width at Frontage & Building Setback Line	Maximum Lot Coverage	Minimum Yard Setbacks				Maximum Permitted Height ³
				Front ¹	One Side	Both Sides	Rear ²	
Single family detached dwelling	4500 sq. ft.	25 ft.	60%	10 ft.	5 ft.	10 ft.	35 ft.	35 ft.
Duplex dwelling unit	3240 sq. ft.	18 ft.	70%	10 ft.	2 ft.	NA ft.	35 ft.	35 ft.
Other principal uses	4500 sq. ft.	25 ft.	60%	10 ft.	5 ft.	10 ft.	35 ft.	35 ft.
Residential accessory structures	Included in above			Not permitted in front yard	2 ft.	4 ft.	4 ft. ²	20 ft.
¹ When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a depth equal to the average of the two (2) adjoining lots.								
² Rear yard garages shall be setback no less than 20 feet from an adjoining alley cartway.								
³ All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.								

SECTION 212 - MULTI-FAMILY RESIDENTIAL ZONE (R-3)

212.1. PURPOSE OF ZONE

The purpose of this Zone is to provide areas for multi-family development and associated compatible land uses. This is intended to broaden the Township's housing base and serve a greater variety of housing needs of its residents and various stages within the life cycle. Selected locations provide for the accommodation of developments in accordance with the Conewago Township Comprehensive Plan and acknowledge the location of existing land uses with these high density characteristics.

This Zone provides for a continued pattern of multi-family residential development with the required use of both public sewer and public water. Required design standards reflect existing development patterns. Residential density bonuses have been provided for the future use traditional neighborhood designs to blend historic development styles amid areas of protected open space.

212.2. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site, excluding concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs), both as defined herein, subject to the requirements of Section 200.5. of this Ordinance.
2. **Duplex dwellings.**
3. **Churches and related uses**, subject to the requirements of Section 418 of this Ordinance.
4. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
5. **Forestry uses** subject to the requirements of Sections 200.5. and 438 of this Ordinance.
6. **Multiple-family dwellings.**
7. **Parks and playgrounds.**
8. **Public utilities structures.**
9. **Public and private schools.**
10. **Single family detached dwellings.**
11. **Townhouses.**
12. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way subject to the requirements of Section 200.5. of this Ordinance.
13. **Governmental uses**, as defined herein.
14. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - B. **Detached buildings** (e.g. sheds, barns, pole buildings, etc.) used to house personal property of the residents.

- C. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
- D. **Domestic pets**, as defined herein.
- E. **Family day-care facilities**, as defined herein subject to the requirements of Section 432 of this Ordinance.
- F. **Fences and walls**, subject to the requirements of Section 435 of this Ordinance.
- G. **Garages for the storage of personal vehicles and or personal property**, attached or detached to the dwelling unit.
- H. **Garage yard and/or moving sales**, subject to the requirements of Section 441 of this Ordinance.
- I. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 453 of this Ordinance
- J. **Ornamental ponds and wading pools** subject to the requirements of Section 463 of this Ordinance.
- K. **Home occupations**, as defined herein, subject to the requirements of Section 448 of this Ordinance.
- L. **No-impact home-based business**, as defined herein.
- M. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
- N. **Parking and/or storage of recreational vehicles, personal cargo trailers and POD storage containers**, (each as defined herein) subject to the requirements of Section 466 of this Ordinance.
- O. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- P. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 474 of this Ordinance.
- Q. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
- R. **Signs** as defined herein, subject to the requirements of Section 321 of this Ordinance.

212.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

- 1. **Boarding houses**, subject to the requirements of Section 414 of this Ordinance.
- 2. **Golf courses and driving ranges**, subject to the requirements of Section 442 of this Ordinance.
- 3. **Historic structure conversions**, subject to the requirements of Section 446 of this Ordinance.
- 4. **Nursing, rest or retirement homes**, subject to the requirements of Section 462 of this Ordinance.

212.4. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Traditional neighborhood design developments**, as defined herein, subject to the requirements of Section 213 of this Ordinance.
2. **Medical residential campus**, as defined herein, subject to the requirements of Section 457 of this Ordinance.

212.5. REQUIRED PUBLIC UTILITIES

All dwellings, churches, public and private schools and emergency services must be served by both public sewer and public water.

212.6. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving forestry uses shall be exempt from driveway and access drive requirements.

212.7. GENERAL PROVISIONS

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

212.8. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

212.9. AREA & DESIGN REQUIREMENTS WITHIN THE (R-3) ZONE

All uses within the Multi-Family Residential Zone shall comply with those standards listed in the following table.

§ 212.9. AREA & DESIGN REQUIREMENTS WITHIN THE (R-3) ZONE

Use	Maximum Permitted Density (DU/ net ac.)	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Single-family detached dwellings ^{3,4}	4	8,000 sq. ft.	80 ft.	60 ft.	25 ft.	10 ft.	20 ft.	15 ft.	40%	35 ft.
Duplex dwellings ³	4	3500 sq. ft.	35 ft./unit	25 ft./unit	25 ft.	10 ft.	NA	15 ft.	60%	35 ft.
Townhouses ^{1,2,3}	4	2400 sq. ft.	24 ft./unit	18 ft./unit	25 ft.	15 ft. end units		20 ft.	70%	35 ft.
Multiple-family dwellings ^{2,3}	4	2 acres	200 ft.	200 ft.	35 ft.	30 ft.	60 ft.	35 ft.	60%	35 ft.
Other principal uses	NA	10,000 sq. ft.	90 ft.	75 ft.	35 ft.	10 ft.	20 ft.	30 ft.	45%	35 ft.
Residential accessory structures	NA	Included in above	N/A	N/A	Not permitted	5 ft.	10 ft.	5 ft.	Included in above	20 ft.

¹ No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). All townhouse buildings shall be set back a minimum of fifteen feet (15') from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') 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.

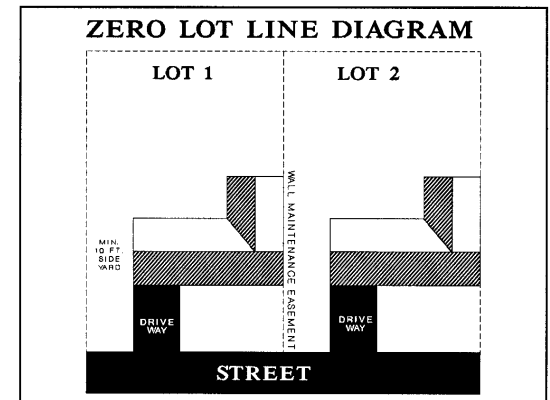
² In those instances where several townhouse groupings and/or multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:

- a. Front-to-front, rear-to-rear, or front-to-rear, parallel buildings shall have at least seventy feet (70') between faces of the building. If the front or rear faces are obliquely (not parallel nor perpendicular) aligned, the above distances may be decreased by as much as ten feet (10') at one end, if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty feet (30') 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 feet (20').
- c. A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.

³ All common open spaces are subject to the requirements listed in Section 315 of this Ordinance.

⁴ Within the (R-3) Zone, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- a. Minimum lot width shall be forty-five feet (45') and thirty-five feet (35') at the building setback and the lot frontage, respectively.
- b. One side wall of the structure may be located no less than one inch (1") from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten feet (10') wide.
- c. A perpetual six foot (6') wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures and vegetation. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.
- d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four inches (24"), but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.
- e. 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 feet (8') above grade, and have translucent panels.



Section 213 Traditional Neighborhood Design Overlay Zone (TND)

213.1. PURPOSE

In compliance with Sections 605.(2), 605.(3) and 701.A. of the Act, this Zone provides an optional set of design standards that seek to achieve a “village”-type setting that is characteristic of much of central Pennsylvania’s built environment and heritage. All of the design standards of this Zone are vital if the “village” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as optional “overlay” regulations with substantial density bonuses, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township. The substantial density bonuses have been provided to offset the increased costs of providing a “high-quality” development that features historic building and streetscape design with authentic construction materials (e.g., stone, brick, wood, slate), abundant and diverse native landscape materials, and other streetscape and public amenities often overlooked within contemporary suburban neighborhoods.



Village Atmosphere

It is the further intent of the Board of Supervisors to encourage flexibility, economy and ingenuity in the development of tracts within this Zone of the Township. To this end, the Board of Supervisors may permit the developer to modify the design standards of this Section 213, if such modification will enable the design of a better development. It is the specific intent of the Board of Supervisors to permit developers to consider and utilize innovative methods of design, so long as the following development objectives are served.

Some of the specific development objectives of the Zone include the design and construction of neighborhoods that:

1. Are distinct in their incorporation of important natural and cultural features;
2. Ensure a diversity of housing types, sizes, and costs with particular emphasis on scattered-site, affordable housing opportunities;
3. Provide for convenient vehicular access to the neighborhood's edge but increased reliance upon pedestrian movements within its bounds;
4. Integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
5. Make efficient use of local infrastructure and services;
6. Reflect the historic and traditional building styles abundant within the region;
7. Reserve and feature civic uses and open spaces as community focal points;
8. Provide safe, efficient and compatible linkages with existing, nearby land uses, streets, sidewalks, etc;
9. Invite regular and frequent social interaction among its inhabitants; and,
10. Blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents.

These development objectives will be used as a measure of conformance with any proposed development within this Zone.

213.2. RELATIONSHIP TO OTHER ORDINANCES AND SECTIONS OF THIS ZONING ORDINANCE –

The provisions of this Section 213 establish an overlay zone that may be applied to any property within the R-1 and/or R-3 Residential Zones. This Section 213 has different land use and design requirements from those contained in this, and other ordinances of the Township. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this Section shall govern. However, all other provisions of this, and other ordinances of the Township shall remain in full force.

213.3. REVIEW PROCEDURES

All proposals within this Zone are considered and shall be governed by the application and review procedures for conditional uses according to Section 904 of this Ordinance. The remaining requirements of this Zone shall be used as the specific criteria for evaluating the approval of any conditional use(s). It is the intent of this Zone to coordinate zoning approval with subdivision and land development approval. All proposals within this Zone are strongly encouraged to submit a sketch plan under the SLDO. During the sketch plan review, the applicant and Township should identify an overall design objective for the site, and “iron-out” any fundamental problems associated with the proposed development. Approval of a development within this Zone is tied to the successful approval of a subdivision and land development plan that meets with the specific requirements of this Zone and all other applicable requirements of this Ordinance, the SLDO, and any other applicable ordinances. The applicant shall be required to submit any and all of those materials that are needed to effectively demonstrate compliance with such requirements, to the satisfaction of the Board of Supervisors.

213.4. OVERALL COMMUNITY FORM

A successful design must extend or enhance the “quality-of-life” attributed to the layout and context of the surrounding area. This measure considers the overall character of the proposed neighborhood with its mixture of uses, as compared with the character of its surroundings. The development should create the opportunity to be part of, and be accessible to, a complete community with housing, employment, schooling, shopping, worship, and recreation.

1. Permitted Public, Civic and Open Space Uses:

- A. **Cemeteries;**
- B. **Churches and related uses;**
- C. **Community gardens;**
- D. **Community gathering facilities (e.g., meeting house, bandshell, etc.);**
- E. **Emergency services,**
- F. **Forestry uses** subject to the requirements of Sections 201.5. and 438 of this Ordinance.
- G. **Health, fitness, fraternal, social and other private clubs** , subject to the requirements of Section 453 of this Ordinance;
- H. **Libraries, museums, and galleries;**
- I. **Man-made lakes, dams, ponds, and impoundments,** subject to the requirements of Section 453 of this Ordinance
- J. **Mass transit stops and passenger shelters;**

- K. **Natural settings and open spaces;**
- L. **Parks and playgrounds;**
- M. **Public utilities structures;**
- N. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way subject to the requirements of Section 200.5. of this Ordinance.
- O. **Governmental uses**, as defined herein.
- P. **Accessory uses customarily incidental to the above permitted uses.**

2. Permitted Residential Uses:

- A. **Single-family detached dwellings;**
- B. **Duplexes;**
- C. **Townhouses;**
- D. **Multiple-family dwellings;**
- E. **Two-family conversions;**
- F. **Live work units**, as defined herein;
- G. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - 1. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - 2. **Detached buildings** (e.g. sheds, barns, pole buildings, etc.) used to house personal property of the residents.
 - 3. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
 - 4. **Domestic pets**, as defined herein.
 - 5. **Family day-care facilities**, as defined herein subject to the requirements of Section 432 of this Ordinance.
 - 6. **Fences and walls**, subject to the requirements of Section 435 of this Ordinance.
 - 7. **Garages for the storage of personal vehicles and or personal property**, attached or detached to the dwelling unit.
 - 8. **Garage, yard and/or moving sales**, subject to the requirements of Section 441 of this Ordinance.
 - 9. **Home occupations**, as defined herein, subject to the requirements of Section 448 of this Ordinance.
 - 10. **No-impact home-based business**, as defined herein.
 - 11. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
 - 12. **Parking and/or storage of recreational vehicles and trailers**, subject to the requirements of Section 466 of this Ordinance.

13. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
14. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
15. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 474 of this Ordinance.
16. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
17. **Signs** as defined herein, subject to the requirements of Section 321 of this Ordinance.

3. **Permitted Commercial Uses:**

- A. **Banks and similar financial uses, including outdoor tellers if pedestrian-oriented, and no more than two (2) drive-thru lanes;**
- B. **Barber, beauty, tanning, and health salons;**
- C. **Bed and breakfasts**, subject to the requirements of Section 420 of this Ordinance.
- D. **Delicatessens, bakeries, ice cream shops, caterers, restaurants, and fast-food restaurants;**
- E. **Photographic, music, art, and dance studios;**
- F. **Professional, medical and/or dental offices;**
- G. **Repair of clocks, jewelry, cameras, electronics, and small household appliances;**
- H. **Retail sales and/or rental of goods such as**, but not limited to, antiques, apothecaries, recorded music and video materials, books, clothing, confections, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco (excluding adult uses);
- I. **Tailors, off-site dry cleaning, and shoe repair services;**
- J. **Convenience stores as defined herein;**
- K. **Commercial day care facilities**, subject to the requirements of Section 420 of this Ordinance.
- L. **Accessory uses customarily incidental to the above permitted uses.**

4. **Required Mixture of Land Uses and Housing Types:** The following tabulates permitted uses and residential structure types within the proposed development:

Zone	Proposed Common Open Space, Public and/or Civic Uses as Listed in Section 213.7. but excluding public utilities (% of Gross Area of the Site)	Percentage of Dwelling Units Permitted by Structural Type (Uses Listed in Section 213.4.2.)			Proposed Local Commercial Uses (see Section 213.4.3.)
		Single-Family Detached	Duplex	Townhouse, or Multi-Family	
R-1	Minimum 35%	At least 50%; no more than 65%	No more than 35%	No more than 35%	Maximum 10% of gross site area ¹
R-3	Minimum 25%	At least 35%; no more than 50%	No more than 35%	No more than 35%	Maximum 10% of gross site area ¹

¹Local commercial land uses can be increased in size if the applicant can demonstrate that the proposed location and configuration provides for convenient and safe pedestrian access for multiple neighborhoods that are not being served by other nearby commercial uses.

5. **Maximum Coverage:** In no case shall more than seventy-five percent (75%) of the gross acreage of a Traditional Neighborhood Design Zone development site be covered with buildings and/or other impervious surfaces.

6. **Minimum Lot Area:** All proposed developments must contain at least ten (10) acres.

213.5. RESIDENTIAL FORM – A successful project must employ an integrated and diverse mixture of housing types and costs. All dwellings must reflect the region's historic settlement pattern. Applicants shall be required to submit evidence of qualified architectural designs that reflect this region's history. Compact residential lots should be narrow and long with small side yard setbacks; building orientation should also run perpendicular to the street. Exterior pedestrian access shall connect the front and rear yards for each attached housing unit (i.e., rowhouse, townhouse and duplex). Uses shall rely heavily upon adjoining on-street parking, where driveways and off-street parking shall be confined to the rear yard off of alleys.

1. **Architectural Considerations:** In accordance with Article VII-A of the Act, all proposals within the Traditional Neighborhood Design Overlay Zone must incorporate architectural treatments and styles that complement the region's historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented for Township consideration during the conditional use review process;



Historic Architecture

2. **Required Integration of Housing Types:** Proposed residential areas are required to integrate a variety of housing types. The objective is to ensure various unit types (e.g., detached, duplex, townhouse, and multiple-family) share the streetscape and that no one type dominate large portions of the neighborhood. Developments that isolate the respective types of housing units from one another, will not be permitted;

3. **Residential Lot Design Requirements** - See following table:

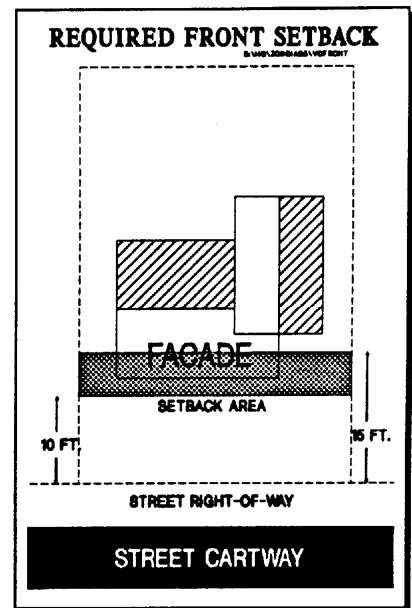
Permitted Dwelling Type	Maximum Permitted Density (units/gross acre)		Maximum Lot Coverage ²	Front Built-to-Line ¹	Required Setbacks		
	R-1 Zone	R-3 Zone			One Side	Both Sides	Rear
Single-Family Detached	5	8	70%	10-15 ft.	6 ft.	12 ft.	20 ft.
Duplex	5	8	70%	10-15 ft.	6 ft. per unit	N/A	20 ft.
Townhouse ^{3,4}	5	8	70%	10-15 ft.	10 ft. end units	N/A	20 ft.
Multiple-Family	5 ⁴	8 ⁴	70%	10-15 ft.	10 ft. end units	20 ft.	20 ft.
Accessory Structures	N/A	N/A	Same as above.	Not permitted in front yard.	5 ft.	10 ft.	5 ft.

¹No less than seventy percent (70%) of a building's front facade (including the front facade of any covered or uncovered porches) must be located on the front build-to-line; except, however, no less than fifty percent (50%) of any townhouse or multiple-family dwelling building must be located on the front build-to-line. Front build-to-lines shall be measured between the edges of the sidewalk along the street and the closest facade of the building; including porches. No part of any building shall extend closer to a street than the minimum front build-to-line. The use of front build-to-lines delineate the "public streetscape" of a TND. On lots where existing buildings are setback beyond the front build-to-lines, such buildings may be extended or, in the alternative, 36 to 42-inch high walls shall be constructed within the required build-to-line to define the public streetscape.

²Maximum lot coverage requirements shall not apply to porches located within the front yard.

³No townhouse building shall contain more than six (6) units. For each townhouse building containing more than four (4) units, no more than two-thirds (2/3) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane.

⁴All townhouse and multiple family dwelling buildings shall be set back a minimum of ten feet (10') from any interior access drives, or parking facilities contained on commonly-held lands.



4. **Residential Building Design Standards:** All residences shall comply with the following:

- A. **Building Height** - In no case shall any principal building exceed forty feet (40') in height. Accessory buildings shall be no more than twenty-five feet (25') high. All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance;
- B.. **Building Orientation and Porches** - All residential buildings' main entrances shall face the lot's front yard. At least fifty



Front Porches

percent (50%) of all detached dwellings located along a public street within the same block shall include porches within the front yard. When a dwelling with a porch is located on a corner lot, the porch shall extend parallel along both front lot lines; and,

- C. Residential Building Width - No residential dwelling shall be greater than seventy-five feet (75') wide, as measured parallel, or approximately parallel, with any street line.

5. **Vehicular Access and Park Requirements for Residences:** Each proposed dwelling unit shall be required to provide space for two (2) parking spaces. At least one (1) of such spaces must be provided as an off-street parking space, either on the proposed site of the residence, or as part of an off-street parking lot/garage. No more than two (2) off-street parking spaces shall be permitted on an individual dwelling lot. Where practicable, driveways and off-street parking shall only be provided in the rear yard and will rely upon alleys for vehicular access. All on-street parking must be provided within one hundred feet (100') of the dwelling unit served to be calculated as part of the required number of parking spaces;



Rear Yard Alleys and Garages

213.6. COMMERCIAL FORM -

When provided, commercial land uses shall be confined to one cohesive node or street corridor. Ideal location for commercial uses is central to the neighborhoods served; however, peripheral locations along existing streets are also acceptable, so long as the



Pedestrian Scale Shopping Center

design of such areas serve pedestrians and vehicles equally well. Commercial areas should be fitted with buildings, signs and sidewalks that are oriented to invite pedestrian access from the adjoining neighborhoods. Off-street parking lots, loading areas and dumpsters should all be separated from view of the adjoining neighborhoods, and screened from adjoining roads.

1. **Business Timing:** No commercial area shall be approved until such time as at least one hundred new dwelling units are also approved in this Zone;
2. **Location and Layout:** All commercial land uses shall be confined to one area that is conveniently accessible to residents of the development. Preferred designs include those that replicate "downtown" settings, or commercial courtyards; however, small-scale neighborhood retail areas that adjoin existing roads are also acceptable if the design of the shopping center invites safe and convenient pedestrian access from adjoining neighborhoods;
3. **Pedestrian Access:** All commercial areas must be integrated upon a system of sidewalks and/or pedestrian pathways, so that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access;
4. **Proximity to Focal Point:** Where practicable, commercial areas shall be part of, contiguous with, or directly across a street from, the prominent focal point, as required in Section 213.8. of this Ordinance;

5. **Building Setback and Orientation:**

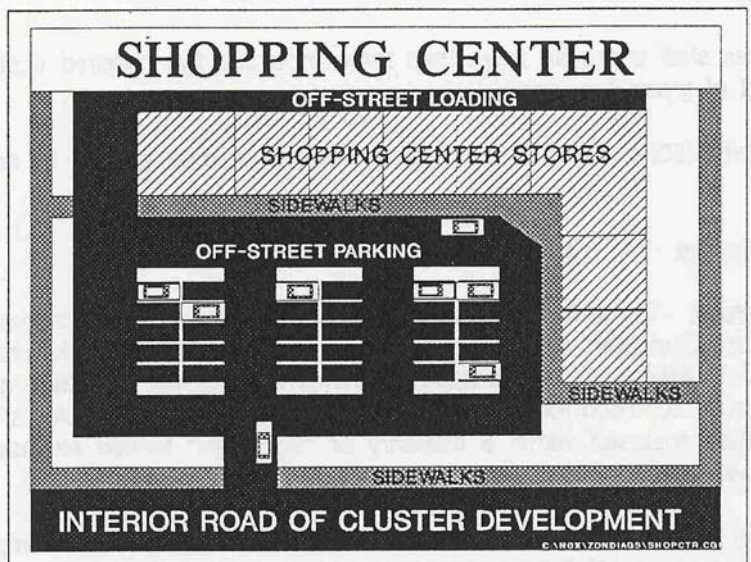
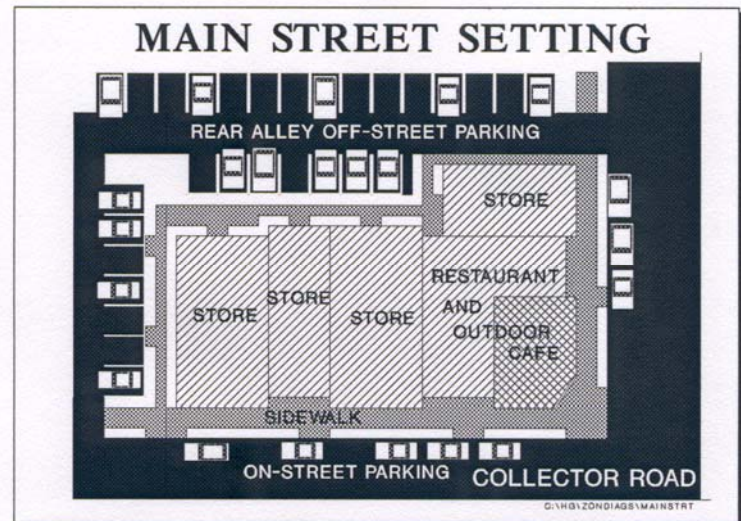
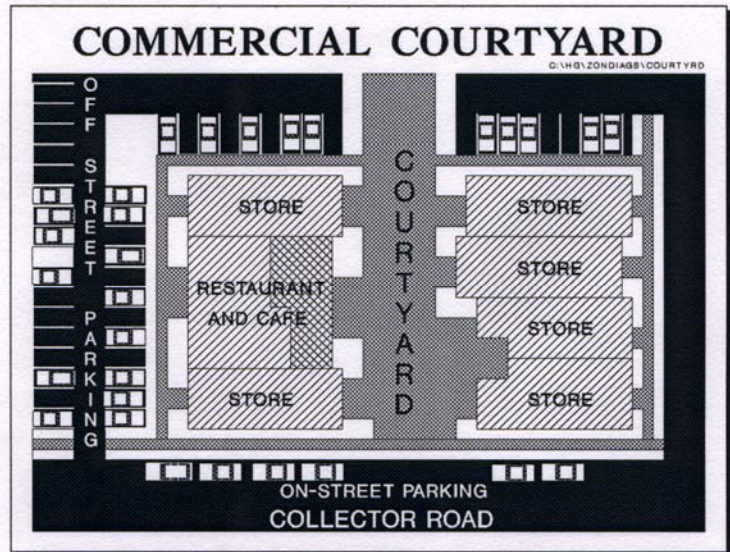
Commercial areas shall be configured in one of three designs. (1)

Commercial

Courtyards should feature an exclusive pedestrian courtyard that is straddled by commercial land uses with on and off-street parking that is separated from the courtyard. (2) **Main Street** settings should incorporate tightly-knit storefronts directly adjoining a collector road with on-street parking. Off-street parking should be confined to the rear of such buildings and/or separate parking lots.

(3) **Shopping Centers** should assemble commercial uses around an off-street parking lot with vehicular access to a collector road and prominent pedestrian access to the residential neighborhoods.

All commercial areas shall consist of storefronts that are principally oriented toward pedestrian customers. Buildings should present a uniform pattern of setbacks (except in the case of cafes) that are close to an adjoining sidewalk or courtyard. Such sidewalks and courtyards should incorporate lamp posts, trash receptacles, shade trees, pedestrian benches, and other similar amenities.



Designs must provide for an inviting pedestrian entrance and shopping area that does not require the crossing of heavily-traveled access drives, and is visually separated from off-street parking and loading areas;

6. **Outdoor Cafes:** Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they architecturally and visually complement the overall appearance and function of the commercial area. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter;
7. **Outdoor Display:** One sidewalk display bin for retail merchandise shall be permitted per commercial use between the main facade of the building and the adjoining sidewalk/courtyard. Such bin shall be located against the facade and shall not extend more than four feet (4') perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen feet (15'), nor an overall height of three feet (3'). Sidewalk bins shall only be exhibited during the use's business hours;
8. **Business Signs:** Signs for individual commercial uses shall only include wall signs or roof signs. Overall size shall be limited to six (6) square feet per sign. Each business will be permitted one such sign per entrance. The entire commercial area is also permitted two freestanding planned center signs, at least one of which must be oriented to the pedestrian access. Shopping center signs shall comply with those requirements listed in Section 321 of this Ordinance;
9. **Required Parking:** Minimum required off-street parking spaces for commercial uses that are part of a main street or commercial courtyard are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores and/or offices of physicians, dentists and veterinarians shall require one space per two hundred (200) square feet of total floor area. In addition, main street commercial areas and commercial courtyards shall provide for on-street parking adjoining such commercial uses. Within shopping centers, a minimum of one (1) off-street parking space shall be provided for each two-hundred (200) square feet of total floor area, and no on-street parking is required. All off-street parking must be provided within common parking lots in accordance with Section 313 of this Ordinance. All off-street parking for commercial uses shall be set back no less than twenty-five feet (25'), and screened from any adjoining property used principally for residential purposes. Furthermore, any access drive to an off-street parking lot must be set back at least forty feet (40') from the right-of-way lines of any intersecting street, or five feet (5') from a fire hydrant;
10. **Upper-floor Apartment:** For each commercial use one upper-floor apartment with a separate ground level access and one off-street parking space may be provided;
11. **Business Size:** While there are no limits on the size of commercial buildings and lots, all businesses shall be selected, sized and designed only to furnish local commercial goods and services that can be delivered to pedestrian patrons. No business shall be permitted that, in the opinion of the Board of Supervisors, exceeds this local pedestrian market;
12. **Maximum Lot Coverage:** Ninety percent (90%);
13. **Minimum Required Setbacks:** See following table:

Commercial Use	Front Yard Setback / Front Built-to Line ²	Yards Abutting Other Commercial Uses	Yards Abutting Open Space, Public, Civic or Residential Uses
Building	10-15 feet ²	None	None ¹
Off-Street Parking	10-15 feet ³	None	25 ft.

Commercial Use	Front Yard Setback / Front Built-to Line ²	Yards Abutting Other Commercial Uses	Yards Abutting Open Space, Public, Civic or Residential Uses
Off-Street Loading	Not permitted	None	50 ft.
Dumpster	Not permitted	None	50 ft.
¹ Buildings within a shopping center shall be set back at least fifty feet (50') from any adjoining residential use. ² Within a Main Street setting no less than seventy percent (70%) of a building's front facade must be located on the front build-to-line. Front build-to-lines shall be measured between the edges of street curb and the closest facade of the building. No part of any building shall extend closer to a street than the minimum front build-to-line. The use of front build-to-lines delineate the "public streetscape" of a TND. On lots where existing buildings are setback beyond the front build-to-lines, such buildings may be extended or, in the alternative, 36 to 42-inch high walls shall be constructed within the required build-to-line to define the public streetscape. Also uses with street-side cafes may locate the front facade of their building beyond the front build-to-line, provided that the outdoor seating area features a permanent barrier that is located within the required front build-to-line. Any variations in the vertical facade of storefronts shall be made at intervals of up to 36 feet so that a typical storefront width is repeated in any such building. ³ Off-street parking is prohibited within the front yard within Commercial Courtyards and Main Street settings. Off-street parking within a "Shopping Center" shall include a 36 to 42 inch high wall used to separate the parking lot from the sidewalk that is located within the required front build-to-line. No off-street parking lot shall be located within the front yard at a street corner.			

14. **Required Off-Street Loading:** See Section 312 of this Ordinance;
15. **Height Requirements:** All principal use buildings shall have between two (2) and four (4) stories. All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance;
16. **Outdoor Storage:** No outdoor storage is permitted;
17. **Waste Products:** 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 set back a minimum of fifty feet (50') from any adjoining properties used for a principal residence, common open space or public or civic use. All waste receptacles shall be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate;
18. **Architectural Considerations:** In accordance with Article VII-A of the Act, all proposals within the Traditional Neighborhood Design Zone must incorporate architectural treatments and styles that complement the region's historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented for Township consideration during the conditional use review process.



Integrated Open Space & Parklands

- 213.7. **OPEN SPACE FORM**— Important and sensitive natural and cultural resources shall be integrated and protected as part of the common open space. Such spaces should invite public use and enjoyment, unless such use would threaten their integrity. Other open spaces should be designed to meet their desired purpose. Parklands, where provided, should be located and improved to invite public use and enjoyment. Where parklands are not offered, fees-in-lieu thereof shall be provided for Township use in accordance with SLDO. All open spaces should include a description of an acceptable means for their ownership and maintenance in accordance with Section 315 f this Ordinance.

1. **Natural and Cultural Features Inventory:** As part of the initial plan review process, applicants shall be required to prepare a natural and cultural features inventory of the site. Qualified experts must identify and plot all of those features required by Article 5 of this Ordinance (Environmental Protection) found on the proposed site. From this inventory and plot, it shall be incumbent upon the applicant to demonstrate that the proposed schematic design of the Traditional Neighborhood Design Overlay Zone development minimizes disturbance of, but integrates and protects these features as part of a meaningful open space network;
2. **Proposed Parklands:** All proposed developments must either dedicate public parklands at a rate of .053 acres per dwelling unit or provide a fee-in-lieu-thereof in accordance with the Act. Such dedicated parklands can be part of the open space required by Section 213.4.4. of this Ordinance, if such space complies with the following parkland design requirements:
 - A. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four feet (24') in width;
 - B. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;
 - C. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover;
 - D. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site; and,
 - E. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance.
3. **Ownership and Maintenance of Open Space:** An essential element of the Traditional Neighborhood Design Overlay Zone 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 accordance with Section 315 of this Ordinance. Required common open space shall be subject to permanent conservation easements in a form that is acceptable to the Township Solicitor. Such conservation easement shall, unless waived by the Board, prohibit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities.)

213.8. PROMINENT FOCAL POINT - Each Traditional Neighborhood Design Zone development shall have a prominent focal point: some special feature that distinguishes it from other neighborhoods (e.g., Town Square). This can be an existing natural feature(s) (big trees/groves, ponds and lakes, scenic views, etc.) or an existing manmade feature(s) (important civic buildings, historic sites). The design of the neighborhood shall prominently feature this resource by orienting streets and finished elevations to maximize its visibility. In addition, new focal points can be created by assembling important public/civic amenities with commercial uses, and then constructing them with impressive architectural style.



Prominent Building or Feature

213.9. STREETSCAPE FORM - The streetscape must be oriented to the pedestrian. It should be safe, functional and attractive. Front-to-front building setbacks should be kept small so as to provide for intimacy and neighborly interaction. Front porches and stoops should be frequently incorporated into the front yards. Streetscapes shall include sidewalks on both sides of the cartway; all sidewalks shall include aprons for access by handicapped persons, according to standards contained within the latest version of the Americans with Disabilities Act. Parallel on-street parking lanes should be used to keep lot coverages low and street widths should be narrow. Benches, transit stops, streetlights, and street signs shall be carefully selected to complement the intimate scale of the streetscape and the historic character of the neighborhood. Individual postal mailboxes shall be affixed to the building façade, and street-side fencing must be of a design that, again, complements the theme of the development. Street trees are required to be planted along all streets that comply with the following specifications:

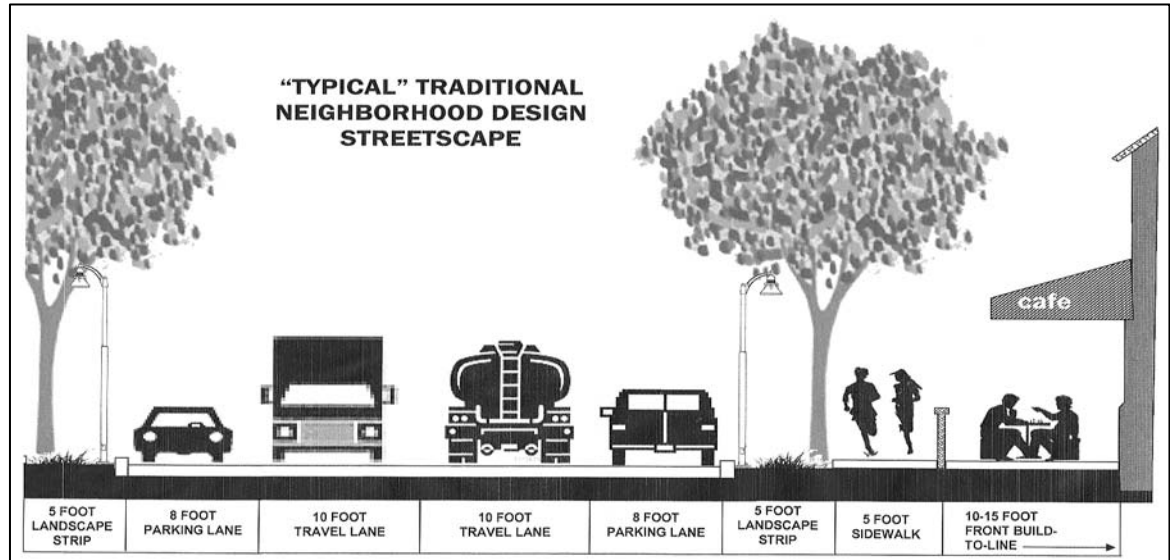
1. **Spacing.** Trees shall be no more than 40 ft apart and within 8 ft. of the edge of the right-of-way, with either a random or consistent pattern.
2. **Size.** Trees shall be at least 3 inches caliper at time of planting, and shall reach a minimum height of twenty-five (25') feet at maturity.
3. **Species.** Trees shall be deciduous shade trees. Tree species should vary within the entire development site, but be consistent along individual streets or sections of streets. Tree species may not include silver maple, poplar, mountain ash, tree of heaven, or catalpa.
4. **Replacement.** Dead, damaged or diseased trees shall be replaced.

213.10. CIRCULATION SYSTEM FORM - A successful TND project relies upon a continuous street and alley network with through streets between neighborhoods. Sidewalks are used throughout the neighborhood and are generally required along both sides of every street. The use of rear yard alleys offer vehicle parking away from the street and enables buildings with a more attractive front yard.

1. Design Standards for Streets, Sidewalks and Alleys:

Street Classification (Design Speed)	Minimum Required Width of Cartway for each travel lane.	Minimum Required Width of Each Parking Lane	Minimum Required Width of Each Sidewalk/Planting Strip	Required Curb Return Radius	Minimum Required Street Centerline Turning Radius	Minimum Width of Right-of-Way
Arterial or Collector (25-35 mph)	10 ft.	8 ft.	5/5 ft.	25 ft.	100 ft.	36 ft.
Local (Max 25 mph)	10 ft.	8 ft.	5/5 ft.	15 ft.	80 ft.	36 ft.

Street Classification (Design Speed)	Minimum Required Width of Cartway for each travel lane.	Minimum Required Width of Each Parking Lane	Minimum Required Width of Each Sidewalk/Planting Strip	Required Curb Return Radius	Minimum Required Street Centerline Turning Radius	Minimum Width of Right-of-Way
Two-way alley (Max 10 mph)	8 ft.	not permitted	0 ft.	15 ft.	22 ft.	33 ft.



2. Generally street should have two-way vehicle travel lanes, two on-street parking lanes and two sidewalks with landscape strips; however, in limited use some streets can have two-way travel, one on-street parking lane and two sidewalks with planting strips.
3. Where practicable, the design of streets, alleys and sidewalks should provide for through traffic and pedestrian movements, and should interconnect with existing nearby streets, alleys and sidewalks. The use of extended streets and alleys from adjoining neighborhoods should reflect the same street/alley names. The use of cul-de-sac streets is forbidden, unless accompanied by plans of future adjacent street connections;
4. Street design standards shall favor pedestrian movements along sidewalks and at intersections with suitable sidewalk extensions, planting strips, crosswalks and other traffic calming devices. Such facilities shall be maintained in suitable working order at all times.
5. Street system layout shall also be generally rectilinear (as opposed to curvilinear), except where significant natural or cultural features dictate otherwise.
6. All intersections of access drives and/or streets shall provide a three foot (3') high clear sight triangle of thirty feet (30'), as measured along the centerline of, and from intersecting rights-of-way and/or access drives.
7. Off-street parking shall be removed from the front yard with the use of alleys and rear-yard parking spaces/garages. Alleys shall be provided for service to the rear and/or side yards of buildings. The use of alleys helps to preserve the pedestrian oriented character and appeal of the streetscape. Proposed garages shall provide for a minimum setback of twenty feet (20') from the cartway of an alley and on corner lots garages shall also maintain a minimum twenty foot (20') setback from the right-of-way from an adjoining street. Alleys shall not require on-street parking, sidewalks, curbs and landscape strips.

213.11. LANDSCAPE FORM - Generous landscaping shall be distributed throughout the development to offer thermal and visual relief. In those areas of significant natural features, existing vegetation should be retained and enhanced, if needed. In developed areas, vegetation shall be selected that best suits its setting and purpose. A variety of species that are native to the area are required in accordance with Section 320 of this Ordinance.

213.12. PUBLIC UTILITY AND SERVICE REQUIREMENTS - All proposals within the Traditional Neighborhood Design Overlay Zone must comply with the following:

1. Both public sewer and public water shall be used throughout the development;
2. Where practicable, the retention and regenerative percolation of storm water runoff shall be designed to blend and function within the natural setting of the site. In such instances, such facilities can be part of the common open space required by Section 213.4.4. Stormwater facilities that, in the opinion of the Board of Supervisors, do not blend and function within the natural setting shall not be computed as part of the common open space required by Section 213.4.4. of this Ordinance;
3. All utility lines shall be located underground and within public streets, alleys or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads;
4. All streets shall be provided with street lights. Such street lights shall be of such design and light intensity to serve adjoining uses, yet complement the development's historic setting. Street light fixtures shall be decorative in design and no taller than 18 feet high. Street light fixtures shall be spaced no more than 90 feet apart; and,
5. Bus stops shall be placed at appropriate location(s) along major roads serving the proposed development. Their distribution shall be such that no residence within the development shall be situated more than one thousand feet (1,000') from its bus stop. Furthermore, the selection of bus stops shall be logically connected with any existing bus routes. Bus stops shall consist of a minimum pedestrian node consisting of one ten foot by twenty foot (10' x 20') sidewalk section, one permanently anchored park bench, street light and a shade tree. Such bus stops shall be provided, even if existing bus routes do not currently serve the area.



Attractive Streetlights

213.13. SUBSEQUENT REVISIONS WITHIN THE TRADITIONAL NEIGHBORHOOD DESIGN ZONE

1. Once a development is constructed and occupied within the Traditional Neighborhood Design Overlay Zone, subsequent revisions are permitted by right, if they:
 - A. Do not violate any provisions of this Ordinance;
 - B. Do not violate any of the standards imposed upon the entire development;
 - C. Do not violate any conditions attached to the original approval of the Traditional Neighborhood Design Overlay Zone; and,
 - D. Do not adversely affect the architecture of the approved existing development.

213.14. MODIFICATIONS OF DESIGN STANDARDS

1. The Board of Supervisors may permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such approval shall, when making application for approval for a Traditional Neighborhood Design Zone development, as required by Section 213, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:
 - A. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 213.1.;
 - B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Traditional Neighborhood Design Overlay Zone development;
 - C. Such modifications will not result in an increase in residential densities permitted for the site; and,
 - D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 213.14.1.A.-C.

SECTION 220 MIXED USE ZONE (MU)

220.1. PURPOSE OF ZONE

This Zone accommodates a mixture of land uses that have evolved along some of the region's historic highways amid Midway Village. Limited businesses have been selected that can take advantage of the daily traffic passing through the Village, while at the same time assure compatibility with the numerous dwellings that remain. Aside from residential and public uses, all uses are evaluated via the Special exception review process so that opportunities to integrate vehicular access and parking are provided during site plan review. Strict design requirements have been imposed to preserve the "small town" character of these areas, and bonus incentives are available for uses that employ "high-quality" site design features. Overall retail size has been restricted as a means of encouraging adaptive reuse of converted dwellings, rather than the construction of new commercial buildings.

220.2. USES PERMITTED BY RIGHT

1. **Duplex dwellings.**
2. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
3. **Forestry uses** subject to the requirements of Sections 200.5. and 438 of this Ordinance.
4. **Parks and playgrounds.**
5. **Public utilities structures.**
6. **Churches and related uses**, subject to the requirements of Section 418 of this Ordinance.
7. **Single family detached dwellings.**
8. **Bed and breakfasts**, as defined herein, subject to the requirements of Section 411 of this Ordinance.
9. **Uses of Conewago Township** or its agencies and/or authorities including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way subject, to the requirements of Section 200.5. of this Ordinance.
10. **Veterinary offices**, provided no outdoor keeping of animals is permitted as defined herein and subject to the requirements of Section 486 of this Ordinance.
11. **Governmental uses**, as defined herein.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - B. **Detached buildings** (e.g. sheds, barns, pole buildings, etc.) used to house personal property of the residents.
 - C. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
 - D. **Domestic pets**, as defined herein.
 - E. **Family day-care facilities**, as defined herein subject to the requirements of Section 432 of this Ordinance.

- F. **Fences and walls**, subject to the requirements of Section 435 of this Ordinance.
- G. **Garages for the storage of personal vehicles and or personal property**, attached or detached to the dwelling unit.
- H. **Garage yard and/or moving sales**, subject to the requirements of Section 441 of this Ordinance.
- I. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 453 of this Ordinance
- J. **Ornamental ponds and wading pools** subject to the requirements of Section 463 of this Ordinance.
- K. **Home occupations**, as defined herein, subject to the requirements of Section 448 of this Ordinance.
- L. **No-impact home-based business**, as defined herein.
- M. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
- N. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- O. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 474 of this Ordinance.
- P. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
- Q. **Signs** as defined herein, subject to the requirements of Section 321 of this Ordinance.

220.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

- 1. **Boarding houses**, subject to the requirements of Sections 485 and 414 of this Ordinance.
- 2. **Commercial day-care facilities**, subject to the requirements of Sections 485 and 420 of this Ordinance.
- 3. **Funeral homes**, subject to the requirements of Sections 485 and 440 of this Ordinance.
- 4. **Historic structure conversions**, subject to the requirements of Sections 485 and 446 of this Ordinance.
- 5. **Medical, dental, optical and counseling clinics and offices**, subject to the requirements of Section 485 of this Ordinance.
- 6. **Nursing, rest or retirement homes**, subject to the requirements of Sections 485 and 462 of this Ordinance.
- 7. **Offices**, subject to the requirements of Section 485 of this Ordinance.
- 8. **Personal services including**: barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios and repair of clocks and small appliances, subject to the requirements of Section 485 of this Ordinance.
- 9. **Restaurants** (not including drive-thru or fast-food restaurants), subject to the requirements of Section 485 of this Ordinance.

10. **Retail sale of goods** provided the total sales and/or display area is less than twelve hundred (1,200) square feet), subject to the requirements of Section 485 of this Ordinance.
11. **Two-family conversions**, as defined herein and subject to the requirements of Sections 485 and 484 of this Ordinance.

220.4. NUMBER OF USES

1. Any number of the uses allowed in this Zone are permitted within each existing building, provided the building size and floor area remain the same as it was on the effective date of this Ordinance and Section 305 of this Ordinance shall not apply in this instance.
2. For new buildings, Section 305 of this Ordinance shall apply in this instance.
3. For existing buildings that are enlarged, the number of uses permitted per building shall be the same number (at least one) that occupied the building on the effective date of this Ordinance and Section 305 of this Ordinance shall not apply in this instance.

220.5. AREA & DESIGN REQUIREMENTS WITHIN THE (MU) ZONE – All uses within the Mixed Use Zone shall comply with those standards listed in the following table.

§ 220.5. AREA & DESIGN REQUIREMENTS WITHIN THE (MU) ZONE								
Use	Lot Area	Lot Width at Frontage & Building Setback Line	Maximum Lot Coverage	Minimum Yard Setbacks				Maximum Permitted Height ⁴
				Front ¹	One Side	Both Sides	Rear ²	
Single family detached dwelling	4500 sq. ft.	25 ft.	70%	10 ft.	5 ft.	10 ft.	35 ft.	35 ft.
Duplex dwelling unit	3240 sq. ft.	18 ft.	70%	10 ft.	2 ft.	NA ft.	35 ft.	35 ft.
Other principal uses	4500 sq. ft.	25 ft.	70%	10 ft. ³	5 ft.	10 ft.	35 ft.	35 ft.
Residential accessory structures	Included in above			Not permitted in front yard	2 ft.	4 ft.	4 ft. ²	20 ft.

¹ When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a depth equal to the average of the two (2) adjoining lots.

² Rear yard garages shall be setback no less than 20 feet from an adjoining alley cartway.

³ No off-street parking spaces shall be located within the front yard.

⁴ All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.

220.6. OUTDOOR STORAGE

Aside from that normally associated with a residence, no outdoor storage is permitted.

220.7. OFF-STREET LOADING

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

220.8. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 313 of this Ordinance except that all non-residential parking spaces shall be prohibited within the front yard.

220.9. SIGNS

Signs shall be permitted as specified in Section 321 of this Ordinance.

220.10. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS

All driveways serving single-family dwellings shall be provided in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance except that no access drive shall be greater than twenty-two (22) feet wide.

220.11. LANDSCAPING & SCREENING

Any portion of the site not used for buildings, structures, parking lots, loading areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 320 of this Ordinance.) Any off-street parking lots and/or off-street loading spaces shall be screened from adjoining properties unless such properties share such facilities.

220.12. WASTE PRODUCTS

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 set back a minimum of twenty (20) feet from any adjoining R-1, R-2, R-3 or MU Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

220.13. 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. For a listing of some applicable regulations, see Section 316 of this Ordinance.

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

220.15. DESIGN FEATURES/BONUS INCENTIVES

Because of this Zone's intended purpose to reduce traffic congestion, the following bonus incentives are applied to individual uses when prescribed design features are provided. These bonus incentives are awarded solely at the discretion of the Zoning Hearing Board, during the special exception review procedure:

<u>Design Features</u>	<u>Bonus Incentive</u>
1. Coordinated vehicular access between two or more adjoining land uses, that make use of only one shared access drive.	A ten percent (10%) increase in the maximum permitted lot coverage for each use.
2. Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.	Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a ten percent (10%) reduction in the total number of parking spaces required for all uses.
3. Coordinated off-street loading between two adjoining land uses sharing a single access drive that provides ready access to one or more loading spaces serving both uses.	Waiver of the off-street loading space requirement for that use that would otherwise require the least number of loading spaces, provided a cross property use easement is recorded that assures both uses may use the

Design Features

Bonus Incentive

shared loading space(s). In addition, one side yard setback may also be waived, as it applies to off-street loading.

4. Coordinated signage with two or more uses sharing only one freestanding sign.

A five percent (5%) increase in the maximum permitted lot coverage and a ten percent (10%) increase in the maximum permitted size of any attached signs.

220.16. MODIFICATIONS OF DESIGN STANDARDS

1. The Zoning Hearing Board, by special exception approval, permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such special exception approval shall, when making application for special exception approval for any use listed in Section 220.3., also make application for special exception approval under this section. The Zoning Hearing Board shall consider both special exception approval requests simultaneously. Any special exception to permit a modification of the design standards shall be subject to the following standards:
 - A. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 220.1.;
 - B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor inhabitants within the Mixed Use Zone development;
 - C. Such modifications will not result in an increase in residential densities permitted for the site; and,
 - D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria of Section 220.16.1.A.–C.

SECTION 221 VILLAGE COMMERCIAL ZONE (VC)

221.1. PURPOSE OF ZONE

This Zone acknowledges the evolving commercialization that is occurring along West Elm Avenue radiating outward from Hanover Borough. Small scale businesses have been selected that can take advantage of the daily traffic passing by and design standards promote the assemblage of adjoining parcels into coordinated developments with shared features (vehicular access, off-street parking and loading, signs, etc.) Strict use size limitations and landscaping requirements have been imposed to preserve the “small town” character of these areas.

221.2. USES PERMITTED BY RIGHT

1. **Banks and similar financial uses**, including outdoor tellers if pedestrian-oriented, and no more than two (2) drive-thru lanes.
2. **Barber, beauty, tanning, and health salons.**
3. **Bed and breakfasts**, subject to the requirements of Section 411 of this Ordinance.
4. **Bookbinding, printing, and publishing operations.**
5. **Caterers, delicatessens, bakeries, ice cream shops, and restaurants.**
6. **Churches and related uses**, excluding cemeteries, subject to the requirements of Section 418 of this Ordinance.
7. **Commercial day-care facilities**, subject to the requirements of Section 420 of this Ordinance.
8. **Commercial greenhouses.**
9. **Dance, music, art, fashion and photographic studios and galleries.**
10. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
11. **Family day-care facilities**, subject to the requirements of Section 432 of this Ordinance.
12. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.
13. **Forestry uses** subject to the requirements of Sections 200.5. and 438 of this Ordinance.
14. **Funeral homes**, subject to the requirements of Section 440 of this Ordinance.
15. **Governmental uses**, as defined herein.
16. **Medical, dental, optical and counseling clinics and offices.**
17. **Offices.**
18. **Public, private and commercial schools.**
19. **Parks and playgrounds.**
20. **Public utilities structures.**
21. **Restaurants and taverns** (but not including drive-thru or fast-food restaurants or nightclubs) Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they are located and operated in a manner that does not interfere with pedestrian or vehicular circulation. All such activities shall be controlled so as not to constitute a nuisance by means of noise and litter;

22. **Retail sales, rental or repair of goods** provided that no single use contains more than ten thousand (10,000) square feet of gross floor area. Suitable uses include, antiques, apothecaries, recorded music and video materials, books, clocks and watches, clothing, computers and software, confections, dry goods, electronics, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, pharmaceuticals, photographic supplies, sporting goods, stationery, telephones, and tobacco (excluding adult uses). One sidewalk display bin for retail merchandise shall be permitted per commercial use along the front facade of the building when adjoining a sidewalk or pedestrian courtyard, provided that such display bin affords sufficient sidewalk width for pedestrians to pass unimpeded. Such bin shall be located against the facade and shall not extend more than four feet (4') perpendicular from it. Display bins shall not exceed an overall length of fifteen feet (15'), nor an overall height of three feet (3'). Display bins shall only be exhibited during the use's business hours;
23. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
24. **Single family detached dwellings**, including residential accessory uses, subject to the requirements of Section 220 of this Ordinance.
25. **Tailors, off-site dry cleaning, and shoe repair services.**
26. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
27. **Upper-floor Apartment** - For each commercial use upon a property, one upper-floor apartment with a separate ground level access and one off-street parking space may be provided.
28. **Veterinary offices**, provided no outdoor keeping of animals is permitted as defined herein and subject to the requirements of Section 486 of this Ordinance.
29. **Accessory uses**, customarily incidental to the above permitted uses.

221.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

1. **Amusement arcades** subject to the requirements of Section 405 of this Ordinance.
2. **Auction houses**, excluding automobile auctions subject to the requirements of Section 407 of this Ordinance.
3. **Automobile filling stations** (including minor incidental repair) subject to the requirements of Section 410 of this Ordinance.
4. **Boarding houses**, subject to the requirements of Section 414 of this Ordinance.
5. **Car washes**, subject to the requirements of Section 416 of this Ordinance.
6. **Commercial recreation uses**, subject to the requirements of Section 422 of this Ordinance.
7. **Convenience stores**, as defined herein and subject to the requirements of Section 424 of this Ordinance.
8. **Drive-thru and/or fast-food restaurants**, subject to the requirements of Section 427 of this Ordinance.

9. **Dry cleaners, laundries and laundromats**, subject to the requirements of Section 428 of this Ordinance.
10. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 443 of this Ordinance.
11. **Historic structure conversions**, subject to the requirements of Section 446 of this Ordinance.
12. **Home improvement and building supply stores**, subject to the requirements of Section 447 of this Ordinance, provided that no single use contains more than ten thousand (10,000) square feet of gross floor area.
13. **Hotels, motels and similar lodging facilities** subject to the requirements of Section 450 of this Ordinance.
14. **Passenger motor vehicle sales, 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, subject to the requirements of Section 467 of this Ordinance.
15. **Shopping centers**, subject to the requirements of Section 480 of this Ordinance, provided that no single use contains more than ten thousand (10,000) square feet of gross floor area.

221.4. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS - See the following table:

Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer and Public Water	10,000 square feet	65 ft.	70% ¹
¹ The maximum permitted lot coverage can be increased to a maximum of 80 percent by the Board of Supervisors during the land development review process for those applicants that (1) successfully coordinate developments with multiple uses (2) that share vehicular access, parking and signage (3) across what were formerly multiple properties and (4) offer safe and attractive pedestrian-oriented design.			

221.6. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) and off-street parking lots shall be set back a minimum of ten feet (10') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings and structures (except permitted signs) off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
4. **Residential buffer strip** – Any lot adjoining land within an R-1, R-2, R-3 or MU Zone shall maintain a twenty foot (20') setback for nonresidential buildings, structures, off-street

parking lots and off-street loading areas. Such areas shall be used for a landscape strip and screen.

221.7. MAXIMUM PERMITTED HEIGHT

Thirty-five feet (35'), provided a structure may extend up to forty-five feet (45') if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line. All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.

221.8. OFF-STREET LOADING SPACES

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

221.9. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 313 of this Ordinance. The minimum required number of off-street parking spaces may be reduced by ten (10) percent by the Board of Supervisors during the land development review process for those applicants that (1) successfully coordinate developments with multiple uses (2) that share vehicular access, parking and signage (3) across what were formerly multiple properties and (4) offer safe and attractive pedestrian-oriented design.

221.10. SIGNS

Signs shall be permitted as specified in Section 321 of this Ordinance.

221.11. ACCESS DRIVE REQUIREMENTS

All driveways serving single-family dwellings shall be provided in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance except that no access drive shall be greater than twenty-two (22) feet wide.

221.12. SCREENING

A visual screen must be provided along any adjoining lands within an R-1, R-2, R-3 or MU Zone, regardless of whether or not the R-1, R-2, R-3 or MU Zone property is developed (see Section 320 of this Ordinance).

221.13. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 320 of this Ordinance). A minimum ten foot (10') 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 off-street parking lot and/or off-street loading space area shared by adjoining uses.

221.14. WASTE PRODUCTS

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 set back a minimum of twenty (20) feet from any adjoining R-1, R-2, R-3 or MU Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

221.15. OPERATIONS STANDARDS

The applicant shall submit written evidence that all 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. For a listing of some regulations, refer to Section 316 of this Ordinance.

221.16. OUTDOOR STORAGE & DISPLAY

Within this Zone, outdoor storage is prohibited except that outdoor display of passenger motor vehicles need not be screened from adjoining roads.

221.17. GENERAL PROVISIONS

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

221.18. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 222 – HIGHWAY COMMERCIAL ZONE (HC)

222.1. PURPOSE OF ZONE

This Zone provides suitable locations for retail, service, and entertainment businesses. The uses permitted vary widely and some may 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 and design standards are imposed to promote shared vehicular access and off-street parking lots, enhance public safety through the ready identification of access drives and adjoining travel lanes, ensure protection by orienting outdoor storage and off-street loading spaces away from adjoining residential properties.

Portions of this Zone that are denoted as TDR Receiving areas also offer density bonuses for projects that help to protect the Township's valuable farmlands through the transferable development rights program. Finally, large-scale commercial uses are required to incorporate multi-story building and off-street parking to make more efficient use of these valuable commercially-zoned lands and reduce sprawl.

222.2. USES PERMITTED BY RIGHT

1. **Uses permitted by right with conventional site design in accordance with Section 222.7.1. of this Ordinance:**
 - A. **Bookbinding, printing, and publishing operations.**
 - B. **Churches and related uses**, excluding cemeteries, subject to the requirements of Section 418 of this Ordinance.
 - C. **Commercial day-care facilities**, subject to the requirements of Section 420 of this Ordinance.
 - D. **Commercial greenhouses.**
 - E. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
 - F. **Forestry uses** subject to the requirements of Sections 201.5. and 438 of this Ordinance.
 - G. **Funeral homes**, subject to the requirements of Section 440 of this Ordinance.
 - H. **Governmental uses**, as defined herein.
 - I. **Parks and playgrounds.**
 - J. **Public utilities structures.**
 - K. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
 - L. **Tailors, off-site dry cleaning, and shoe repair services.**
 - M. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.

- N. **Accessory uses**, customarily incidental to the permitted uses.
- 2. **Uses permitted by right with compact multi-story site design in accordance with Section 222.7.2. of this Ordinance:**
 - A. **Banks and similar financial uses**, including outdoor tellers.
 - B. **Barber, beauty, tanning, and health salons.**
 - C. **Caterers, delicatessens, bakeries, ice cream shops, and confectioners.**
 - D. **Dance, music, art, fashion and photographic studios and galleries.**
 - E. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.
 - F. **Hotels, motels and similar lodging facilities** subject to the requirements of Section 450 of this Ordinance.
 - G. **Medical, dental, optical and counseling clinics and offices.**
 - H. **Offices.**
 - I. **Public, private and commercial schools.**
 - J. **Restaurants and taverns** (but not including drive-thru or fast-food restaurants or nightclubs);
 - K. **Retail sales, rental or repair of goods**, (excluding adult uses).

222.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

- 1. **Uses permitted by special exception with conventional site design in accordance with Section 222.7.1. of this Ordinance:**
 - A. **Automobile filling stations** (including minor incidental repair) subject to the requirements of Section 410 of this Ordinance.
 - B. **Car washes**, subject to the requirements of Section 416 of this Ordinance.
 - C. **Convenience stores**, as defined herein and subject to the requirements of Section 424 of this Ordinance.
 - D. **Drive-thru and/or fast-food restaurants**, subject to the requirements of Section 427 of this Ordinance.
 - E. **Mini-warehouses**, subject to the requirements of Section 459 of this Ordinance.
 - F. **Passenger motor vehicle and recreational vehicle sales, 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, subject to the requirements of Section 467 of this Ordinance.
- 2. **Uses permitted by special exception with compact multi-story site design in accordance with Section 222.7.2. of this Ordinance:**
 - A. **Amusement arcades** subject to the requirements of Section 405 of this Ordinance.

- B. **Auction houses**, excluding automobile auctions subject to the requirements of Section 407 of this Ordinance.
- C. **Commercial recreation uses**, subject to the requirements of Section 422 of this Ordinance.
- D. **Dry cleaners, laundries and laundromats**, subject to the requirements of Section 428 of this Ordinance.
- E. **Farmers and/or flea markets**, subject to the requirements of Section 434 of this Ordinance.
- F. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 443 of this Ordinance.
- G. **Home improvement and building supply stores** subject to the requirements of Section 447 of this Ordinance.
- H. **Nightclubs**, subject to the requirements of Section 460 of this Ordinance.
- I. **Shopping centers**, subject to the requirements of Section 480 of this Ordinance.
- J. **Veterinary offices, and kennels** subject to the requirements of Section 487 of this Ordinance.

222.4. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Uses permitted by conditional use with compact multi-story site design in accordance with Section 222.7.2. of this Ordinance:**
 - A. **Amusement, theme and/or zoo parks**, subject to the requirements of Section 406 of this Ordinance.
 - B. **Automobile and/or other vehicle and/or animal racing facility with or without related wagering** subject to the requirements of Section 408 of this Ordinance.
 - C. **Convention and/or conference centers** subject to the requirements of Section 425 of this Ordinance.
 - D. **Hospitals and related uses** subject to the requirements of Section 449 of this Ordinance.

222.5. FLOOR AREA RATIO, LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS - See the following table:

	Required Public Utilities	Maximum Floor Area Ratio	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Non TDR Receiving area	Both Public Sewer & Public Water	25%	20,000 sq. ft.	100 ft.	65% ²
TDR Receiving Area	Both Public Sewer & Public Water	25% ¹	20,000 sq. ft.	100 ft.	10% ^{1, 2}
¹ The maximum permitted floor area ratio and lot coverage can be increased to a maximum of sixty-five percent (65%) through the application of transferable development rights (TDRs) in accordance with Article 6 of this Ordinance. For each TDR applied, the applicant can increase the permitted lot coverage by one thousand (1000) square feet. ² The maximum permitted lot coverage can be increased to a maximum of seventy-five percent (75%) through compliance with the architectural design standards as contained in Section 222.19. of this Ordinance. For properties that achieve a maximum permitted lot coverage of 65% through the application of TDRs is also					

eligible to increase the permitted lot coverage to a maximum of seventy-five percent (75%) through compliance with the architectural design standards as contained in Section 222.19. of this Ordinance.

222.6. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least thirty-five feet (35') from the street right-of-way; off-street parking lots and outdoor storage and display areas shall be set back a minimum of ten feet (10') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least twenty-five feet (25') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, and outdoor storage and display areas shall be set back at least twenty-five feet (25') from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot line, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
4. **Residential buffer strip** – Any lot adjoining land within an R-1, R-2, R-3, or MU Zone shall maintain a fifty (50') foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage and display areas, from the R-1, R-2, R-3, or MU Zone parcels. Such areas shall be used for a landscape strip and screen.

222.7. HEIGHT REQUIREMENTS

1. Uses that permit conventional site design as listed in Sections 222.2.1. and 222.3.1. of this Ordinance shall have a maximum permitted height of forty-five (45') feet. All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.
2. Uses that require compact multi-story design as listed in Sections 222.2.2., 222.3.2., and 222.4.1. of this Ordinance shall comply with the following:
 - A. Uses that existed on the effective date of this ordinance and uses with up to seventy-five thousand (75,000) square feet of gross floor area shall have a maximum permitted height of forty-five (45') feet.
 - B. Uses with more than seventy-five thousand (75,000) square feet, but less than one hundred fifty thousand (150,000) square feet of gross floor area shall locate no less than forty percent (40%) of the total area comprised of the gross floor area of the principal building plus the required off-street parking, either above, below, or both the ground level floor (i.e. 2 stories minimum). The maximum permitted height is forty-five (45'). Unless Section 222.6.4. of this Ordinance imposes a greater setback, each structure (except permitted signs) shall be set back a distance at least equal to its height from each front, side and rear property line.
 - C. Uses with one hundred fifty thousand (150,000) square feet or more, of gross floor area shall locate no less than sixty percent (60%) of the total area comprised of the gross floor area of the principal building plus the required off-street parking either above, below or both, the ground level floor of the use (i.e. 3 stories minimum). The maximum permitted height is forty-five (45'). Unless Section 222.6.4. of this

Ordinance imposes a greater setback, each structure (except permitted signs) shall be set back a distance at least equal to its height from each front, side and rear property line.

- D. All uses with multiple stories shall comply with the following table which depicts minimum (Min) and maximum (Max) required floor area per story:

Required Floor Area Per Story for Multiple-Story Buildings and Structures			
No. of Stories	1st Story	2nd Story	3rd Story
1	100%		
2	Maximum 60%	Minimum 40%	
3	Maximum 40%	Minimum 30%	Minimum 20%

- E. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.
- F. All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.

222.8. OFF-STREET LOADING SPACES

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

222.9. OFF-STREET PARKING

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

222.10. SIGNS

Signs shall be permitted as specified in Section 321 of this Ordinance.

222.11. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with Section 301 of this Ordinance.

222.12. SCREENING

A visual screen must be provided along any adjoining lands within an R-1, R-2, R-3, or MU Zone, regardless of whether or not the R-1, R-2, R-3, or MU Zone property is developed (see Section 320 of this Ordinance).

222.13. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 320 of this Ordinance). A minimum ten foot (10') 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 off-street parking lot and/or off-street loading space area shared by adjoining uses.

222.14. WASTE PRODUCTS

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 set back a minimum of fifty feet (50') from any adjoining R-1, R-2, R-3, or MU Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

222.15. OPERATIONS STANDARDS

The applicant shall submit written evidence that all 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. For a listing of some regulations, refer to Section 316 of this Ordinance.

222.16. OUTDOOR STORAGE AND DISPLAY

Within this Zone, outdoor storage and display is permitted, provided all such 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 and display areas for vehicles sales need not be screened from adjoining roads.

222.17. GENERAL PROVISIONS

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

222.18. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

222.19. ARCHITECTURAL DESIGN STANDARDS

Applicant's are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval for a land development, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section and any valid conditions of approval attached by the Board of Supervisors;

1. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - A. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;
 - B. Feature prominent customer entrances and exterior pedestrian amenities;
 - C. Include architectural details or elements such as windows, colonnades, porches, porticos, columns, pilasters and canopies;
 - D. Make use of a combination of wood, brick, metal, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;

- E. Employ “earth-tone,” “pottery-tone” or “Williamsburg-type” colors for primary wall surfaces;
 - F. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties;
 - G. Place utilities underground except that junction boxes, transformers and other apparatuses which due to their function require above-ground placement, shall be screened from adjoining roads and properties; and/or,
 - H. Exceed energy efficiency standards under conventional building code requirements.
- 3. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
 - 4. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage up to a maximum of seventy-five (75%) for the proposed use.
 - 5. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another approval at that time.
 - 6. Should any part of this Section 222.19. be declared invalid by the courts, the entire Section 222.19. shall be automatically repealed.

SECTION 230 – INDUSTRIAL ZONE (I-1)

230.1. PURPOSE OF ZONE

This Zone provides key locations for a mix of various types of light industries to diversify the Township's and Region's economy and offer valuable employment opportunities. This Zone will principally permit light and small-scale industries as permitted uses but require special exception or conditional use approval for larger uses that pose the potential for greater impact.

Required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger industries have also been permitted. These areas have been located near existing public utility service areas, other industrial uses 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.

230.2. USES PERMITTED BY RIGHT

1. **Uses permitted by right with conventional site design in accordance with Section 230.7.1. of this Ordinance:**
 - A. **Bookbinding, printing, and publishing operations.**
 - B. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 419 of this Ordinance.
 - C. **Commercial day care facilities**, subject to the requirements of Section 420 of this Ordinance.
 - D. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
 - E. **Fish hatcheries**, subject to the requirements of Section 436 of this Ordinance.
 - F. **Forestry uses** subject to the requirements of Sections 200.5. and 438 of this Ordinance.
 - G. **Governmental uses**, as defined herein.
 - H. **Machine, tool and die, and metal fabrication shops;**
 - I. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 1. Furniture, cabinets, plumbing, heating, air conditioning, ventilation and electrical fixtures, ceramic, stone, vinyl, fiberglass and linoleum tiles, carpets and rugs, windows, doors, insulation, ceiling and roofing tiles, household appliances, finished lumber and other household appointments;
 2. Scientific, medical, optical, specialized, and technical instruments and equipment;
 3. Audio visual components, computers, vending machines, electronic equipment, software and video games;
 4. Office equipment, supplies, furnishings, and equipment;
 5. Packaging materials, supplies and equipment;
 6. Finished textile products;
 7. Cosmetics, drugs, dyes, toiletries, perfumes and other pharmaceuticals;

8. Brushes, brooms, and combs;
 9. Hot tubs, spas, saunas, and swimming pools;
 10. Jewelry, and other precious or semi-precious metals and stones;
 11. Photographic, lighting, and timekeeping equipment;
 12. Hand tools, hardware, power tools and small engine equipment and vehicles including but not limited to lawn mowers, chain saws, compressors, power washing equipment, motorcycles, and outboard boat motors;
 13. Musical instruments, sporting equipment, bicycles and toys; and,
 14. Small or novelty products from prepared materials (excluding the use of sheet metals).
- I. **Parks and playgrounds.**
- J. **Public utilities structures.**
- K. **Repair shops for products permitted to be manufactured in this Zone.**
- L. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
- M. **Shops, offices and showrooms for contractors** of painting, power-washing, plumbing, heating, air conditioning, electrical, electronic, telephone, antennas and cable, communications, roofing, flooring, drywall and plaster, basement waterproofing, carpet, countertops, glass and windows, insulation, gutters and downspouts, well drilling and septic system installation, maintenance and pumping, woodworking, carpentry and cabinet-making, swimming pools, hot tubs and spas, lawn care and landscaping, masonry, concrete and paving, pest control and snow removal.
- N. **Sign makers.**
- O. **Small engine repair shops.**
- P. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, including refuse incinerators, subject to the requirements of Sections 200.5. of this Ordinance.
- Q. **Welding shops.**
- R. **Accessory uses customarily incidental to the above permitted uses**, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
1. **Athletic fields and courts and recreation facilities.**
 2. **Power generation facilities.**
 3. **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 three hundred (300) square feet.

2. **Uses permitted by right with compact multi-story site design in accordance with Section 230.7.2. of this Ordinance:**
 - A. **Banks and similar financial institutions.**
 - B. **Health, fitness, social, fraternal and other private clubs,** subject to the requirements of Section 443 of this Ordinance.
 - C. **Laboratories for medical, scientific, or industrial research and development;**
 - D. **Medical, dental, optical and counseling clinics and offices.**
 - E. **Offices.**
 - F. **Veterinary offices** subject to the requirements of Section 487 of this Ordinance.
 - G. **Vocational, technical and mechanical trade schools.**

230.3. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.3. of this Ordinance).

1. **Uses permitted by special exception with conventional site design in accordance with Section 230.7.1. of this Ordinance:**
 - A. **Adult uses,** subject to the requirements of Section 402 of this Ordinance.
 - B. **Airports and heliports,** subject to the requirements of Section 403 of this Ordinance.
 - C. **Automobile auctions and/or storage yards,** subject to the requirements of Section 409 of this Ordinance.
 - D. **Billboards,** subject to the requirements of Section 413 of this Ordinance.
 - E. **Freestanding communication towers and equipment that is not co-located upon an existing structure** subject to the requirements of Section 439 of this Ordinance.
 - F. **Heavy equipment leasing, rental, sales, service, repair and warehousing,** such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers, and other similar machinery, subject to the requirements of Section 444 of this Ordinance.
 - G. **Heavy industrial uses,** as defined herein, subject to the requirements of Section 445 of this Ordinance.
 - H. **Junkyards,** as defined herein, subject to the requirements of Section 451 of this Ordinance.
 - I. **Mass transit and/or taxicab terminals,** subject to the requirements of Section 456 of this Ordinance.
 - J. **Methadone treatment facility,** subject to the requirements of Section 458 of this Ordinance.
 - K. **Mini-warehouses,** subject to the requirements of Section 459 of this Ordinance.
 - L. **Passenger motor vehicle and recreational vehicle sales, 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, subject to the requirements of Section 467 of this Ordinance.
 - M. **Principal waste handling, recycling, processing, transfer and disposal facilities,** subject to the requirements of Section 468 of this Ordinance.

- N. **Processing, packaging, bottling, storage and/or wholesaling of food products excluding**, subject to the requirements of Section 469 of this Ordinance:
 - 1. Pickling processes;
 - 2. Rendering or slaughtering operations; and,
 - 3. Sugar refineries.
- N. **Recycling facilities for electronics, paper, plastic, glass and metal products**, subject to the requirements of Section 471 of this Ordinance.
- O. **Sales, storage and/or wholesaling for the local delivery of the following**, subject to the requirements of Section 476 of this Ordinance:
 - 1. Home and auto-related fuels;
 - 2. Nursery and garden materials, and stock;
 - 3. Redi-mix concrete;
 - 4. Contractor supplies; and,
 - 5. Plumbing, heating, air conditioning, electrical, and other structural components of buildings.
- P. **Sawmills**, subject to the requirements of Section 478 of this Ordinance.
- Q. **Slaughtering, processing, rendering, and packaging of food products and their by-products**, subject to the requirements of Section 481 of this Ordinance.
- R. **Truck or motor freight terminals**, subject to the requirements of Section 482 of this Ordinance.
- S. **Truck stops**, subject to the requirements of Section 483 of this Ordinance.
- T. **Veterinary offices, and kennels** subject to the requirements of Section 487 of this Ordinance.
- U. **Warehousing and wholesale trade establishments**, subject to the requirements of Section 488 of this Ordinance.

230.4. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Uses permitted by conditional use with compact multi-story design in accordance with Section 230.7.2. of this Ordinance:**
 - A. **Casinos, off-track betting parlors and/or slot machine parlors**, subject to the requirements of Section 417 of this Ordinance.
 - B. **Hospitals and related uses**, subject to the requirements of Section 449 of this Ordinance.

230.5. FLOOR AREA RATIO, LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS - See the following table:

Required Public Utilities	Maximum Floor Area Ratio	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer & Public Water	25%	20,000 square feet	100 ft.	65% ¹
¹ The maximum permitted lot coverage can be increased to a maximum of seventy-five percent (75%) through compliance with the architectural design standards as contained in Section 230.19. of this Ordinance.				

230.6. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least thirty-five feet (35') from the street right-of-way; off-street parking lots and outdoor storage and display areas shall be set back a minimum of ten feet (10') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least twenty-five feet (25') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, and outdoor storage and display areas shall be set back at least twenty-five feet (25') from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot line, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
4. **Residential buffer strip** – Any lot adjoining land within an R-1, R-2, R-3, or MU Zone shall maintain a fifty (50') foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage and display areas, from the R-1, R-2, R-3, or MU Zone parcels. Such areas shall be used for a landscape strip and screen.

230.7. HEIGHT REQUIREMENTS

1. Uses that permit conventional site design as listed in Sections 230.2.1., 230.3.1. and 230.4.1. of this Ordinance shall have a maximum permitted height of forty-five (45') feet. All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.
2. Uses that require compact multi-story design as listed in Sections 230.2.2. and 230.4.2. of this Ordinance shall comply with the following:
 - A. Uses that existed on the effective date of this ordinance and uses with up to seventy-five thousand (75,000) square feet of gross floor area shall have a maximum permitted height of forty-five (45') feet.
 - B. Uses with more than seventy-five thousand (75,000) square feet, but less than one hundred fifty thousand (150,000) square feet of gross floor area shall locate no less than forty percent (40%) of the total area comprised of the gross floor area of the principal building plus the required off-street parking, either above, below, or both the ground level floor (i.e. 2 stories minimum). The maximum permitted height is forty-five (45'). Unless Section 222.6.4. of this Ordinance imposes a greater setback, each structure (except permitted signs) shall be set back a distance at least equal to its height from each front, side and rear property line.

- C. Uses with one hundred fifty thousand (150,000) square feet or more, of gross floor area shall locate no less than sixty percent (60%) of the total area comprised of the gross floor area of the principal building plus the required off-street parking either above, below or both, the ground level floor of the use (i.e. 3 stories minimum). The maximum permitted height is forty-five (45'). Unless Section 222.6.4. of this Ordinance imposes a greater setback, each structure (except permitted signs) shall be set back a distance at least equal to its height from each front, side and rear property line.
- D. All uses with multiple stories shall comply with the following table which depicts minimum (Min) and maximum (Max) required floor area per story:

Required Floor Area Per Story for Multiple-Story Buildings and Structures			
No. of Stories	1st Story	2nd Story	3rd Story
1	100%		
2	Maximum 60%	Minimum 40%	
3	Maximum 40%	Minimum 30%	Minimum 20%

- E. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.
- F. All uses must comply with Section 240 (Airport Safety Zone) of this Ordinance.

230.8. OFF-STREET LOADING SPACES

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

230.9. OFF-STREET PARKING

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

230.10. SIGNS

Signs shall be permitted as specified in Section 321 of this Ordinance.

230.11. ACCESS DRIVE REQUIREMENTS

All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

230.12. SCREENING

A visual screen must be provided along any adjoining lands within an R-1, R-2, R-3, or MU Zone, regardless of whether or not the R-1, R-2, R-3, or MU Zone property is developed (see Section 320 of this Ordinance).

230.13. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover

and other ornamental plantings (see Section 320 of this Ordinance). A minimum ten foot (10') 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 off-street parking lot and/or off-street loading space area shared by adjoining uses.

230.14. WASTE PRODUCTS

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 set back a minimum of fifty feet (50') from any adjoining R-1, R-2, R-3, or MU Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

230.15. OPERATIONS STANDARDS

The applicant shall submit written evidence that all 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. For a listing of some regulations, refer to Section 316 of this Ordinance.

230.16. OUTDOOR STORAGE AND DISPLAY

Within this Zone, outdoor storage and display is permitted, provided all such 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 and display areas for vehicles sales need not be screened from adjoining roads.

230.17. GENERAL PROVISIONS

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

230.18. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

230.19. ARCHITECTURAL DESIGN STANDARDS

1. Applicant's are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval for a land development, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section and any valid conditions of approval attached by the Board of Supervisors;
2. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - A. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;
 - B. Feature prominent customer entrances and exterior pedestrian amenities;

- C. Include architectural details or elements such as windows, colonnades, porches, porticos, columns, pilasters and canopies;
 - D. Make use of a combination of wood, brick, metal, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - E. Employ "earth-tone," "pottery-tone" or "Williamsburg-type" colors for primary wall surfaces;
 - F. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties;
 - G. Place utilities underground except that junction boxes, transformers and other apparatuses which due to their function require above-ground placement, shall be screened from adjoining roads and properties; and/or,
 - H. Exceed energy efficiency standards under conventional building code requirements
- 3. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
 - 4. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage of ten percent (10%) up to a maximum of seventy (75%) for the proposed use.
 - 5. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another approval at that time.
 - 6. Should any part of this Section 230.19. be declared invalid by the courts, the entire Section 230.19. shall be automatically repealed.

SECTION 231 – QUARRY ZONE (Q)

231.1. PURPOSE OF ZONE

The purpose of this Zone is to reserve appropriate areas of the Township for mining and related processing of raw materials; to provide reasonable standards for mining operations in order to prevent conditions which would interfere with the enjoyment or use of other properties; to allow uses of a temporary nature in locations premature for quarrying and to accommodate suitable uses for reclaimed quarry and mining sites after active operations are concluded. This Zone is designated in areas where mining activities have taken place in the past and/or, based upon prior approvals, could occur in the future.

231.2. USES PERMITTED BY RIGHT (All of these permitted uses are subject to the design requirements of Section 200.5. of this Ordinance.

1. **Agriculture and horticulture** but expressly excluding concentrated animal operations and concentrated animal feeding operations, both as defined herein, subject to the requirements of Section 200.5. of this Ordinance.
2. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 419 of this Ordinance.
3. **Forestry uses** subject to the requirements of Sections 200.5. and 438 of this Ordinance.
4. **Governmental uses**, as defined herein.
5. **Uses of Conewago Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, public sewer systems, public water systems, and associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
6. **Parks and playgrounds.**
7. **Public utilities structures.**
8. **Uses devoted to the conservation of natural and cultural resources.**
9. **Parks that are devoted to the conservation of local natural and cultural resources as the principal recreation feature.**
10. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - B. **Beekeeping**, subject to the requirements of Section 412 of this Ordinance.
 - C. **Detached buildings** (e.g. sheds, barns, pole buildings, etc.) used to house personal property of the residents.
 - D. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
 - E. **Domestic pets**, as defined herein.
 - F. **ECHO housing**, as defined herein, subject to the requirements of Section 429 of this Ordinance.

- G. **Family day-care facilities**, as defined herein subject to the requirements of Section 432 of this Ordinance.
- H. **Farm occupations**, as defined herein, subject to the requirements of Section 433 of this Ordinance.
- I. **Fences and walls**, subject to the requirements of Section 435 of this Ordinance.
- J. **Garages for the storage of personal vehicles and or personal property**, attached or detached to the dwelling unit.
- K. **Garage yard and/or moving sales**, subject to the requirements of Section 441 of this Ordinance.
- L. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 453 of this Ordinance
- M. **Ornamental ponds and wading pools** subject to the requirements of Section 463 of this Ordinance.
- N. **Manure storage facilities**, as an accessory use to an agricultural or horticultural use if contained upon a farm, subject to the requirements of Section 455 of this Ordinance.
- O. **Home occupations**, as defined herein, subject to the requirements of Section 448 of this Ordinance.
- P. **No-impact home-based business**, as defined herein.
- Q. **Noncommercial keeping of livestock**, as defined herein, subject to the requirements of Section 461 of this Ordinance.
- R. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 464 of this Ordinance.
- S. **Parking and/or storage of recreational vehicles, personal cargo trailers and POD storage containers**, (each as defined herein) subject to the requirements of Section 466 of this Ordinance.
- T. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- U. **Roadside stands** for the seasonal sale of agricultural products subject to the requirements of Section 473 of this Ordinance.
- V. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 474 of this Ordinance.
- W. **Rural occupations**, as defined herein subject to the requirements of Section 475 of this Ordinance.
- X. **Satellite dish antennas**, subject to the requirements of Section 477 of this Ordinance.
- Y. **Signs** as defined herein, subject to the requirements of Section 321 of this Ordinance.

231.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Mining, quarrying and related processing uses including the recycling of related construction materials**, subject to the requirements of Section 470 of this Ordinance.

231.4. OFF-STREET LOADING SPACES

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

231.5. OFF-STREET PARKING

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

231.6. SIGNS

Signs shall be permitted as specified in Section 321 of this Ordinance.

231.7. ACCESS DRIVE REQUIREMENTS

All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

231.8. SCREENING

For any quarry or related uses, a visual screen must be provided along any adjoining lands within an R-1, R-2, R-3, or MU Zone, regardless of whether or not the R-1, R-2, R-3, or MU Zone property is developed (see Section 320 of this Ordinance).

231.9. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 320 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines.

231.10. WASTE PRODUCTS

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 set back a minimum of fifty feet (50') from any adjoining R-1, R-2, R-3, or MU Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

231.11. OPERATIONS STANDARDS

The applicant shall submit written evidence that all 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. For a listing of some regulations, refer to Section 316 of this Ordinance.

231.12. OUTDOOR STORAGE AND DISPLAY

Within this Zone, outdoor storage and display is permitted, provided all such areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section.

231.13. GENERAL PROVISIONS

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

231.14. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 240 – AIRPORT SAFETY ZONE

240.1. PURPOSE OF ZONE

It is the specific intent of these regulations to establish districts which will promote the safe operation of any airport within Conewago Township by preventing the establishment of obstructions that are or could be hazardous to air navigation.

240.2. AIRPORT SAFETY ZONE

The provisions of this Section 240 create an overlay zone that is applicable in all other zones established by this Ordinance. To the extent the provisions of the Airport Safety Zone regulations in this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other regulations of this Ordinance and all other ordinances of Conewago Township. However, all other provisions of all other regulations of this Ordinance and all other ordinances of the Township shall remain in full force.

240.3. AIRPORT SAFETY ZONE MAP

The Airport Safety Zone Map shall be deemed an overlay on any Zone now or hereafter applicable to any lot. Should the Airport Safety Zone be declared inapplicable by legislative or administrative actions or judicial discretion, the regulations applicable to such lot shall be deemed to be the Zone in which it is located without consideration to this Section 240, which defines the Airport Safety Zone.

240.4. AIRPORT SAFETY ZONE BOUNDARIES

The Airport Safety Zone is hereby defined to include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Hanover Airport. The various zones are established and defined in Section 113 of this Ordinance and are shown on the Airport Safety Zone Map, which is available for inspection at the Township Office.

240.5. AIRPORT SAFETY ZONES DELINEATION

In order to carry out the provisions of this Section 240, there hereby are created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Hanover Airport. Such zones are shown on the Airport Safety Zone Map, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Utility Runway Non-precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
2. **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.

3. **Horizontal Zone:** The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. **Conical Zone:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

240.6. HEIGHT LIMITATIONS

Except as otherwise provided in this Section 240, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. **Utility Runway Non-precision Instrument Approach Zone:** Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. **Transitional Zone:** Slopes seven feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.
3. **Horizontal Zone:** Established at 150 feet above the airport elevation.
4. **Conical Zone:** Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

240.7. USE RESTRICTIONS

1. The Airport Safety Zone shall be deemed an overlay on the applicable base zones as shown on the Conewago Township Zoning Map. Except as limited by this Section 240, permitted uses on any lot within the Airport Safety Zone shall be as prescribed in the applicable base zone
2. Should the Airport Safety Zone be declared inapplicable by legislative or administrative actions or judicial discretion, the regulations applicable to such lot shall be deemed to be the zone in which it is located without consideration of this Section 240.
3. Should the base zoning of any parcel or any part thereof in which the Airport Safety Zone is located be changed through any legislative or administrative actions or judicial discretion, such changes shall have no effect on the Airport Safety Zone unless such effect was clearly specified as part of the originally proposed change.
4. Notwithstanding any other provisions of this Section 240, no use may be made of land or water within any Airport Safety Zone established by this Section 240 in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity

of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

240.8. NONCONFORMING USES

The regulations prescribed by this Section 240 shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of June 8, 1983 or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to June 8, 1983 and the completion of which is diligently pursued. No permit shall be granted that would allow a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on June 8, 1983 or any amendments thereto or than it is when the application for a permit is made. Continuance of a nonconforming use may be conditioned upon the requirements of Section 204.10. of this Ordinance.

240.9. VARIANCES

Any person desiring to erect or increase the height of any structure or permit the growth of any tree, not in accordance with the regulations prescribed in this Section 240, may apply to the Zoning Hearing Board for a variance from such regulation. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this Section 240 may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Hanover Airport Manager for advice as to the aeronautical effects of the variance. If the Manager does not respond to the application within 15 days after receipt, the Board may act on its own to grant or deny said application. In considering any application for a variance from the terms of this article, the Board shall be further guided by the standards and criteria listed in Sections 804.4. and 240.10. of this Ordinance.

240.10. OBSTRUCTION MARKING AND LIGHTING

Notwithstanding any other provision of this section 240, the issuance of a zoning permit, the granting of a variance or the continuation of a nonconforming use may, if deemed advisable to effectuate the purpose of this Section 240 and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Township or Zoning Hearing Board, the condition may be modified to require the owner to permit Hanover Airport, at its own expense, to install, operate and maintain the necessary markings and lights.

Article 3

General Provisions

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

SECTION 301 ACCESS DRIVE REQUIREMENTS (NON-SINGLE-FAMILY DWELLING)

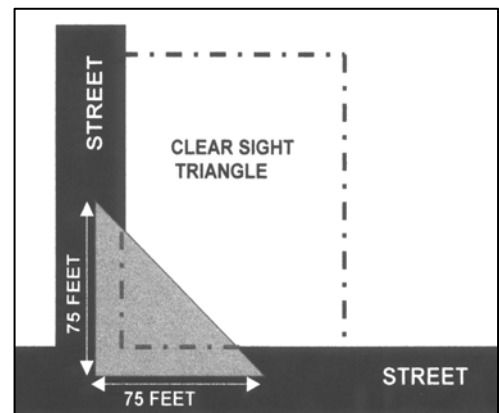
- 301.1.** Access drives shall be provided in accordance with Section 135-57 of the SLDO.
- 301.2.** Deviations from the requirements of Section 135-57 of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 135-26 of the SLDO; and,
- 301.2.** Deviations from the requirements of Section 135-57 of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.4. of this Zoning Ordinance.

SECTION 302 ACCESS TO PROPERTIES & STRUCTURES

- 302.1.** Every building hereafter erected or moved and every new principal use established shall be on a lot with vehicular access onto an adjacent public or private street that is designed in accordance with Section 135-54 of the SLDO.
- 302.2.** Outparcel lots are also permitted provided that they adjoin an internal vehicular road network that is designed in accordance with Section 135-54 of the SLDO and such uses shall be accompanied by a cross access easement in a form acceptable to the Township Solicitor. Outparcels relying upon an internal vehicular road network shall be designed to avoid excessive queuing across parking aisles.
- 302.2.** All uses shall be sited on lots in such manner to provide for safe and convenient access for servicing, fire protection, waste collection, required off-street parking and loading spaces.
- 302.3.** Approved access shall be defined in terms of the Subdivision and Land Development Ordinance of Conewago Township, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings and farms shall be via driveways (see Section 304); access to lots containing other uses shall be via access drives (see Section 301).

SECTION 303 CLEAR SIGHT TRIANGLE

- 303.1.** On corner lots, there shall be provided and maintained a clear sight triangle of at least seventy-five (75) feet, as measured along the centerline of any streets from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted at a height greater than thirty (30) inches within such area. All such clear sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications. If the clear sight triangle is not contained entirely within the public right-of-way, all



recorded plans with access drives shall include a note granting the Township access to remove any visual obstruction within the clear sight triangle.

- 303.2.** In addition, any vegetative material that creates a visual obstruction and is greater than thirty (30) inches in height, that existed on the effective date of this Ordinance, and that is located within the above-described clear sight triangle shall be considered nonconforming. Such vegetation may continue for a period not to exceed six (6) months from the effective date of this Ordinance. After six (6) months, such vegetation must be trimmed so as not to create a visual obstruction or be removed by the owner.
- 303.3.** Clear sight-triangles for driveways are regulated by Section 304.3. of this Ordinance. Clear sight-triangles for access drives are regulated by Section 301.3. of this Ordinance.

SECTION 304 DRIVEWAY REQUIREMENTS (SINGLE-FAMILY DWELLINGS AND FARMS)

304.1. NUMBER PER LOT

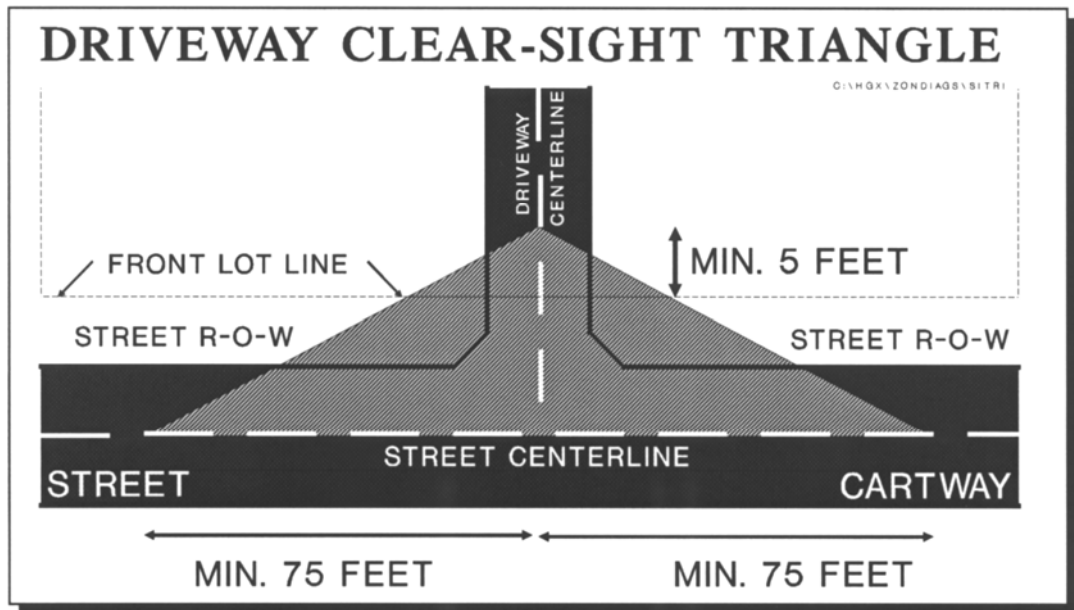
No more than one (1) driveway connection per lot frontage shall be permitted except that two (2) driveway connections shall be permitted along any lot frontage exceeding two hundred feet (200').

304.2. SETBACKS

- A. Driveways shall not connect with a public street within sixty (60) feet of the right-of-way lines of any intersecting streets; except that driveways may connect with a local street as listed in Section 319 of this Ordinance directly opposite another local street.
- B. Driveways shall not connect with a public street within five (5) feet of a fire hydrant.
- C. Furthermore, no part of a driveway shall be located within five (5) feet from any adjoining side lot line, except as permitted in Sections 304.2.D.5., 304.10., 304.11., 304.12., and 304.13. of this Ordinance;
- D. If any of the preceding required setbacks cannot be met the Zoning Hearing Board may grant a special exception to approve an alternate driveway design subject to the following criteria:
1. There shall be a minimum 10-foot tangent distance between the end of the intersecting roadway radius and the beginning radius of a permitted driveway.
 2. The distance from the nearest edge of cartway of an intersecting roadway to the beginning radius of a permitted driveway shall be a minimum of 30 feet.
 3. If no other reasonable access to the property is available, and no reasonable alternative is identified, the driveway shall be located the farthest possible distance from the intersecting roadway. In such cases, directional connections (i.e., right in/right out only, right in only or right out only) may be required.
 4. The municipality shall require restrictions at the driveway if the Township engineer determines that the location of the driveway and particular ingress or egress movements will create safety or operational problems.
 5. Driveways that serve adjoining duplexes shall be permitted within one foot (1') of a side lot line that is located between said driveways.

304.3. CLEAR-SIGHT TRIANGLE & ADEQUATE SIGHT DISTANCE

- A. Driveways shall be located and constructed so that a clear-sight triangle of seventy-five (75) feet as measured along the street centerline and five (5) feet along the driveway centerline is maintained as depicted below. No permanent obstructions and/or plant materials over thirty (30") inches high shall be placed within this area;
- B. Adequate sight distance shall be demonstrated on all plans and provided in accordance



with "A Policy of Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials, the Pennsylvania Department of Transportation, in "Publication 212, Engineering and Traffic Studies, both of which as may be amended and/or superseded. Such areas shall be kept free of improvements and vegetation or any other obstruction that would interfere with sight distance up to a height of thirty inches (30"). In addition, all recorded plans with driveways shall include an easement granting the Township access to remove any visual obstruction within the area identified for adequate sight distance.

304.4. SLOPE

A driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the street right-of-way lines nor fifteen percent (15%) elsewhere;

304.5. ROAD CLASSIFICATION

Driveway access shall be connected to the street of lesser classification when there is more than one street classification involved;

304.6. DRIVEWAY SURFACE, RADIUS, WIDTH & APRON

Driveways shall provide a minimum ten (10) feet paved width and a minimum radius of fifteen (15) feet. No driveway shall provide a curb cut exceeding twenty-two (22) feet in width between the abutting street cartway and the street right-of-way. All driveways shall be paved or be constructed with a paved apron that extends from the street cartway to a depth of at least twenty-five feet (25') feet onto the subject property. Beyond the paved apron all driveways shall be provided with a dust free surface or in the alternative a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding paved apron to help collect any mud that may have attached to a vehicle's wheels;

304.7. REQUIRED PERMIT

Any driveway intersecting with a State-owned road shall require the obtainment of a highway occupancy permit from the Pennsylvania Department of Transportation. Any driveway intersecting with a Township-owned road shall require the obtainment of a driveway permit from the Township.

304.8. DRAINAGE

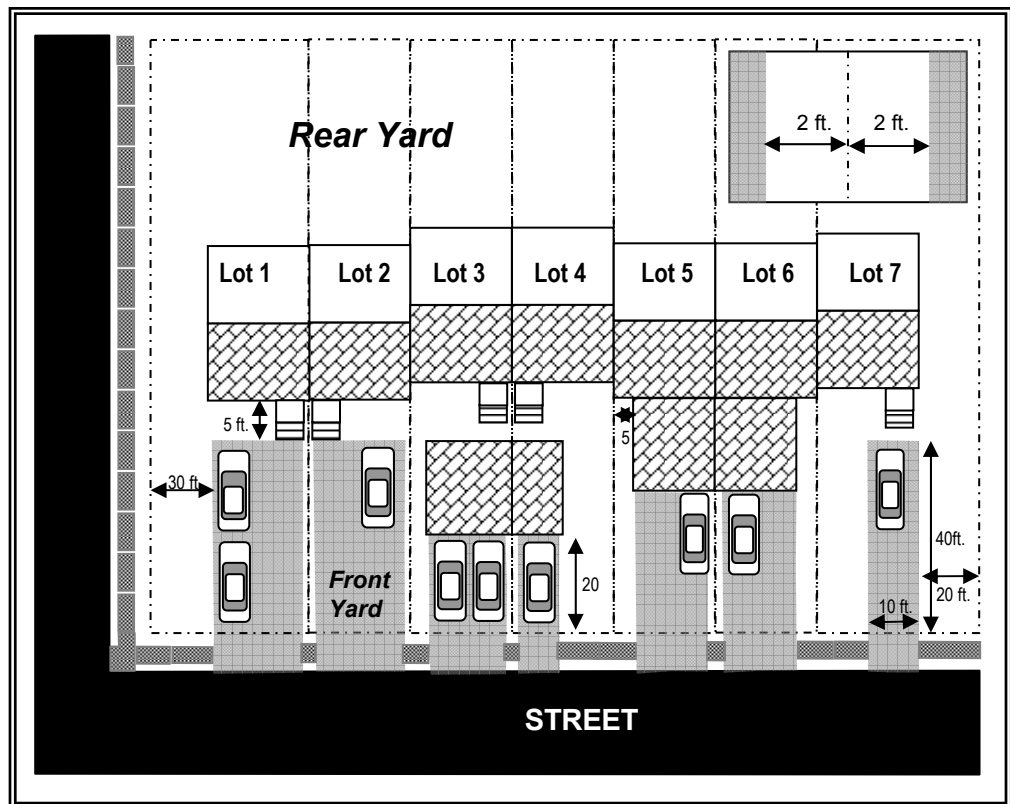
Driveways shall be constructed in a manner consistent with the design, maintenance, and drainage of the street;

304.9. VERTICAL CLEARANCE

Driveways shall maintain a vertical clearance of at least twelve (12) feet that is clear of obstructions and vegetation to facilitate emergency vehicle access.

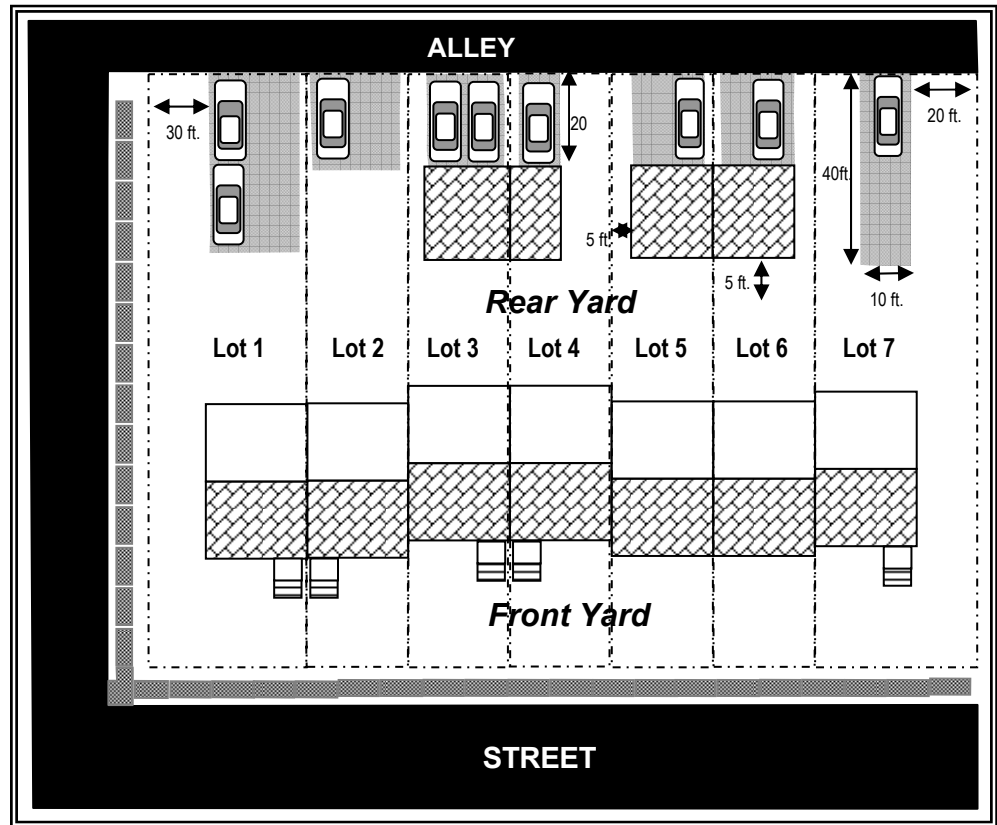
304.10. Townhouses on individual lots are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following regulations as depicted in the following diagram:

- A. Such driveways must be separate on each lot and shall accommodate at least two (2) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see LOT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage(see LOT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see LOT 3);
- E. Such driveways must be set back at least:
 - 1. two feet (2') from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6 and see the inset in the following diagram);
 - 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 - 3. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7); and,
 - 4. five feet (5') from the closest point of any building other than a garage (see LOT 1).
- F. No individual driveway shall be narrower than ten feet (10') (see LOT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 - 1. twenty feet (20') from the street right-of-way (see LOT 4);
 - 2. five feet (5') from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOTS 4 & 5);
 - 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see LOTS 3 & 4); and,
 - 4. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



304.11. Townhouses on individual lots are permitted to utilize rear yard driveways and garages, if such driveways and garages, and comply with the following requirements as depicted in the following diagram:

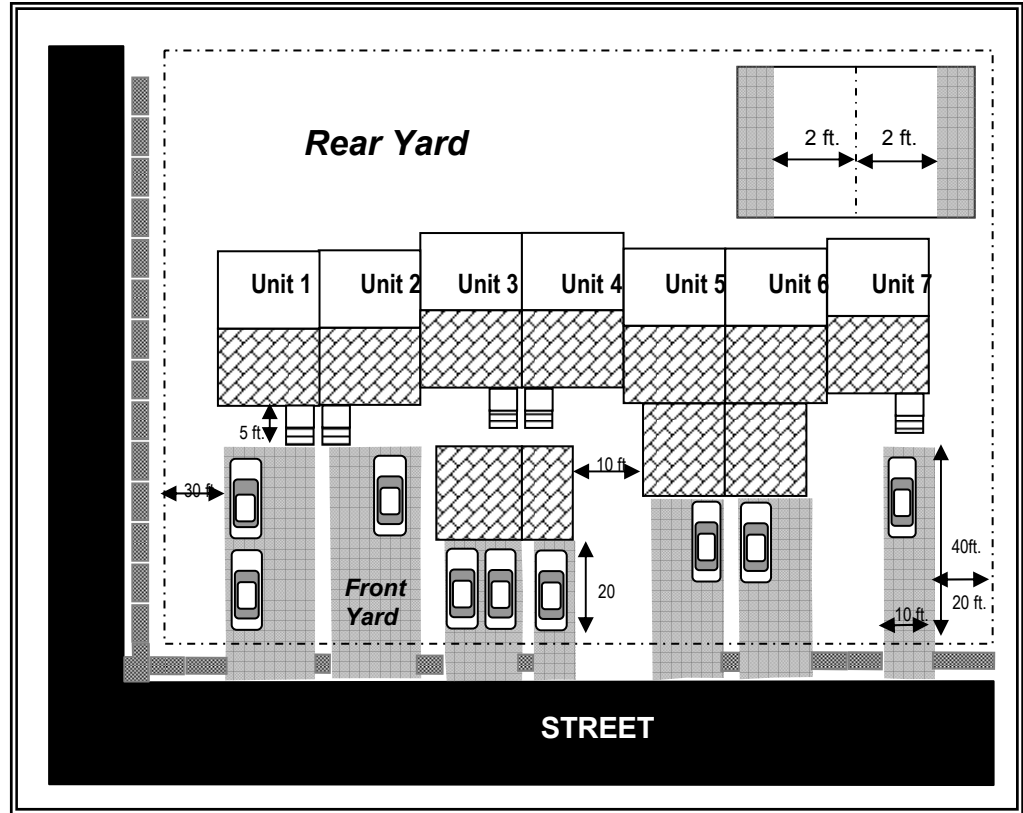
- A. Such driveways must be separate on each lot and shall accommodate at least two (2) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see LOT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage(see LOT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see LOT 3);
- E. Such driveways must be set back at least:
 1. two feet (2') from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 3. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7); and,
 4. five feet (5') from the closest point of any building other than a garage.
- F. No individual driveway shall be narrower than ten feet (10') (see LOT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the rear lot line or alley cartway whichever provides the greater setback (see LOT 4);
 2. five feet (5') from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOT 5);
 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see LOT 6); and,
 4. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



304.12. Townhouses on common property are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following requirements as depicted in the following diagram:

- A. Such driveways must be separate for each unit and shall accommodate at least two (2) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see UNIT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage (see UNIT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see UNIT 3);
- E. Such driveways must be set back at least:
 1. four feet (4') from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 in the above diagram);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 3. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7); and,
 4. five feet (5') from the closest point of any building other than a garage (see UNIT 1).
- F. No individual driveway shall be narrower than ten feet (10') (see UNIT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the street right-of-way (see UNIT 4);
 2. ten feet (10') from any garage of an adjoining townhouse that does not share an attached garage (see UNITS 4 & 5);
 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4); and,

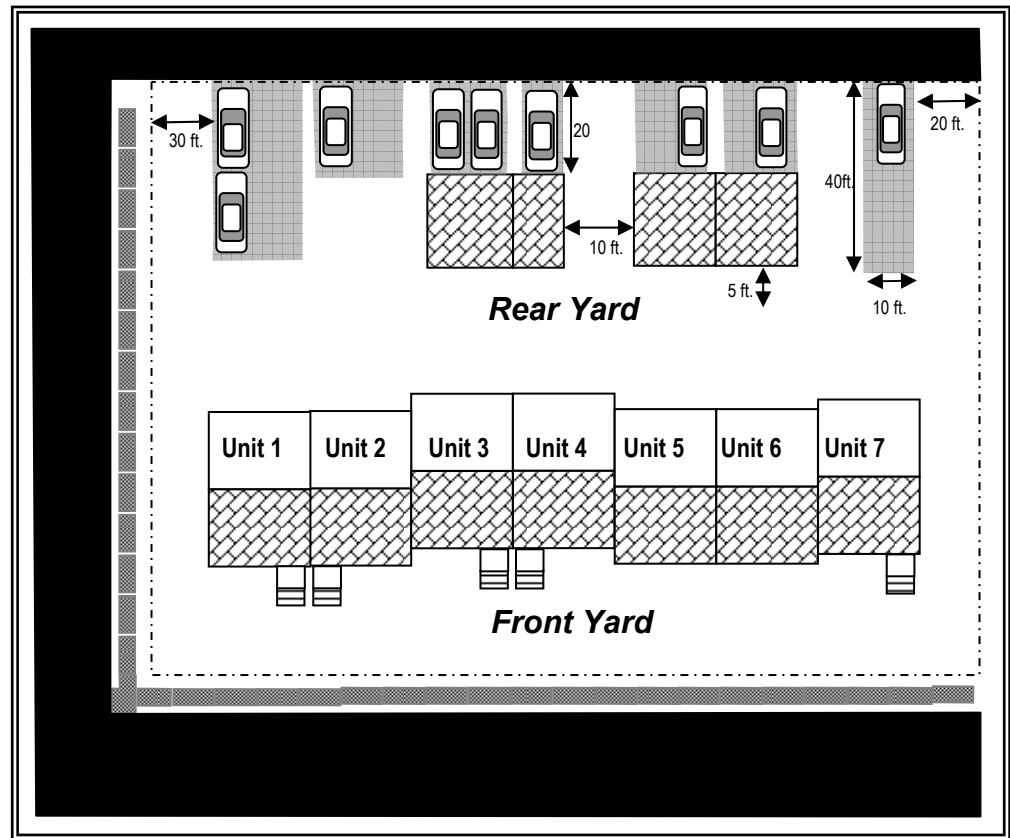
4. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7).



304.13. Townhouses on common property are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to provide independent access to both required off-street parking spaces, and comply with the following requirements depicted in the following diagram:

- A. Such driveways must be separate for each unit and shall accommodate at least two (2) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see UNIT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage (see UNIT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see UNITS 2 & 3);
- E. Such driveways must be set back at least:
 1. four feet (4) from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 and see the inset in the above diagram);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 3. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7); and,
 4. five feet (5') from the closest point of any building other than a garage (see UNIT 6).
- F. No individual driveway shall be narrower than ten feet (10') (see UNIT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the rear lot line or alley cartway whichever provides the greater setback (see UNIT 4);

2. ten feet (10') from any garage of an adjoining townhouse that does not share an attached garage;
3. five feet (5'), from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4); and,
4. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7).



SECTION 305 ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT

More than one principal use may be established on a single lot only when each use complies with all of the lot area, yard and all other requirements of this Ordinance as though it were on an individual lot, and a plan has been recorded in compliance with the SLDO.

SECTION 306 FRONT YARD EXCEPTIONS

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a depth equal to the average of the two (2) adjoining lots, provided that in no case shall the front yard be less than ten (10) feet from an abutting street right-of-way line with a width of fifty (50) feet or more and twenty (20) feet from an abutting street right-of-way line with a width of less than fifty (50) feet.

SECTION 307 GRADING PLANS

Except as noted in Section 513.F. of this Ordinance, any action involving an "area of disturbance" (as defined herein) shall require the submission of an individual lot grading plan to the Zoning Officer in accordance with Chapter 77 of the Code.

SECTION 308 HEIGHT LIMIT EXCEPTIONS

308.1. Except as relating to light poles for outdoor recreation as listed in Section 309.6.L. of this Ordinance, the height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line, are not used for habitable floor space, comply with applicable FAA regulations, comply with Section 240 of this Zone and are constructed in accordance with the prevailing Uniform Construction Code:

- A. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, clock or bell towers, spires, steeples, belfries, cupolas, monuments, dormers, satellite dishes, electrical transmission lines and structures, conveyors, derricks, skylights, solar energy collectors and other similar structures;
- B. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances;
- C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,
- D. Church or school roofs.

308.2. 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 any use; and,

308.3. In lieu of this section, telecommunications towers, wireless communication facilities, and similar antennae shall be subject to the regulations of Section 439 of this Ordinance.

SECTION 309 LIGHTING REQUIREMENTS

309.1. PURPOSES

This Section is enacted for the following purposes:

- A. To establish requirements for outdoor lighting installations which promote public safety and welfare during the nighttime while minimizing the adverse effects of glare and light trespass often associated with outdoor lighting;
- B. To protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting installations located on adjacent properties and roadways;
- C. To prohibit outdoor lighting installations which are of excessive intensity and/or are deficient of photometric control such that the resulting glare and light trespass create a nuisance to pedestrians, cyclists, or motorists on neighboring properties and roadways;
- D. To promote outdoor lighting installations which serve to enhance the nighttime safety and enjoyment of pedestrians, cyclists, and motorists throughout the community;
- E. To set forth outdoor lighting requirements which are consistent with lighting industry standards and practices, available technologies, and the lighting sciences.

309.2. APPLICABILITY

The requirements of this Section 309 shall apply to the following outdoor lighting installations:

- A. Outdoor lighting installations which are newly designed, constructed, erected, or otherwise placed into operation after the effective date of this Ordinance;
- B. Alterations, rehabilitations, or renovations to existing outdoor lighting installations, which are commenced after the effective date of this Ordinance, and which involve the complete replacement of an existing lighting system with a new lighting system.
- C. Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Ordinance, the new fixture must meet the standards of this Section.

309.3. NON-APPLICABILITY

- A. The requirements of this Section shall not apply to, nor be retroactive to, existing outdoor lighting installations which began operation before the effective date of this Ordinance. Routine maintenance of said existing outdoor lighting installations shall not be required to comply with the requirements of this Section. Routine maintenance activities include the following:
 - 1. Replacement of lamps that are burned-out or inoperative.
 - 2. Replacement/repair of damaged or inoperative fixture components such as ballasts, ignitors, lenses, reflectors, refractors, sockets, or photocell controls.
- B. The standards of this section 309 shall not apply to the following:
 - 1. Temporary holiday lighting. This Section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
 - 2. Civic Event Lighting. This Section does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
 - 3. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, or other federal, state, county or municipal agencies, to include streetlights within the public right-of-way.
 - 4. Outdoor lighting fixtures required by law enforcement, fire and rescue, or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction.

309.4. ADOPTIONS BY REFERENCE

- A. Unless superseded by requirements listed in this Section 309 of this Ordinance, the "IESNA Lighting Handbook," most recent edition, as published by the Illuminating Engineering Society of North America (IESNA), is hereby adopted by reference and made a part hereof as if fully set out in this Section. The publication is on file in the Township Office.
- B. Unless superseded by requirements listed in this Section 309 of this Ordinance, the publication, a copy of which is on file in the Township Office, being marked and designated as "American National Standard, Nomenclature and Definitions for Illuminating Engineering", most recent edition, as published by the Illuminating Engineering Society of North America (IESNA) and approved by the American National Standards Institute, Inc. (ANSI), and referred to in this Section as "The ANSI/IESNA Lighting Definitions," is hereby adopted by reference and made a part hereof as if fully set out in this Section.

309.5. DESIGN CALCULATIONS IN ACCORDANCE WITH THE IESNA LIGHTING HANDBOOK

In addition to the specific requirements established in this Section, the design calculations for outdoor lighting installations shall be in accordance with the IESNA Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods and procedures, photometric classifications, and photometric testing procedures. Illuminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements.

309.6. PERFORMANCE STANDARDS.

A. In the (A, R-1, R-2, R-3 and MU) Zones, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property within the (A, R-1, R-2, R-3 and MU) Zones or from the public street. The light source shall be downcast, hooded, shielded or controlled so as not to light adjacent property in excess of the maximum intensity as defined below.

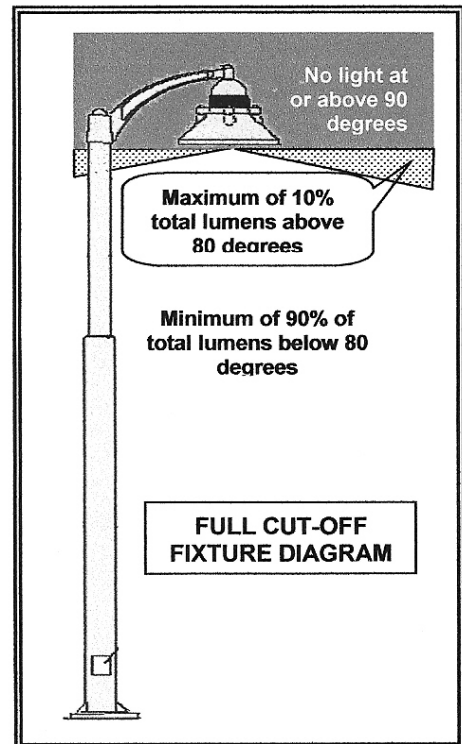
B. In the (VC, HC, I and Q) Zones, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property or from the public street.

1. Use of Full Cutoff Fixtures Required. Except as noted below in Sections 309.6.B.1.c. and d, all fixtures employed in outdoor lighting installations shall be the full cutoff fixture type as depicted in the adjoining diagram.

a. The candlepower distribution classification of the fixture as a cutoff type shall be in accordance with the ANSI/IESNA Lighting Definitions and the IESNA Lighting Handbook. The manufacturer of the fixture shall provide certification of the cutoff classification based on photometric testing performed in accordance with the IESNA Lighting Handbook and the applicable testing procedures referenced therein. The requirement for the use of full cutoff fixture types shall include, but is not limited to, the following outdoor area and roadway lighting configurations:

- i. Pole-mounted fixtures.
- ii. Fixtures mounted on the exterior of buildings and structures.
- iii. Fixtures mounted on or within exterior canopies of buildings and structures.
- iv. Pedestal-or bollard-mounted fixtures.

b. Full cutoff fixtures shall be mounted plumb and level in accordance with the intended application of their design. For the purposes of this requirement, the center of the downward angle of the fixture (zero degree vertical angle of the candlepower distribution) shall be oriented plumb and the vertical angle of 90 degrees above the horizon shall be oriented level. Full cutoff fixtures shall not be installed in a canted or tilted position which permits candlepower distribution above the horizontal.



- c. Fixtures which do not meet the strict definition for full cutoff fixtures, yet employ advanced or alternative technology which causes the photometric performance to approach that of full cutoff fixtures, may be approved by the Township, on a case-by-case basis. Such fixtures include, but are not limited to, period-style fixtures with refractive globes and internal cutoff reflectors.
- d. Fixtures with a total initial lumen output of 10,000 lumens or less shall be permitted for decorative, accent, or supplementary lighting applications provided that glare shields are incorporated which cut off the candlepower distribution at and above the horizontal (level).

C. Illumination Levels

Outdoor lighting, where required by this or any other applicable Ordinance, or provided on property within the Township shall be provided within the range of permitted lighting levels as specified in the following table.

Required Lighting Levels			
Use	Measurement in Footcandles		
	Minimum	Average	Maximum
Local Street, where lighting is provided	0.2	0.4	2.4
Collector and arterial streets, where lighting is provided	0.2	0.9	5.4
Residential off-street parking lots	0.2	0.8	3.0
Non-residential off-street parking lots (up to 100 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (over 100 spaces)	0.5	2.0	7.5
Off-street loading areas	2.0	10	20
Walkways and bikeways (stairways, tunnels, bridges, elevation changes, ramps, obstructions and curves, etc.)	0.1	NA	2.0
Walkways and bikeways at hazards (stairways, tunnels, bridges, elevation changes, ramps, obstructions and curves, etc.)	0.5	NA	2.0
Building entrances and signs	0.5	NA	2.0
Building facades, monuments, fountains & similar features	0	NA	5
Parks and athletic courts/ fields.*	As recommended by the IESNA.		
*Park and recreation lighting also subject to the requirements of Section 309.6.L. of this Ordinance.			

D. Intensity

No light source or combination thereof which cast light on a public street shall exceed a meter reading of one (1) footcandle as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent residential property exceed one tenth (0.1) footcandle as measured at the property line or one (1.0) footcandle on an adjacent non-residential property.

E. Method of Measuring Light Intensity

The footcandle level of a light source shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the

light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.

F. Height

The maximum height above the ground grade permitted for light sources mounted on a pole is twenty-five (25') feet. A light source mounted on a building shall not exceed the height of the face of the building to which it is attached or twenty-five feet (25') whichever is less. No light sources shall be located on the roof unless said light enhances the architectural features of the building.

G. Location

The light source of an outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case less than 10' from a street right of way and 5' from all side or rear lot lines.

H. Hours

Outdoor lighting, which serves commercial or industrial uses that do not operate after dark must be turned off one-half (1/2) hour after closing except for, approved security lighting in accordance with the following Section 309.6.I. For those commercial or industrial uses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the commercial or industrial use is open for service. Once the commercial or industrial uses closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.

I. Security Lighting

In all Zones, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed a maximum average illumination of twenty-five percent (25%) that level required in Section 309.6.C. of this Ordinance. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed a maximum illumination of five (5) footcandles.

J. Illumination Under Outdoor Canopies

Under-canopy lighting, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The illumination in the area directly below the canopy shall not exceed 20 average footcandles and the maximum shall not exceed 30 footcandles. Outdoor canopies include, but are not limited to, the following applications:

1. Fuel island canopies associated with service stations and convenience stores.
2. Exterior canopies above storefronts in shopping centers and malls.
3. Exterior canopies above driveways and building entrances.
4. Pavilions and gazebos.

K. Billboards and Signs

The lighting of new, or relighting of existing, billboards and signs shall be subject to the following requirements:

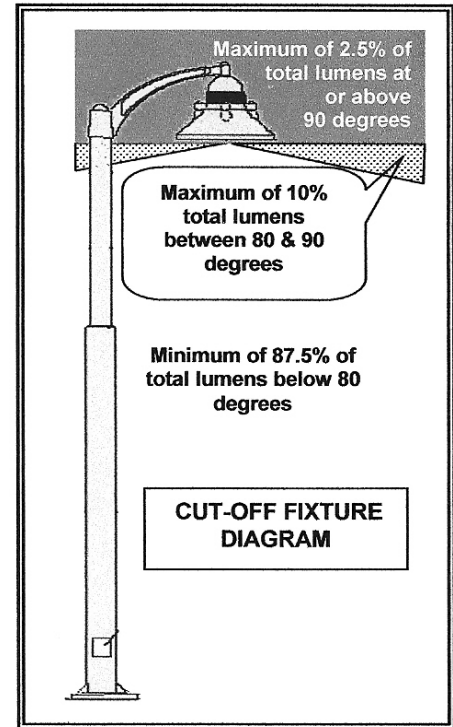
1. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto the billboard or sign and not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway. Lighting shall be by linear fluorescent. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during nighttime.
2. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
3. The illumination of existing billboards (new billboards are prohibited) shall be limited to the I Zone and the illumination of billboards within four hundred (400') feet of a residential use or (R-1, R-2, R-3 and MU) Zone shall not be permitted.
4. The maximum illumination on the face of an externally illuminated billboard or sign shall not exceed 30 footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.
5. Rotating, traveling, pulsing, flashing, animated, "marching" or oscillating light sources, lasers, beacons, or strobe lighting shall not be permitted except within the Industrial Zone and not within five hundred (500) feet of a signalized traffic intersection, a residential use or a (R-1, R-2, R-3 and MU) Zone .
6. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the (VC, HC, I and Q) Zones and shall comply with the requirements of Section 321.3.BB. of this Ordinance.
7. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
8. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
9. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
10. The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas, any (R-1, R-2, R-3 and MU) Zone, or any part of a building or property used for residential purposes.
11. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.
12. Business signs in other than (VC, HC, I and Q) Zones shall not be illuminated when the business is closed.
13. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.

14. Applications for the lighting or relighting of signs and billboards shall be accompanied by a point-by-point plot of illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting .

L. Outdoor Recreation

No lighting of recreation facilities shall be permitted brighter than that necessary for security purposes except during recreation events. The nighttime illumination of outdoor recreational facilities for baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. The following requirements shall apply to the lighting of outdoor recreation facilities:

1. Lighting shall be accomplished only through the use of fixtures conforming to IESNA cutoff criteria (as depicted in the adjoining diagram), or as otherwise approved by the Township based on suitable control of glare and light trespass.
2. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM.
3. Maximum mounting heights for recreational lighting shall be in accordance with the following:



Outdoor Recreation Activity	Maximum Mounting Height
Basketball	20'
Football	70'
Soccer, Lacrosse, Field Hockey, Rugby and other similar field sports	70'
Baseball 200' Radius	60'
Baseball 300' Radius	70'
Golf Driving Range	30"
Miniature Golf	20'
Swimming Pool Aprons	20'
Tennis	20'
Track	20'

4. Off street parking areas for outdoor recreation uses, which are illuminated, shall meet the requirements stated in Section 309.6.C. of this Ordinance
5. In addition to the normal lighting plan submission requirements listed in Section 309.8. of this Ordinance, applications for illuminating recreational facilities shall also contain the following:
 - a. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties within two hundred (200) feet of the subject property.
 - b. Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
 - c. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight.
 - d. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
 - e. A narrative describing the measures proposed to achieve minimum off-site disturbance.

309.7. PROHIBITIONS

No search lights, flashing lights or lights that may cause a hazard by impairing driver's vision shall be permitted.

309.8. SUBMISSION OF LIGHTING PLANS

Where site lighting is required by this Ordinance, is otherwise required by the Township, or is proposed by the applicant, lighting plans shall be submitted for review and approval. The submission shall contain the following in addition to other required data for the specific permit:

- A. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
- B. Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required, the angle of the cutoff or light emissions, etc.).
- C. A point-by-point illuminance-grid plot on 10' x 10' centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Section.
- D. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- E. When requested by the Township, the Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare. This plan may require the inclusion of footcandle values at specific off-site locations (e.g., bedroom windows of adjacent residential uses, street centerlines and etc).

F. Required Plan Notes - The following notes shall appear on the Lighting Plan:

1. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.
2. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Ordinance and as otherwise agreed upon by the Township, and if appropriate, to require remedial action at no expense to the Township.

SECTION 310 MINIMUM HABITABLE FLOOR AREA

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

- A. Single-family, duplex, quadraplex and townhouse dwelling units: seven hundred (700) square feet per dwelling unit.
- B. Multi-family dwellings and conversion apartments: four hundred (400) square feet per dwelling unit.

SECTION 311 NOISE STANDARDS

311.1. Except for agricultural, horticultural and forestry-related uses and as provided in Section 311.2. of this Ordinance, no use shall generate exterior noise levels in excess of those listed in the following table:

Measurement Taken Along An Adjoining Property that is Located Within the Following Zones	Time Period	Maximum Permitted Noise Level
(R-1, R-2, R-3 and MU)	6 a.m. to 10 p.m.	50 dBA
(R-1, R-2, R-3 and MU)	10 p.m. to 6 a.m.	45 dBA
(VC and HC)	6 a.m. to 10 p.m.	60 dBA
(VC and HC)	10 p.m. to 6 a.m.	55 dBA
(A, I and Q)	Anytime	70 dBA

311.2. Should the ambient noise level at any location exceed the above standards, that ambient noise level shall become the maximum permitted noise level at that location. The maximum permitted noise level shall be applied to regularly-occurring uses and activities. The following short-term and instantaneous generators of noise are permitted at noise levels 20 dBA higher than the above-described standards, but only between 7 a.m. and 10 p.m:

- A. Short-term temporary noises for periods of up to thirty (30) seconds during any hour but not exceeding five (5) minutes during any day; and,
- B. Infrequent instantaneous noises occurring no more than twice per hour but not exceeding ten (10) occurrences each day.

311.3. Sound pressure level shall be measured according to the specifications published by the American Standard Association.

311.4. All noise shall be muffled so as not to be objectionable due to intermittence, beat, frequency,

or shrillness.

311.5. The maximum permissible sound limits listed above shall not apply to any of the following noise sources:

- A. The emission of sound for the purpose of alerting people to the existence of an emergency or associated practice drill.
- B. Emergency work to provide electricity, water, or other public or private utility when the public health, safety, and welfare of the general population is at risk.
- C. Domestic hand and domestic power tools, machines, and/or equipment between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.
- D. Excavation and commercial construction operations and/or activities carried on between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.
- E. Public celebrations, including fireworks displays, authorized by the Township.
- F. Blasting operations associated with extractive related industries when conducted in accord with use specific regulations contained within Section 470 of this ordinance.
- G. Blasting in conjunction with non-extractive related excavation and construction operations between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.

SECTION 312 OFF-STREET LOADING SPACES

312.1. WHEN REQUIRED

Compliance with this Section 312 shall be required prior to the occupancy of any building or use that requires off-street loading. Off-street loading spaces shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

- A. a new use is established,
- B. the use of a property or building is changed such that more loading space is required, and
- C. an existing use is enlarged such that more loading space is required.

312.2. SITE PLAN APPROVAL

- A. Each application for a Zoning Permit for a use for which off-street loading spaces are required shall include a site plan drawing showing the proposed layout of the off-street loading spaces. The drawing shall clearly include the design elements required by this Section.
- B. 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.

312.3. DESIGN AND CONSTRUCTION

- A. All off-street loading spaces, shall be designed, constructed and maintained in accordance with Section 135-60 of the SLDO.

- B. Deviations from the requirements of Section 135-60 of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 135-26 of the SLDO; and,
- C. Deviations from the requirements of Section 135-60 of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.4. of this Zoning Ordinance.

312.4. SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES

The schedule of required off-street loading spaces is as follows:

Type of Use	Number Spaces Per	Gross Floor Area
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)
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)
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 principal use	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 gross floor area	1.0	25,000 square feet up to 100,000 square feet
	+1.0	Each additional 100,000 square feet
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)
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

Type of Use	Number Spaces Per	Gross Floor Area
	1.0	1,500 to 10,000 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)

SECTION 313 OFF-STREET PARKING

313.1. WHEN REQUIRED

Off-street parking shall be required in accordance with the provisions of this Section prior to the occupancy of any building or use. Off-street parking shall be provided whenever:

- A. A building is constructed or a new use is established,
- B. The use of an existing building is changed to a use requiring more parking facilities, and
- C. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

313.2. REDUCTION OF EXISTING PARKING

Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under Section 313.23. of this Ordinance.

313.3. PARKING FOR SINGLE-FAMILY DETACHED DWELLINGS

Every single-family detached dwelling shall be required to provide at least two (2) off-street parking spaces that are each a minimum of nine feet (9') wide and eighteen feet (18') long. Such spaces must be provided behind the street right-of-way line and may be within garages, carports, and/or driveways. Additional regulations pertaining to driveways are contained in Section 304 of this Ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single-family detached dwelling. The schedule of required parking spaces for other uses is contained in Section 313.19. of this Ordinance.

313.4. SITE PLAN APPROVAL.

- A. Each application for a Zoning Permit for a use that requires off-street parking spaces shall include a site plan drawing showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required here below.
- B. No Zoning Permit shall be issued for any use for which off-street parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

313.5. DESIGN AND CONSTRUCTION

- A. All off-street parking spaces, shall be designed, constructed and maintained in accordance with Section 135-59 of the SLDO.
- B. Deviations from the requirements of Section 135-59 of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 135-26 of the SLDO; and,

- D. Deviations from the requirements of Section 135-59 of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.4. of this Zoning Ordinance.

313.6. SCHEDULE OF REQUIRED PARKING SPACES

Except as provided for in Sections 313.6.A. and 313.6.C. (immediately following the below table) the minimum number of automobile and oversized off-street parking spaces to be provided for each land use type shall be as indicated on following chart. Any use involving a combination of several uses shall provide the sum of the number of spaces required for each individual use. Any calculation that results in a fraction shall require an additional full space.

COMMERCIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Space for Each
Automobile, truck, trailer, bus, and recreational vehicle repair and washing facilities	¼ service and/or washing bay (i.e. 4 per bay)	10,000 square feet of gross floor and ground area devoted to repair and service facilities.
Automobile, boat, and trailer sales	500 square feet of gross indoor and outdoor display areas	10,000 square feet of gross indoor and outdoor display areas
Banks and similar financial institutions.	200 square feet of gross floor area	10,000 square feet of gross floor area
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area	10,000 square feet of gross indoor and outdoor display areas
Convenience stores	75 square feet of gross floor area	1000 square feet of gross floor area
Drive-thru and/or fast-food restaurants	Two seats and one per each two employees	30 seats
Food markets and grocery stores	150 square feet of gross floor area	5000 square feet of gross floor area
Fuel dispensing use as a principal or accessory use	2 parallel spaces arranged in a stacked configuration for each fuel dispensing location.	Fuel dispensing use
Funeral homes	50 square feet of gross floor area	Funeral home
Furniture sales	500 square feet gross floor area	10,000 square feet of gross floor area
Hotels, motels	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)	10 guest sleeping rooms
Mini-warehouses	25 units plus one per 250 square feet of office space, plus two per any resident manager	25 units
Nightclubs	Two seats of legal occupancy plus one per each employee on site at one time	30 seats of legal occupancy
Office buildings	250 square feet of gross floor area	10,000 square feet of gross floor area
Clinics and professional offices of veterinarians, physicians, dentists, opticians, counselors and etc.	8 spaces per practitioner plus one per employee	10,000 square feet of gross floor area

COMMERCIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Space for Each
Retail services (e.g. barbers, beauticians, masseuse, tanning salon, tattoo parlor, photographer, etc.)	4 spaces per practitioner or 2 spaces per service station whichever produces the greater number	10,000 square feet of gross floor area
Retail stores or shops (except those listed above)	200 square feet of gross floor area plus one per each employee on two largest shifts	5000 square feet of gross floor area
Restaurants and taverns	Three seats plus one per each employee on largest shift	30 seats
Shopping centers or malls	See Section 480.J.	5000 square feet of gross floor area
Other commercial buildings	400 square feet of gross floor area	5000 square feet of gross floor area
Auditorium, banquet, conference, and meeting facilities; church, theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of are used for assembly purposes	100 persons of legal occupancy

INDUSTRIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number	10,000 square feet of gross floor area
Warehousing	Employee on the two largest shifts	10,000 square feet of gross floor area
Other industrial uses	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number	10,000 square feet of gross floor area

RECREATION USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Amusement arcades	80 square feet of gross floor area	30 persons of legal occupancy
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields, without spectator seating.	1/12 field (12 per field)	field (ie. 1 per field)
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields with spectator seating	1/12 field (12 per field) plus one (1) per each four (4) seats of spectator seating	1/2 field (ie. 2 per field)
Basketball and volleyball courts without spectator seating	1/8 court (8 per court)	Court (ie. 1 per court)

RECREATION USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Basketball and volleyball courts with spectator seating	1/8 court (8 per court) plus one (1) per each four (4) seats of spectator seating.	½ Court (ie. 2 per court)
Bowling alleys, billiards rooms	1/4 lane/table (i.e., 4 per lane/table) and one per each two employees	100 persons of legal occupancy
Campgrounds	Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses	RV campsite, plus 1 per 20 non-RV campsites
Golf courses	1/2 hole (i.e., 2 per hole), plus one per employee, plus 50% of the spaces normally required for accessory uses	9 holes
Golf driving ranges	One per tee and one per employee	20 tees
Gymnasiums without spectator seating	1/8 court (8 per court)	Court (ie. 1 per court)
Gymnasiums with spectator seating	1/8 court (8 per court) plus one (1) per four (4) seats of spectator seating.	½ Court (ie. 2 per court)
Miniature golf courses	1/2 hole (i.e., 2 per hole) and one per employee	18 holes
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating	Four stalls
Picnic areas	Per table	20 tables
Skating rinks	Four persons of legal occupancy	100 persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy	100 persons of legal occupancy
Tennis or racquetball clubs	1/4 court (i.e., 4 per court), plus one per employee plus 50% of the spaces normally required for accessory uses	10 courts

RESIDENTIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Single-family detached dwellings, two-family conversions, and conversion apartments	1/2 dwelling unit (i.e., two spaces per dwelling unit)	See Section 313.X. of this Ordinance.
Boarding houses, group homes, bed and breakfasts, orphanages, dormitories, rectories and etc.	Bedroom	See Section 313.X. of this Ordinance
Duplex, quadraplexes, townhouse and multiple-family, dwellings	1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.	See Section 313.X. of this Ordinance

SOCIAL AND INSTITUTIONAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Auditorium, banquet, conference, and meeting facilities; church, theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of are used for assembly purposes	100 persons of legal occupancy
Clubs, lodges and other similar places	Two seats but not less than 100 square feet of gross floor area and one per each employee on two largest shifts	30 persons of legal occupancy
Nursing, rest or retirement homes	Four accommodations (beds) in addition to those needed for doctors and support staff	100 persons of residency
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.	100 accommodations (beds)
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area	100 persons of legal occupancy
Rehabilitation centers (without overnight accommodations)	One per each employee and per each three people anticipated to be handled through the facility.	30 persons of legal occupancy
Schools below grade ten, including principal day-care and kindergarten	Six students of maximum permitted enrollment capacity	60 students of maximum permitted enrollment capacity
Schools, tenth grade and above, including colleges with on-site housing for a majority of students enrolled	Three students of maximum permitted enrollment capacity	40 students of maximum permitted enrollment capacity
Colleges that do not offer on-site housing for a majority of students enrolled	1.5 students of maximum permitted enrollment capacity	60 students of maximum permitted enrollment capacity
Vocational training and adult education facilities	1.5 students of maximum permitted enrollment capacity	60 students of maximum permitted enrollment capacity

- A. All other uses not specifically mentioned above shall provide off-street parking spaces to accommodate one (1) space for the maximum number of persons regularly employed, having business, and/or resident upon the premises at any given time.
- B. For commercial and industrial uses, no off-street parking area shall accommodate more than one hundred twenty (120) percent of the minimum requirement, regardless of whether such additional spaces are provided with pervious surfacing, except as provided for below by Section 313.23.C.
- C. Alternative off-street parking standards to those provided in this Section may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 804.3. of this Ordinance. The applicant shall prove that adequate parking is provided for all uses within the development. Such proof shall include, but not necessarily be limited to, the following:
 1. Estimates of required parking needs based upon actual traffic or parking surveys for existing similar land uses located in comparable settings.
 2. Analysis of shared parking facilities with other uses that routinely experience peak parking demands at different times of the day, week, or season, and where the

parking spaces required by one use can also accommodate another nearby use.

3. Analysis of the possible use of permeable surfaces for overflow parking where such overflow parking area would be used sparingly and where the applicant can show that the permeable surfaces will be constructed of stable materials and will be environmentally beneficial to the community.
4. Analysis of the likelihood of the use of bus service (both public transit and charter service) by a significant volume of patrons.

313.7. PARKING OF COMMERCIAL TRUCKS

Within the (A) Zone, the parking of no more than one (1) commercial truck with a gross vehicle weight of no more than 11,000 pounds (Class IV) is permitted upon farms and residential properties, subject to the following conditions:

- A. The parking of a commercial truck upon a residential property is limited to a vehicle operated by the occupant of the residence and must be located within a completely enclosed garage unless the site has at least two (2) acres. No such parking space therein be leased to a non-resident of the lot.
- B. One (1) commercial truck may be parked or stored upon a farm where the use of such vehicle is not incidental to the use of the premises but is driven by an occupant of the farm. No business, occupation, or service shall be conducted therein.
- C. Any driveway used for commercial truck access shall have a minimum inside turning radius of fifty (50) feet.
- D. The driveway upon which a commercial vehicle is parked must have sufficient area for a truck turnaround so that the vehicle can enter and exit the site in a forward direction.
- E. The commercial truck must be parked behind the front building setback line or at least one hundred (100) feet, whichever is the lesser distance.
- F. Any driveway used for commercial truck access shall have a minimum one hundred (100) foot paved apron as measured from the street right-of-way.
- G. Commercial motor vehicles or commercial trailers of any kind or type without current license plates and current inspection stickers shall not be parked or stored upon any property other than in a completely enclosed garage or other accessory building. This requirement shall not apply to implements and other vehicles not normally used as conveyances on the public streets.

SECTION 314 ON-LOT SEWAGE DISPOSAL SYSTEM REQUIREMENTS

314.1. TWO DISPOSAL SITES REQUIRED

- A. For uses that will not be served by public or community sewage disposal systems, no lot shall be created or built upon and no subdivision or land development plan shall be approved unless and until primary and secondary on-lot sewage disposal sites are located and approved by the Township Sewage Enforcement Officer pursuant to all applicable regulations;
- B. No subdivision or land development plan shall be approved and recorded unless and until said plan and any deeds relating thereto are marked with the metes and bounds descriptions of the approved primary and secondary on-lot sewage disposal sites. The locations of the approved primary and secondary sites shall be depicted by a rectangle enclosing the tested area, and shall depict the exact locations of failed and passing

percolation holes, soil probes by number, limiting zone depth in inches for each soil probe, and the percentage of slope over the tested area with an arrow depicting slope direction. Where one or more of the proposed lots contain an existing dwelling or other structure with an on-lot sewage disposal system, an approved secondary site shall be located and described as a condition of approval;

- C. The owner and/or developer of any lot, subdivision or land development that are subject to the requirements of this Section 314, shall cause each plat, plan, deed, agreement of sale and/or any other document offering the lot for sale, lease or other transfer to be annotated with a notice in the form of a restrictive covenant, approved by the Township, to the buyer, tenant, or other party in interest advising of, and enforcing, the requirements of this Section. Such covenant shall protect the secondary on-lot sewage disposal site from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the secondary on-lot sewage disposal site is activated due to malfunction of the initial disposal site;
- D. The notice required by Section 314.1.C. shall state to the effect that there exist primary and secondary on-lot sewage disposal sites and that the secondary site shall be protected from use and not disturbed in any manner which would impact its intended use until such time as it is necessary to construct a second on-lot sewage disposal system. Said notice shall specifically refer to this Section and any other documents or materials including but not limited to deeds, deed restrictions, restrictive covenants, land development plans, and similar documents, which identify or relate to the secondary site.

314.2. MINIMUM LOT AREA

Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater and to properly accommodate a secondary on-lot sewage disposal site. Such determinations will be made by the PA DEP, through its sewer module review process. If required by PA DEP, the applicant shall prove that the amount of land needed is the minimum necessary for such protection to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater and to properly accommodate a secondary on-lot sewage disposal site.

314.3. REQUIRED MAINTENANCE

Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems in accordance with the Chapter 118, Article III of the Code.

SECTION 315 OPEN SPACE REQUIREMENTS

- 315.1. In those instances where open space is required elsewhere in this Ordinance, or when an applicant proposes the use of open space, such open space shall comply with Section 135-75 of the SLDO.
- 315.2. Deviations from the requirements of Section 135-75 of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 135-26 of the SLDO; and,
- 315.3. Deviations from the requirements of Section 135-75 of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.4. of this Zoning Ordinance.

SECTION 316 OPERATIONS AND PERFORMANCE STANDARDS

316.1. REQUIRED COMPLIANCE WITH APPLICABLE REGULATIONS

- A. All uses within the Township shall operate in compliance with all applicable State and Federal regulations. Performance standards identified herein are applicable to all land uses, existing and/or proposed, in all Zones of Conewago Township.
- B. No use, or premises in any Zone shall be developed, operated, altered, or occupied in a manner as to create any dangerous, injurious, noxious, or otherwise harmful, relative to fire, explosive, radiation, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; liquid or solid refuse or wastes; conditions conducive to the breeding of vermin; or other substance, condition, or element; in any manner or amount as to adversely affect the surrounding areas as described herein.
- C. Notwithstanding the laws and regulations of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and any other State and/or Federal regulations, the standards contained herein shall be utilized by Conewago Township as regulatory controls on land use.
- D. These standards shall be utilized in the evaluation of all zoning applications, zoning enforcement activities, subdivision plan proposals, and land development plan proposals, where applicable.
- E. These standards shall also be utilized as regulatory measures in the evaluation of existing land uses and activities conducted thereon. Compliance with these standards shall be demonstrated on a continuous basis and shall be enforced by the Zoning Officer.
- F. Property owners and/or proprietors who have been cited for any violation(s) of the performance standards identified herein shall be responsible for all costs incurred by the Township through its professional consultants and administrative staff in their performance of background investigations, legal proceedings, retributions, and rectification measures.
- G. The following lists Township regulations and other known governmental regulations associated with various land uses and their impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

316.2. AIR POLLUTION, AIRBORNE EMISSIONS, AND ODOR

- A. The Pennsylvania Air Pollution Control Act, enacted January 8, 1960, and as amended, in conjunction with "Chapter 131 -Ambient Air Quality Criteria" and "Chapter 123 - Standards for Contaminants" of "Article III Title 25 - Rules and Regulations" of 1971, as amended, of the Pennsylvania Department of Environmental Protection shall be considered as minimum standards for the control of smoke, dust, fumes, and emissions and shall control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases and odors.
- B. No use shall discharge contaminants to the air in excess of the limits prescribed herein, or as may be amended and/or created by State and/or Federal laws, rules, and regulations, unless such measures shall be utilized as prescribed by applicable the regulatory agency.
- C. There shall be no emission into the atmosphere of visible gray smoke of a shade darker than No.1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines or successor agency. Visible gray smoke as dark as No.2 on the said chart may be emitted if permitted by State and/or Federal regulatory controls for a period or periods totaling no more than four (4) minutes within any given eight (8) hour period. These provisions shall apply to smoke of other colors having an equivalent apparent opacity.

- D. No use shall discharge particulate matter into the atmosphere from incinerators in excess of 9.1 grains per cubic foot of gas at standard conditions corrected to twelve (12) percent carbon dioxide, except as may be designated under specific contaminants and as regulated by State and/or Federal regulatory controls.
- E. Open burning is not permitted unless such burning is consistent with the provisions and restrictions of all codes, regulations, and ordinances adopted by Conewago Township.
- F. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the property line of the use generating such odor. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table L "Odor Thresholds in Air" contained in the publication "Research on Chemical Odors: Part I - Odor thresholds for 53 Commercial Chemicals," October 1968, Manufacturing Chemists Association, Inc., Washington, D. C. and as may be amended.

316.3. ELECTRICAL, DIESEL, GAS OR OTHER POWER

"Rules and Regulations" of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. Every use requiring electrical, diesel, gas or other power source shall be so operated that any service lines, substation, shall conform to the highest applicable safety requirements, be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant, and concealed from abutting residential properties or adjoining (A, R-1, R-2, R-3 and MU) Zones.

316.4. FIRE AND EXPLOSIVES

- A. It is the responsibility of each property owner and/or tenant to ensure that his/her use does not jeopardize the public health, safety, and welfare of the Township because of potential explosive, fire, and/or hazardous condition.
- B. All activities and all storage of flammable and explosive materials shall be provided with safety devices against hazards of fire and explosion along with adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by State and Federal regulations.
- C. All explosive material shall conform to the requirements of Chapter 211, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations for Storage, Handling, and Use of Explosives.

316.5. GLARE AND HEAT

"Rules and Regulations" of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those lighting standards listed in Section 309 of this Ordinance. No use shall produce heat above the ambient temperature that is perceptible beyond subject property.

316.6. MATERIALS AND WASTE STORAGE, HANDLING AND DISPOSAL

- A. All uses must comply with Article 125 of the Code.
- B. All principal commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
 - 1. Listing of all materials to be used and/or produced on the site;

2. Listing of all wastes generated on the site; and,
3. Written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:
 - a. the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);
 - b. the Pennsylvania Solid Waste Management act (Act 97);
 - c. the Federal Emergency Management Act;
 - d. the Federal Superfund Amendment and Reauthorization Act;
 - e. the Pennsylvania Hazardous Materials Emergency Planning and Response Act; and,
 - f. the Pennsylvania Low-Level Radioactive Waste Disposal Act.
- C. No flammable or explosive liquids, solids, or gases shall be stored above ground, except within receptacles which meet all local, State, and/or Federal regulations unless restricted or prohibited by other regulatory controls contained within this ordinance.
- D. All storage facilities for fuel stored outdoors shall be enclosed by a security fence and screened from adjoining roads and properties.
- E. All storage facilities for fuel stored outdoors shall be located in accord with any State and/or Federal regulatory requirements for separation distances.
- F. Highly flammable or toxic or hazardous or explosive liquids, solids, or gases shall be stored above-ground in leakproof double walled containment vessels which accommodate testing for leaks and all such containment vessels and facilities shall be suitably screened by natural plantings so that they are not visible from lot lines.
- G. No substance which has the potential to contaminate groundwater or surface waters shall be permitted to be stored outdoors unless the property owner and/or proprietor provides safeguards from potential contamination satisfactory to the Township based upon State and Federal requirements.
- H. No materials or wastes shall be stored or deposited upon a lot in such form or manner that they:
 1. may be transferred off the lot by natural causes or forces;
 2. can contaminate a stream or watercourse;
 3. render a stream or watercourse undesirable as a source of water supply or recreation; or,
 4. will destroy aquatic life.
- I. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to vermin shall be stored only if enclosed in containers which are adequate to eliminate such hazards.
- J. All uses must properly dispose of wastes in accordance with all applicable laws and regulations. Except as provided for in Section 461 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is

prohibited.

- K. Within the (A, R-1, R-2, R-3 and MU) Zone and/or upon any property used for a principal residence, the use of dumpsters is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of dumpsters shall not exceed ninety (90) days during any calendar year and only following the obtainment of a zoning permit. Such dumpsters must be located so as not to block any required clear sight triangles as required in Section 301.3., 303 and 304.3. of this Ordinance and be at least ten (10) feet from all lot lines. The Zoning Officer may issue one time extension to the zoning permit, if the applicant can demonstrate that the nature of the proposed activity:

1. is ongoing;
2. is making reasonable progress;
3. requires additional time; and,
4. has a definitive ending date identified by the applicant beyond which the use shall cease.

316.7. MINE RECLAMATION AND OPEN PIT SETBACK

Pennsylvania Act No. 1984-219, the “Noncoal Surface Mining Conservation and Reclamation Act,” as well as any and all regulations that may succeed or replace these regulations.

316.8. NOISE POLLUTION

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those noise standards listed in Section 311 of this Ordinance.

316.9. RADIATION. RADIOACTIVITY ELECTRICAL INTERFERENCE

“Rules and Regulations” of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations.

316.10. SEWAGE AND OTHER WASTE DISPOSAL

“Rules and Regulations” of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those applicable standards listed in Sections 315 and 326 of this Ordinance.

316.11. VIBRATION

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, no use shall create vibration that is perceptible beyond the subject property or produces a peak measurement of 0.002g from either seismic or electronic vibration detection devices.

316.12. WATER POLLUTION

The Clean Streams Law, June 3, 1937 P.L. 1987, 35 P.S. 691.1 as amended, as well as any and all regulations that may succeed or replace these regulations.

SECTION 317 OUTDOOR STORAGE AND DISPLAY REQUIREMENTS

317.1. SHOPPING CART STORAGE

For grocery stores and other stores containing grocery departments, variety stores, home improvement and building supply stores, and other uses that provide shopping carts for use by customers, the outdoor storage and collection of shopping carts is permitted subject to the following.

- A. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot.
- B. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).
- C. Shopping cart storage and collection areas shall be situated to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the storefront.
- D. Signage for shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by this Ordinance.

317.2. SEASONAL SIDEWALK DISPLAYS

- A. Only seasonal merchandise may be displayed, and shall be limited to the periods from April 1 to October 1 and November 25 to January 5.
- B. The location of such outdoor displays shall be limited to sidewalks, under canopies, and other areas immediately in front of the building/storefront. The stacking or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide.
- C. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).
- D. In no case shall such sidewalk display area exceed fifty (50) percent of the linear area of the storefront. For example, a storefront two hundred (200) feet long could have a sidewalk display directly in front of the store with a maximum length of one hundred (100) feet.
- E. No signage, except as authorized by this Ordinance, shall be permitted.
- F. The applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permit applications and/or plans required by the Township. No additional permits shall be required, unless such area is to change location or size.

317.3. SPECIAL EVENT SALES

- A. In addition to the other provisions of this Section, two (2) special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of thirty (30) days per calendar year.
- B. Areas used for special event sales displays shall be sited to comply with the setback requirements for a principal structure or principal use, whichever is greater.
- C. Special event sales may be located within the parking lot, provided that such location does not contribute to congestion within the parking lot and upon the access drives that provide direct access to public roads. Within parking lots, such display areas shall be

clearly delineated from the adjoining parking lot by the use of identifiable barriers (such as tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted insofar that the remaining parking spaces available for use are greater than or equal to the number of such spaces required for the principal use by this Ordinance.

- D. The area devoted to special event sales displays shall not exceed twenty (20) percent of the gross leasable floor area of the use(s) conducting the special event sale.
- E. In shopping centers, special event sales shall be jointly held by all of those occupants of the shopping center that wish to participate. No individual occupants of a shopping center shall be permitted to conduct separate special event sales.
- F. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address or lighting systems shall be used that produce glare or noise impacts discernable at, or beyond, the property line.
- G. Signage for special event sales shall comply with the applicable requirements contained within this Ordinance.

SECTION 318 PROJECTIONS INTO YARDS

- 318.1.** The following projections shall be permitted into required yards and shall not be considered in the determination of yard size, lot coverage, or building coverage.
- A. Projecting architectural features (such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, and similar features) provided that any single such feature does not exceed five (5) square feet in external area, when viewed in plan view.
 - B. Uncovered stairs and landings, provided that such stairs or landings do not exceed three (3) feet six (6) inches in height.
 - C. Open balconies and fire escapes, provided that such balcony or fire escape is not supported on the ground and does not project more than five (5) feet into any yard nor come within three (3) feet of any property line.

SECTION 319 ROAD CLASSIFICATIONS

- 319.1.** For the purposes of this Ordinance, the Township's roads shall be classified in accordance with Section 135-54.E. of the SLDO.
- 315.2.** Deviations from the requirements of Section 135-54.E. of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 135-26 of the SLDO; and,
- 315.3.** Deviations from the requirements of Section 135-54.E. of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.4. of this Zoning Ordinance.

SECTION 320 SCREENING AND LANDSCAPING REQUIREMENTS

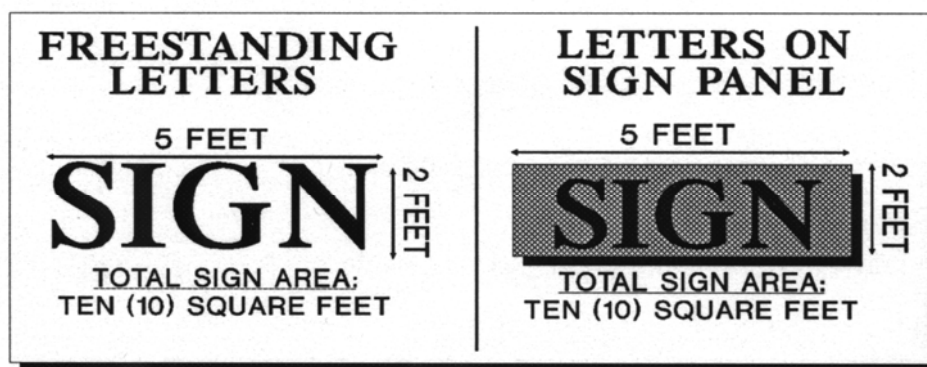
- 320.1.** All screening and landscaping, shall be designed, constructed and maintained in accordance with Section 135-70 of the SLDO.
- 320.2.** Deviations from the requirements of Section 135-70 of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 135-26 of the SLDO; and,

- 320.3.** Deviations from the requirements of Section 135-70 of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.4. of this Zoning Ordinance.

SECTION 321 SIGNS

321.1. PURPOSE.

- A. To provide for signs as a means of effective visual communication.
- B. To promote adopted comprehensive planning and zoning objectives.
- C. To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.
- D. To improve the safety of pedestrians, vehicular traffic, and property.
- E. To enhance the economic value of the community.
- F. To enhance the aesthetic environment.
- G. To minimize adverse effects of signs on nearby property.
- H. To otherwise promote the public health, safety, morals, and general welfare of the community.



- I. To regulate the use of signs through a sign permitting process.
- J. To enable the fair and consistent enforcement of these sign regulations.

321.2. SIGN AREA AND HEIGHT

The following guidelines shall apply when interpreting area and height regulations in this Section.

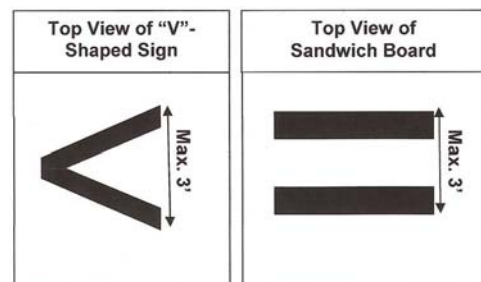
- A. Area - The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.
 - 1. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.

2. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.
 3. When a single sign structure has more than one (1) face with the same message, and no two (2) sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.
- B. Height - The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.
1. No sign shall be higher than the height limitation imposed by this Ordinance.
 2. The height of freestanding signs shall be controlled by the standards in Tables 1 and 2 listed in Section 321.4. of this Ordinance.
 3. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
 4. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

321.3. GENERAL REGULATIONS

The following regulations shall apply to all signs, in addition to the specific regulations contain in the following provisions of this Section. Where these general regulations are contradicted by a specific regulation, the specific regulation shall control.

- A. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
- B. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
- C. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
- D. All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.
- E. Each property that displays one (1) or more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one (1) permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of



one hundred (100) feet (three [3] inch high lettering/numerals with a three-quarter [$\frac{3}{4}$] inch stroke). The area taken up by the address does not count as part of the sign area. Shopping center signs are exempt from this requirement.

- F. No temporary signs shall be permitted except as authorized elsewhere in this Section.
- G. No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a sidewalk sign, a non-profit organization sign, or another sign approved by the Board of Supervisors or the Pennsylvania Department of Transportation.
- H. All freestanding signs shall be setback a minimum distance equal to the sign height from each lot line. No sign within the clear sight triangle shall obstruct vision between the heights of three feet (3') and eight (8') feet above the elevation of the centerline of the street.
- I. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.
- J. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
- K. No sign shall be placed so as to obstruct ventilation or light from a building.
- L. No overhead sign shall have a clearance of less than eight (8) feet between any pedestrian walk and the lowest part of the sign nor less than seventeen (17) feet six (6) inches between any roadway and the lowest part of the sign.
- M. No flat wall sign shall project more than eighteen (18) inches from the face of the wall to which it is attached over a public sidewalk.
- N. No wall projecting sign shall project more than forty-eight (48) inches from the face of the wall to which it is attached over a public sidewalk.
- O. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green, or yellow lights.
- P. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
- Q. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.
- R. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities", both as defined herein.
- S. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building. (See "Special Event Sign" in Temporary Sign Regulations Table for regulations that apply to banners used as special events signs).
- T. In addition to any other signage permitted by this Section, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved, standard flagpole.
- U. No sign shall emit smoke, visible vapors, particles, sound, or odor.

- V. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
- W. No inflatable signs shall be permitted.
- X. No open flames shall be permitted as part of a sign or in any other way to attract attention.
- Y. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this Section.
- Z. Any lighting of a sign or billboard must comply with Section 309.6.K. of this Ordinance.
- AA. Any sign may be exempted from the regulations of this Section as a special exception, if the applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.
- BB. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the (HC, I and Q) Zones and shall comply with the following requirements:
 - 1. Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists;
 - 2. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning;
 - 3. Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect for immediate recognition by motorists;
 - 4. Community Service – All dynamic message display sign owners must use at least twenty percent (20%) of the operating time per each eight (8) hour cycles for community service (i.e., time, temperature, and school closing, weather, nonprofit, announcements);
 - 5. All owners must notify **AMBER ALERT** and register its location for use as needed at:
(www.amber.state.pa.us/amber/guestaccount/registration_form.asp.) as may be amended.
 - 6. During times of Amber Alert the dynamic message display must display such information as provided by the PA State Police for no less than fifty percent of the operating time during each one (1) hour cycle;
 - 7. All properties utilizing a dynamic message display sign must remove all exterior promotional banners, sandwich board signs, and may not use any temporary signage; and,
 - 8. Each message display cycle shall comply with the following minimum time standards based upon the lowest speed limit of the road travel lane from which the sign is visible:

Required Minimum Message Display Cycles (seconds)			
Speed Limit (miles per hour)	Total sign area with up to 64 square feet	Total sign area with between 64 and 300 square feet	Total sign area with more than 300 square feet
25 mph	17 sec.	28 sec.	56 sec.
30 mph	14 sec.	24 sec.	48 sec.
35 mph	12 sec.	20 sec.	40 sec.
40 mph	11 sec.	18 sec.	36 sec.
45 mph	10 sec.	16 sec.	32 sec.
50 mph	9 sec.	14 sec.	28 sec.
55+ mph	8 sec.	12 sec.	24 sec.

321.4. SPECIFIC SIGN REQUIREMENTS

The tables on the following two pages tabulate requirements imposed upon permanent, temporary and planned center signs as permitted within the Township:

§ 321.4. - PERMANENT SIGN REQUIREMENTS (TABLE 1)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal building	64 sq. ft. for freestanding signs; 20% of the area of the wall/roof façade not to exceed 300 sq. ft.	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	All	See footnote 1 below.	Yes
Residential nameplates identifying name of home, its occupant, or both , not including name listing on mailbox.	1 per dwelling unit	2 square feet	5 feet	10 feet	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal feet of property line	2 square feet per sign	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 foot intervals.	No
Institutional & Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per sign	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	(A, R-1, R-2, R-3 and MU)	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	25 square feet, plus 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet per freestanding sign, not to exceed 100 square feet per attached sign.	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	All	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 square feet per sign; however, no more than 10% shall exceed 16 sq. ft.	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	All		No

¹In addition, two (2) off-premise signs shall be permitted per use. Such signs shall not exceed eight (8) square feet per side. If more than one organization collectively erects one sign, each organization shall be permitted a maximum of eight (8) 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. Off-premise signs may only be located upon private property with the written permission of the landowner, a copy of which must be submitted to the Zoning Officer upon application for a zoning permit. No off-premise sign shall be located within the street right-of-way. Off-premise signs must be designed and located so as not to interfere with the clear sight triangle of any driveway, access drive or street. No more than two (2) off-premise signs shall be located within two hundred (200) feet of any street intersection.

§ 321.4. TEMPORARY SIGN REQUIREMENTS (TABLE 2)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height of Roof & Wall Projecting Signs	Maximum Projection from Roof/Wall for Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans , displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	8 square feet	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	8 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	32 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Same as above.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved.	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other nonresidential uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC, HC, I and Q, but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 square feet if freestanding; 48 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC, HC, I and Q	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	8 square feet	5 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
Garage/yard sale signs upon properties conducting such sales.	2	8 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	See Section 441 for additional requirements.	Yes
Political signs.	Unlimited	8 square feet	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 30 days after an election.	No

§ 321.4. – PLANNED CENTER SIGN REQUIREMENTS (TABLE 3)

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Zoning Permit Required
Freestanding shopping center sign	1 per street frontage with entrance or exit	1 square foot for each 4 lineal feet of frontage within the shopping center, with a maximum of 110 square feet	20 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be up to a maximum of 150 square feet.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 square feet per lineal foot of storefront up to a maximum of 75 square feet	Height of wall to which sign is attached.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Outparcel signs for principal freestanding uses sharing common ingress and egress to shopping center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Freestanding shopping center sign along limited access highway	1 per shopping center	165 square feet	45 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes

321.5. NON-CONFORMING SIGNS

Non-conforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions.

- A. There shall be no expansion or increase in the non-conforming aspect in any way.
- B. Maintenance and repair of the sign are permitted. If necessary, up to fifty (50) percent of the entire area of a sign and its supporting structure may be replaced in the event of damage. Any such replacement must be completed within six (6) months of the damage occurring.
- C. The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

321.6. PERMITTING PROCEDURES AND FEES

- A. Permits for the placement of signs are required as indicated by the last column in the Tables listed in Section 321.4. of this Ordinance. All signs requiring permits must have such permit prior to the erection, installation, or alteration of the sign. Sign permit applications, forms, plan requirements, and fees shall be established by resolution of the Board of Supervisors.
- B. 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 the requirements of this Ordinance. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
 - 1. exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected;
 - 2. 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
 - 3. any other lawful information that may be required of the applicant by the Zoning Officer.
- C. 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.
- D. Permits shall be granted or refused within forty-five (45) days from date of application, or within forty-five (45) days from the date of the Zoning Hearing Board's decision, where applicable.

SECTION 322 TRAFFIC IMPACT REPORT

- 322.1.** As required traffic impact reports shall be provided in accordance with Section 135-33.E.(4) of the SLDO.
- 322.2.** Deviations from the requirements of Section 135-33.E.(4) of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 135-26 of the SLDO; and,

- 322.3.** Deviations from the requirements of Section 135-33.E.(4) of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.4. of this Zoning Ordinance.

Article 4

Specific Criteria

Section 400 **Specific Criteria for Permitted Uses, Special Exceptions and Conditional Uses**

- 400.A. **Applicability** - It is the intent of this Article to provide special controls and regulations for particular uses that are permitted by right, special exception, or conditional use within the various Zones established in this Ordinance. All uses must comply with the standards expressed within the underlying Zone and all other applicable sections of this Ordinance, unless those standards expressed within this Article differ; in such case, the specific standards listed within this Article shall apply.
- 400.B. **Permitted Uses** - For uses permitted by right, these standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall have the burden of proof that the proposed use is in compliance with these standards and all applicable regulations contained within this Ordinance and must furnish whatever evidence is necessary to demonstrate such compliance.
- 400.C. **Special Exceptions** - For uses permitted by special exception, this Article sets forth standards that shall be applied to each respective special exception. The applicant shall have the burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and those contained within this Article 4. The applicant shall also submit competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board.
- 400.D. **Conditional uses** - For uses permitted by conditional use, this Article sets forth standards that shall be applied to each respective conditional use. The applicant shall have the burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and those contained within this Article 4. The applicant shall also submit competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors.
- 400.E. **Setback Measurements** - For the purposes of this Article 4, any required setbacks imposed upon any use, building and/or structure, shall be measured from the boundary line of the site for which the proposed use, building and/or structure is requested, regardless of whether or not this line corresponds to a property line or a lease line.

Section 401 Adaptive Reuse of Agricultural Buildings

- 401.A. Within the (A) Zone the Adaptive Reuse of Agricultural buildings that existed on the effective date of this Ordinance is permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 401.B. Any use proposed under this Section must be permitted within the Township, but not be permitted by right, special exception or special exception, within the (A) Zone. The addition of new dwelling units are permitted subject the limitations expressed within Section 200.4. of this Ordinance.
- 401.C. Any number of uses may be permitted under this Section, provided that the Zoning Hearing Board finds that such multiple uses are designed and developed to function in a coordinated fashion, and that the uses are not inherently incompatible by reason of impact.
- 401.D. Any use proposed under this Section that has specific criteria applied to it within other non-Agricultural Zones, and listed in this Article 4 of this Ordinance, shall comply with such other specific criteria, unless the Zoning Hearing Board finds that such other specific criteria are not necessary because:
1. the specific criteria provide a level of protection that exceeds that necessary to protect the character of the site and its surroundings, and/or
 2. the specific criteria provide a level of protection that exceeds that necessary to protect adjoining properties because of man-made and/or natural conditions upon the site.
- 401.E. The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.
- 401.F. The applicant shall obtain any necessary land development approvals.
- 401.G. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed. All off-street parking and/or loading areas shall be screened from adjoining residences and off-street loading areas shall be screened from adjoining roads.
- 401.H. The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such use(s) that:
1. can be effectively accommodated without adverse impact to adjoining uses, and,
 2. will not introduce uses that would be adversely impacted by other uses, activities or operations contained either on, or adjoining, the site.

Section 402 Adult Uses

- 402.A. Within the (I) Zone, adult uses are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 402.B. An adult use shall not be permitted to be located within one thousand feet (1,000') of any other adult-related use;

- 402.C. No adult use shall be located within one thousand feet (1000') of any land within the (R-1, R-2, R-3, MU and VC) Zones;
- 402.D. No adult use shall be located within one thousand feet (1000') of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
 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
 10. Other lands where minors congregate.
- 402.E. The distance between any two adult uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each establishment. The distance between any adult use 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 property line of the adult-related use to the closest point on the property line of said land use;
- 402.F. 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;
- 402.G. Any building or structure used and occupied as an adult use 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;
- 402.H. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- 402.I. 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;
- 402.J. No adult use may change to another adult use, except upon approval of an additional special exception;
- 402.K. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 402.L. No unlawful sexual activity or conduct shall be permitted; and,
- 402.M. No more than one adult use may be located within one building or industrial park.

Section 403 Airports/Heliports

- 403.A. Within the (A and I) Zones, airports/heliports are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

- 403.B. Minimum Lot Area - Thirty (30) acres for airports and five (5) acres for heliports;
- 403.C. Within the (I) Zone such facilities shall be confined to heliports that are accessory to other principal uses.
- 403.D. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 403.E. 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 special exception application;
- 403.F. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock; and,
- 403.G. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred feet (300') from any property line.

Section 404 Alternative Energy Production Facilities

- 404.A. Within all Zones, alternative energy production facilities are permitted accessory uses, subject to the following criteria:
- 404.B. All facilities for the production of energy from alternative sources, (e.g. solar panels, wind mills, turbines, hydro-powered generators, etc. excluding outdoor furnaces) etc. shall be set back from all property lines at least the minimum distance as required for principal buildings in the Zone where the facility is to be located.
- 404.C. All structures that exceed the maximum permitted height within its respective Zone shall demonstrate compliance with Section 308 of this Ordinance.
- 404.D. All outdoor furnaces, as defined herein, shall comply with the following:
1. Outdoor furnaces which utilize any fuel or combustible material other than wood, natural gas, kerosene, propane, domestic heating oil, or electricity are prohibited and banned in all Zones within the Township. For the purposes of this definition wood fuel shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, and waste pallets. Wood fuel does not include materials chemically treated with any preservative, paint, or oil.
 2. Within the (A) Zone, outdoor furnaces are permitted by right subject to the following criteria:
 - a. No outdoor furnace shall be located upon a property that has a minimum lot area of less than one (1) acre.
 - b. No more than one (1) outdoor furnace shall be permitted per principal use.
 - c. No outdoor furnace shall be located within the front yard.
 - d. No outdoor furnace, shall be located within one-hundred feet (100') of any front, side or rear property line or the closest principal use located on the subject property.

- e. No outdoor furnace shall be operated between May 1 and September 30 of each calendar year.
- f. Except for limitations and requirements that may impose greater restriction as listed in this Section, the operation, location and fuels to be used within an outdoor furnace shall comply with the applicable manufacturer's specifications. A copy of the manufacturer's specifications shall be submitted to the Zoning Officer at the time of zoning permit application.
- g. Should an applicant design and construct his/her own outdoor furnace without manufacturer specifications, the applicant shall be required to obtain a special exception and meet his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within this Section 404 and Section 804.3.B. of the Zoning Ordinance. In addition the applicant must present qualified expert evidence that his/her outdoor furnace is suitable and safe for the use of that fuel to be consumed as limited by Section 404.C.1. of this Ordinance. Then, if approved, the fuel to be used within the outdoor furnace shall be limited to those that the Zoning Hearing Board determines can be safely consumed.
- h. For the purposes of this section the term "elevation" shall mean the specified vertical distance measured in relation to the National Geodetic Vertical Datum of 1929 (NGVD). At all times a completely enclosed exhaust chimney from an outdoor furnace shall extend to its emissions release point at an elevation equal to no less than two (2) feet higher than the highest elevation of the principal building that the unit serves and any other principal use located within three hundred feet of the outdoor furnace release point. Notwithstanding the foregoing, in no event shall the exhaust chimney height for any outdoor furnace be less than the manufacturer's guidelines, or for outdoor furnaces that are designed and built without manufacturer specifications, the height as suggested by qualified expert evidence that will enable suitable and safe operation and emissions. Any exhaust chimney exceeding thirty-five feet in height shall comply with Section 308 of this Ordinance.
- i. The design and use of an outdoor furnace must be such that no exterior surface of the outdoor furnace or its exposed above ground appurtenances shall at any time exceed a temperature of 120 degrees Fahrenheit.
- j. All components used to convey between the outdoor furnace and the principal use building must be located within the outdoor furnace enclosure, buried underground and contained within the enclosed principal use building. No exposed conveyances shall be permitted between the outdoor furnace and the principal use building.

Section 405 Amusement Arcades

- 405.A. Within the (VC and HC) Zones, amusement arcades are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 405.B. All activities shall take place within a completely-enclosed building;
- 405.C. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;

- 405.D. A minimum of one parking space for each eighty (80) square feet of gross 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 313.23. of this Ordinance; and,
- 405.E. An acceptable working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 406 Amusement, Theme and/or Zoo Parks

- 406.A. Within the (HC) Zone, amusement, theme and/or zoo parks are each permitted by conditional use provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 406.B. Purpose - This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- 406.C. Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Board of Supervisors that:
1. The proposed uses are coordinated to function as a single site;
 2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 3. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;
 4. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
 5. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,
 6. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- 406.D. Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the uses regulated in this Section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 905 of this Ordinance. The requirements of this Section 406 shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
1. The location, boundaries, dimensions, acreage, and ownership of the land to be included

within the proposed use;

2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 905.3. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;
5. The name, location, centerline and present right-of-way width of all abutting streets;
6. The natural and cultural features information as required by Article 5 of this Ordinance.
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
8. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, and etc:)
9. A traffic impact report as required by Section 322 of this Ordinance.
10. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
11. Noise as regulated by Section 311 of this Ordinance;
12. Lighting as regulated by Section 309 of this Ordinance;
13. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use;
14. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
15. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;

16. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 313.23. and 312.13., respectively, of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;
17. The handling and disposal of materials and wastes as required by Section 316.6. of this Ordinance;
18. Methods used to contain, collect and dispose of litter on the site. This shall include a written description of an acceptable working plan for litter clean-up;
19. For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site; and, (4) offer the humane treatment and care of animals at all times.
20. Scaled graphic representations of those signs used to attract the public onto the site in accordance with Section 321 of this Ordinance; and,
21. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the (HC) Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
22. Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - a. That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - b. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;
 - c. The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77;
 - d. For new buildings and building expansions, the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
 - e. If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
 - f. An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
 - g. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access

to each floor shall be provided;

- h. For new buildings and building expansions, knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used;
- i. For new buildings and building expansions, forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor; and,
- j. If applicable, the applicant must demonstrate that the rescue of patrons on each amusement ride can occur in a safe and expedient manner during times of emergency.

406.E. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

- 1. Such modifications of standards better serve the design and operational objectives listed in Section 406.C. of this Ordinance;
- 2. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
- 3. Such modifications will not result in an increase in permitted lot coverage for the site; and,
- 4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 406 of the Zoning Ordinance.

406.F. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use pursuant to Section 901 of this Ordinance. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

- 1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
- 2. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 901.1.K. of this Ordinance provided that:
 - a. the proposed uses are consistent with those contemplated in the Master Concept Plan;
 - b. the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
 - c. the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,

- d. the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

Section 407 Auction House, Excluding Automobile Auctions

- 407.A. Within the (VC and HC) Zones, auction houses, excluding automobile auctions, are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 407.B. All auction activities shall be conducted within a completely enclosed building.
- 407.C. No outdoor storage or display is permitted.
- 407.D. Off-street parking shall be provided at the rate of one (1) space per each two (2) persons of legal occupancy within the auction house, plus one (1) space per employee on the site at any one time. Oversized off-street parking shall be provided at the rate of one (1) space per each fifteen (15) persons of legal occupancy within the auction house.
- 407.E. A minimum of four off-street loading spaces shall be provided, subject to increases in accordance with the schedule listed in Section 312.13. of this Ordinance.
- 407.F. Should the proposed use include a cafeteria or refreshment counter, the applicant shall furnish and continuously implement an acceptable working plan for the collection of litter and debris.

Section 408 Automobile and/or Animal Racing Facility With or Without Related Wagering

- 408.A. Within the (HC) Zone, automobile and/or animal racing facilities with or without related wagering are permitted by conditional use provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 408.B. Purpose - This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- 408.C. Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Board of Supervisors that:
 - 1. The proposed uses are coordinated to function as a single site;
 - 2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 - 3. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;

4. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
 5. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,
 6. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- 408.D. Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the uses regulated in this Section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 905 of this Ordinance. The requirements of this Section 408 shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;
 2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
 3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 905.3. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
 4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;
 5. The name, location, centerline and present right-of-way width of all abutting streets;
 6. The natural and cultural features information as required by Article 5 of this Ordinance.
 7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
 8. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, etc.)
 9. A traffic impact report as required by Section 322 of this Ordinance;
 10. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;

11. Noise as regulated by Section 311 of this Ordinance;
12. Lighting as regulated by Section 309 of this Ordinance;
13. Hours of public operation which will be limited between noon and 10:00 PM;
14. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use;
15. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
16. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;
17. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 313.23. and 312.13., respectively, of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;
18. The handling and disposal of materials and wastes as required by Section 316.6. of this Ordinance;
19. Methods used to contain, collect and dispose of litter on the site. This shall include a written description of an acceptable working plan for litter clean-up;
20. For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site; and, (4) offer the humane treatment and care of animals at all times.
21. Scaled graphic representations of those signs used to attract the public onto the site in accordance with Section 321 of this Ordinance; and,
22. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the (HC) Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
23. Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - a. That the proposed structure is setback a horizontal distance at least equal to its height from each property line;

- b. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;
- c. The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77;
- d. The applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
- e. If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
- f. An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
- g. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided;
- h. Knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used; and,
- i. Forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor.

408.E. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

- 1. Such modifications of standards better serve the design and operational objectives listed in Section 408.C. of this Ordinance;
- 2. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
- 3. Such modifications will not result in an increase in permitted lot coverage for the site; and,
- 4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 408 of the Zoning Ordinance.

408.F. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use pursuant to Section 901 of this Ordinance. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

- 1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,

2. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 901.1.K. of this Ordinance provided that:
 - a. the proposed uses are consistent with those contemplated in the Master Concept Plan;
 - b. the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
 - c. the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
 - d. the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

Section 409 Automobile Auctions and Storage Yards

- 409.A. Within the (I) Zone, automobile auctions and storage yards are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 409.B. The subject property must front upon and have direct vehicular access to a collector or arterial road as listed in Section 319 of this Ordinance.
- 409.C. The applicant shall be required to submit an expert-prepared on-site circulation plan prepared by a professional traffic engineer certified by the Commonwealth of Pennsylvania. Such circulation plan must fully describe the location and manner in which vehicles for auction arrive, are registered, are stored, are displayed, are readied for sale, are stacked for sale, are sold, are road tested, are stored post-sale and then depart the site. It is incumbent upon the applicant to demonstrate that the proposed circulation pattern can be operated safely and will not interfere with the on-site circulation and parking of customers and employees or the flow of traffic on adjoining streets. Such plan shall clearly delineate exterior areas of the site that are to be used solely for the storage of vehicles as opposed to display and sales areas and required off-street parking spaces.
- 409.D. Exterior areas used solely for the storage of vehicles shall be connected to other areas of the site and the adjoining street via one or more access drives in accordance Section 301 of this Ordinance.
- 409.E. Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 313 of the Zoning Ordinance, except that such areas:
 1. may be arranged with blocks of horizontally-stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle or piece of heavy equipment shall be located more than one hundred feet (100') from an on-site interior drive. Such interior drives must be a minimum of eighteen (18) feet wide, unless greater width is required under Section 313.10. of this Ordinance;
 2. may employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least one hundred feet (100') from the closest property line. Vertical stacking shall not exceed fifteen (15') feet;

3. need not be paved, but must have an all-weather and dust-free surface;
 4. shall be completely enclosed by a six foot (6') high fence, which shall be subject to the (I) Zone's setback requirements imposed upon off-street parking lots;
 5. shall be lighted to provide an average of minimum one (1) foot candle level of illumination at an elevation of three (3) feet above grade for the detection of suspicious movement. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads; and,
 6. need not comply with the interior landscaping requirements, but must be screened from adjoining roads and properties.
- 409.F. Exterior areas used for the display and sales of automobiles shall comply with the off-street parking design requirements of Section 313 of the Zoning Ordinance.
- 409.G. Areas to be used by employees or customers after dusk, shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads.
- 409.H. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 311 of this Ordinance.
- 409.I. The applicant shall prepare, submit and explain, and continuously implement an acceptable working plan of the collection and proper disposal of litter and debris. Exterior trash receptacles shall be provided amid any exterior sales and/or display area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.
- 409.J. The proposed use must be connected to public utilities and all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No "porta-potties" are permitted.
- 409.K. The subject property may contain facilities for the service, repair and reconditioning of vehicles provided:
1. All service, repair and reconditioning uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads and such stacking lanes will be fully integrated within the site's on-site circulation plan as required in Section 409.C. of this Ordinance;
 2. All service, repair and/or reconditioning activities shall be conducted within a completely enclosed building and shall be limited to vehicles that are to be auctioned on the site;
 3. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new, used or discarded, as part of the service, repair and/or reconditioning operation, shall be permitted; and,
 4. The demolition and/or junking of vehicles is prohibited. No vehicle shall remain on the site for more than one (1) year.
- 409.L. The subject property shall contain a road test track which shall be conveniently linked to the sales area. The test track shall be strictly operated so that customers must use the track for test drives rather than the site's circulation system and adjoining roads. The applicant must demonstrate the

means by which patrons will be directed and required to conduct road tests on the site's test track. The test track shall be setback at least twenty (20) feet from adjoining property lines and fifty (50) feet from adjoining roads. If such test track is to be used after dusk, it shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged to reflect the light away from adjoining properties and roads.

- 409.M. The applicant shall furnish evidence that the disposal of all materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.
- 409.N. No part of the subject property shall be located within three hundred feet (300') of any land within the (R-1, R-2, R-3, MU and VC) Zones.
- 409.O. A traffic impact report shall be prepared in accordance with Section 322 of this Ordinance and shall devote particular emphasis on movements of vehicles that may be moving between the subject property and other nearby uses that assist in making vehicles ready for sale.
- 409.P. One truck driver lounge with comfort and bathing facilities, a restaurant, cafeteria or refreshment counter and a filling station are permitted accessory uses provided such use are located, designed and operated in a manner that is meant to serve those persons directly associated with the principal uses while they are on the site. No entrances and/or signage shall be oriented towards attracting patrons from off-so the site. Should the proposed use include a restaurant, cafeteria or refreshment counter, the applicant shall furnish and continuously implement an acceptable working plan for the collection of litter and debris.
- 409.Q. One off-street parking space shall be provided for each 1000 square feet of total interior and exterior display, sales and storage area for vehicles. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site.

Section 410 Automobile Filling Stations (Including Minor Incidental Repair)

- 410.A. Within the (VC and HC) Zones, automobile filling stations (including minor incidental repair) are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 410.B. The subject property shall have a minimum width of one hundred twenty-five feet (125');
- 410.C. The subject property shall front on an arterial or collector road;
- 410.D. The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, park or playground, library, hospital or nursing, rest or retirement home;
- 410.E. The outdoor storage of any motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited. Any vehicle stored outside of a completely enclosed building must be awaiting needed parts to perform needed repair, located within a side or rear yard and be screened from adjoining roads and properties;
- 410.F. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty feet (30') from any street right-of-way line;

- 410.G. No outdoor storage of auto parts shall be permitted;
- 410.H. Access driveways shall be a minimum of twenty-eight feet (28') and a maximum of thirty-five feet (35') wide and separated by seventy-five feet (75') from one another if located along the same frontage as measured from edge to edge;
- 410.I. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') and oriented away from any land within an (R-1, R-2, R-3, MU and VC) Zone; and,
- 410.J. The applicant shall furnish evidence that the storage, dispensing and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 411 Bed and Breakfasts

- 411.A. Within the (A, R-1, MU and VC) Zones, bed and breakfasts are permitted by right subject to the following criteria:
- 411.B. Bed and breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance;
- 411.C. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- 411.D. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
- 411.E. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 411.F. All parking areas shall be set back a minimum of five (5) feet from all property lines within the (A, R-1 and MU) Zones and ten feet (10') from all property lines within the (VC) Zone, and shall be screened from adjoining lots and streets;
- 411.G. A bed and breakfast may erect one (1) sign no larger than eight (8) square feet in size which must be set back ten feet (10') from all lot lines;
- 411.H. Breakfast is the only meal that can be served associated with a bed and breakfast, and then only to registered overnight guests;
- 411.I. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,
- 411.J. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry.

Section 412 Beekeeping

- 412.A. Within the (A, R-1 and Q) Zones, beekeeping is a permitted accessory use to an agricultural or horticultural use or single family detached residence subject to the following criteria:
- 412.B. The site shall contain a minimum of one (1) acre;
- 412.C. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance;

- 412.D. Colonies shall be maintained in movable hives;
- 412.E.. Hives shall be situated to maximize sunshine exposure and/or natural wind protection;
- 412.F. In no case shall hives be located within twenty-five feet (25') of any property line;
- 412.G. All bee hives must be registered in accordance with the PA Department of Agricultural, Entomology Section; and,
- 412.H. Hives shall not be oriented to children's play areas either on the site or an adjoining property.

Section 413 Billboards

- 413.A. Within the (I) Zone, billboards are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 413.B. No billboard shall be located within one thousand feet (1,000') of another billboard as measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each land use;
- 413.C. Billboards shall only be permitted upon properties with frontage along an arterial road as listed in Section 320 of this Ordinance;
- 413.D. All billboards shall be a minimum of fifty feet (50') from all property lines and one hundred feet (100') from any street right-of-way;
- 413.E. All billboards shall be set back at least three hundred feet (300') from any land within a (R-1, R-2, R-3, MU and VC) Zone;
- 413.F. 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;
- 413.G. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty feet (20') in height. Billboards must provide for an open space of at least three feet (3') between the lowest point of the sign and the underlying grade; however, this area shall be shielded by an ornamental lattice;
- 413.H. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation;
- 413.I. Any lighting used for billboards shall be designed in accordance with Section 309.K. of this Ordinance to only illuminate the face of the billboard and not cast glare on adjoining areas or in an upward direction;
- 413.J. Billboards incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like display shall comply with Section 321.3.HH. of this Ordinance; and,
- 413.K. The applicant must demonstrate that the proposed use will comply with the Pennsylvania Outdoor Advertising Control Act.

Section 414 Boarding Houses

- 414.A. Within the (R-3, MU and VC) Zones, boarding houses are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 414.B. Boarding houses must include a full-time on-site resident manager who is not a border upon the site;
- 414.C. The following minimum lot area requirements shall be provided:

Minimum Required Lot Size	plus	Additional Lot Area Per Boarder (up to 10 boarders)
10,000 sq. ft.	plus	2500 sq. ft.

- 414.D. The applicant shall furnish evidence that approved systems for public sewage disposal and water supply shall be used;
- 414.E. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted;
- 414.F. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level;
- 414.G. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 414.H. One (1) sign, not to exceed eight (8) square feet, shall be permitted provided such sign is not a freestanding sign as defined herein; and,
- 414.I. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry.
- 414.J. Upon approval of a special exception for a boarding house, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the boarding house ceases to exist. At such time the applicant shall be required to furnish a list of those occupants of the boarding house on a form provided by the Township. A fee, in the amount to be set by the Zoning Hearing Board, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

Section 415 Campgrounds

- 415.A. Within the (A) Zone, campgrounds are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 415.B. Minimum Lot Area - Ten (10) acres;
- 415.C. Setbacks - All campsites shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from any public street line;

- 415.D. Each campsite shall be at least three thousand (3,000) 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;
- 415.E. An internal road system shall be provided, as required by the SLDO;
- 415.F. All outdoor play areas shall be set back one hundred feet (100') and screened from adjoining properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- 415.G. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred feet (100') and screened from adjoining properties. Such facilities shall be designed and maintained so as to be secure from native animals such as raccoon, bears, etc.;
- 415.H. Any accessory retail or service commercial uses shall be set back a minimum of one hundred feet (100') 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 only 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 parcels;
- 415.I. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as listed in Section 319 of this Ordinance;
- 415.J. 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 set back at least ten feet (10') from the street right-of-way line, at least one hundred feet (100') from any adjoining lot lines;
- 415.K. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred feet (100') of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
- 415.L. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground; and,
- 415.M. The applicant shall furnish evidence that 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.

Section 416 Car Washes

- 416.A. Within the (VC and HC) Zones, car washes are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 416.B. Gray water recycling is required;
- 416.C. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred foot (100') long on-site stacking lane which precedes the washing process. For full service

car washes, such on-site stacking shall be a minimum of three hundred feet (300') per lane. Within the VC Zone only self-serve car washes shall be permitted;

- 416.D. For full service car washes, a post-washing drying area shall be provided for no less than three (3) vehicles per washing lane;
- 416.E. All structures housing washing apparatuses shall be set back one hundred feet (100') from any street right-of-way line, fifty feet (50') from any rear property line, and twenty feet (20') from any side lot line;
- 416.F. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement an acceptable working plan for the cleanup of litter and debris;
- 416.G. The subject property shall front on an arterial or collector road; and,
- 416.H. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 417 Casinos, Off-Track Betting Parlors and/or Slot Machine Parlors

- 417.A. Within the (I) Zone, casinos, off-track betting parlors and/or slot machine parlors are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 417.B. Casinos, off-track betting and/or slot machine parlor shall not be permitted to be located within one thousand feet (1,000') of any other casinos, off-track betting and/or slot machine parlor;
- 417.C. No casino, off-track betting and/or slot machine parlor shall be located within one thousand feet (1,000') of any land within the (R-1, R-2, R-3, MU and VC) Zones;
- 417.D. No off-track betting parlor shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:
 - 1. Amusement park;
 - 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
 - 10. Other lands where minors congregate;
- 417.E. The above-required distances shall be measured in a straight line without regard to intervening structures, from the closest point on the exterior property line of each land use;
- 417.F. No more than one (1) casino, off-track betting parlor or slot machine parlor may be located within one building or shopping center;

- 417.G. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter;
- 417.H. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 417.I. An acceptable working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- 417.J. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- 417.K. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein and casinos and slot machine parlors shall be licensed by the Pennsylvania Gaming Control Board.

Section 418 Churches and Related Uses

418.A. Within the (R-1, R-2, R-3, MU and VC) Zones, churches and related uses are permitted by right, subject to the following criteria:

418.B. House of Worship:

1. Minimum lot area - Two (2) acres;
2. Minimum lot width - Two hundred feet (200');
3. All houses of worship shall have vehicular access to an arterial or collector highway;
4. Side yard setback - Fifty feet (50') on each side for the buildings and ten feet (10') for off-street parking lots; and,
5. All off-street parking areas shall be set back at least twenty-five feet (25') from the street right-of-way line.

418.C. Church Related Residences (Rectories and Convents):

1. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship; and,
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-3 Zone, except that any number of church-related persons (pastors, priests, rabbis, ministers, nuns, caretakers, employees) may share group quarters.

418.D. Church-Related Schools or Day-Care Facilities:

1. All schools or day care uses shall be accessory, and located upon the same lot as a house of worship;
2. If school or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) 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 set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located

within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

3. 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;
4. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
5. All schools or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the R-3 Zone; and,
6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.

418.E. Cemeteries

1. All burial plots or structures shall be located at least fifty (50) feet from any street line and (20') from any property line;
2. In areas not served by public water, the applicant must submit written evidence to assure that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,
3. No burial plots or facilities are permitted in Floodplain Zone.

Section 419 Communication Antennas that are Co-located Upon Existing Structures

- 419.A. Within the (A, I and Q) Zones, communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures) are permitted by right, subject to the following criteria:
- 419.B. The applicant submits a copy of the written agreement with the landowner upon whose structure the antenna is to be located;
- 419.C. The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use;
- 419.D. The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission;
- 419.E. The applicant shall demonstrate that the proposed use will comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation, and Section 240 of this Ordinance;
- 419.F. The applicant shall submit, from a structural engineer registered in the Commonwealth of Pennsylvania, a written certification of the existing structure's and the antenna's ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association and that the construction methods or other measures used will prevent the toppling of any communication antenna onto adjoining properties and/or

roads, and prevent the wind-borne scattering of ice onto adjoining properties and/or roads; and,

- 419.G. When one (1) or more freestanding telecommunication and wireless communications antennas are to be located on an existing structure and the general public has access to the structure on which the freestanding telecommunication and wireless communications facilities are to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes, and other metals. For purposes of this subsection, the term “microwave binding” shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs.

Section 420 Commercial Day-Care Facilities

- 420.A. Within the (VC, HC and I) Zones, commercial day-care facilities are permitted by right subject to the following criteria and within the (MU) Zone, commercial day-care facilities are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 420.B. An outdoor play area shall be provided, at a rate of sixty-five (65) 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. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining properties with the (R-1, R-2, R-3, MU and VC) Zone. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 420.C. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- 420.D. 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;
- 420.E. One (1) off-street parking space shall be provided for each six (6) persons enrolled; and,
- 420.F. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

Section 421 Commercial Produce Operations

- 421.A. Within the (A) Zone, commercial produce operations are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and within the (I) Zone commercial produce operations are permitted by right, both subject to the following criteria:
- 421.B. The minimum lot area is ten (10) acres, except that this may be reduced if the applicant can demonstrate compliance with the Pennsylvania Right-to-Farm Law;
- 421.C. The maximum permitted lot coverage is thirty percent (30%), including all impervious surfaces;
- 421.D. If applicable, the applicant shall submit written evidence from the appropriate review that the proposed use has an approved nutrient management plan. All subsequent operations and activities shall be conducted in accordance with such plans. If, at any time, the nutrient

management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer;

- 421.E. The applicant shall furnish evidence from the Adams County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Adams County Conservation District that the amended plan has been approved;
- 421.F. The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan;
- 421.G. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, the applicant shall submit information that demonstrates compliance with Section 309 of this Ordinance;
- 421.H. Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines;
- 421.I. Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty foot (50') wide radius for all turns and intersections;
- 421.J. Any on-site materials and/or waste storage facilities shall comply with the requirements of Section 316.6. of this Ordinance;
- 421.K. While a commercial produce operation exists, no subdivision or land development that would create an additional principal dwelling unit shall be permitted on the subject property;
- 421.L. 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;
 - 1. In addition, if the facility is to rely upon non-public sources of water, 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 to estimate the impact of the new development on existing wells in the vicinity.
 - 2. A water system which 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.
 - 3. A water feasibility study shall include the following information:
 - a. calculations of the projected water needs;
 - b. a geologic map of the area, with a radius of at least one mile from the site;
 - c. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 - d. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 - e. the location of all streams within one thousand feet (1,000') of the site and all

- known point sources of pollution;
- f. a determination of the long-term safe yield based on the geologic formation(s) underlying the site;
 - g. 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; and,
 - h. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 421.M. Should the proposed use not make use of public water, and require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna River Basin Commission;
- 421.N. The applicant shall be required to obtain an approved land development under the requirements of the SLDO;
- 421.O. The applicant shall be required to submit a traffic impact report, in accordance with Section 322 of this Ordinance;
- 421.P. The applicant shall be required to submit a written qualified plan for the removal of all buildings and the reclamation of all topsoil in the event of discontinuance of the commercial produce operation. If the site is graded during construction and operation of the commercial produce operation, all topsoil shall remain on the site in a manner which makes it conveniently accessible for reclamation. Should the applicant not adequately guarantee the removal of such buildings and reclamation of topsoil upon discontinuance of the commercial produce operation at his/her expense, the use shall be denied;
- 421.Q. The site shall include one (1) off-street parking space for each employee during the largest work shift;
- 421.R. The applicant may conduct a roadside stand, as defined herein within one of the permanent buildings, but such use shall be limited to no more than three hundred (300) square feet of display area;
- 421.S. All buildings and storage/processing structures shall be set back at least one hundred feet (100') from adjoining roads and properties, and all off-street parking and loading spaces, outdoor storage areas and dumpsters shall be set back at least fifty feet (50') and screened from adjoining roads and properties;
- 421.T. One (1) sign, as provided for in Section 321, shall be permitted; and,
- 421.U. The applicant shall be required to install and maintain a riparian buffer along any watercourse that is located upon the subject property according to those specifications listed in Section 511 of this Ordinance.

Section 422 Commercial Recreation Facilities

- 422.A. Within the (VC and HC) Zones, commercial recreation facilities are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 422.B. Within the (VC) Zone no exterior activities shall be permitted.
- 422.C. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;

- 422.D. 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;
- 422.E. Maximum permitted height for structures regulated by this Section can exceed forty-five (45) feet provided:
1. that such structures shall not be used for occupancy;
 2. that the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 3. the applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available;
 4. the applicant must submit that the proposed structure complies with Section 240 of this Ordinance; and,
 5. the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
- 422.F. The applicant shall furnish qualified written evidence regarding the character of the proposed use and management strategies to assure that activities conducted upon the site will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- 422.G. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 314.V. of this Ordinance. In addition, the Zoning Hearing Board 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;
- 422.H. Any booths or other structures used for the collection of admission and/or parking fees shall be set back 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; and,
- 422.I. Any outside pedestrian waiting lines, shall be provided with a means of shade.

Section 423 Concentrated Animal Feeding Operations (CAFOs) and Concentrated Animal Operations (CAOs)

- 423.A. Within the (A) Zone, concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

- 423.B. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least five hundred (500) feet from any land within the (R-1, R-2, R-3, MU and VC) Zones;
- 423.C. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least one hundred fifty (150) feet from all permanent surface waters, wetland areas, and wells that provide water for human consumption;
- 423.D. Any new concentrated animal feeding operation and all expansions to existing operations shall be required to submit a plan for control of erosion and sedimentation prepared by a Professional Engineer and consistent with the requirements of the Nutrient Management Act. This plan shall be required even if not required by the provisions of the Nutrient Management Act itself; All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must submit written evidence of plan approval to the Zoning Officer;
- 423.E. The applicant shall furnish evidence from the Adams County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Adams County Conservation District that the amended plan has been approved;
- 423.F. The applicant shall submit, and abide by written qualified evidence describing those methods that will be employed to:
1. minimize odor on nearby properties in accordance with an approved odor management plan under PA Nutrient Management Act;
 2. dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture. In the event of a catastrophic event in which mass disposal is warranted the Pennsylvania Department of Agriculture can require whatever disposal methods are deemed appropriate to safeguard animal and public health; and,
 3. comply with the above-required nutrient management plan and conservation plan;
- 423.G. Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines;
- 423.H. Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty (50) foot wide radius for all turns and intersections;
- 423.I. Any on-site manure storage facilities comply with the requirements of Section 455 of this Ordinance;
- 423.J. All buildings used for the housing of livestock shall be fitted with a solid concrete slab or slotted floor;
- 423.K. The property whereupon the concentrated animal feeding operation is located shall be graded such that runoff from the area of the operation is not discharged onto surrounding properties, onto public roads, or into any permanent surface water;
- 423.L. Applicants for any new concentrated animal feeding operation and all expansions to existing such operations must demonstrate compliance with all State and Federal regulations governing the specific operation; and,
- 423.M. The applicant shall establish and maintain a riparian buffer along any watercourse that is located upon the subject property in accordance with Section 511 of this Ordinance.

Section 424 Convenience Stores

- 424.A. Within the (VC and HC) Zones, convenience stores are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 424.B. All uses must comply with applicable standards contained throughout this Ordinance. The following lists some of those typically associated with convenience stores and their respective requirements:

Use	Section No.
Amusement arcade	405
Automobile filling station	410
Car wash	416
Drive-thru or fast food restaurant	427

- 424.C. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 424.D. A minimum of one parking space for each eighty (80) square feet of gross floor area shall be provided. In addition, any exterior accessory uses (e.g., auto filling station, car wash, etc.) shall also require parking to be provided in accordance with the schedule listed in Section 313.23. of this Ordinance; and,
- 424.E. An acceptable working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 425 Convention and/or Conference Centers

- 425.A. Within the (HC) Zone, convention and/or conference centers are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 425.B. Convention and/or conference centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development (e.g., shared parking, signage, access, lighting, storm water management, etc.) to serve those persons or groups of persons attending the convention and/or conference center, and not the general public:
1. Offices;
 2. Hotels and motels;
 3. Meeting rooms and auditoriums;
 4. Banquet and social halls;
 5. Restaurants and taverns (excluding fast-food restaurants);
 6. Nightclubs, subject to the requirements of Section 460 of this Ordinance;
 7. Indoor theaters and arenas;
 8. Sports stadiums;

9. Retail shops and concessionaires;
 10. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, but excluding adult-related uses);
 11. Commercial day-care facilities;
 12. Information centers and booths; and,
 13. Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts and other similar events.
- 425.C. Minimum Required Lot Area - Ten (10) acres;
- 425.D. All uses shall be served by both public sewer and public water utilities;
- 425.E. The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial road;
- 425.F. Required parking will be determined based upon a combination of the types of activities proposed, and the schedule listed in Section 313.23. of this Ordinance. In addition, an unimproved, grassed, overflow parking area to be provided for peak use periods shall be required. 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. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the lack of on-site parking, the Board of Supervisors can require the applicant to revise and/ or provide additional on-site parking space;
- 425.G. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups 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 backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;
- 425.H. Any outside pedestrian waiting lines shall be provided with a means of shade;
- 425.I. The applicant shall furnish expert 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. All lighting on the site must comply with Section 309 of this Ordinance;
- 425.J. Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted;
- 425.K. A traffic impact report shall be prepared in accordance with Section 322 of this Ordinance;
- 425.L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines. Any noise generated on the site must comply with Section 311 of this Ordinance;

- 425.M. The convention and/or conference center is eligible to utilize planned center signage, as listed in Section 321 of this Ordinance; and,
- 425.N. All uses within the convention and/or conference center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

Section 426 Domestic Composts

- 426.A. Within any Zone, one domestic compost is a permitted accessory use to a residence, subject to the following requirements:
- 426.B. The placement of a framed enclosure for composting is subject to all accessory use setbacks;
- 426.C. Only waste materials from the on-site residence shall be deposited within the compost enclosure;
- 426.D. In no case shall meat or meat by-products be composted; and,
- 426.E. All composting enclosures shall be maintained such that they will not create a nuisance to nearby properties.

Section 427 Drive-Thru and/or Fast-Food Restaurants

- 427.A. Within the (VC and HC) Zones, drive-thru and/or fast food restaurants are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 427.B. Within the (VC) Zone drive-thru windows and lanes and curbside service are prohibited;
- 427.C. Exterior trash/recycling receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of an acceptable working plan for the cleanup of litter;
- 427.D. Within the (HC) Zone, all drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred feet (200') of on-site stacking per lane, preceding the food order location. Furthermore each drive-thru lane shall have on-site directional signs, indicator lights or pavement markings identifying the direction of travel and lane status (ie. open vs. closed);;
- 427.E. Any exterior speaker/microphone and lighting systems shall be arranged, operated and/or screened to comply with Section 320 of this Ordinance;
- 427.F. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence; and,
- 427.G. All lighting systems shall be arranged, operated and/or screened to comply with Section 309 of this Ordinance;

Section 428 Dry Cleaners, Laundries and Laundromats

- 428.A. Within the (VC and HC) Zones, dry cleaners, laundries and laundromats are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

- 428.B. Public sewer and water shall be used;
- 428.C. All activities shall be conducted within a completely enclosed building;
- 428.D. During operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed; and,
- 428.E. Any exhaust ventilation equipment shall be directed away from any adjoining within the (R-1, R-2, R-3 and MU) Zones.

Section 429 ECHO Housing

- 429.A. Within the (A, and Q) Zones, one ECHO housing unit , as defined herein, is permitted by right as an accessory use to one principal dwelling unit subject to the following requirements:
- 429.B. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;
- 429.C. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective Zone;
- 429.D. The elder cottage shall be occupied by:
 - 1. one person who is at least 50 years of age, handicapped and/or a disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or,
 - 2. the caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling;
- 429.E. The elder cottage shall be occupied by a maximum of two (2) people;
- 429.F. 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, unless required by the PA DEP. All connections shall meet the applicable utility company standards. If on-site sewer or water systems are to be used, the applicant shall submit evidence 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;
- 429.G. A minimum of one (1) all-weather, 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;
- 429.H. Unless provided within an existing building, 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;
- 429.I. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use. The applicant shall be required to post a bond with the Township for a value equal to the cost of lawful removal of the use from the property, prior to issuance of a zoning permit for the proposed use; and,

- 429.J. 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 required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

Section 430 Emergency Services

- 430.A. Within the (R-1, R-2, R-3, MU, VC, HC, and I) Zones, emergency services, as defined herein, are permitted by right subject to the following requirements:
- 430.B. A minimum lot size of one (1) acre is required.
- 430.C. A maximum impervious coverage of sixty percent (60%) is permitted.
- 430.D. The buildings and any outdoor storage, off-street loading spaces, waste receptacles and outdoor recreation areas shall be setback at least fifty (50) feet from each lot line. Off-street parking lots shall maintain a minimum twenty (20) foot setback from each lot line, which shall be fitted with landscaping in accordance with Section 320 of this Ordinance. In addition, off-street parking lots, off-street loading spaces, waste receptacles and outdoor storage areas shall be screened from adjoining properties within the (R-1, R-2, R-3, MU and VC) Zones.
- 430.E. Off-street parking shall be prohibited within the front yard to ensure ease of ingress and egress to and from the station.
- 430.F. Off-street parking requirements for the station shall be based upon the sum of its various features that would be occupied at one time in accordance with the schedule listed in Section 313.23. of this Ordinance.
- 430.H. No outdoor storage of vehicle parts, equipment, lubricants, fuel, or other materials used or discarded, shall be permitted.

Section 431 Equestrian Centers and Riding Stables

- 431.A. Within the (A) Zone, equestrian centers and riding stables, as defined herein, are permitted by right subject to the following requirements:
- 431.B. Minimum Lot Area - Ten (10) acres;
- 431.C. Any structure used for the boarding of horses shall be set back at least one hundred feet (100') from any adjoining property within the (R-1, R-2, R-3, MU and/or VC) Zones;
- 431.D. All stables shall be maintained so to minimize odors perceptible at the property line;
- 431.E. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four foot (4') high fence, which will be located at least ten feet (10') from all property lines;
- 431.F. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 314.V. of this Ordinance. Specifically with respect to parking, the applicant shall demonstrate that adequate parking facilities exist in form and number to accommodate all anticipated activities as they occur, taking into consideration the highest number of employees at a given time, the highest number of visitors at a given time, the seasonal or permanent nature of each event and the number of events which can occur simultaneously on the property. Should

the use cause parking back-ups onto adjoining roads, the Township 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;

- 431.G. Any booths or other structures used for the collection of admission and/or parking fees shall be set back 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;
- 431.H. All parking compounds and unimproved overflow parking areas shall be set back at least ten feet (10') from adjoining lot lines.
- 431.I. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture;
- 431.J. 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; and,
- 431.K. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations with particular attention to those pesticides, insecticides and detergents used.

Section 432 Family Day-Care Facilities

- 432.A. Within the (A, R-1, R-2, R-3, MU, VC and Q) Zones, family day-care facilities are permitted as a permitted accessory use, subject to the following criteria:
- 432.B. Family day-care facilities must be conducted within detached dwellings having a minimum lot size of ten thousand (10,000) square feet;
- 432.C. A family day-care facility shall offer care and supervision to no more than six (6) different non-residents during any calendar day;
- 432.D. All family day-care facilities with enrollment of more than three (3) non-residents shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- 432.E. An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per non-resident. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. or civic sunset, whichever occurs sooner. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s); and,
- 432.F. 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 433 Farm Occupations

- 433.A. Within the (A and Q) Zones, farm occupations, as defined herein, if conducted as an accessory use to a principal agricultural use of the property are permitted by right subject to the following requirements:
- 433.B. Residents and up to four (4) nonresidents may be employed by the farm occupation;
- 433.C. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred feet (100') from any adjoining roads or properties;
- 433.D. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- 433.E. No part of a farm occupation shall be located within one hundred feet (100') of any side or rear lot line, nor three hundred feet (300') of any adjoining land within an (R-1, R-2, R-3, MU and VC) Zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
- 433.F. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
- 433.G. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- 433.H. Any sign used for a farm occupation shall not exceed eight (8) square feet in size;
- 433.I. For farm parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no non-farm subdivision of the site shall be permitted; and,
- 433.J. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within Adams County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the farm occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.
- 433.K. The applicant shall submit the following signed and notarized statement:

"I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning."

Section 434 Farmers and/or Flea Markets

- 434.A. Within the (HC) Zone, farmers and/or flea markets are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 434.B. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above;
- 434.C. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- 434.D. Off-street parking shall be provided at the rate of one space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Section 313.23. of this Ordinance. No required off-street parking spaces shall be used for the display and/or storage of items for sale;
- 434.E. Off-street loading shall be provided at the rate similar to that imposed on retail sales as listed in Section 312.13. of this Ordinance. The retail sales area, as described above, shall be used to calculate needed loading space(s);
- 434.F. All outdoor display and sale of merchandise shall occur between official sunrise and no later than one hour prior to civil sunset;
- 434.G. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties and the applicant shall demonstrate compliance with Section 312 of this Ordinance;
- 434.H. All lighting systems shall be arranged, operated and/or screened to comply with Section 309 of this Ordinance; and,
- 434.I. Trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of an acceptable working plan for the clean-up of litter.

Section 435 Fences and Walls

- 435.A. Within the (A, R-1, R-2, R-3, MU and VC) Zones fences and walls are permitted by right within required yard areas, provided that no fence or wall (except agricultural, required junkyard, athletic court, outdoor shooting range walls or fences, or a retaining walls as noted below) shall be erected to a height of more than:
1. three (3) feet in a front yard; except that,
 2. fences and walls erected upon reverse frontage lots may extend up to height of six (6) feet within those yards that do not contain vehicular access onto an adjoining road; and,
 3. six (6) feet in any side or rear yard.
- 435.B. Within the (HC, I and Q) Zones, no fence or wall (except agricultural, required junkyard or tennis court walls or fences, or a retaining walls as noted below in Section 435.D.) shall be erected to a height of more than ten (10) feet in any yard.
- 435.C. No fence or wall shall interfere with the required clear sight triangle as listed in Sections 301.3., 303 and 304.3. of this Ordinance;

- 435.D. The use of retaining walls higher than three (3) feet up to a maximum height of twelve feet (12') is permitted, subject to the following findings:
1. That the proposed height of the retaining wall is necessary to facilitate an efficient use of the site and/or protect an important or sensitive natural or cultural feature of the site;
 2. That the applicant has submitted written expert evidence from a professional engineer registered to practice within the Commonwealth of Pennsylvania that the proposed retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any drainage pattern and/or underground utility lines nor interfere with their rights-of-way;
 3. That the applicant has provided sufficient separation and physical barriers between the proposed retaining wall and any pedestrian and/or vehicle movement areas to ensure adequate vehicle and pedestrian safety; and,
 4. That the base of the retaining wall is setback a horizontal distance at least equal to its height from each property line.
- 435.E. The use of barbed wire and electric fences are expressly prohibited except in the case of agricultural fences used to contain livestock.
- 435.F. Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal.

Section 436 Fish Hatcheries and/or Fish Farms

- 436.A. Within the (I) Zone, fish hatcheries and/or fish farms are permitted by right, subject to the following criteria:
- 436.B. The applicant must furnish evidence of receipt of an approved artificial propagation license from the PA Department of Agriculture, Bureau of Animal Health.
- 436.C. A written plan that describes the methods used to: (1) contain and prevent animal escape; (2) dispose of deceased animals in compliance with applicable State laws; (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site; and, (4) offer the humane treatment and care of animals at all times.

Section 437 Flag Lots & Joint Use Driveways

- 437.A. Flag Lots - Within the (A) Zone, the use of flag lots for single family detached residences is permitted by right only when it will enable the preservation of some important natural or cultural feature (including but not limited to productive farmland) which would otherwise be disturbed by conventional lotting techniques;
1. For the purposes of this Section, a flag-lot shall be described as containing two parts: (1) The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The "pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road;

2. Requirements for the Flag:
 - a. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
 - b. For purposes of determining required yards and setbacks, the following shall apply:

Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

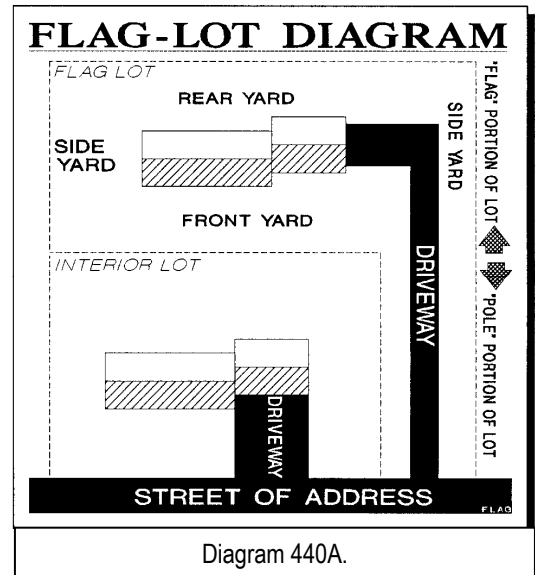
Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, **plus** the area on the opposite side of the principal structure. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

3. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction;

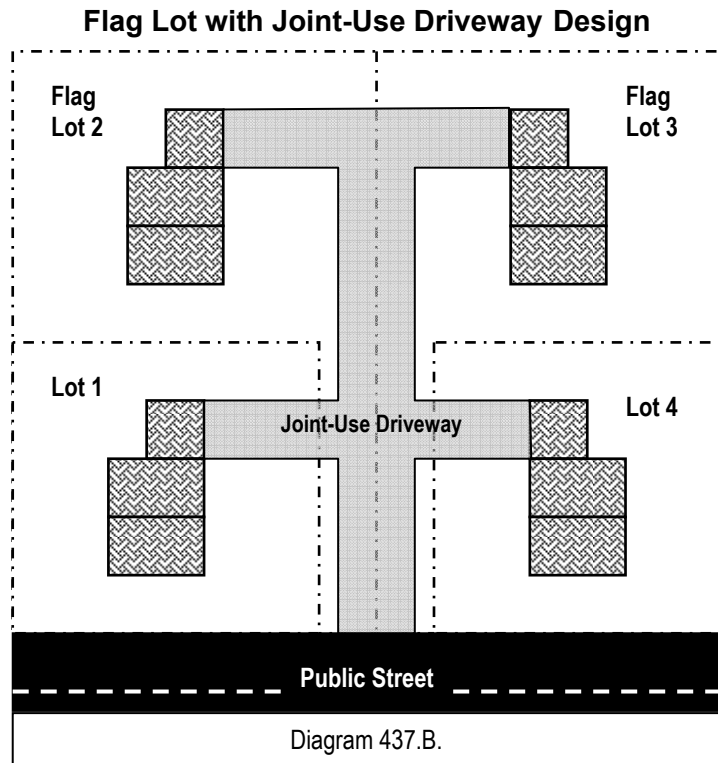
4. Requirements for the Pole:

- a. The pole shall maintain a minimum width of twenty-five (25) feet.
- b. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
- c. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.
- d. The cartway contained on the pole shall be located at least five (5) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or on any adjoining property.
- e. No pole shall be located within one hundred twenty (120) feet of another on the same side of the street, unless adjoining poles share a joint-use driveway, regulated as follows:



437.B. Joint Use Driveways

1. When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access. Such joint use driveways shall comply with those requirements listed in Section 304 unless superseded as follows:
2. A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of four total lots.
3. All joint-use driveways shall have a minimum easement width of twenty-four (24) feet and a minimum cartway width of sixteen (16) feet which shall be maintained with a dust-free surface.
4. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan. (See Appendix 1).



Section 438 Forestry Uses

438.A. In accordance with State law, forestry (as defined herein) uses are permitted, by right, in every Zone, subject to the following standards:

438.B. Timber Harvesting Plan Requirements

1. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in Section 901 of this Ordinance, the applicant shall prepare and submit a written timber harvesting plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The timber harvesting plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the timber harvesting plan and the zoning permit. All timber harvesting operations will be conducted only in accordance with this ordinance and the approved timber harvesting plan.
 - A. A forest regeneration plan that identifies the principle species of trees intended to be logged and their respective method or methods of forest regeneration, including each species' respective forest regeneration schedule (i.e. in terms of

years.) As soon as practical and consistent with sound forest management practices, after the conclusion of the timber harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the forest regeneration schedule of the timber harvesting plan.

- B. Site Plan - Each timber harvesting plan shall include a scaled drawing containing the following information:
1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;
 2. Significant topographic features related to potential environmental problems and all of the natural and cultural features required within this Article 5 of this Ordinance;
 3. Location of all earth disturbance activities, such as roads, landings and water control measures and structures;
 4. Location of all crossings of waters of the Commonwealth; and,
 5. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.
- D. Required Approval of a Forest Stewardship Plan – All applications for timber harvesting shall include written approval of a Forest Stewardship Plan by the PA DCNR, Bureau of Forestry.
- E. Compliance With State Law - The application for timber harvesting shall include evidence that the timber harvesting plan addresses and complies with the requirements of all applicable State regulations, including, but not limited to, the following:
1. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.); and,
 2. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
- F. Relationship of State Laws, Regulations and Permits to the Timber Harvesting Plan - Any permits required by State laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the timber harvesting plan and associated maps specified in Section 438.B.1., provided that all information required by these sections is included or attached.
- G. Required Marking of Trees - Before any permitted timber harvesting operation begins, all trees that are at least six (6) inches in diameter as measured four and one-half feet (4.5') above grade to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the approved timber harvesting plan.

438.C. Required Notifications

1. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing at least forty-eight (48) hours before any cutting of trees is to begin including, but not limited to, those in connection with the construction of roads or trails. Such notification shall also indicate an estimated completion date.
2. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing within forty-eight (48) hours of the completion date of the timber harvesting operation.

438.D. Required Forest Practices

1. The following requirements shall apply to all timber harvesting operations:
 - A. Timber harvesting shall be accomplished with those professionally-accepted silvicultural practices that are most appropriate to the particular timber stand as indicated in the approved timber harvest plan.
 - B. No treetops or slash shall be left within the fifty (50) feet of any public street, private roadway providing access to any adjoining residential property or Residential Zone, adjoining property or designated trail; or within ten (10) feet of any natural or artificial swale or drainage ditch. All tree tops and slash shall be lopped to a maximum height of four (4) feet above the ground.
 - C. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - D. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
 - E. All cutting, removing, skidding and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself, unless authorized in the approved timber harvesting plan.
 - F. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
 - G. Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
 - H. Where possible, stream crossings shall be avoided, but where deemed to be necessary, crossings shall be made at a right angle across suitable culverts or bridges.
 - I. Skidding across live or intermittent streams is prohibited except over bridges or culverts.
 - J. Unless superseded by the Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.), "No Timber Harvesting Buffer Zones" are established in accordance with the following table. Except for the

construction and use of roads and trails described in the approved timber harvesting plan, no trees shall be cut, removed, skidded or transported in a No Timber harvesting Buffer Zone.

No Timber Harvesting Buffer Zones	
Use	Required Minimum Setback
Adjoining street except as noted below for scenic roads	50 feet
Adjoining property	50 feet
Streams or other watercourse	50 feet
Designated Trails	25 feet
Springs, vernal ponds, seeps, Natural or artificial swale or drainage ditches	25 feet

- K. Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting unless authorized within the approved timber harvesting plan.
- L. All limbs and stubs shall be removed from felled trees prior to skidding.
- M. All trees bent or held down by felled trees shall be released promptly.
- N. No trees shall be left lodged in the process of felling with as little damage as possible to the remaining trees.
- O. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or the Pennsylvania Department of Transportation in the case of state Highways.
- P. The stumps of all felled trees shall be permitted to remain for soil for stabilization provided that they extend no more than two feet (2') above grade.
- Q. During the periods of abnormal forest fire danger, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.
- R. Upon completion of a timber harvesting operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.

438.E. Responsibility for Road Maintenance and Repair; Road Bonding

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Board of Supervisors with advice from the Township Engineer.

438.F. Township's Right to Inspect

1. The Township may, by its own personnel or outside agent, go upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.
2. After a permit for a timber harvesting operation has been issued, the Township shall have the right by its own personnel or agent, to go upon the site before, during and after the timber harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

Section 439 Freestanding Communication Antennas, Towers and Equipment

439.A. Within the (A and I) Zones, freestanding communication antennas, towers and equipment that are not co-located are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

439.B. Prerequisite Co-location Analysis

1. Approval of a new freestanding communication antenna, tower and equipment will only be permitted after qualified expert demonstration by the applicant that no other opportunity exists within a two (2) mile radius of the proposed site to co-locate such antenna onto any of the following:
 - a. utility transmission towers;
 - b. observation towers;
 - c. communication towers;
 - d. silos;
 - e. steeples;
 - f. smokestacks;
 - g. water towers;
 - h. flagpoles; and,
 - i. other similar structures.
2. In order to demonstrate compliance with this Section, the applicant must prepare and submit an inventory map of all such co-location opportunities within a two (2) mile radius of the proposed site and list the specific reason why each co-location site is not possible, for one or more of the following reasons:
 - a. Written refusal by current tower owner to accommodate proposed antenna;
 - b. Topographic limitations that prevent adequate transmission coverage;
 - c. Adjacent impediments blocking adequate transmission coverage;
 - d. Technical limitations of the system that prevent adequate transmission coverage;
 - e. Proposed antenna exceeds structural capacity of structure or tower;
 - f. Inadequate space on structure or tower;
 - g. Reserved space on existing structure or tower for other antennas; and/or,
 - h. Other specifically described limiting factors rendering existing structure or tower unusable.

439.C. Siting Requirements - The applicant shall demonstrate, using technical evidence, that the proposed location is necessary for the efficient operation of the system. All other uses associated with the communication antenna or tower, such as a business office, maintenance depot,

business sign, or vehicle storage, shall not be located on the site, unless the use is otherwise permitted in the Zone in which the site is located;

- 439.D. Future Co-location Requirements - In order to reduce the number of towers needed in the Township in the future, any proposed new tower or other support structure shall be designed to accommodate other co-located antennas, including, but not limited to, police, fire and emergency services;
- 439.E. Required Antenna Towers - Except as provided below, a monopole antenna tower shall be required when new towers are proposed, unless the applicant can conclusively demonstrate that:
1. The cost of erecting a monopole would preclude the provision of adequate service to the public;
 2. The use of a monopole would produce an unsafe antenna support structure at the proposed location;
 3. The proposed alternative antenna structure would have the least adverse visual impact on the environment and surroundings; and/or,
 4. The proposed alternative antenna support structure is more architecturally compatible with surrounding uses and blends in better with the existing characteristics of the site and its surroundings.
- 439.F. Permitted Height - The applicant shall submit expert testimony that the communication antenna or tower is the minimum height required to function satisfactorily. In no case shall an antenna or tower exceed one hundred ninety-nine feet (199') in height;
- 439.G. Required Setbacks - Any communication antenna or tower shall be set back from each property line a distance equal to its height, plus fifty feet (50'). This setback shall also be applicable to guy wire anchors for the communication antenna or tower. No antenna or tower shall be located within five hundred horizontal feet (500') of:
1. Any land within the (R-1, R-2, R-3, MU and VC) Zones;
 2. The nearest property line of any existing residence;
 3. The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed; and,
 4. The nearest property line of any lot proposed for residential purposes that has been submitted for preliminary or final subdivision approval.
- 439.H. Required Finishes and Lighting - Communication antennas or towers shall be painted with silver or gray paint, or have a galvanized finish in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees, to lessen visual impact. No communication antenna or tower may be artificially lighted, except when required by the Federal Aviation Administration, State regulations or by Township requirements;
- 439.I. Anti-climbing Requirements - All communication antennas or towers shall be fitted with anti-climbing devices, as approved by the manufacturers;
- 439.J. Compliance With Communication Requirements - The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use and that it will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/ IEEE C95.1-1992) with respect to radio frequency emissions;

- 439.K. Compliance With Aviation Requirements - The applicant shall demonstrate that the proposed use will comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and Section 240 of this Ordinance;
- 439.L. Required Historic Site Findings - In accordance with Section 106 of the National Historic Preservation Act as an undertaking requiring a Federal permit, license or approval, the applicant shall be required to obtain a Letter of Determination from the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, determining that the proposed use will not adversely affect any historic resources;
- 439.M. Required Construction Certification - The applicant shall furnish a sealed statement from a registered engineer that the support methods employed will prevent the collapse, toppling or falling of the communication antenna or tower, or portion thereof, and will prevent the windborne scattering of ice onto adjoining properties and/or roads;
- 439.N. Required Fencing and Signage - All communication antennas or towers and guy wire anchors shall be completely enclosed by a minimum eight foot (8") high non-climbable fence. All ground-mounted satellite dishes that are used to transmit video format data shall also require prominent posting on the fence of signage warning of dangerous radiation levels. Any gates within the fence shall be self-closing and shall be locked when the site is unattended;
- 439.O. Required Parking - If a tower site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces;
- 439.P. Required Landscaping - The applicant shall be required to provide landscaped screening, as defined herein, around the ground-level features of the proposed use (e.g., tower base, fence, parking and loading, related buildings, guy wire anchors, etc.). In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible;
- 439.Q. Required Removal Plan - The applicant shall submit a plan for the removal of the communication antenna when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the antenna within three (3) months from the date it ceases operation or the antenna becomes obsolete;
- 439.R. Required As-Built Plan - Prior to issuance of a certificate of use and occupancy, the applicant shall be required to submit an "as-built" site plan, prepared by either a registered surveyor or a professional engineer, depicting elevations, the communication antenna or tower, buildings, fences, screening, access, and any accessory structures; and,
- 439.S. Required Biennial Inspection - Beginning in December of 2008, and by December 1 of each even-numbered year thereafter, any approved communication antenna or tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of such antennas or towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of said inspection report shall be provided to the Township, along with a review fee in the amount to be determined by resolution by the Board of Supervisors. Failure to provide this inspection report and review fee shall constitute a violation of this Ordinance.

Section 440 Funeral Homes

- 440.A. Within the (VC and HC) Zones, funeral homes are permitted by right subject to the following criteria and within the (MU) Zone, funeral homes are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 440.B. Sufficient off-street parking shall be provided and designed to prevent back-ups onto adjoining roads; the applicant shall describe what measure will be used to prevent back-ups (e.g. overflow parking, parking attendants, etc.) to prevent such back-ups;
- 440.C. All parking areas shall be setback at least ten feet (10') from adjoining lot lines, and no joint off-street parking areas shall be permitted; and,
- 440.D. No direct vehicular access shall be permitted onto an arterial road from the site.

Section 441 Garage / Yard / Moving Sales

- 441.A. Within the (A, R-1, R-2, R-3, MU and Q) Zones, and upon properties with principal residential dwelling units, garage yard and/or moving sales are an accessory permitted use, subject to the following standards:
- 441.B. Such sales may only be conducted by an owner or occupant of a lot;
- 441.C. No more than three (3) total sales may be conducted during any calendar year;
- 441.D. No garage/yard/moving sale shall be conducted for a period longer than three (3) consecutive days. No garage/yard/moving sale shall be conducted on a Sunday;
- 441.E. Such sales may offer personal possessions for sale; no import or stocking of inventory shall be permitted.
- 441.F. Only one (1) sign, not to exceed four (4) square feet in area, shall be permitted to advertise the garage/yard sale. Said sign shall be located on the lot where the sale occurs and shall be removed within six (6) hours of the completion of the sale;
- 441.G. In no case shall any aspect of the garage/yard sale be conducted in the street right of way.
- 441.H. The conduct of a garage/yard/moving sale beyond the extent described herein represents a commercial business and shall require appropriate zoning authorization.

Section 442 Golf Courses and Driving Ranges

- 442.A. Within the (A, R-1, and R-3) Zones, golf courses and driving ranges are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows: Golf courses must comply with all of the following criteria, while freestanding driving ranges must comply with Sections 442.B., 442.C., 442.F., and 442.J:

- 442.B. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;
- 442.C. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:
 - a. Each crossing shall be perpendicular to the traffic movements;
 - b. Only one (1) street, access drive or driveway may be crossed at each location;
 - c. No crossing is permitted between a point fifteen feet (15') and one hundred fifty feet (150') from the cartway edge of a street, access drive or driveway intersection;
 - d. The crossing must be provided with a clear sight triangle of seventy-five feet (75'), measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five feet (5') from the edge of the roadway. No permanent obstruction over thirty inches (30") high shall be placed within this area;
 - e. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 301.3. of this Ordinance;
 - f. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five feet (25') of the cartway crossing;
 - g. Golf path crossings shall be signed, warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
 - h. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
- 442.D. All golf course buildings shall be set back seventy-five feet (75') from any adjoining roads and one hundred feet (100') from adjoining residential structures or parcels;
- 442.E. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
1. Clubhouse, which may consist of:
 - a. Restaurant, snack bar, lounge, and banquet facilities;
 - b. Locker and rest rooms;
 - c. Pro shop;
 - d. Administrative offices;
 - e. Golf cart and maintenance equipment storage and service facilities;
 - f. Guest lodging for those using the golf course, provided:
 - no lodging units have separate exterior means of ingress/egress;
 - all lodging units shall be contained within the main clubhouse; and,

- such guest lodging shall have a total occupancy of no more than twenty (20) persons;
 - i. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
 - j. Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,
 - k. Baby-sitting rooms and connected fence-enclosed playlots.
2. Accessory recreation amenities located outside of a building, including:
- a. Driving range, provided that no lighting is utilized;
 - b. Practice putting greens;
 - c. Swimming pools;
 - d. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - e. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - f. Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - g. Hiking, biking, horseback riding, and cross-country ski trails; and,
 - h. Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
3. Freestanding maintenance equipment and supply buildings and storage yards.
- 442.F. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and screened from adjoining residential structures and roads;
- 442.G. 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 municipal system will supply the water needed.
- 442.H. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality 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. 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 one thousand feet (1,000') 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 one thousand feet (1,000') of the site;
 - 5. the location of all streams within one thousand feet (1,000') 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; and,
 - 8. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 442.I. A water system which 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.

- 442.J. The applicant shall demonstrate that proposed lighting will comply with Section 309 of this Ordinance.

Section 443 Health, Fitness, Social, Fraternal and Other Private Clubs

- 443.A. Within the (VC and HC) Zones, health, fitness, social, fraternal and other private clubs are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 443.B. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 443.C. Off-street parking shall be provided, as required by the combination of elements comprising the use, including accessory uses in accordance with Section 313.23. of this Ordinance;
- 443.D. All outdoor recreation facilities shall be set back at least fifty feet (50') from the street right-of-way line, and twenty-five feet (25') from all other lot lines;
- 443.E. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building;
- 443.F. All lighting of outdoor recreation areas shall be designed and arranged to comply with Section 309 of this Ordinance;
- 443.G. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 311 of this Ordinance.
- 443.H. An acceptable working plan for the cleanup of litter shall be furnished and implemented by the applicant; and,
- 443.I. This use shall expressly exclude adult uses, casinos, nightclubs, off-track betting parlors and outdoor shooting ranges.

Section 444 Heavy Equipment and/or Commercial Truck Sales, Service and/or Repair Facilities

- 444.A. Within the (I) Zone, heavy equipment and/or commercial truck sales, service and/or repair service facilities are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 444.B. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 444.C. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;

- 444.D. 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. All exterior storage and/or display areas shall be screened from adjoining properties within the (R-1, R-2, R-3, MU and VC) Zones. All exterior storage/display areas shall be set back at least fifty feet (50') from adjoining street lines, and shall be covered in an all-weather, dust-free surface;
- 444.E. The demolition or junking of vehicles, boats, machinery, trucks, trailers, mobile homes, and heavy equipment vehicles, and/or parts thereof, on the property is prohibited;
- 444.F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the (R-1, R-2, R-3, MU and VC) Zones;
- 444.G. All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than 45 days unless it is stored within a completely enclosed building; and,
- 444.H. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 445 Heavy Industrial Uses

- 445.A. Within the (I) Zone, heavy industrial uses, as defined herein, are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 445.B. The applicant shall provide a detailed description of the proposed use in each of the following topics:
1. 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 wastes and/or by-products. In addition the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 2. 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;
 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Sections 309, 311 and 316 of this Ordinance; and,
 4. A traffic impact report prepared by a professional traffic engineer, according to Section 322 of this Ordinance.
- 445.C. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.

Section 446 Historic Structure Conversions

- 446.A. Within the (A, R-1, R-2, R-3, MU and VC) Zones, historic structure conversions are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 446.B. The proposed use will enable the preservation, restoration or rehabilitation of the historic structure, as defined herein. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic structure will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures. The applicant shall be required to participate in a meeting with the Pennsylvania Historic and Museum Commission (PHMC) or the Adams County Historical Society (ACHS) according to Section 518.C.2. of this Ordinance and present the PHMC's/ACHS's written findings as part of the special exception application for this use;
- 446.C. The proposed use is compatible with the surrounding area. In determining compatibility, the Zoning Hearing Board shall consider the likely impacts of the proposed use including but not limited to traffic, lighting, noise, litter, activity levels, buffer and screen plantings, signs, hours of operation and the number of proposed employees. The Zoning Hearing Board shall also consider any public health and safety impacts that will be generated by the proposed use. All uses must demonstrate adequate means of water supply and sewage disposal. These characteristics of the proposed use will be evaluated within the context of the property considering the nature and character of the surrounding area, topography, pedestrian and vehicular access, and any other relevant factors or circumstances;
- 446.D. The proposed use is consistent with the purpose of the underlying Zone and it satisfies all applicable requirements of the underlying Zone and any specific criteria attached to the proposed use as listed within this Article 4 of the Zoning Ordinance. The Zoning Hearing Board shall deny or reject any proposal if, in the Board's judgment, such proposed use is incompatible with the Zone and the neighborhood in which the subject property is located. As required, land development approvals must be obtained;
- 446.E. All proposed off-street parking, off-street loading and waste storage containers shall be screened from adjoining roads, residences and properties within the (R-1, R-2, R-3, MU and VC) Zones; and,
- 446.F. Notwithstanding other regulations contained elsewhere within this Ordinance no more than one (1) sign shall be permitted containing up to a maximum eight (8) square feet and is located at least ten (10) feet from each lot line.

Section 447 Home Improvement and Building Supply Stores

- 447.A. Within the (VC and HC) Zones, home improvement and building supply stores are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 447.B. Within the (VC) Zone, no outdoor storage and display is permitted. Within the (HC) Zone, all outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- 447.C. Within the (VC) Zone, the subject property shall contain no more than one (1) acre. Within the (HC) Zone if the subject property contains more than (2) acres, it shall front along an arterial or collector road;

- 447.D. The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above;
- 447.E. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
- 447.F. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six foot (6') high fence;
- 447.G. Within the (VC) Zone, no exterior amplified public address system is permitted. Within the (HC) Zone, the applicant shall furnish expert evidence that any exterior amplified public address system has been arranged and designed so as to comply with Section 311 of this Ordinance;
- 447.H. The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Section 309 of this Ordinance;
- 447.I. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building;
- 447.J. For uses upon properties greater than one (1) acre, the applicant shall submit a Traffic Impact Report, as governed by Section 322 of this Ordinance; and,
- 447.K. The applicant shall submit an acceptable working plan for the collection, recycling and disposal of litter and wastes.

Section 448 Home Occupations

- 448.A. Within the (A, R-1, R-2, R-3, MU and VC) Zones, home occupations, as defined herein, if conducted as an accessory use to a principal residence, are permitted by right subject to the following requirements:
- 448.B. Up to two (2) nonresident employees shall be permitted;
- 448.C. No more than one (1) home occupation may be located in any dwelling unit;
- 448.D. The home occupation shall not alter the appearance of the building as a dwelling unit;
- 448.E. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
- 448.F. No sales of any goods or merchandise shall occur on the premises that would require customer visitation to the site, other than those goods or merchandise which are produced on the premises;
- 448.G. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or tailor;
- 448.H. No goods shall be displayed so as to be visible from the exterior of the premises;
- 448.I. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit;

- 448.J. No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes;
- 448.K. In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided;
- 448.L. Only one sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to eight (8) square feet in display area. Signs located within one hundred (100) feet of a road cartway may not be a freestanding sign as defined herein;
- 448.M. The applicant shall submit evidence of all applicable State approvals; and,
- 448.N. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within Adams County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the home occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

Section 449 Hospitals with Related Uses

- 449.A. Within the (HC and I) Zones, hospitals with related uses are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 449.B. Minimum Lot Area - Five (5) acres;
- 449.C. The subject property shall have frontage along an arterial or collector road;
- 449.D. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency vehicles and equipment;
- 449.E. Emergency entrances shall be located on a building wall which faces away from adjoining residential properties or properties within the (R-1, R-2, R-3, MU and VC) Zones, or separated by at least three hundred feet (300') from properties within the (R-1, R-2, R-3, MU and VC) Zones;
- 449.F. The applicant shall submit a Traffic Impact Report, as governed by Section 322 of this Ordinance;
- 449.G. The applicant is required to submit written information indicating that adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste;
- 449.H. Where more than one (1) of the uses enumerated in 449.I. below are proposed, either at one time or separately over time, integrated site function and design shall be required, consistent with the creation of a campus-like environment;

449.I. The following uses are expressly permitted provided they are designed, located and operated in a manner that supports the overall hospital use and campus:

1. Commercial day-care facilities;
2. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs;
3. Health and fitness clubs;
4. Hospitals and hospices;
5. Intermediate care and skilled nursing facilities;
6. Medical and dental offices;
7. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient-care facilities;
8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - a. Administrative offices;
 - b. Automobile parking lots and parking garages;
 - c. Housing for students, employees and their families in accordance with the standards of the (R-3) Zone;
 - d. Helistop (see Section 449.J.1.);
 - e. Incinerators and autoclaves (see Section 449.J.2.);
 - f. Lodging facilities for patients and their families;
 - g. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility);
 - h. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/ service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings; and,
 - i. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues;

449.J. Specific Requirements for Selected Accessory Uses:

1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred feet (300') from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards; and,
2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed

building. All storage of waste shall be in a manner that is leak and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.

Section 450 Hotels, Motels and Similar Lodging Facilities

450.A. Within the (HC) Zone, hotels, motels and similar lodging facilities are permitted by right subject to the following criteria and within the (VC) Zone, hotels, motels and similar lodging facilities are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

450.B. Both public sewer and public water shall be utilized;

450.C. Within the (HC) Zone, the following accessory uses may be approved as part of the application:

1. Auditorium.
2. Barber and beauty shops.
3. Gift shop.
4. Meeting facilities.
5. Recreational uses and swimming pools.
6. Sauna, spa or steam room.
7. Solarium.
8. Valet shop.
9. Other similar retail sales and personal services.

450.D. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main building;

450.E. Within the (HC) Zone, one restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:

1. The proposed restaurant or tavern shall offer the preparation and serving food and drink to be consumed on the premises; no drive-through or take out services shall be permitted; and,
2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
3. A nightclub shall be required to obtain special exception approval in accordance with Section 460 of this Ordinance.

450.F. Individual rooms shall be assigned numbers such that the prefix shall indicate the floor number upon which the room is located (e.g. rooms located on the fourth floor shall begin with the number "4").

Section 451 Junkyards

- 451.A. Within the (I) Zone, junkyards are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 451.B. The applicant must demonstrate compliance with Chapter 88 of the Conewago Township Code of Ordinances.

Section 452 Kennels

- 452.A. Within the (A) Zone, kennels are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 452.B. The following lists minimum required lot sizes and required setbacks based upon the number of animals kept:

Type and Number of Animals Kept	Minimum Required Lot Area	Minimum Required Setback of Unenclosed Animal Boarding Buildings, Pens, Stalls, Runways, and Running Areas from the Nearest Property Line
1 dog to 50 dogs	5 acres	150 feet
1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
1 dog to 50 dogs, plus 1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
More than 50 dogs	10 acres	300 feet
More than 51 dogs, plus more than 200 animals, other than dogs	10 acres	300 feet

- 452.C. The applicant shall explain those measures that will ensure that the proposed use will comply with the noise regulations listed in Section 311 of this Ordinance;
- 452.D. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death;
- 452.E. The applicant must demonstrate evidence of compliance with the PA Dog Law;
- 452.F. The applicant must explain measures to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions and,
- 452.G. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations with particular attention to those pesticides, insecticides and detergents used.

453 Man-Made Lakes, Dams, Ponds, and Impoundments

- 453.A. Within any Zone, man-made lakes, dams, ponds, and impoundments are permitted as accessory uses by right, subject to the following:

- 453.B. All lakes, dams, ponds, and impoundments located along, and connected to, a stream that involve any of the following, shall require a permit from the PA DEP, Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
1. The lake, dam, pond, or impoundment contains a volume of at least fifty (50) acre feet;
 2. The dam reaches a height of fifteen feet (15'); and,
 3. The lake, dam, pond, or impoundment impounds the water from a watershed of at least one hundred (100) acres.
 4. Those uses that do not exceed the preceding thresholds are subject to the requirements listed in Section 463 of this Ordinance.
- 453.C. All such lakes, dams, ponds, and impoundments shall be located seventy-five feet (75') from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation;
- 453.D. All lakes, dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty feet (50') of a stream shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management;
- 453.E. All other lakes, dams, ponds, and impoundments require the submission of a statement and seal by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one and one-half feet (1.5') above the water surface elevation occurring during the base flood;
- 453.F. All lakes, dams, ponds, and impoundments, including storm water management basins, shall be located a minimum of fifty feet (50') from any subsurface sewage disposal system or well;
- 453.G. Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
- 453.H. Maintenance - All ponds shall be regularly maintained, and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

Section 454 Manufactured Home Parks

- 454.A. Within the (R-1) Zone, manufactured home parks are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 454.B. The minimum parcel size for any manufactured home park development shall be five (5) acres;
- 454.C. The maximum permitted density shall be limited to five (5) units per net acre;
- 454.D. Each single manufactured home lot shall contain no less than (4,200) square feet, and be at least forty feet (40') wide;

- 454.E. No manufactured home lot shall be within twenty-five feet (25') of a park boundary, or within fifty feet (50') of an outside street right-of-way. This area shall constitute the manufactured home park boundary area;
- 454.F. No manufactured home park office or service building shall be located within thirty feet (30') of a park boundary or an outside street right-of-way; nor within thirty feet (30') of the right-of-way of an interior park street, or the paved edge of a common parking area or common walkway; nor within thirty feet (30') of an adjacent structure or manufactured home;
- 454.G. Each manufactured home shall have a minimum front yard of twenty feet (20'), rear yard of fifteen feet (15'), and two sides of ten feet (10') each. In no case shall the distance between any two manufactured homes be less than twenty feet (20');
- 454.H. A paved on-site walkway of a minimum width of four feet (4') shall be provided to each manufactured home unit from an adjacent street;
- 454.I. Streets, curbs and sidewalks shall be constructed in accordance with the SALDO;
- 454.J. All roads in the park shall be private access drives, and shall be paved with a bituminous or concrete surface at least twenty-two feet (22') wide;
- 454.K. Each manufactured home lot shall abut on a park access drive with access to such access drive. Access to all manufactured home lots shall not be from public streets or highways;
- 454.L. Each manufactured home space shall contain no more than one (1) manufactured home, nor more than one (1) family;
- 454.M. No less than ten percent (10%) of the total manufactured home park area shall be set aside for recreation and open space purposes. Such area may not include any of the required manufactured home park boundary area. No service buildings or offices may be constructed within the required recreation and open space area;
- 454.N. Each manufactured home stand shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to an approved method of sewage disposal, and water and electrical supply;
- 454.O. Protective skirting shall be placed around the area between the stand surface and the floor level of each manufactured home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions;
- 454.P. No recreation vehicle, travel or vacation trailer or other form of temporary living unit shall be placed upon any manufactured home stand or used as a dwelling within the manufactured home park;
- 454.Q. Service and Accessory Buildings:
1. Construction - All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas shall conform to the requirements of any applicable building code, and such shall be maintained so as to prevent deterioration caused by decay, corrosion, termites, or other destructive elements. Attachments to manufactured homes in the form of sheds and lean-toos are prohibited;
 2. Manufactured home Park Office - Every manufactured home park shall have an office on-site for the manufactured home park manager. Every manufactured home park containing fifteen (15) or more manufactured home spaces shall have a structure designed and clearly identified for such office;

3. Storage Space - Occupants of each manufactured home unit shall be provided with a minimum of one hundred fifty (150) cubic feet of storage space in an individual storage building placed to the rear of each manufactured home; and,
 4. Use - Service and accessory buildings located in a manufactured home park shall be used only by the occupants of the same and their guests;
- 454.R. Each manufactured home shall be provided with a minimum of two (2) paved parking spaces which shall be located on the manufactured home space. 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 feet (300') walking distance to those units served;
- 454.S. Each manufactured home shall be placed on a six inch (6") thick poured concrete pad over a six inch (6") stone base, the length and width of which shall be at least equal to the length and width of the manufactured home it is to support. Every manufactured home shall be anchored to the manufactured home pad where it is located, prior to the unit being occupied, and no more than seven (7) days from the arrival of the manufactured home. The anchoring system shall be designed by a registered professional engineer to prevent tilting of the unit, and resist a minimum wind velocity of ninety (90) miles per hour; and,
- 454.T. All manufactured home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the special exception application.

Section 455 Manure Storage Facilities

- 455.A. Within the (A and Q) Zones manure storage facilities that are accessory to an agricultural or horticultural use are permitted by right subject to the following requirements:
- 455.B. The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection;
- 455.C. All manure storage facilities associated with a concentrated animal operation or a concentrated animal feeding operation (both as defined herein) shall require written evidence of an approval of the applicant's nutrient management plan from the Adams County Conservation District or the Pennsylvania Conservation Commission under Title 25, Chapter 83, Subchapter D. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations;
- 455.D. All manure storage facilities shall be operated and maintained in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection; and,
- 455.E. Any design changes during construction or subsequent operation will require the issuance of another zoning permit subject to the applicable regulations of this Section.

Section 456 Mass Transit and/or Taxicab Terminals

- 456.A. Within the (I) Zones, mass transit and/or taxicab terminals are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 456.B. The applicant shall submit a Traffic Impact Report in accordance with Section 322 of this Ordinance;
- 456.C. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed, off-street parking spaces for the proposed use. In addition, the applicant shall present evidence of the ability to provide additional off-street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of "oversized," off-street, parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 456.D. The subject property shall have a minimum of two hundred feet (200') of contiguous road frontage along an arterial road;
- 456.E. The subject property shall be located no closer than two hundred feet (200') from any (R-1, R-2, R-3 MU and VC) Zones and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 456.F. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line;
- 456.G. Access driveways shall be a minimum of twenty-four feet (24'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 456.H. Trash and recycling receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, an acceptable working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant;
- 456.I. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- 456.J. The outdoor storage of unlicensed and un-inspected vehicles is prohibited;
- 456.K. The applicant shall submit qualified evidence that the proposed use will comply with applicable air quality standards;
- 456.L. The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival;
- 456.M. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the standards of Section 311 of this Ordinance; and,
- 456.N. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 457 Medical Residential Campuses

- 457.A. Within the (R-1 and R-3) Zone, medical residential campuses are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 457.B. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus;
- 457.C. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques;
- 457.D. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers;
- 457.E. Commercial, medical and recreational uses shall be grouped together and located near the populations being served;
- 457.F. The minimum land area devoted to the campus shall be ten (10) contiguous acres;
- 457.G. The site shall front on and have access to a collector or arterial road;
- 457.H. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least fifty feet (50') from all lot lines of the campus property;
- 457.I. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this Section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than fifty percent (50%) of the total number of permitted dwelling units shall consist of care beds. For the purposes of this Section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to those associated with medical and/or nursing care, or those associated with congregate or communal living quarters;
- 457.J. All buildings or structures used solely for residential purposes shall be set back at least fifty feet (50') from all lot lines of the campus property;
- 457.K. The maximum permitted height is sixty feet (60'), provided that for buildings exceeding thirty-five (35) feet in height, the minimum setback from each lot line is equal to the height of the structure and the applicant must demonstrate compliance with Section 240 of this Ordinance;
- 457.L. No more than sixty percent (60%) of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- 457.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. 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;
- 457.N. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public

and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:

1. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped;
2. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities;
3. Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area; and,
4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or visitors; and,

457.O. The applicant must comply with all State requirements at all times.

Section 458 Methadone Treatment Facility

458.A. Within the (I) Zone, methadone treatment facilities are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

458.B. An methadone treatment facilities shall not be permitted to be located within one thousand feet (1,000') of any other methadone treatment facilities;

458.C. No methadone treatment facilities shall be located within one thousand feet (1000') of any land within the (R-1, R-2, R-3, MU and VC) Zones;

458.D. No methadone treatment facilities shall be located within one thousand feet (1000') of any parcel of land which contains any one or more of the following specified land uses:

1. Amusement park;
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
10. Other lands where minors congregate.

458.E. The distance between any two methadone treatment facilities 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 methadone treatment facilities 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 property line of the adult-related use to the closest point on the property line of said land use.

Section 459 Mini-Warehouses

- 459.A. Within the (I) Zones, mini-warehouses are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 459.B. One (1) off-street parking space shall be provided for each twenty-five (25) storage units, plus one per each two hundred fifty (250) square feet of office space, plus two per any residential use associated with an on-site manager;
- 459.C. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet (26') wide when cubicles open onto one side of the lane only, and at least thirty feet (30') wide when cubicles open onto both sides of the lane;
- 459.D. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the (R-1, R-2, R-3, MU and VC) Zones 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;
- 459.E. Except as noted above, 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;
- 459.F. 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;
- 459.G. No door openings for any mini-warehouse storage unit shall be constructed facing any property within the (R-1, R-2, R-3, MU and VC) Zones;
- 459.H. Mini-warehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following 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. The establishment of a transfer and storage business; and,
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;
- 459.I. The mini-warehouses will be surrounded by a six foot (6') to eight foot (8') high fence; and,
- 459.J. All outdoor lights shall be shielded to direct light and glare only onto the site and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and

focused away from all adjoining property. The applicant shall demonstrate compliance with Section 309 of this Ordinance.

Section 460 Nightclubs

- 460.A. Within the (HC) Zone, nightclubs are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 460.B. No part of the subject property shall be located within five hundred feet (500') of any land within the (R-1, R-2, R-3, MU and VC) Zones;
- 460.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;
- 460.D. The applicant shall demonstrate compliance with Sections 309 and 311 of this Ordinance;
- 460.E. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building; and,
- 460.F. An acceptable working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

Section 461 Noncommercial Keeping of Livestock

- 461.A. Within the (A and Q) Zones, the noncommercial keeping of livestock, as defined herein, is permitted by right as an accessory use to a principal residence subject to the following requirements:
- 461.B. Minimum Lot Area – All uses shall comply with the minimum lot area requirements within each respective Zone; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals:
 - 1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals;
 - 2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,
 - 3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
- 461.C. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types, the most restrictive setback shall apply:
 - 1. GROUP 1 Animals

Up to 25 animals, a twenty-five foot (25') setback;
Above 25 animals, a fifty foot (50') setback;

2. GROUP 2 Animals
Up to 2 animals; a twenty-five foot (25') setback;
Above 2 animals; a fifty foot (50') setback; and,
3. GROUP 3 Animals
Fifty feet (50').

- 461.D. All structures used to house noncommercial livestock shall be fitted with a durable floor surface that can withstand the wear associated with the weight and movement of livestock without failure (portable storage shed floors are generally unsuitable for such purposes) and shall be prohibited from placement in the front yard;
- 461.E. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals;
- 461.F. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture; and,
- 461.G. 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.

Section 462 Nursing, Rest or Retirement Homes

- 462.A. Within the (R-3 and MU) Zone nursing, rest or retirement homes are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 462.B. Within the (R-3) Zone the minimum lot area shall be two (2) acres;
- 462.C. Within the (R-3) Zone, all parking areas shall be set back a minimum of twenty-five feet (25') from all property lines. All off-street parking and/or loading areas shall be screened from adjoining lots and streets;
- 462.C. A nursing, rest or retirement home may erect one (1) sign no larger than eight (8) square feet in size, which must be set back ten feet (10') from all lot lines;
- 462.D. Both public sewer and public water shall be utilized;
- 462.E. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons; and,
- 462.F. No more than twenty-seven (27) care beds per acre shall be permitted.

Section 463 Ornamental Ponds and Wading Pools

- 463.A. Within any Zone ornamental ponds and wading pools are accessory uses permitted by right, subject to the following criteria:

- 463.B. Such uses shall comply with all side and rear yard accessory use setbacks, and principal front yard setbacks;
- 463.C. No such impoundment shall contain more than 337.5 cubic feet of water (2,530 gallons). No such impoundment shall have a length or diameter exceeding fifteen feet (15') nor a maximum depth exceeding one and one-half (1½') feet;
- 463.D. All ponds, pools or other impoundments exceeding the requirements of this Section shall be considered as "Man-made Lakes, Dams and Impoundments," and are subject to the criteria listed in Section 453 of this Ordinance;
- 463.E. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects; and,
- 463.F. No such pond(s) shall be used for the commercial hatching of fish or other species.

Section 464 Outdoor Residential Athletic Courts

- 464.A. Within any Zone, outdoor athletic residential courts are an accessory use to a residence permitted by right, subject to the following criteria:
- 464.B. All courts shall either be setback a sufficient distance from any lot line to prevent the trespass of balls or other play objects onto adjoining properties or be equipped with fences or other barriers that will prevent such trespass; and,
- 464.C. Any lighting fixtures shall comply with Section 309 of this Ordinance.

Section 465 Outdoor Shooting Ranges

- 465.A. Within the (A) Zone, outdoor shooting ranges are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 465.B. The applicant shall submit a detailed written description of the methods used to ensure that outdoor shooting range operations:
1. Do not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 2. Do not substantially damage the health, safety or welfare of the Township, or its residents and property owners;
 3. Comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
 4. Store ammunition only in an approved secure vault;
 5. Limit the number of shooters to the number of firing points or stations identified on the development plan;
 6. Require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision;

7. Prohibit the consumption of alcoholic beverages within the area approved as the shooting range; and,
 8. Limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in accordance with Section 309 of this Ordinance, in which case all shooting shall cease by 9 p.m.;
- 465.C. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;
- 465.D. The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6') high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inch (8") tall, red letters on a white background shall be posted at a maximum of one hundred foot (100') intervals around the range perimeter. Signs shall read **"SHOOTING RANGE AREA. KEEP OUT!"**;
- 465.E. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan;
- 465.F. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;
- 465.G. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way;
- 465.H. The applicant shall present credible evidence that the sounds of shooting comply with Section 311 of this Ordinance;
- 465.I. Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats; and,
- 465.J. No part of a shooting range property shall be located within one-quarter (¼) mile of any land within a (R-1, R-2, R-3, MU and VC) Zones.

Section 466 Parking and/or Storage of Recreational Vehicles, Personal Cargo Trailers and POD Storage Containers

- 466.A. Within the (A, R-1, R-2, R-3 and Q) Zones, the exterior storage of recreational vehicles, personal cargo trailers and POD storage containers, is a residential accessory use permitted by right only according to the following requirements:
- 466.B. The temporary parking of one recreational vehicle or personal cargo trailer for periods not exceeding 72 hours during any seven (7) day period is permitted in a driveway or atop any impervious surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines.
- 466.C. The storage of one recreational vehicle or personal cargo trailer shall be permitted per lot behind the building setback line, so long as the recreational vehicle or personal cargo trailer is set back no less than five (5) feet from any adjoining lot line. Any area used for the storage of a recreational

vehicle, travel trailer, boat or personal cargo trailer shall be maintained so as to keep vegetation properly trimmed, debris or litter disposed of regularly and some means to prevent the leakage of fuels and/or lubricants into the ground. All vehicles shall maintain required licensure with license plates visible from the street or requiring the submission of written proof of road worthiness upon request of the Zoning Officer.

- 466.D. The placement of one POD storage container as defined herein, shall be permitted provided such container is located at least ten (10) feet from any front property line, at least five (5) feet from each side and rear property line and does not interfere with any clear sight-triangle requirements of this Ordinance or the SLDO. Prior to the placement of the POD storage container upon the site the applicant shall be required to obtain a zoning permit. Such permit shall be issued for a period not to exceed an initial period of fourteen (14) days; after which such POD storage container must be removed. However, the applicant may request one additional fourteen-day (14) extension which shall be granted upon demonstration of "good cause" to the Zoning Officer.

Section 467 Passenger Motor Vehicle and Recreational Vehicle Sales, 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

- 467.A. Within the (VC, HC and I) Zones, passenger motor vehicle and recreational vehicle sales, 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 permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B., and specifically as follows:
- 467.B. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 467.C. Within the (VC) Zone drive-thru service bays shall be prohibited. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 467.D. 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;
- 467.E. All exterior vehicle storage areas shall be screened from adjoining roads and any adjoining land within an (R-1, R-2, R-3, MU and VC) Zone;
- 467.F. The storage of vehicles to be serviced on the property without current registration is prohibited;
- 467.G. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the an (R-1, R-2, R-3, MU and VC)) Zone;
- 467.H. All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than 45 days unless it is stored within a completely enclosed building;
- 467.I. The demolition or junking of motor vehicles is prohibited; and,
- 467.J. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 468 Principal Waste Handling, Recycling, Processing, Transfer and Disposal Facilities

- 468.A. Within the (I) Zone, principal waste handling, recycling, processing, transfer and disposal facilities are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 468.B. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building;
- 468.C. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200') of any property line, and five hundred feet (500') of any adjoining land within the (R-1, R-2, R-3, MU and VC) Zones;
- 468.D. Any external area used for the unloading, transfer, storage, or deposition of waste 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 a minimum eight foot (8') high fence, with no openings greater than two inches (2") in any direction;
- 468.E. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 468.F. The use shall be screened from all adjoining land within the (R-1, R-2, R-3, MU and VC) Zones;
- 468.G. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads;
- 468.H. All access drives onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 468.I. 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;
- 468.J. Litter control shall be exercised to prevent the scattering of wind-borne debris, and an acceptable working plan for the cleanup of litter shall be submitted to the Township;
- 468.K. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;
- 468.L. Any waste 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;
- 468.M. All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours;

- 468.N. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 468.O. Leachate from the 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, pre-treatment 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;
- 468.P. All structures shall be set back at least a distance equal to their height and all uses must demonstrate compliance with Section 240 of this Ordinance;
- 468.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.
- 468.R. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality 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. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum 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 one thousand feet (1,000') 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 one thousand feet (1,000') of the site;
 5. the location of all streams within one thousand feet (1,000') 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; and,
 8. a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 468.S. The applicant shall provide a qualified traffic impact report, as described in Section 322 of this Ordinance; and,
- 468.T. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 468.U. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site.

Section 469 Processing, Packaging, Bottling, Storage and/or Wholesaling of Food Products, Excluding Pickling Processes, Rendering or Slaughtering Operations and Sugar Refineries

- 469.1. Within the (I-1) Zone, processing, packaging, bottling, storage and/or wholesaling of food products, excluding pickling processes, rendering or slaughtering operations and sugar refineries, are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 469.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
1. The nature of the on-site processing operations, the materials used in the operation, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the operation, the total number of employees on each shift, and an overall needed site size;
 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Sections 310, 312, and 317 of this Ordinance; and,
 4. A traffic impact report prepared by a professional traffic engineer, according to Section 322 of this Ordinance.
- 469.4. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 469.5. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road; and,
- 469.6. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

Section 470 Mining, Quarrying and Related Processing Facilities

- 470.A. Within the (Q) Zone, mining, quarrying and related processing facilities are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.2. and specifically as follows:
- 470.B. General - Operations:

1. shall not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 2. shall not adversely affect any public or private water supply source;
 3. shall not adversely affect the logical, efficient and economical extensions of public services, facilities and utilities throughout the Township;
 4. shall not create any significant damage to the health, safety or welfare of the Township and its residents and property owners;
 5. shall not result in the land area subject to mining being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the mining operation; and,
 6. must demonstrate compliance with all applicable State regulations at all times.
- 470.C. Site Plan Requirements - As a part of each application, the applicant shall submit those materials required by Section 7.(b) of the Noncoal Surface Mining Conservation and Reclamation Act (Act No. 1984-219) which shall include, at a minimum, an accurately-surveyed site plan on a scale no less than 1:2400 (1 inch equals 200 feet), showing the location of the subject property or properties to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor, with assistance from experts in related fields, and shall include the following:
1. The boundaries of the proposed land affected, together with the drainage area above and below the subject property;
 2. The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the subject property;
 3. The location of all buildings within one thousand feet (1,000') of the outer perimeter of the subject property, and the names and addresses of the owners and present occupants;
 4. The purpose for which each building is used; and,
 5. The name of the owner of the subject property and the names of adjacent landowners, the municipality, and the county.
- 470.D. Minimum Lot Area - Fifty (50) acres;
- 470.E. Fencing - Operations that have a highwall, as defined herein, fifteen feet (15'), or higher, shall be required to enclose the actual area of mining with a minimum eight foot (8') high chain link fence and like latching gates. Operations with no highwalls, or highwalls of less than fifteen feet (15') high, shall be required to enclose the area of mining with a minimum forty-seven inches (47") high minimum 11 gauge woven wire fence that has openings no larger than six inches (6") in any direction and has posts at intervals of no more than ten feet (10'). All woven wire fences shall be equipped with latching minimum six (6) bar tube or panel gates, at vehicular access points;
- All gates shall be latched at times when the site is unattended. The Township will accept departures from the above-described fence/gate specifications, only if the applicant can demonstrate that the proposed fence/gate will achieve an equal or higher level of protection;
- Along all fences, the applicant will be required to post and maintain "No Trespassing" and/or "Danger" signs at intervals of no less than one (1) sign per each hundred (100) lineal feet of

fence/gate. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five feet (5') above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly;

There shall be no advertising placed upon the fencing/gate, except as may be permitted in Section 321 of this Ordinance;

- 470.F. Setback - The following table identifies minimum setbacks imposed upon specific features of the mining and/or processing uses from adjoining and/or nearby uses;

Mining-Related Feature	Any Occupied Building that is not part of the Mining and/or Processing Site	R-1, R-2, R-3, MU & VC Zones	Adjoining Road	Public/ Nonprofit Park	Cemetery or Stream Bank	Adjoining Property
stock piles or spoil piles	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
mineral processing equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
open mine pit and highwall	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
on-site access roads and off-street parking, loading and vehicle storage and weighing facilities	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
other operational equipment, structures and/or improvements	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.

- 470.G. Access - Vehicular access shall be provided in accordance with Section 302 of this Ordinance. All access drives serving the site shall have a paved, minimum thirty-five foot (35') wide, cartway for a distance of at least one hundred feet (100') from the intersecting street right-of-way line. In addition, a fifty foot (50') long gravel section of access drive shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;

- 470.H. Reclamation - The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. A planting plan shall also be required for areas of the reclaimed site that are not to be underwater. Such plan shall demonstrate the covering of the site with sufficient arable soil that can stabilize the site with a vegetative ground cover that prevents excessive soil erosion and will support a mix of indigenous vegetation. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP;

- 470.I. Buffering and Screening – A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. All uses shall be screened from adjoining roads and properties. Such screening shall be comprised of an earthen berm at least ten feet (10') in height. Such berm shall be located on the subject property and placed so as to maximize the berm's ability to absorb and/or block views of, and the noise, dust, smoke, etc. generated by, the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. Along any adjoining property line and road shall be located a minimum ten foot (10') wide landscape screen. Such landscape screen shall consist of evergreen shrubs and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of deciduous and evergreen trees of not less than five feet (5') in height at the time of planting, that shall be planted at intervals of not more than ten feet (10'). The low-level screen shall consist of evergreen trees and

shrubs of not less than three feet (3') in height at the time of planting, that shall be planted at intervals of not more than five feet (5'). The landscape screen shall be located outside of the fence required by Section 470.F. of this Ordinance and must be permanently maintained;

470.J. Operations Progress Report - Within ninety (90) days after commencement of mining operations, and during the first thirty (30) days of each calendar year thereafter, the operator shall file an operations progress report with the Zoning Officer, setting forth all of the following:

1. The name or number of the operation;
2. The location of the operation with reference to the nearest public road;
3. A description of the subject property or properties, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.;
4. The name and address of the landowner or his duly authorized representative;
5. An annual report of the type and quantity of mineral produced;
6. The current status of the reclamation work performed in pursuance of the approved reclamation plan;
7. A maintenance report for the site that verifies that all required fencing, signage, and berming has been specifically inspected for needed repairs and/or maintenance, and that such needed repairs and/or maintenance has been performed; and,
8. Verification that the proposed use continues to comply with all applicable State and Township regulations and any conditions imposed at the time of approval. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP;

470.K. Water Restoration - In accordance with Section 11.(g) of the PA Noncoal Surface Mining and Conservation and Reclamation Act, any mining/processing operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the affected supply; and,

470.L. Maximum Permitted Height - No piling of spoiled materials and/or waste materials shall exceed a height of fifty feet (50') above the natural unexcavated grade. Such pilings must be periodically and sufficiently covered with earth and the seed of a year-round ground cover in order to achieve a stable condition. The applicant must demonstrate compliance with Section 240 of this Ordinance.

Section 471 Recycling Facilities for Paper, Plastic, Glass, and Metal Products

471.A. Within the (I) Zone, recycling of paper, glass and metal products is permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

471.B. All operations, including collection shall be conducted within a completely-enclosed building;

471.C. There shall be no outdoor storage of materials and/or wastes processed, used or generated by the operation;

- 471.D. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with fumes and dust;
- 471.E. The applicant shall demonstrate compliance with Sections 309 and 311 of this Ordinance;
- 471.F. The applicant shall be required to submit a written working plan to assure regular maintenance of the site to immediately collect stray debris and litter.

Section 472 Residential Swimming Pools

- 472.A. Within any Zone, a swimming pool is an accessory use to a residence permitted by right, subject to the following criteria:
- 472.B. Swimming pools and any related improvements (e.g. sidewalks, decking, pumps, equipment, etc.) shall not be located within the front yard and shall be setback at least ten (10) feet from any side or rear lots line and any utility, stormwater or access easements or rights-of-way.
- 472.C. Except as noted in Section 472.F. of this Ordinance, all pools shall be entirely enclosed with a continuous, rigid fence or wall that shows no evidence of flexing when climbed by an adult. Such fence shall be erected before the pool is filled with water.
- 472.D. The required fence shall have a minimum height of four (4) feet. No openings shall be permitted between the various fence components that would allow the passage of a four (4) inch diameter object through such opening. No openings shall be permitted between the fence and the ground that would allow the passage of a two (2) inch diameter object through such opening.
- 472.E. The exterior side of the required fence must rise approximately perpendicular from the ground and shall not contain steps or any protrusions or recessions which could aid in the climbing of the fence.
- 472.F. Where the swimming pool is located above ground, the sides of the pool may be considered as part of the fence required to enclose the pool, provided that the pool walls are at least four (4) feet in height and have a retractable ladder.
- 472.G. The required fence shall be equipped with a self-latching gate, which shall be locked or secured at all times when the swimming pool is unattended.
- 472.H. All pools must use operable filtration and an effective antibacterial agent (e.g. chlorine, bromine, ozone, etc.)
- 472.I. All pools must adhere to the strictest minimum requirements of the UCC and the Township Building Code, both of which may be amended.

Section 473 Roadside Stands

- 473.A. Within the (A) Zone roadside stands, as defined herein, for the seasonal sale of agricultural products are permitted by right as an accessory use to an agricultural or horticultural use, subject to the following requirements:
- 473.B. Roadside stands shall not exceed three hundred (300) square feet of total display area;
- 473.C. Roadside stands must be located at least twenty feet (20') from the right-of-way line and must have at least three (3) off-street parking spaces;

- 473.D. A maximum of two (2) signs will be permitted each of which shall not exceed eight (8) square feet in total area, nor exceed a maximum height of fifteen feet (15'). Signs shall only be displayed during seasons when the roadside stand operates;
- 473.E. Any structure must be located at least fifty feet (50') from any side or rear property line;
- 473.F. No structures housing a roadside stand or accompanying parking area may be located within one hundred feet (100') of any intersecting street rights-of-ways; and,
- 473.G. No more than one (1) roadside stand per property shall be permitted.

Section 474 Routine Repair of Personal Motor Vehicles

- 474.A. Within any Zone the routine repair and servicing of personal motor vehicles, owned or leased by the person performing such services within a completely-enclosed building, is an accessory use to a residence permitted by right, provided that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations; and,
- 474.B. Within the (A, R-1, R-2, R-3, MU and Q) Zones the routine maintenance, repair and servicing of personal motor vehicles, owned or leased by the person performing such services outside of a completely-enclosed building, is an accessory use to a residence permitted by right subject to the following criteria:
1. All vehicles shall be maintained with proper licensure;
 2. Work shall be limited to the following:
 - a. Servicing and replacement of spark plugs, batteries, distributors, and distributor parts;
 - b. Repair and replacement of tires and wheels, excluding recapping or re-grooving;
 - c. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants;
 - d. Repair and replacement of audio systems, amplifiers, and speakers;
 - e. Cleaning and flushing of radiators only when flushed into a water-tight container;
 - f. Repair and replacement of fuel pump, oil pump and line repairs;
 - g. Minor servicing and adjustment of carburetors and injectors;
 - h. Minor motor adjustments not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor;
 - i. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating; and,
 - j. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants;
 4. The disposal of all by-product or waste fuels, lubricants, chemicals, and other products shall be accomplished in a manner that complies with State and Federal regulations; and,

5. No vehicle shall be stored in a “jacked-up” position, or on blocks.

Section 475 Rural Occupations

- 475.A. Within the (A) Zone rural occupations, as defined herein, are permitted by right as an accessory use to a single family detached dwelling unit, subject to the following requirements:
- 475.B. Only one (1) rural occupation may be conducted on the same property as the owner's principal residence and shall not exceed the area of the principal residence's ground floor or one thousand (1,000) square feet, whichever is the lesser;
- 475.C. A rural occupation shall only be conducted within one completely enclosed outbuilding that satisfies at least one (1) of the following:
 1. The building will remain the same size and in the same location as it existed on the effective date of this Ordinance; or
 2. The building is limited to one (1) story in height or fifteen feet (15'), whichever is lesser, is no larger than the square footage that comprises the principal residence's main grade level, is located in the rear yard of the principal residence, and is set back at least fifty feet (50') from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings;
- 475.D. In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site;
- 475.E. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other accessory uses;
- 475.F. All off-street parking and loading spaces shall be screened from adjoining roads and properties;
- 475.G. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principal residence, so long as it is screened from adjoining roads and properties;
- 475.H. One (1) non-illuminated sign not exceeding eight (8) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
- 475.I. No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall furnish a written and sworn statement regarding the expected numbers of vehicle trips associated with the proposed use;
- 475.J. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted;
- 475.K. Only residents of the site may be employed in the rural occupation. For the purposes of this Section, “employees” shall be defined as those involved in the on-site conduct of the rural occupation;
- 475.L. Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m. No rural occupation shall be conducted on Sundays;

- 475.M. No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for wastewater treatment;
- 475.N. Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation;
- 457.O. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further, that such means is part of the same system in use for the principal residence; and,
- 475.P. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within Adams County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the rural occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

Section 476 Sales, Storage and/or Wholesaling for the Local Delivery of Home and Auto-Related Fuels, Nursery and Garden Materials and Stock, Redi-Mix Concrete, Contractor Supplies and, Plumbing, Heating, Air Conditioning, Electrical, and other Structural Components of Buildings.

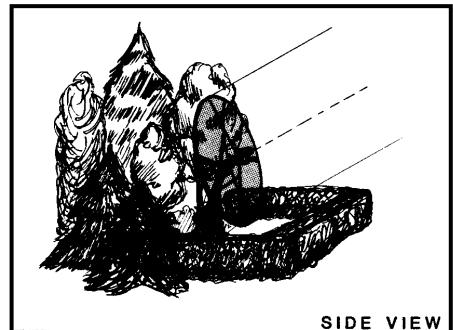
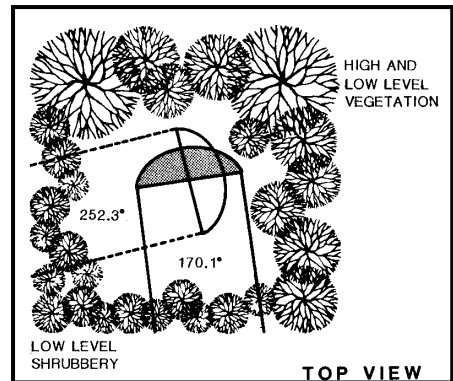
- 476.A. Within the (I) Zone, the sales, storage and/or wholesaling for the local delivery of home and auto-related fuels, nursery and garden materials and stock, redi-mix concrete, contractor supplies and, plumbing, heating, air conditioning, electrical, and other structural components of buildings are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 476.B. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties within the (R-1, R-2, R-3, MU and VC) Zones;
- 476.C. If the subject property contains more than (2) acres, it shall front along an arterial or collector road;
- 476.D. The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above;
- 476.E. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;

- 476.F. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six foot (6') high fence;
- 476.G. The applicant shall furnish expert evidence that any exterior amplified public address system has been arranged and designed so as to comply with Section 311 of this Ordinance;
- 476.H. The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Section 309 of this Ordinance;
- 476.I. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building;
- 476.J. The applicant shall submit a Traffic Impact Report, as governed by Section 322 of this Ordinance;
- 476.K. The applicant shall submit an acceptable working plan for the collection, recycling and disposal of litter and wastes;
- 476.L. No storage of bulk fuels shall be located within one thousand feet (1000') of any property within the (R-1, R-2, R-3, MU and VC) Zones and/or any property that contains any one or more of the following specified land uses:
1. Amusement park;
 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
 10. Other lands where minors congregate.
- 476.M. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.

Section 477 Satellite Dish Antennas

- 477.A. Within any Zone, roof or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter are permitted by right. Residential properties shall contain no more than two (2) such devices;
- 477.B. Within the (A, R-1, R-2, R-3, MU and VC) Zones one ground-mounted satellite dish antenna up to one meter (39.4 inches) in diameter is permitted by right as an accessory use to a single family dwelling unit, subject to the following requirements:
1. All accessory residential installations must comply with all residential accessory use requirements specified within the Zone;
 2. All installations shall be located (where possible) to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;
 3. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the

antenna. Required screening shall consist of evergreen plantings that provide eighty percent (80%) visual blockage of the area between ground level and a height of six (6) feet along the antenna's non-reception window axes. Required low-level ornamental landscaping shall consist of vegetative materials that are planted with sufficient density to form an enclosure with the required screening, around the base of the antenna. Ornamental landscaping height will be determined by the installation's required elevation alignments. The above diagrams present illustrative examples of a required screening and landscaping treatment. All screening and landscaping requirements can be waived if the satellite dish antenna is at least one hundred (100) feet from any property line;



4. All installations shall be securely anchored to the ground to prevent detachment during foul weather conditions. The applicant shall furnish evidence (statements and/or drawings) indicating the foundation method to be employed;
 5. No transmission of video format data shall be permitted; and,
 6. The allowance of a satellite dish antenna shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township;
- 477.C. In any (A, R-1, R-2, R-3, MU and VC) Zone, roof or window-mounted satellite dish antennas larger than one meter (39.4 inches) up to twelve feet (12') in diameter are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
1. Demonstration by the applicant that compliance with the applicable accessory yard, setback and height requirements would cause obstruction of a ground-mounted satellite dish antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control;
 2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished;
 3. No transmission of video format data shall be permitted;
 4. The satellite dish antenna must be set back at least the horizontal distance equal to its maximum height, from all property lines; and,
 5. Any granting of a special exception for a satellite dish antenna shall in no way place any liability upon the Township or its Zoning Hearing Board for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any

arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

477.D. In any (HC, I and Q) Zone, satellite dish antennas are permitted by right, subject to the following criteria:

1. All installations shall comply with the area, height, bulk and setback standards imposed upon principal uses;
2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished;
3. All ground-mounted installations shall be screened from any adjoining properties. Such screening can be waived if the antenna is set back a distance at least five times its diameter from the adjoining property;
4. Those ground-mounted installations used to transmit video format data shall be completely enclosed by an eight (8) foot high fence. Such fence shall include signs warning of dangerous radiation levels, must be screened from adjoining properties, and must be locked at all times. This screening requirement can be waived if the fence is set back a distance at least five times the diameter of the satellite dish antenna, from the adjoining property; and,
5. The allowance of a satellite dish antenna(s) shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

Section 478 Sawmills

478.A. Within the (I) Zone, sawmills are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:

478.B. No material shall be deposited or stored, and no building or structure shall be located, within two hundred feet (200') of any property line and five hundred feet (500') of any land within an (R-1, R-2, R-3, MU and VC) Zone;

478.C. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not back-up onto public roads;

478.D. Litter control shall be exercised to prevent the scattering of wind-borne debris, and an acceptable working plan for the cleanup of litter shall be submitted.

478.E. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site; and,

478.F. The applicant must demonstrate compliance with Section 311 of this Ordinance.

475.G. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.

Section 479 Septage and Compost Processing

- 479.A. Within the (A) Zone, septage and compost processing are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 479.B. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof;
- 479.C. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 479.D. The use shall be screened from all roads and adjoining properties;
- 479.E. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads;
- 479.F. All driveways onto the site must be paved for a distance of at least one hundred feet (100') from the street right-of-way line. In addition, a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 479.G. The unloading, processing and transfer, of septage and compost shall be continuously supervised by a qualified facility operator;
- 479.H. Any leachate 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 PA DEP regulations;
- 479.I. If the facility is to rely upon non-public sources of water, 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. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum 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 one thousand feet (1,000') 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 one thousand feet (1,000') of the site;
 5. the location of all streams within one thousand feet (1,000') 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; and,
8. a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 479.J. A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip;
- 479.K. 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. 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; and,
- 479.L. Any structure used for the storage, loading, processing and/or packaging of compost shall be set back at least three hundred feet (300') from all property lines, and five hundred feet (500') from any land within the (R-1, R-2, R-3, MU and VC) Zones. In addition, any ventilation outlets must be oriented away from any land within the (R-1, R-2, R-3, MU and VC) Zones.

Section 480 Shopping Centers

- 480.A. Within the (VC and HC) Zone, shopping centers are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 480.B. The initial approval of the shopping center shall require special exception review. For freestanding pad sites, the applicant may choose to identify proposed building envelopes and a list of potential uses to be applied to each pad site respectively as an alternative to the specific identification of each use; however, in reviewing such pad sites the Township will consider the worst case scenario of building site envelope and potential uses when evaluating the special exception application. Any subsequent substitution of use within the shopping center shall be permitted by right so long as the proposed use is permitted and does not require amendment of the site plan approved by the original special exception. Future uses to be substituted that require separate special exception or conditional use approval, shall follow such review and approval processes. Future uses that require amendment of the site plan shall require special exception approval under Section 804.3. of this Ordinance;
- 480.C. Shopping centers shall front on an arterial road. Drive-through lanes for any use contained within the shopping center shall connect only to internal access drives and parking lots. Access drives serving all shopping centers shall be set back at least two hundred feet (200') from the intersection of any street right-of-way lines along the same side of the street;
- 480.D. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas;
- 480.E. Unless deferred by the Zoning Hearing Board, all shopping centers must provide an improved bus stop which would be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one (1) shade tree;

- 480.F. Shopping centers with more than two hundred (200) parking spaces must integrate a designated location for a minimum of twenty (20) park and ride off-street parking spaces that is readily-identifiable and conveniently accessible to passing motorists. Such park and ride spaces can include those spaces required to serve the shopping center and shall be designed, signed, lighted and maintained in accordance with Section 313 of this Ordinance;
- 480.G. The applicant's site plan shall clearly depict the proposed locations and dimensions of all on-site circulation improvements which must demonstrate safe vehicular and pedestrian movements both upon and abutting the subject property;
- 480.H. A Traffic Impact Report shall be submitted by the applicant, in accordance with Section 322 of this Ordinance;
- 480.I. Both public sewer and public water utilities shall be required.
- 480.J.. The following tabulates required off-street parking and loading, and interior landscaping standards for shopping centers:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Floor Area	Minimum Required Interior Landscaping As Described in Section 314.U.3. this Ord.	Minimum Required Off-Street Loading Spaces
Shopping center	4.5*	5%	2 plus 1 per 50,000 sq. ft., or fraction thereof, of gross floor area over 20,000 sq. ft.
Freestanding restaurants that are integrated within the shopping center	4.5*	5%	1 for uses with at least 2000 square feet plus 1 per 10,000 sq. ft., or fraction thereof, of gross floor area over 10,000 sq. ft.
* Shopping centers within the VC Zone that provide for fully integrated sidewalks that connect to the adjoining streetscape and have uses that can be safely and conveniently accessed by pedestrians need only provide off-street parking spaces at a rate of 3.5 per 1000 square feet of gross floor area.			

- 480.L. The proposed shopping center design shall comply with the applicable regulations contained within the following table:

SHOPPING CENTER DESIGN REQUIREMENTS		
↓Standard / Zone ⇒	HC	VC
Required Lot Area	Minimum - 5 acres;	Minimum - 1 acre;
Minimum Required Lot Width	250 ft. at the building setback line & street line	200 ft. at the building setback line & street line
Minimum Required Lot Depth	250 ft.	NA
Required Minimum Yard Setbacks:	The following lists required setbacks between features of the shopping center and perimeter lot lines. No specific setbacks are required between buildings located upon the shopping center site except those that may be required by the ISO (as defined herein) or by the Pennsylvania Uniform Construction Code.	
Front, as Measured from Street R.O.W.	50 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	10 ft. for buildings & structures (except permitted signs) and for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.

SHOPPING CENTER DESIGN REQUIREMENTS		
↓Standard / Zone ⇒	HC	VC
One Side	50 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters	10 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters
Both Sides	100 ft. for buildings & structures (except permitted signs); 50 ft. for off-street parking & loading spaces & dumpsters	20 ft. for buildings & structures (except permitted signs) off-street parking & loading spaces & dumpsters
Rear	50 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	10 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters
Minimum Required Setback from Residential Zone as measured to closest point of area devoted to the use.	<ol style="list-style-type: none"> 500 ft. for uses with more than 60,000 square feet of gross floor area that operate between the hours of 10:00 PM and 6:00AM; 200 ft. for uses with less than 60,000 square feet of gross floor area that operate between the hours of 10:00 PM and 6:00AM; and, 100 ft. for uses that do not operate between the hours of 10:00 PM and 6:00AM. 	<ol style="list-style-type: none"> 200 ft. for uses that operate between the hours of 10:00 PM and 6:00AM; and, 20 ft. for uses that do not operate between the hours of 10:00 PM and 6:00AM.
Maximum Permitted Impervious Lot Coverage	65% subject to increase under Section 222.19 of this Ordinance.	70% subject to increase under Section 221.4. of this Ordinance.
Maximum Permitted Building Height	See Section 222.7.	See Section 221.7.

480.M. The applicant shall submit written expert evidence that demonstrates compliance with the lighting requirements of Section 309 of this Ordinance;

480.N. The applicant shall submit a landscape plan prepared by a landscape architect registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of Section 320 of this Ordinance. Such plans shall include but not be limited to details depicting:

1. Landscape buffers and screens used to protect adjoining residential zones and residential uses;
2. Screening used to prevent the spillage of headlights onto adjoining properties;
3. Typical interior landscape island treatments;
4. Typical landscape strip treatments; and,
5. Landscape treatments at the shopping center access drives' intersections with streets.

480.O. The applicant shall submit a sign plan that demonstrates compliance with Table 3 of Section 321 of this Ordinance regulating Planned Center Signs. Once approved as part of the special exception review, any subsequent substitution of sign that does not increase the size and/or alter the location of signs permitted on the originally approved sign plan is permitted by right. Future signs that would alter the size and/or location of signs will require shall require special exception approval.

Section 481 Slaughtering, Processing, Rendering, and Packaging of Food Products and Their By-Products

- 481.A. Within the (I) Zone, slaughtering, processing, rendering, and packaging of food products and their by-products are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 481.B. Minimum Lot Area - Five (5) acres;
- 481.C. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads;
- 481.D. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;
- 481.E. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- 481.F. The applicant shall furnish an acceptable written working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;
- 481.G. The applicant shall furnish an acceptable written working plan for the regular clean-up and disposal of all animal wastes, so as not to be objectionable at the site's property line;
- 481.H. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;
- 481.I. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels. The applicant must demonstrate those methods that will be used to comply with Section 311 of this Ordinance;
- 481.J. The loading and unloading of trucks shall be restricted to the hours between 6:00 AM and 10:00 PM;
- 481.K. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line nor five hundred feet (500') of any land within a (R-1, R-2, R-3, MU and VC) Zone;
- 481.L. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip;
- 481.M. Both public sewer and public water shall be utilized. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;
- 481.N. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;

- 481.O. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
- 481.P. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- 481.Q. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
- 481.R. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer, in accordance with Section 322 of this Ordinance; and,.
- 481.S. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.

Section 482 Truck or Motor Freight Terminals

- 482.A. Within the (I) Zone, truck or motor freight terminals are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 482.B. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Zoning Hearing Board a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of special exception terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.
- 482.C. The applicant shall furnish a Traffic Impact Report, prepared by a professional traffic engineer, in accordance with Section 322 of this Ordinance;
- 482.D. The subject property shall have a minimum of three hundred feet (300') of contiguous road frontage along an arterial and/or collector road;
- 482.E. The subject property shall be located no closer than five hundred feet (500') from any (R-1, R-2, R-3, MU and VC) Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 482.F. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are

set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;

- 482.G. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 482.H. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 482.I. All vehicle service and/or repair activities shall be conducted within a completely- enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 482.J. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited;
- 482.K. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;
- 482.L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 311 of this Ordinance;
- 482.M. The applicant shall demonstrate compliance with Section 309 of this Ordinance; and,
- 482.N. The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted;
- 482.O. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations; and,
- 482.P. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.

Section 483 Truck Stops

- 483.A. Within the (I) Zone, truck stops are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 483.B. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Zoning Hearing Board a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of special exception terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use

periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.

- 483.C. The applicant shall furnish a Traffic Impact Report, prepared by a professional traffic engineer, in accordance with Section 322 of this Ordinance;
- 483.D. The subject property shall have a minimum of three hundred feet (300') of contiguous road frontage along an arterial and/or collector road;
- 483.E. The subject property shall be located no closer than five hundred feet (500') from any (R-1, R-2, R-3, MU and VC) Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 483.F. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;
- 483.G. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 483.H. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop according to the schedule contained within Section 313.23. of this Ordinance. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 483.I. All vehicle service and/or repair activities shall be conducted within a completely- enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 483.J. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited;
- 483.K. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;
- 483.L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 311 of this Ordinance;
- 483.M. The applicant shall demonstrate compliance with Section 309 of this Ordinance; and,
- 483.N. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 483.O. An acceptable working plan for the cleanup of litter shall be furnished and implemented by the applicant and,
- 483.P. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.
- 483.Q. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.

Section 484 Two-Family Conversions

- 484.A. Within the (R-2 and MU) Zones, a detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least three thousand (3,000) square feet, may be converted by right into two (2) dwelling units, by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 484.B. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- 484.C. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 484.D. All floors above and/or below grade shall have direct means of escape to ground level;
- 484.E. Four (4) off-street parking spaces shall be provided; however, such uses may share the same driveway provided that vehicles entering and/or exiting the property are unimpeded by a parking space; and,
- 484.F. The applicant shall obtain any required land development approvals.

Section 485 Uses in Mixed Use Zone

- 485.A. Within the (MU) Zone, various uses (medical, dental, vision and counseling clinics, offices, personal services, restaurants excluding drive-thru and fast-food restaurants, and retail sale of goods) are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 438.B. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 220.15. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 486 Veterinary Offices

- 486.A. Within the (A, MU, VC, HC and I) Zones, veterinary offices are permitted by right, provided that the applicant meets the following criteria:
- 486.B. No outdoor keeping or running of animals is permitted; and,
- 486.C. The applicant shall explain those measures that will ensure that the proposed use will comply with the noise regulations listed in Section 311 of this Ordinance;
- 486.D. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death;
- 486.E. The applicant must explain measures to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions and,

- 486.F. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations with particular attention to those pesticides, insecticides and detergents used.

Section 487 Veterinary Offices and Kennels

- 487.A. Within the (HC and I) Zones, veterinary offices and kennels are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 487.B. No outdoor keeping or running of animals is permitted; and,
- 487.C. The applicant shall explain those measures that will ensure that the proposed use will comply with the noise regulations listed in Section 311 of this Ordinance;
- 487.D. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death;
- 487.E. The applicant must demonstrate evidence of compliance with the PA Dog Law;
- 487.F. The applicant must explain measures to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions and,
- 487.G. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations with particular attention to those pesticides, insecticides and detergents used.

Section 488 Warehousing and Wholesale Trade Establishments

- 488.A. Within the (I) Zone, warehousing and wholesale trade establishments are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 488.B. The applicant shall provide a detailed description of the proposed use in each of the following topics:
1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 2. 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;
 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Articles 3 and 5 of this Ordinance; and,

4. A traffic impact report prepared by a professional traffic engineer, according to Section 700 of the SALDO.
- 488.C. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. Warehouses not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Zoning Hearing Board a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. Upon approval of special exception, warehouse owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the warehouse and at a distance of 75 feet from the warehouse building.
- 488.D. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 488.E. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road; and,
- 488.F. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads.
- 488.G. The subject property shall be located no closer than five hundred feet (500') from any (R-1, R-2, R-3, MU and VC) Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 488.H. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;
- 488.I. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 488.J. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 488.K. All vehicle service and/or repair activities shall be conducted within a completely- enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 488.L. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited;
- 488.M. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;

- 488.N. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 311 of this Ordinance;
- 488.O. The applicant shall demonstrate compliance with Section 309 of this Ordinance;
- 488.P. The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted; and,
- 488.Q. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 489 Wind Farms

- 489.A. Within the (A) Zone, wind farms (as defined herein) are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.3.B. and specifically as follows:
- 489.B. The applicant shall prepare and submit a narrative and mapping describing the proposed wind farm, including:
1. an overview of the project;
 2. the project location;
 3. the approximate generating capacity of the wind farm;
 4. the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers; and,
 5. a description of accessory facilities.
 6. an affidavit or similar evidence of agreement between the property owner(s) and the applicant demonstrating that the applicant has the permission of the property owner(s) to apply for necessary permits for construction and operation of the wind farm.
 7. a listing and map of the properties on which the proposed wind farm will be located, and the properties adjacent to where the wind farm will be located.
 8. a site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind farm to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- 489.C. The applicant shall demonstrate with credible expert evidence that:
1. to the extent applicable, the wind farm shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142;
 2. the design of the wind farm shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from

Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations;

3. each of the proposed wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection;
4. all electrical components of the wind farm shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards;
5. wind turbines shall be a non-obtrusive color such as white, off-white, gray or some color similar to the background of the proposed wind turbine;
6. wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety;
7. wind turbines shall not display advertising, other than an incidental insignia of the turbine manufacturer;
8. on-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
9. a clearly visible warning sign concerning voltage must be placed at the base of all at-grade transformers and substations.
10. visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of each guy wire and along each guy wire up to a height of ten feet from the ground. The applicant shall also submit an acceptable working plan for the regular inspection of such guy wires and replacement of any needed flags, reflectors, or tape;
11. wind turbines shall be designed and constructed to be non-climbable up to fifteen (15) feet above ground surface.
12. all access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
13. wind turbines shall be set back from the nearest principal building of a property owner who has agreed to locate the proposed wind farm upon his/her property a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the principal building.
14. wind turbines shall be set back from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the adjoining property line.
15. wind turbines shall be set back from the right-of-way of any street a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the street right-of-way.

16. The applicant shall be responsible for the prompt repair and maintenance of all roads used to transport equipment and parts for construction, operation or maintenance of the wind farm. The applicant shall prepare an engineering report that documents road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. Such reports shall be reviewed by the Township engineer; any discrepancies shall be mediated by a third engineer selected by mutual acceptance by the applicant's and Township's engineers. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads and the Township may bond the road in compliance with state regulations.
 17. The applicant shall provide a copy of the project summary and site plan as required in Section 489.B. to the Township Emergency Management Coordinator. The applicant shall prepare and coordinate the implementation of an emergency response plan for the wind farm acceptable to the Township Emergency Management Coordinator prior to the issuance of a zoning permit for the proposed use.
- 489.D. Audible sound from a wind farm shall not exceed fifty (55) dBA, as measured at the following minimum distances. Methods for measuring and reporting acoustic emissions from the wind farm shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind turbine Generation Systems Volume I: First Tier*.
1. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the nearest principal building of a property owner who has agreed to locate the proposed wind farm upon his/her property;
 2. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property; and,
 3. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater, from the right-of-way of any street.
- 489.E. The applicant shall make reasonable efforts to minimize shadow flicker and to avoid any disruption or loss of radio, telephone, television or similar signals. The applicant shall mitigate any such harm caused by the wind farm on any adjoining property whose owner has not agreed to locate the proposed wind farm upon his/her property.
- 489.F. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates of insurance coverage shall be made available to the Township each year that the wind farm operates.
- 489.G. The applicant shall be responsible for the removal of the wind farm in accordance with the following requirements:
1. The applicant shall, at his/her expense, complete removal of the wind farm, or individual wind turbines, within (12) twelve months after the end of the useful life of the wind farm or individual wind turbines. The wind farm or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 2. Removal shall include the elimination of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
4. An independent and certified Professional Engineer shall be retained to estimate the total cost of removal ("Removal Costs") without regard to salvage value of the equipment, and the cost of removing net salvage value of the equipment ("Net Removal Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter at the applicant's and/or any successor's expense.
5. The applicant shall post and maintain removal funds in an amount equal to net removal costs; provided, that at no point shall removal funds be less than twenty five percent (25%) of removal costs. The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
6. Removal funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
7. If the applicant fails to complete removal within the period prescribed by Section 489.G.1., of this Ordinance, then the landowner shall have six (6) months to complete removal.
8. If neither the applicant, nor the landowner complete removal within the periods prescribed by Sections 489.G.1., and 489.G.7. of this Ordinance, then the Township may take such measures as necessary to complete removal. The entry into and submission of evidence of a participating landowner agreement to the Township in accordance with Section 489.B.6. of this Ordinance shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the removal plan.
9. The escrow agent shall release the removal funds when the applicant has demonstrated and the municipality concurs that removal has been satisfactorily completed, or upon written approval of the municipality in order to implement the removal plan.

Article 5

Environmental Protection

Section 500 Purpose

In accordance with sound community and site planning principles, this Article provides for requirements that are imposed upon proposed uses and activities that, because of their location, pose a threat to the environmental integrity of the Township and thereby threaten public welfare. The respective sections of this Article impose necessary restrictions to ensure environmental stewardship and require an applicant to engage a proper site planning process.

Section 501 Relationship to Other Sections of This Ordinance

- 501.A.** The provisions of this Article are designed to supplement the provisions contained elsewhere in this Ordinance. In those instances where design, application, review and/or performance criteria contained herein differ from those imposed elsewhere in this Ordinance, the most restrictive standard shall apply. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.
- 501.B.** This Section shall expressly not prohibit land management practices which are intended to ecologically improve any wetland, woodland, stream, lake or pond, provided that all necessary permits have been obtained from the Pennsylvania Department of Environmental Protection and all other applicable regulatory entities.

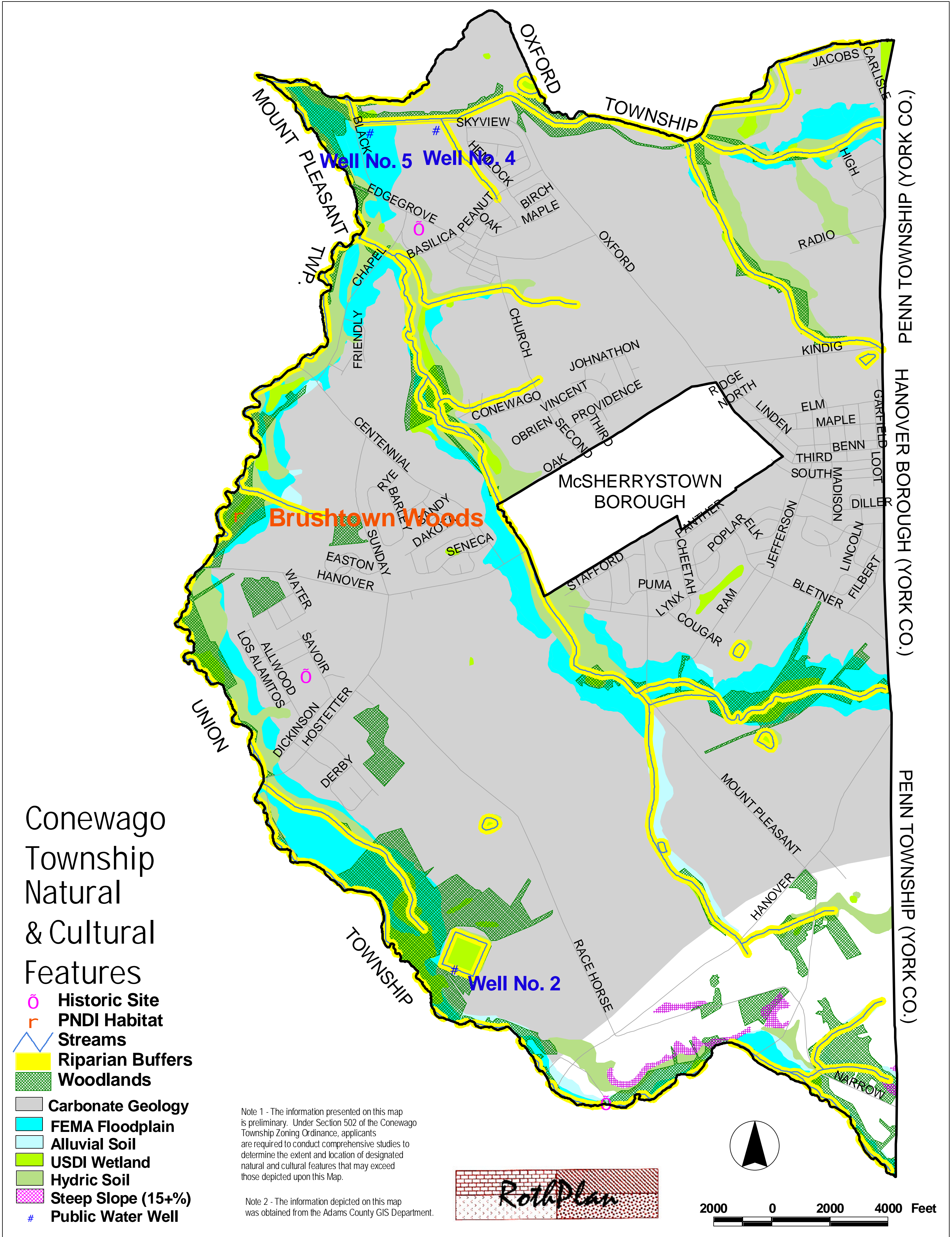
Section 502 Feature Identification Procedures

502.A. FEATURE IDENTIFICATION

All applications for new uses that involve land disturbance (except agricultural tilling and gardening) and/or development shall be required to conduct an investigation that identifies all natural and cultural features located on the subject property. Such investigation can include literary research, aerial photograph interpretation through on-site verification. It is noted that the Township has preliminarily identified specific natural and cultural features as depicted upon the Conewago Township Natural Features Map which is hereby incorporated as part of this Ordinance. However, other known sources and inventories shall also be used as needed (e.g. soil surveys, GIS data, topographic maps, geologic maps and reports, well drilling reports, etc.) Such investigation shall be comprehensive, detailed and conducted using professional and generally-accepted practices by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature.

502.B. PREPARATION OF NATURAL & CULTURAL FEATURES SITE PLAN & REPORT

Next, the applicant shall be required to prepare a detailed natural and cultural features site plan depicting the extent and location of the various natural and cultural features as regulated by this Article. Except as noted for accessory use and/or individual dwelling unit zoning permit applications



as described in Section 503.B., such Site Plan shall be prepared to the specifications and at the same scale as required for a sketch/preliminary plan as regulated by the SLDO. In addition, the applicant shall prepare a report that demonstrates compliance with all applicable requirements of this Article. Such Site Plan and Report shall be prepared by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature. The sources of all discovered natural and cultural features should be documented upon the Site Plan and contained within the Report as well as the qualifications of the preparer.

502.C. DISPUTES OVER THE PRESENCE/LOCATION OF NATURAL OR CULTURAL FEATURES

Should a dispute concerning the presence, extent and/or location of a particular natural or cultural feature arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 804.5. of this Ordinance. In such instances, the burden of proof shall rest with the applicant.

Section 503 Review Procedures

503.A. REVIEW OF USES REQUIRING SUBDIVISION / LAND DEVELOPMENT APPROVAL

For uses that require “subdivision” and/or “land development” (both, as defined herein) approval, the natural and cultural features site plan and report shall be submitted as part of the sketch/preliminary application requirements as listed in the SLDO. Such materials shall be reviewed and approved by the Board of Supervisors, after review by the Planning Commission and/or any other specified agent of the Township in accordance with the procedures contained within the SLDO. Should the Board of Supervisors determine that the applicant's submission does not adequately address the relevant natural and cultural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural and cultural features, the application shall be denied. As an alternative, the Board may approve the application with conditions imposed that directly overcome the application's deficiencies. Finally, should the applicant request under Section 135-26 of the SLDO, the Township may grant waivers under any section of this Article of the Zoning Ordinance during the subdivision or land development process.

503.B. REVIEW OF USES REQUIRING ONLY ZONING PERMIT APPROVAL

For uses that do not require “subdivision” and/or “land development” (both, as defined herein) approval, the natural and cultural features site plan and report shall be submitted as part of the zoning permit application requirements as listed in Section 901 of this Ordinance. Applications for individual dwelling units and/or accessory uses merely need to present sufficient information to demonstrate that the proposed use in no way violates any of the regulations imposed on the respective natural and cultural features located on the subject property, subject to the Zoning Officer's right to require supplemental information. All such materials shall be reviewed and approved by the Zoning Officer, after review by any specified agent of the Township in accordance with the procedures contained within Section 901 of this Ordinance. Should the Zoning Officer determine that the applicant's submission does not adequately address the relevant natural and cultural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural and cultural features, the zoning permit application shall be denied.

Section 504 Resource Protection & Management Strategies

504.A. SUBMISSION OF REQUIRED MANAGEMENT REPORT

Depending upon the presence of those natural and cultural features contained upon the site, the applicant for uses that require “subdivision” and/or “land development” (this Section shall not apply to uses reviewed under Section 503.B. of this Ordinance) shall be required to submit a written Management Report detailing the specific actions being employed to protect and manage the respective features. Such Management Report shall be prepared under the responsible charge of a Pennsylvania-licensed professional and should be signed and sealed by such professional for each respective natural and/or cultural feature and include the following minimum requirements.

1. Description of methods used to ensure the perpetual protection of those natural and cultural features contained on the site in accordance with the regulations of this Article 5.
2. Description of methods used to protect those vulnerable natural and cultural features from grading and construction activities during any proposed development or disturbance on the site.
3. Description of suitable long-term maintenance and management strategies of any required improvements, plantings, mitigating features and/or any other methods required under this Article 5.
4. Description of ownership and maintenance responsibilities and methods to enforce compliance with the requirements of this Article.

Section 510 Floodplains

510.A. All uses within Conewago Township shall be required to comply with the Conewago Township Floodplain Management Ordinance.

Section 511 Riparian Buffers

511.A. PURPOSE

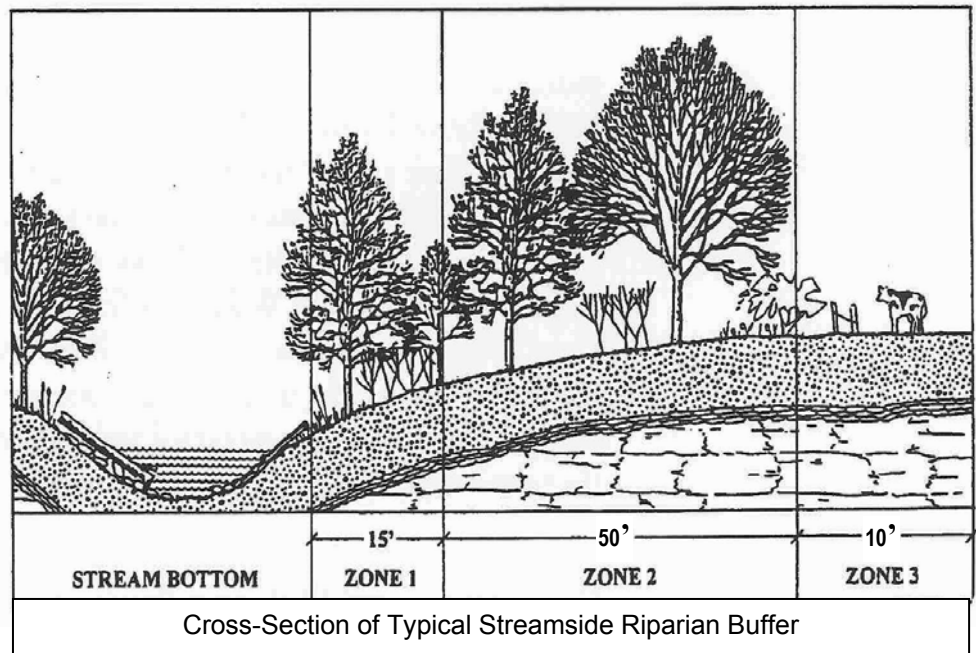
The requirements of this Section help to create and/or restore wooded buffers along important watercourses and surface water bodies upon the Township’s landscape. Specific measures will promote beneficial vegetation to reduce harmful erosion, absorb nutrients, reduce surface water pollution, offer year-round nourishment and habitat for animal wildlife both within and adjoining the water feature, reduce surface water temperature, offer interconnected linear paths for habitat migration and close-to-home passive open spaces amid the developing landscape.

511.B. APPLICABILITY

Any application for subdivision and/or land development for any property adjoining any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow shall provide a riparian buffer in accordance with the following standards or, in the alternative, as approved by the Adams County Conservation District (ACCD) with input from the Township. (It is noted that landowners are encouraged to review the manual entitled “A Guide for Establishing and Maintaining Riparian Forest Buffers” published by the Chesapeake Bay Program.) Any property adjoining a watercourse, water body, or portion thereof, that is typically inundated throughout the year shall provide a riparian buffer in accordance with the following standards or as approved by the Adams County Conservation District. (It is noted that landowners are encouraged to review the manual entitled “Pennsylvania Handbook of Best Management Practices for Developing Areas” published by the Pennsylvania Association of Conservation Society, Keystone Chapter, Soil and Water Conservation Society, DEP and NRCS.)

511.C. RIPARIAN BUFFER DELINEATION

1. The applicant shall clearly depict upon the Natural and Cultural Features Map the proposed riparian buffer as approved by the Adams County Conservation District (ACCD) along with written verification from the ACCD of their review and approval of the proposed riparian buffer design.
2. As an alternative the applicant shall clearly depict upon the Natural and Cultural Features Map the proposed riparian buffer comprised of the following three separate Zones:
 - A. Zone 1: The landward area located between the streambank edge under typical flow conditions, or the high water level for pond or lake shorelines at the high water level and fifteen feet (15'), as measured directly perpendicular from the streambank/shoreline edge
 - B. Zone 2: The area beginning at the inland edge of the above-described Zone 1 and the largest combined width of all of the following:
 1. fifty feet (50'), as measured directly perpendicular from the streambank/shoreline edge;
 2. the 100-year floodplain;
 3. any adjoining identified wetlands; and/or,
 4. any adjoining area characterized by slopes exceeding twenty-five percent (25%).
 - C. Zone 3: The area beginning at the inland edge of the above-described Zone 2 and extending at least ten feet (10') inland therefrom. Where a pasture is proposed just beyond the above-described Zone 2, no Zone 3 is required.



511.D. RIPARIAN BUFFER PLANTINGS

1. Each of the respective Zones of the riparian buffer shall include vegetation that already exists or will be planted and maintained by the applicant using selective native species as listed in Section 511.D.2. of this Ordinance. Invasive or noxious species as defined herein are prohibited. The applicant shall submit expert evidence that the existing and/or proposed vegetation satisfies the following objectives that shall include a graphic depiction of proposed plantings and a schedule of vegetative species:
 - A. Zone 1: This Zone must include large maturing canopy trees and a ground cover of native seasonal grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings shall be selected and managed to filter out pollutants and offer habitat. All vegetation selected for this Zone must thrive in wet conditions;
 - B. Zone 2: This Zone must include large maturing canopy trees generally three rows deep with a natural undercover. New tree plantings shall be selected that are rapid growing to intercept passing nutrients. Such trees shall be arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. Successive understory plants shall be allowed to “evolve” with the canopy of this Zone; and,
 - C. Zone 3: This Zone shall be planted with warm season grasses that are allowed to mature naturally without mowing. The tall grasses shall be managed to produce uniform overland stormwater flows that do not “channel” into Zone 2. New grass plantings shall be selected and managed to enable controlled grazing or haying so long as the grasses are not reduced to a point such that they no longer effectively disperse the surface flow.
2. Vegetation Selection - To function properly, dominant vegetation in the riparian buffer shall be selected from the following list of selective native buffer plants most suited to the riparian buffer. Plants not included on this list may be permitted by the Township when evidence is provided from qualified sources certifying their suitability for substitution. The Township may require species suitability to be verified by local qualified experts at the U.S. Fish and Wildlife Service, the National Resource Conservation Service, the Adams County Conservation District, the Penn State Cooperative Extension and/or other state and federal forest agencies.

SELECTIVE NATIVE BUFFER PLANTS LIST Source: Morris Arboretum of the University of Pennsylvania Botanic Name / Common Name	
FERNS <i>Osmunda cinnamomea</i> / Cinnamon fern <i>Osmunda claytoniana</i> / Interrupted fern <i>Onoclea sensibilis</i> / Sensitive fern GRASSES & SEDGES <i>Andropogon gerardii</i> / Big blue stem <i>Carex scoparia</i> / Broom sedge <i>Cyperus strigosus</i> / False nut sedge <i>Carex lurida</i> / Lurid sedge <i>Elymus riparius</i> / Riverbank wild rye <i>Carex vulpinoidea</i> / Sedge <i>Juncus effusus</i> / Soft rush <i>Panicum virgatum</i> / Switch grass <i>Carex stricta</i> / Tussock sedge <i>Elymus virginicus</i> / Virginia wild rye <i>Scirpus cyperinus</i> / Wool grass FLOWERING PERENNIALS <i>Penstemon digitalis</i> / Beard-tongue <i>Gentiana andrewsii</i> / Bottle gentian <i>Verbena hastata</i> / Blue vervain <i>Sisyrinchium angustifolium</i> / Blue-eyed grass <i>Eupatorium perfoliatum</i> / Boneset <i>Lobelia cardinalis</i> / Cardinal flower <i>Rudbeckia laciniata</i> / Cut-leaf coneflower <i>Veronia noveboracensis</i> / Ironweed <i>Arisaema triphyllum</i> / Jack-in-the-pulpit <i>Eupatorium fistulosum</i> / Joe-pye weed <i>Aster novae-angliae</i> / New England aster <i>Mitchella repens</i> / Partridgeberry <i>Aster puniceus</i> / Purple stemmed aster <i>Solidago gigantea</i> / Smooth goldenrod <i>Asclepias incarnate</i> / Swamp milkweed <i>Thalictrum pubescens</i> / Tall meadowrue <i>Verbesina alternifolia</i> / Wingstem <i>Geranium maculatum</i> / Wood geranium	SHRUBS <i>Sambucus Canadensis</i> / American elderberry <i>Viburnum dentatum</i> / Arrowwood <i>Aronia melanocarpa</i> / Black chokeberry <i>Cephalanthus occidentalis</i> / Buttonbush <i>Gaylussacia frondosa</i> / Dangleberry <i>Vaccinium corymbosum</i> / Highbush blueberry <i>Lyonia ligustrina</i> / Maleberry <i>Physocarpus opulifolius</i> / Ninebark <i>Viburnum recognitum</i> / Northern arrowwood <i>Salix discolor</i> / Pussy willow <i>Aronia arbutifolia</i> / Red chokeberry <i>Rhododendron maximum</i> / Rosebay <i>Cornus amomum</i> / Silky dogwood <i>Salix sericea</i> / Silky willow <i>Lindera benzoin</i> / Spice bush <i>Cornus racemosa</i> / Swamp dogwood <i>Rosa palustris</i> / Swamp rose <i>Ilex verticillata</i> / Winterberry holly <i>Hamamelis virginiana</i> / Witch-hazel TREES <i>Fagus grandifolia</i> / American beech <i>Tilia Americana</i> / Basswood <i>Fraxinus nigra</i> / Black ash <i>Nyssa sylvatica</i> / Black gum <i>Juglans nigra</i> / Black walnut <i>Salix nigra</i> / Black willow <i>Fraxinus pennsylvanica</i> / Green ash <i>Carpinus caroliniana</i> / Hornbeam <i>Cornus alternifolia</i> / Pagoda dogwood <i>Quercus palustris</i> / Pin oak <i>Acer rubrum</i> / Red maple <i>Betula nigra</i> / River birch <i>Amelanchier arborea</i> / Shadbush <i>Carya ovata</i> / Shagbark hickory <i>Acer saccharinum</i> / Silver maple <i>Quercus bicolor</i> / Swamp white oak <i>Betula lenta</i> / Sweet birch <i>Platanus occidentalis</i> / Sycamore <i>Liriodendron tulipifera</i> / Tulip tree

511.E. RIPARIAN BUFFER MAINTENANCE

1. Riparian buffers must be generally undisturbed. Mature trees and long grasses absorb more nutrients than do manicured plants. Similarly, the more extensive root systems retain passing sediments. These characteristics reduce pollution and yield abundant food and habitat for wildlife. The temptation to “over-maintain” the streamside must be overcome.
2. Where riparian buffers are to be located upon common property, the applicant must include a working plan that ensures perpetual maintenance of such buffer zones as specified in this Section 511.E.

3. Where riparian buffers are to be located upon private property, the applicant must include a legally-binding instrument (e.g. easement, covenant, deed restriction, etc.) in a form acceptable to the Township Solicitor which shall designate Conewago Township as the grantee and ensures perpetual maintenance of such buffer zones as specified in this Section 511.E. Then all affected landowners shall be required to abide by such legal instrument.
4. The following lists required maintenance activities for each zone:
 - A. Zone 1: This Zone compels little maintenance. As trees mature, die and decay, it is important that such natural debris be allowed to decompose within the stream. This will provide important food and habitat for beneficial microorganisms, fish and amphibious animals. However, any debris that may cause a rise in the floodplain due to obstruction or displacement shall be removed promptly. Streamside grasses shall be allowed to seasonally flourish and recede. Streamside cleanup of junk and man-made debris is permitted.
 - B. Zone 2: This zone requires the most attention, but not for some time after initial planting. Here, the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 are fast-growing and therefore consume many nutrients. The regular pruning and trimming of these trees will increase their nutrient consumption, and growth rate and decrease the time to establishment as a closed canopy buffer, but should not jeopardize the important overhead canopy of shade. The natural understory shall be undisturbed, except for periodic litter cleanup; and,
 - C. Zone 3: This Zone also requires little maintenance. Long summer grasses shall be allowed to flourish and recede with the seasons. Grazing and haying are permitted so long as the residual grass length is sufficient to disperse overland stormwater flows into Zone 2 and avoid channelization.

511.F. RIPARIAN BUFFER USE

1. Permitted uses - No use shall be permitted that interferes with the natural maturation of the above described buffer plantings, except as follows:
 - A. Corridor crossings for farm vehicles and livestock and livestock watering facilities, all of which are accompanied by written evidence of approval of a water obstruction permit by the ACCD.
 - B. Corridor crossings for farm vehicles and livestock and livestock watering facilities, all of which are accompanied by written evidence of approval by the ACCD of implementation and maintenance of erosion and sediment control best management practices.
 - C. Corridor crossings for roads and railroads provided that such crossings are accomplished upon the least possible land area and disruption of the adjoining riparian buffer is minimized.
 - D. Public sewer lines, public water lines and public utility transmission lines, provided such lines are installed in such a manner that is most compatible with the installation and ongoing maintenance of the required buffer plantings as described in Section 511.D. of this Ordinance.
 - E. Passive recreation uses that prevent the harmful compaction of soil, tree root damage and avoid the channelization (natural or man-made) of surface water flow.

Pedestrian paths can weave through Zone 2, but shall be provided with raised walkways. Impervious surface lot coverage is expressly prohibited.

- F. Application of pesticides and herbicides that are specifically approved for the treatment and/or removal of invasive and/or noxious species within close proximity of watercourses, provided such pesticides and herbicides are used in strict accord with label instruction. Any materials applied as part of a County and/or State approved pest control program (e.g. West Nile Virus and etc.)
2. Prohibited uses – The following uses and activities are expressly prohibited within a riparian buffer. This listing of prohibited uses and activities shall not be interpreted to permit other activities not listed, unless they are permitted by Sections 511.F.1. of this Ordinance:
- A. Except as permitted in the above Section 511.F.1., any use that interferes with the natural maturation of the buffer plantings required in Section 511.D. of this Ordinance.
 - B. Except as permitted in the above Section 511.F.1., any use that interferes with the maintenance of the buffer plantings required in Section 511.E. of this Ordinance.
 - C. Storage and/or disposal of any toxic, hazardous or noxious materials and substances.
 - D. Except as permitted in the above Section 511.F.1.E., the application of fertilizers, pesticides, herbicides and/or other chemicals in excess of that permitted on an approved conservation and/or nutrient management plan as approved by the ACCD and/or local office of the USDA Pennsylvania Natural resources and Conservation Service.
 - E. Application of fertilizers, pesticides, herbicides and/or other chemicals in excess of prescribed industry standards of the recommendations of the ACCD.
 - F. Areas devoted to the on-site absorption of sewage effluent and/or agricultural fertilizers including but not limited to manure.

SECTION 512 – Wetland and Wetland Buffers

512.A. PURPOSE

- 1. The requirements of this Section help to protect valuable wetlands that:
 - A. supply food and habitats for wildlife.
 - B. recharge groundwater, particularly during periods of drought.
 - C. offer breeding, spawning, feeding, and cover for fish and amphibians.
 - D. provide important nesting, migrating and wintering areas for waterfowl.
 - E. naturally store surface waters during floods and storms.
 - F. purify ground and surface waters by filtering and assimilating pollutants.

512.B. APPLICABILITY & USE

Any property containing a wetland and/or wetland buffer, or portion thereof, shall clearly depict such area upon the Natural and Cultural Features site plan. Such area shall be permanently protected from filling, grading, clearing, water diversion and/or development.

512.C. WETLAND & WETLAND BUFFER DELINEATION

1. Wetlands shall be delineated by qualified experts having formal training and experience and using the techniques set out by the following referenced manuals:
:
 - A. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
 - B. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
 - C. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.
2. Wetlands buffers shall be established using the combination of the following methods that delineates the greatest land area:
:
 - A. A width of fifty (50) feet from the outside edge of that identified wetland as described in the above Section 512.C.1.
 - B. Any area adjoining a wetland that possesses upward slopes in excess of ten (10%) up to a maximum of fifty (50) feet from the outside edge of the identified wetland.

SECTION 513 – Steep Slopes

513.A. PURPOSE

1. The requirements of this Section help to protect sensitive areas of steep slope that:
 - A. reduces rapid stormwater runoff.
 - B. minimizes harmful soil erosion.
 - C. prevents developments upon unstable soil conditions.
 - D. prevents the installation of hazardous roads, access drives and driveways.

513.B. APPLICABILITY & USE

Any property containing steep slopes (as defined herein), shall clearly depict such area upon the natural and cultural features site plan. Except as exempted by Sections 513.F. and 513.H.A. and permitted by Section 513.G. of this Ordinance, such area shall be permanently protected from disturbance and/or development (i.e. note on plan, recorded easements, etc.)

513.C. STEEP SLOPE DELINEATION

A topographic map of the site which depicts and distinguishes those areas that possess slopes exceeding fifteen percent (15%) and twenty-five percent (25%), respectively shall be incorporated into the natural and cultural features site plan.

513.D. REQUIRED INDIVIDUAL LOT GRADING PLANS AND PERMITS

Unless subject to a subdivision or land development surety agreement and except as noted in Section 513.F. of this Ordinance, any action involving an "area of disturbance" (as defined herein) shall require the submission of an individual lot grading plan to the Zoning Officer as part of the zoning permit review and approval process in accordance with Sections 307 and 901 of this Ordinance. Furthermore, any area of disturbance proposed subsequent to the approval of a prior individual lot grading plan and as-built plan that was not depicted on a prior individual lot grading plan shall require submission of a revised individual lot grading plan and as-built plan and issuance of another zoning permit in accordance with the provisions set forth in this Sections 308 and 901 of this Ordinance.

513.E. SUBDIVISION AND/OR LAND DEVELOPMENT PLANS SUBMISSION

As a requirement for preliminary subdivision and/or land development plan approval, the applicant shall demonstrate that the requirements of this Section 513 shall be achieved for each new lot and/or principal use proposed.

513.F. ROAD IMPROVEMENT EXEMPTIONS

The disturbance of steep slopes for widening, alignment improvement or sight distance improvements of an existing street for public safety reasons or that are required by, approved by or accomplished by the Township or PennDOT, are expressly exempted from the requirements of this Section.

513.G. LIMITS ON AREA OF DISTURBANCE

The total area of disturbance that is permitted upon steep slopes shall be limited on each individual lot as follows:

- A. Thirty percent (30%) of the aggregate areas of existing natural slopes of fifteen percent (15%) to twenty-five percent (25%); and/or,
- B. Fifteen percent (15%) of the aggregate areas of existing natural slopes greater than twenty-five percent (25%).
- C. The above limits listed in Sections 513.G.A. and 513.G.B. shall not apply to contiguous areas of steep slope disturbance involving less than five thousand (5000) square feet.

513.H. EXISTING LOTS

The following provisions shall apply to any lot that was lawful when created and which was in separate ownership duly recorded by plan or deed prior to the effective date of this Ordinance.

- A. Improved Lots – For lots that contained a principal structure, any future area of disturbance proposed shall require submission of a revised individual lot grading plan and as-built plan and issuance of a zoning permit in accordance with the provisions set forth in Section 307 of this Ordinance, but the limitations of Sections 513.G.A. and 513.G.B. shall not apply.

- B. Unimproved Lots - For lots without a principal structure, any future area of disturbance proposed shall require submission of a revised individual lot grading plan and as-built plan and issuance of a zoning permit in accordance with the provisions set forth in Section 308 of this Ordinance that shall demonstrate compliance with this Section 513.

Section 514 Pennsylvania Natural Diversity Inventory (PNDI) Sites

514.A. PURPOSE

The requirements of this Section help to protect sensitive areas of wildlife habitat, natural communities and geological features that:

1. have been formally identified a species of concern by Federal and State authorities.
2. contributes to the bio-diversity and health of the Township's ecosystems.
3. are worthy of protection and consideration during the development review process.

514.B. APPLICABILITY & USE

Any identified Pennsylvania Natural Diversity Inventory site, or any portion thereof, shall be protected and managed in accordance with specific findings attributed to the particular feature and location to be determined as follows.

514.C. SITE IDENTIFICATION

Any property containing an identified Pennsylvania Natural Diversity Inventory site, or any portion thereof, shall clearly depict such site upon the natural and cultural features site plan. Preliminary site locations are depicted upon the Natural features map; however, all locations should be verified with the latest information available as described as follows. Applicants for proposals with such features shall be required to engage a proper PNDI project environmental review through the Pennsylvania Natural Heritage Project. The following is an internet web link for such reviews:

<http://www.naturalheritage.state.pa.us/>

514.D. SITE PROTECTION AND MANAGEMENT

Any application with such a feature(s) shall require the preparation of a statement by a qualified expert which includes the following minimum considerations:

- A. A written description of the feature's local, regional, state, and national importance shall be furnished.
- B. Written evidence from the Pennsylvania Natural Diversity Inventory that indicates:
 1. there are no potential impacts anticipated with the special concern species or resources in the project area and that no further coordination is required with PNDI jurisdictional agencies. The applicant shall be required to submit a "no-impact receipt" from PNDI.
 2. there are potential impacts anticipated with the special concern species or resources in the project area and that the applicant has gained written

recommendations and/or clearance letters from the respective PNDI jurisdictional agencies as follows:

- a. For listed, proposed and candidate species under the Federal Endangered Species Act, the U.S. Fish and Wildlife Service, Endangered Species Biologist, 315 South Allen Street, Suite 322, State College, PA 16801;
 - b. For PA-state listed birds and mammals, the Pennsylvania Game Commission, Bureau of Land Management, 2001 Elmerton Ave., Harrisburg, PA 17110-9797;
 - c. For PA-state listed fish, reptiles, amphibians and aquatic organisms, the Pennsylvania Fish and Boat Commission, Natural Diversity Section, 450 Robinson Lane, Bellefonte, PA 16823; and,
 - d. For PA-state listed plants, natural communities, terrestrial invertebrates and geological features, the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, Ecological Services Section, PO Box 8552, Harrisburg, PA 17105-8552.
3. there are special concern species or resources in the vicinity of the project area that could be impacted by the project unless avoidance measures are implemented. In this case, the applicant must guarantee to fully comply the PNDI jurisdictional agencies'-specified avoidance measures and describe methods for such compliance. Should an applicant not fully comply with the specified avoidance measures for each respective feature, those features that do not provide such compliance shall be governed by the requirements of Section 514.D.B.2. of this Ordinance.
 4. there are special concern species or resources in the vicinity of the project area that could be impacted by the project but the impacts could be minimized with the application of PNDI jurisdictional agencies'-specified conservation measures. In this case, the applicant must provide written evidence of compliance with such conservation measures or furnish a written report from the Pennsylvania Department of Environmental Protection that such measures are not required.

Section 515 Carbonate Geology

515.A. PURPOSE

The requirements of this Section help to protect sensitive areas underlain by carbonate geology that:

- A. protect a uniquely sensitive and valuable potable groundwater resource area.
- B. protect groundwater quantity and quality from pollution from hazardous materials or toxic substances, sewage, oil and grease, de-icing compounds and sediment.
- C. promotes the recharge capability of the area achieved through best management practices; and,
- D. decreases and minimizes the dangers of land subsidence and sinkholes characteristic of carbonate geologic formations.

515.B. APPLICABILITY & USE

Any application for subdivision and/or land development application for property, or portion thereof, underlain by carbonate geology or within a distance of 1000 feet from the carbonate geology layer as depicted in the Natural and Cultural Features map, shall refer to the Conewago Township Subdivision and Land Development Ordinance section regarding Carbonate Geology for submission requirements.

Section 516 Tree Cutting

516.A. TREE CUTTING PURPOSE

Recognizing that the presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, the following imposes restrictions upon the non-commercial cutting-down of mature trees upon private property.

516.B. EMERGENCY TREE CUTTING

At any time, a landowner may cut-down any tree that, because of its condition, location or any other factor, poses an immediate threat to the public health and safety. Examples of appropriate emergency tree cutting include, but are not limited to, partially uprooted trees that are likely to topple onto nearby structures, properties, roads and/or sidewalks, damaged trees with split trunks due to lightning strike or wind loads, trees that block emergency vehicle access during times of natural disaster, civil defense or rescue and trees that have been partially damaged or fallen that threaten to cause an immediate rise in floodwaters. In case of emergency where time does not allow the prior obtaining of such permit, a zoning permit shall be applied for within seventy-two (72) hours after the cutting down of such tree(s). No fee shall be charged for any such emergency permit.

516.C. NON-EMERGENCY TREE CUTTING

1. Except for areas that are subject to a forest regeneration plan under Section 438.B.1.A. of this Ordinance:
 - A. Landowners may cut-down any tree without the need for any zoning permit outside of areas identified with steep slopes as regulated by Section 513.C. of this Ordinance.
 - B. Landowners may cut-down any tree(s) after obtaining a zoning permit within areas identified with steep slopes as regulated by Section 513.C. of this Ordinance, provided that the tree(s) to be cut-down have been identified by an ISA certified arborist to be:
 1. afflicted with a contagious disease, blight or infection or damage from natural causes, from which the tree is unlikely to recover, or
 2. dead, or
 3. in such a condition or physical position that it constitutes a danger to the structures or occupants of adjacent property, the property on which it is located or the public right-of-way; or
 4. an invasive species.

2. Landowners shall not remove trees located within any street right-of-way without prior approval of a zoning permit.

516.D. TREE REPLACEMENT STANDARDS.

1. Except for forestry uses as defined herein and regulated by Section 438 of this Ordinance, any person, partnership, corporation, and/or property owner who or which removes or destroys trees in excess of those standards listed in this Section 516 of this Ordinance shall be subject to the penalties for violation as outlined herein and is responsible for replacement of said trees. This replacement shall be done on a tree-for-tree basis if the number of trees removed in violation of this ordinance can be identified. If the number of trees cannot be identified, then the trees shall be replaced at a rate of one tree per one thousand (1,000) square feet of area of tree removal that has occurred in violation of this ordinance as determined by the Township Zoning Officer.
2. The replacement trees shall be deciduous, noninvasive, native to the Township, nursery stock grown within a locale with similar climatic conditions as found within the Township, well branched, and free of disease. The trees shall be not less than two (2) inches in diameter as measured four and one-half feet (4.5') above grade. The trees shall be at least ten (10) feet tall after planting and trimming. Branching shall start not less than six (6) feet from the top of the root ball.
3. The replacement trees may be placed on the property at any location selected by the property owner as long as such location does not violate any other provision of this ordinance or laws of the State.
4. The replacement trees cannot be used as credits to meet other planting requirements of this ordinance relative to street tree plantings, required landscaping, and/or required screening, unless the original trees would have satisfied such requirements. Any replacement trees that are to be counted as required screening shall comply with the standards listed in Section 320 of this Ordinance.
5. Any tree that is replaced under the requirements of this Section shall be properly maintained and any such tree that dies shall be promptly replaced in accordance with the specifications of this Section 516.D. of this Ordinance.

Section 517 Wellhead Protection Zone

517.A. PURPOSE

The purpose of this Section is to safeguard the public health, safety and welfare, by providing regulation of land use and the manufacture, use, storage, transport, or disposal of hazardous substances which pose a threat to the quality and quantity of groundwater being extracted from the public water system.

517.B. CONSTITUTIONAL AND STATUTORY AUTHORITY

1. Constitutional authority for this Section is contained in Article I, Section 27 of the Pennsylvania Constitution, wherein it specifically provides for a right to clean water.
2. Statutory authority for this Section is specifically set forth in Section 604 of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10604, providing that zoning ordinances be designed to promote, protect and facilitate the provision of a safe, reliable and adequate water supply.

3. Additional authority is set forth in the laws and regulations of the Commonwealth of Pennsylvania at 25 Pa. Code §109.713 (5) providing for the adoption of municipal ordinances or regulations controlling, limiting or prohibiting future potential sources of contamination within the wellhead protection zones., and
4. Additional authority in establishing design and performance standards for potential sources of contamination within the wellhead protection zones, is provided pursuant to development and implementation of wellhead protection area management as a part of the sanitary survey program of the Operation and Maintenance Plan, mandated for community water suppliers at 25 Pa. Code §109.702 (a) (7) and 25 Pa. Code §109.713.

517.C. APPLICABILITY

1. The protections of this Ordinance are intended to apply to all land within the Wellhead Protection Zones in the Township. Owners in the Wellhead Protection Zones shall have ninety (90) days from the mailing of the Land Use Questionnaire, as set forth in Section 517.E. herein, to provide the required information on their land and/or uses in conformance with this Ordinance. This Ordinance also applies to all future actions by owners and occupiers within the Wellhead Protection Zones, and they shall provide evidence of compliance with this Ordinance as a condition prerequisite to approval and issuance of a permit for a new, revised and/or expanded use.
2. The Wellhead Protection Zone shall only apply to those areas of the Township which are delineated on the Natural features map, and described as follows. The following lists the minimum required distance from the outside edge of the well to the outside radius of the Wellhead Protection Zone for each well within the Township:

Well Number

Minimum Radius (ft.)

2

These radii should be determined by the Hanover Borough Water

4

Department and can take the form of delineated areas of impact rather than radii.

5

3. The Wellhead Protection Zone shall be deemed an overlay on any Zone now or hereafter applicable to any lot. The underlying zone shall prescribe all other zoning requirements (unless another overlay zone applies), and the SLDO shall prescribe all other subdivision and land development requirements, in addition to those specifically enumerated in this Ordinance;
4. It shall be the responsibility of any person owning, using or occupying real property within the Wellhead Protection Zone to take all steps necessary to protect the Wellhead Protection Zone from uses and activities specifically prohibited in the following Section 517.D. of this Ordinance.

517.D. REGULATED LAND USES AND ACTIVITIES

1. The following land uses and activities presented in Table 1 are specifically prohibited for all new, revised and/or expanded uses within Wellhead Protection Zones.

Table 1

REGULATED LAND USES AND ACTIVITIES	
Land Uses and Activities	
A. Agricultural:	animal burial; animal feedlots; fertilizer storage and/or use; insecticides storage and/or use; herbicides storage and/or use; irrigation sites; manure spreading areas, pits and storage; and pesticide storage and/or use;
B. Commercial:	airports; auto repair shops; boatyards; car washes; cemeteries; construction areas; dry cleaners; gas stations; golf courses; jewelry/metal plating; laundromats; medical institutions; paint shops; photography establishments; railroad tracks and yards; research laboratories; scrap and junkyard; storage tanks;
C Industrial:	asphalt plant; chemical manufacture/storage; electronics manufacture; electroplaters; foundries/metal fabricators; machine/metal working shops; mining and mine drainage; petroleum production/storage; pipelines; septage lagoons and sludge storage tanks; toxic and hazardous spills; wells (operating/abandoned including underground injection wells); wood preserving facilities; quarries; commercial truck or rail tanker cleaning operations; commercial slaughtering, rendering, tanneries; paints, thinners and other related products
D. Residential:	fuel oil; furniture stripping/refinishing; household hazardous products and lawn chemicals; septic systems/cesspools; sewer lines; swimming pools (chemicals); and,
E. Other	hazardous waste landfills; highway spills, municipal incinerators; municipal landfills; municipal sewer lines; open burning sites; recycling/reduction facilities; road deicing operations and storage; storm water drains/basins; transfer stations; well/borehole drilling; junked materials; sanitary landfills; collection and transfer facilities for solid waste or hazardous substances, including, but not limited to, battery and drum recycling and reprocessing; land application of sewage sludge; package sewage treatment plants; cemeteries; alteration of natural site features prior to receiving all permits and approvals; industrial, commercial or institutional facilities which use, store, transport, or dispose of hazardous substances; geothermal exchange systems (groundwater and ground loop); concentrated aquatic and/or animal production facilities; discharge of any pollutants; any chemicals or other materials which may endanger or adversely affect the water supply (including, but not limited to gasoline, fuel oil and other petroleum products).

517.E. REPORTING REQUIREMENTS

1. All owners within the Wellhead Protection Zones are subject to the following reporting requirements. Owners shall submit the documents listed below, to the Zoning Officer within ninety (90) days of initial mailing, and annual mailings thereafter.
 1. Owners shall submit two (2) copies of a completed Land Use Questionnaire (Appendix 2) to the Zoning Officer within ninety (90) days of initial mailing, and annual mailings thereafter.
 2. If the use is classified as a key facility by the Township, owners shall submit two (2) copies of a completed Key Facility Evaluation Questionnaire (Appendix 3) within ninety (90) days of initial mailing, and annual mailings thereafter.
 3. All owners are subject to any and all additional monitoring and reporting requirements dictated by its public water system pursuant to any additional ordinance which the public water system may adopt.

Section 518 Historic Site Demolition

518.A. PURPOSE

1. To provide the means that the Township can protect and preserve historic sites and structures.
2. To initiate a process of public and technical review prior to the demolition of historic structures.

518.B. APPLICABILITY

This Section imposes a special exception review procedure for the proposed demolition of historic structures, as defined herein.

518.C. DEMOLITION OF AN HISTORIC STRUCTURE

1. No historic structure shall be demolished until the applicant has obtained special exception approval and a zoning permit for such demolition.
2. Prior to the application for special exception approval to demolish an historic structure, the applicant shall be required to meet with the staff of the Adams County Historical Society (ACHS) and/or the Pennsylvania Historical and Museum Commission (PHMC) to gain their ideas about potential preservation options for the building/structure. No special exception approval or zoning permit for the demolition of an historic structure shall be issued unless the applicant meets with the staff of the PHMC. To inform the staff of the ACHS/PHMC about the structure, the applicant shall be required to produce all of the available following materials:

- A. Historic deeds, surveys and site plans of the subject property;
- B. Current and historic photos of the property; and,
- C. A description of the specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.

Following such meeting, the ACHS/PHMC shall, within ninety (90) days, prepare a letter of its findings for delivery to the applicant and the Township.

3. In applying to the Township for special exception approval to demolish an historic structure, the applicant is required to produce all of the available following materials and information:
 - A. Historic deeds, surveys and site plans of the subject property;
 - B. Current and historic photos of the property;
 - C. If the applicant is not the landowner, a notarized letter from the landowner requesting demolition of the historic structure;
 - D. Additional information as may be requested by the Board of Supervisors;
 - E. A review letter from the PHMC of its findings as required by Section 518.C.2. of this Ordinance; and,

- F. A description of specific measures and/or relief that could enable the preservation of the subject historic structure or specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.
4. In evaluating the merits of a special exception application for the demolition of an historic structure, the Zoning Hearing Board shall consider the following:
- A. The findings of the ACHS/PHMC in its review of the proposed demolition.
 - B. Should the Zoning Hearing Board determine that the historic structure retains significant historic value and can be practically adapted to meet the needs of the applicant, the special exception shall be denied.
 - C. Should the Zoning Hearing Board determine that the historic structure retains significant historic value and can be preserved through some other practical means, the special exception shall be denied.
 - D. Should the Zoning Hearing Board determine that the historic structure fails to retain significant historic value, the special exception shall be approved authorizing the demolition.
 - E. Should the Zoning Hearing Board determine that the historic structure cannot be practically adapted to meet the needs of the applicant, the special exception shall be approved authorizing the demolition.
 - F. Should the Zoning Hearing Board determine that the historic structure cannot be preserved by any practical means, the special exception shall be approved authorizing the demolition.

Article 6

Transferable Development Rights

Section 600 Legislative Intent & Overview

- 600.1. Legislative Intent** - In accordance with Sections 603.(c)(2.2), 603.(b)(5), 605.(4), and 619.1. of the Act, this Section establishes procedures by which transferable development rights are granted, severed, applied, and recorded. This technique enables the permanent preservation of the Township's valuable and productive farmlands, sensitive natural features and rural character. In addition this Article protects personal property rights of landowners within such valuable settings by enabling such landowners to transfer their development rights to other areas of Conewago Township that are planned for, and have required infrastructure necessary to support, community growth and development in accordance with the recommendations of the Official Conewago Township Comprehensive Plan.
- 600.2. Sending Area Overview** – This Article and other provisions of this Zoning Ordinance issue transferable development rights (TDRs) to eligible landowners within the (A) Agricultural Zone based upon the sizes of their properties. This Zone contains the Township's most valuable concentrations of prime and productive farmlands, active farming operations, sensitive and important natural features, and landscapes of rural character. This Zone comprises the TDR sending areas as TDRs are sent herefrom. Landowners within these sending areas may sell or donate all or a portion of their assigned TDRs to landowners and developers who are looking to develop property elsewhere within the Township's receiving areas. All transactions (donations or sales) are completely voluntary. Landowners may also opt to retain their TDRs. Landowners who transact TDRs (donate, sell or retire) are required to apply a TDR Easement that will protect the respective area within a natural, rural or agricultural state, depending upon the character of the property and its surroundings.
- 600.3. Receiving Area Overview** – This Article and other Sections of this Zoning Ordinance establish the Township's TDR receiving areas to include portions of the (HC) Highway Commercial Zone as depicted as such on the Zoning Map. These Zones are planned to accommodate the Township's community development and generally have access to needed infrastructure. Within these receiving zones, density bonuses are granted and prescribed for the acquisition of TDRs from the sending area and their application to proposed developments during the land development review process. All TDR transactions (donations or sales) are completely voluntary.

Section 601 Granting of Transferable Development Rights Within the Sending Area

- 601.1.** Except as noted below in Section 601.1.D., properties within the (A) Agricultural Zones are granted transferable development rights that shall run with the land unless severed in accordance with the requirements of Section 604 of this Ordinance. Such transferable development rights shall be granted in accordance with the following:
- A. Every parcel within the **(A) Agricultural Zone** that, on the effective date of this Ordinance, contains at least three (3) acres, is issued one (1) transferable development right for each three (3) gross acres contained therein that can be voluntarily transferred. No transferable development rights are issued to parcels containing less than three (3) acres and no additional transferable development rights are issued for fractions of lot area above each

three-acre interval.

- B. Should a parcel of three (3) acres or more which was not classified as part of the (A) Zone on the effective date of this Ordinance, be subsequently rezoned to the (A) Zone, that parcel, too, will be issued one (1) transferable development right for each three (3) gross acres contained therein on the effective date of the rezoning.
- C. Adjoining parcels under single and separate ownership shall be considered to be combined for the purposes of the granting of transferable development rights under this Section. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - such land is divided into one or more lots, parcels, purparts or tracts;
 - such land was acquired by the landowner at different times or by different deeds or other means; and,
 - such land is separated by public or private streets or rights-of-way.
- D. All such transferable development rights shall be one and the same as those granted under Section 200.12. of this Ordinance.
- E. Transferable development rights granted under this Section are separate and distinct from those granted within Section 200.4. of the Agricultural Zone of this Ordinance. However, should a landowner who has been granted transferable development rights on his/her property, transfer all of said rights and apply the required deed restriction language and conservation easements in accordance with Section 604 of this Ordinance to his/her entire property, such deed restrictions and conservation easements could prevent the use of those development rights granted under Section 200.4. of the Agricultural Zone of this Ordinance.
- F. Transferable development rights are not granted to:
 - 1. Portions of land owned by or subject to easements (including, but not limited to, easements of roads, railroads, electrical transmission lines, and water, gas or petroleum pipelines) in favor of governmental agencies, utilities, and nonprofit corporations; and/or,
 - 2. Land restricted from development by covenant, easement or deed restriction, unless and until such time as said covenant, restriction or easement is dissolved or rescinded. In the event said covenant, restriction or easement is dissolved or rescinded, such land shall be automatically issued transferable development rights at that time, subject to the eligibility standards listed in Sections 601.1.A.. through 601.1.F., respectively.

601.2. Township Certification - Property owners within the sending area may request a written certification by the Township regarding the number of TDRs that are granted to their respective property by this Section 601. Such determination shall be provided based upon a review of that information submitted by the applicant as required in Sections 604.1.A. and 604.1.B. of this Ordinance.

Section 602 Obligation of Landowner to Sever Transferable Development Rights

The severance of transferable development rights is accomplished solely on a voluntary basis. Landowners

are in no way compelled to sever their transferable development rights. If a severance occurs, it must be accomplished according to the process and requirements of Section 604 of this Ordinance. Unsevered transferable development rights may be transferred with land sold, transferred with land donated or transferred with land bequeathed. Transferable development rights shall run with the land unless severed in accordance with the requirements of Section 604 of this Ordinance.

Section 603 Value of Transferable Development Rights

The monetary value of transferable development rights is completely determined between the seller and buyer.

Section 604 Process to Sever Transferable Development Rights from the Sending Area

Transferable development rights granted through Section 601 of this Ordinance may be sold and/or donated to any party, subject to the following:

- 604.1. Application Materials** - Application shall be made on a form developed by the Township which shall be signed by the transferor and the transferee. Along with said completed and duly signed application form, the following shall be submitted:
- A. A metes and bounds description of the property of the owner of the land from which the rights will be transferred and a plot plan or survey thereof, showing:
 - 1. total acreage of the transferor's property;
 - 2. areas of land or portions thereof, subject to easements in favor of governmental agencies, utilities, and nonprofit corporations; and,
 - 3. land restricted against development by covenant, easement or deed restriction.
 - B. If the proposed severance entails less than an entire parcel, the portion of the parcel from which the development rights are transferred shall be clearly identified on a plan of the entire parcel, drawn to scale, the accuracy of which shall enable the Township to clearly determine:
 - 1. the number of development rights applicable to the entire parcel;
 - 2. the number of development rights applicable to the identified portion of the parcel from which the development rights are to be transferred; and,
 - 3. the number of development rights which remain available to the remaining portion of the parcel;
 - C. A title search of the subject tract from which the transferable development rights will be severed sufficient to determine all owners of the tract and all lienholders. In addition, the applicant shall submit a written legal opinion of title affirming that the TDRs to be severed by the Deed of Transferable Development Rights have not been previously severed from or prohibited upon the subject property. Such legal opinion must be approved by the Township Solicitor; and,
 - D. A copy of the proposed Deed of Transferable Development Rights;
 - E. A copy of the Deed Restriction language to be applied to all of, or that portion of, the subject property from which the TDRs are to be severed that permanently restricts use of the subject property for any purpose other than those listed as follows:

1. Agriculture and horticulture, excluding CAFOs and CAOs as defined herein;
2. Forestry uses subject to the requirements of Section 438 of this Ordinance; and,
3. Structures and facilities of Conewago Township or its agencies and/or authorities.
4. Uses devoted to the conservation of natural and cultural resources.

- F. A copy of two (2) proposed TDR Easements, one of which shall designate Conewago Township as the grantee, the other which shall designate a bona fide conservation organization (public or private) as the grantee and shall designate Conewago Township as a third party grantee, to be applied to all of, or that portion of, the subject property from which the TDRs are to be severed that:
- a. Permanently restricts use of the subject property for any purpose other than those listed for each respective Zone in the above Section 604.1.E.;
 - b. Provides for the suitable ownership, maintenance and stewardship of the subject property given its current use and land use context;
 - c. Provides for protection of the subject property's important natural and cultural features as guided by the requirements of Article 5 (Environmental Protection) of this Ordinance;
 - d. Prohibits the use of any portion of the subject property from which the TDRs are to be severed to be used to satisfy any other area, bulk or coverage requirements for any development rights retained on the subject property;
 - e. Specifically grants all future owners of any portion of the sending area property and any owners of any of the receiving area property to which the transferable development rights have been attached, separate and independent enforcement rights.

604.2. Review, Endorsement, Recording and Approval of Severance:

- A. Upon complete submission as required above, the Zoning Officer shall determine the number of transferable development rights which shall be permitted to be severed from the sending tract. The Zoning Officer shall also determine, with the advice of the Township Solicitor and/or the Township Engineer, the sufficiency of (1) the plan indicating the portion of the parcel restricted from future development if the development rights from less than the entire parcel shall be severed, (2) the title search and accompanying legal opinion, (3) the Deed of Transferable Development Rights, (4) the Deed Restriction language, (5) the TDR Easements. The Zoning Officer shall inform the transferor and transferee of the development rights of his/her determination in writing. Any appeals from the determination of the Zoning Officer shall be made in accordance with the provisions of Section 804.7. of this Ordinance; and,
- B. Upon receipt of written approval by the Zoning Officer, as provided in Section 604.2.A., the transferor and transferee may present the Township with the Deed Restriction language and the Deed of Transferable Development Rights for endorsement as required by Municipalities Planning Code Section 619.1(c). No Deed Restriction language and Deed of Transferable Development Rights shall be so endorsed until the Township is presented with evidence that the Deed Restriction language has been approved by the Township and the TDR Easement has been approved by the Township and has been recorded with the Adams County Recorder of Deeds. In lieu of presentation of proof of recording the TDR Easement, the fully executed TDR Easement may be presented to the Township when the Deed Restriction language and the Deed of Transferable Development Rights is presented for endorsement, and the Township, at the applicant's expense, shall record both documents.
- C. If the development rights are to be severed from less than the entire parcel, the plan prepared in accordance with Section 604.1.B. above shall be attached to and recorded with the TDR Easement. All owners of the tract from which transferable development

rights are severed shall execute the TDR Easement. All lienholders of the tract from which transferable development rights are severed shall execute a joinder and/or consent to the TDR Easement.

- D. Final approval for any subdivision or land development plan utilizing transferred development rights shall not be granted prior to the recording of the above-described restrictions with the Adams County Recorder of Deeds.

604.3. Use of Property After Severance of Transferable Development Rights is Approved

- A. The owner severing transferable development rights from the sending area shall be bound by the Deed Restriction language and by TDR Easement and all other applicable sections of this Ordinance.
- B. Land from which transferable development rights have been severed shall continue to be owned by the landowner, his/her heirs, executors, administrators, successors and/or assigns all of which shall be bound by the Deed Restriction language and by the TDR Easement.

Section 605 Process to Apply Transferable Development Rights to Property Within the Receiving Areas

When transferable development rights have been acquired by the transferee for the purposes of assignment to lands within the receiving area, the following shall apply:

605.1. Application Materials - Application shall be made on a form developed by the Township which shall be signed by the transferor and the transferee. Along with said completed and duly signed application form and those materials required by Section 604.1., the transferee shall submit:

- A. For uses permitted by right, a preliminary subdivision or land development plan, prepared in accordance with the latest version of the Conewago Township Subdivision and Land Development Ordinance. The preliminary plan must indicate:
 - 1. that transferable development rights are to be used;
 - 2. the base permitted lot coverage for receiving areas within the (HC) Zone;
 - 3. the proposed lot coverage of the site for receiving areas within the (HC) Zone; and,
 - 4. the number of transferable development rights to be applied to the site;
- B. For uses permitted by special exception or conditional use, a site plan, prepared in accordance with Sections 804.3.A. or 905.1., respectively of this Ordinance that includes the applicable requirements as listed in Section 605.1.A.1-4. listed above.
- C. An agreement of severance for the development rights between (1) the owner of the tract to which development rights have been granted, or the owner of development rights which have been previously severed from a tract in the sending area, as evidenced by a recorded Deed of Transferable Development Rights, and (2) the owner of the tract proposed to be developed with the transferred development rights. The agreement may be contingent upon approval of a final subdivision or land development plan of the tract to which the transferable development rights are to be severed; and,
- D. If the use of transferable development rights which were previously severed from a tract in the sending area is proposed, a title search of such previously severed transferable development rights.
- E. In all cases the applicant must clearly demonstrate and the plan must note that the

proposed use has the requisite number of TDRs to achieve the planned residential density.

605.2. Review, Approval and Recording of Transferable Development Rights Applied to Lands Within the Receiving Area

1. In addition to those procedures presented in Section 604.2., this Section 605.2. shall apply to developments proposed that rely upon transferred development rights to increase permitted lot coverage within the (HC) Zone receiving area;
2. No final plan for any subdivision or land development which utilizes transferable development rights shall be executed on behalf of the Township until the Township has been presented with a copy of the recorded Deed Restriction language, the Deed of Transferable Development Rights and the recorded TDR Easements with the customary recording information of the Office of the Recorder of Deeds in and for Adams County clearly endorsed thereon. In lieu of presentation of proof of recording the TDR Easements, the Deed Restriction language and the Deed of Transferable Development Rights, the fully executed TDR Easements may be presented to the Township with the Deed of Transferable Development Rights and the Deed Restriction language for endorsement, and the Township at the applicant's expense, shall record all three documents and then shall execute and, if applicant so desires, at applicant's expense shall record the final plan.

605.3. Effect of Assignment of Transferable Development Rights Within the Receiving Areas

For each transferable development right that is approved for severance according to Section 604.2., the transferee is entitled to an increase in one-thousand (1000) square feet of permitted lot coverage up to a maximum of seventy-five percent (75%) lot coverage.

Section 606 Public Acquisition of Transferable Development Rights

Conewago Township and/or Adams County may purchase development rights and may accept ownership of transferable development rights through transfer by gift. All such transferable development rights may be resold or retired by the Township and/or County. Any such purchase or gift shall be accompanied by a TDR Easement and Deed Restriction language, as specified in Section 604.1. of this Ordinance.

Section 607 Reservation of Township Rights

The Township reserves the right to amend this Ordinance in the future, and the Township expressly reserves the right to change the manner in which the number of development rights shall be apportioned to a tract in the sending area, the manner in which development rights may be attached to land within the receiving area, the locations of the sending area and the receiving areas and the procedure by which development rights can be severed. The Township further expressly reserves the right to terminate its transferable development rights program at any time. No landowner or owner of development rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the apportionment, transfer and use of development rights or the abolition of the transferable development rights program. If the transferable development rights program is abolished by the Township, no developer may attach development rights to any tract in the receiving area after the effective date of the ordinance abolishing the transferable development rights program unless an application in conformity with the provisions of this Section was filed prior to the effective date of such ordinance and thereafter is continuously processed to approval, and following such approval, a complete subdivision and/or land development application comply with such rights is thereafter filed within six (6) months from the date of such approval.

Article 7

Nonconformities

Section 700 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 subject to the limitations described in this Article, although it is not in conformity with the regulations specified by this Ordinance. However, the storage of junk on residential properties is subject to amortization as described in Sections 708 of this Ordinance, respectively.

Section 701 Abandonment

All non-conforming uses of undeveloped land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60) percent or more of replacement costs, shall not be continued, repaired, or reconstructed. No other non-conforming use may be re-established after it has been discontinued for twelve (12) consecutive months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.

Section 702 Expansion of a Nonconforming Use of Land

Except as noted in Section 708 of this Ordinance, any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be expanded upon the lot upon which it exists at the time of the effective date of this Ordinance, but such expansion shall conform to area and lot regulations and to the design standards of this Ordinance. The expansion of a nonconforming use on a lot shall be limited to the lot that was in existence on the effective date of this Ordinance.

Section 703 Expansion or Alteration

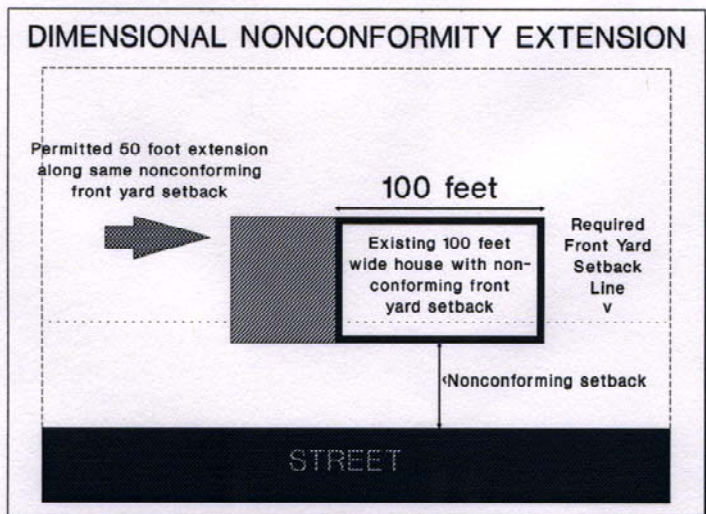
- 703.1. Any nonconforming use may be expanded or altered through the approval of a special exception and subject to the following specific criteria, and those general criteria contained in Section 804.3.B. which are hereby specifically incorporated herein. The applicant shall be required to demonstrate compliance with these general criteria and the following specific criteria and must furnish whatever evidence is necessary to demonstrate such compliance:
- A. 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;
 - B. The total of all such expansions or alterations of use shall not exceed an additional 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;

- C. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;
- D. 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;
- E. 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;
- F. 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;
- G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
- H. 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,
- I. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in a floodplain shall be permitted when either elevated above the base flood elevation or floodproofed in accordance with the requirements of the Township Floodplain Ordinance. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,

703.2. Any dimensional nonconformity may be reduced by permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as noted below in Section 703.3. of this Ordinance, no extension or enlargement of a dimensional nonconformity shall be permitted.

703.3. Any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback(s) line, up to a maximum of fifty percent (50%) of the area of the building that follows the setback when it was originally made nonconforming; the diagram above



illustrates this regulation. Nothing within this section shall be interpreted to allow an increase in any dimensional nonconformity.

- 703.4. Dimensional nonconformities can be created as a permitted use through the acquisition of land and/or rights-of-way by a governmental agency.

Section 704 Substitution or Replacement

- 704.1. A nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.
- 704.2. If a non-conforming use is proposed to be replaced with a conforming use that cannot meet certain design standards (such as area, coverage, setbacks, etc.), the Zoning Hearing Board may grant a special exception to permit such non-conforming aspects of the conforming use, if the Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

Section 705 Restoration

Except as noted in the Township Floodplain Ordinance, a non-conforming structure that is partially damaged or entirely destroyed by natural or accidental causes not related to demolition may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed structure shall not increase any dimensional non-conformity and that the reconstruction shall start within one (1) year from the time of damage to the structure and carried on without interruption.

Section 706 Unsafe or Unlawful Structures

If a non-conforming structure or building or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the Zone in which it is located.

Section 707 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.

Section 708 Amortization of the Nonconforming Storage of Junk on Residential Properties

Any external storage of junk (as defined herein) upon a property used as a principal residence that was legally existing as of the effective date of this Ordinance, shall be considered nonconforming. All such storage may continue for a period of up to six (6) months from the effective date of this Ordinance. After the six (6) month period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the area used to store junk during the six (6) month period shall not waive the requirements for elimination of the use.

Section 709 Use of Nonconforming Lots of Record

Subject to the provisions of Section 508(4) of the Act, in any Zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected as a use by right on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. However, all setback and lot coverage requirements shall be met unless variances are authorized pursuant to Section 804.4. of this Ordinance.

Section 710 Use Variances are not Nonconforming Uses

Any use that is permitted by variance under the terms of this Ordinance shall not be deemed a non-conforming use. Any expansion and/or alteration of such use will require approval of another variance by the Zoning Hearing Board in accordance with Section 804.4. of this Ordinance.

Article 8

Zoning Hearing Board

Section 800 Establishment and Membership

The Board of Supervisors shall appoint a Zoning Hearing Board which shall consist of three (3) members who shall be residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 801, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 802 unless designated as a voting alternate member pursuant to Section 801 of this Ordinance.

Section 801 Organization of Zoning Hearing Board

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 803. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be

the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 802 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to Section 801, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the governing body.

Section 803 Public Hearings

- 803.1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
- 803.2. Public notice shall be given to the applicant, the zoning officer, such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;
- 803.3. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs; and,
- 803.4. The first hearing before the Zoning Hearing Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- 803.5. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member, or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final;
- 803.6 The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose;
- 803.7. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- 803.8. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- 803.9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 803.10 The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof;
- 803.11 The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;
- 803.12. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons

why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Act, where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing as provided in Section 803.4. of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in this Section of this Ordinance. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction:

803.13 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,

803.14. Time Limitations on Zoning Hearing Board's Decision –

- A. For uses that do not require subsequent subdivision and/or land development approval:
1. If a variance or special exception is granted, or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period;
 2. Should the appellant or applicant fail to obtain the necessary zoning permit within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning

Hearing Board; and,

3. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such two (2) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

B. For uses that require subsequent subdivision and/or land development approval:

1. If a variance or special exception is granted, or other action by the appellant is authorized, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the variance or special exception is finally granted, or the other action by the appellant is authorized, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period;
2. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all approvals granted to him shall be deemed automatically rescinded by the Zoning Hearing Board; and,
3. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted approvals, if the Zoning Hearing Board finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

C. As an alternative to the preceding requirements of Section 803.14.A. and 803.14.B., an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the

deadlines imposed in Section 803.14.A.-B. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite time-frame for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

Section 804 Zoning Hearing Board's Functions

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

804.1. **Substantive Challenges to the Validity of the Zoning Ordinance**, except those brought before the governing body pursuant to Section 904.E. of this Ordinance.

A. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance that will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts;
5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare; and,
6. For challenges alleging the exclusion of one or more land uses within the Township, the Zoning Hearing Board shall consider the availability of opportunity for such uses throughout the Township.

B. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Hearing Board fails to act on the landowner's request within this time limit a denial of the

request is deemed to have occurred on the 46th day after the close of the last hearing;

- C. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
- D. Public notice of the hearing shall be provided as specified in Section 904.2.B. of this Ordinance;

804.2. **Challenges to the Validity of the Zoning Ordinance**, raising procedural questions or alleged defects in the process of enactment or adoption;

804.3. **Special Exceptions** - The Zoning Hearing Board shall hear and act upon applications for special exceptions as specifically authorized by this Ordinance. The granting of a special exception shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

A. Filing Requirements - In addition to the required permit information (See Section 901) each special exception application shall include the following:

- 1. Ground floor plans and elevations of proposed structures;
- 2. Names and address of adjoining property owners including properties directly across a public right-of-way;
- 3. A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance; and,
- 4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance;

B. General Criteria - Each applicant must demonstrate, by credible evidence, compliance with the following:

- 1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by special exception within the Zone wherein the applicant seeks approval;
- 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- 3. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation

of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;

4. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
 5. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
 6. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 510 of this Ordinance;
 7. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 8. The proposed use will not substantially impair the integrity of the Comprehensive Plan;
- C. Conditions - The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 9; and,
- D. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 804.3.A. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the approval of another special exception;
5. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.14. of this Ordinance.

804.4. **Variances** - The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may

grant a variance, provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the following findings where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or Zone in which the property is located;
- B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
- C. That such unnecessary hardship has not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the Zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
- F. That variances within the Floodplain Zone shall require compliance with those regulations contained in Section 510 of this Ordinance;
- G. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 9; and,
- H. If a Zoning Permit has been requested, the approved variance with any conditions imposed by the Zoning Hearing Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Zoning Hearing Board shall be forwarded to the Zoning Officer.
- I. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.14. of this Ordinance.

804.5. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or enforcement notice or the registration or refusal to register any nonconforming use, structure or lot;

- 804.6. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone;
- 804.7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- 804.8. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,
- 804.9. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Act, respectively.

Section 805 Parties Appellant Before the Zoning Hearing Board

- 805.1. Appeals under Sections 804.5., 804.6., 804.7., 804.8., and 804.9. and proceedings to challenge this Ordinance under Sections 804.1. and 804.2. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 804.4. and for special exception under Section 804.3. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal/application shall state:
- A. The name and address of the appellant and applicant.
 - B. The name and address of the landowner of the real estate to be affected.
 - C. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
 - D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - E. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

Section 806 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map

pursuant to Section 916.2 of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

Section 807 Stay of Proceeding

Upon filing of any proceeding referred to in Section 805 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

Section 808 Appeal

Any person, taxpayer, or the Township aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act as amended.

Section 809 Mediation Option

- 809.1. Parties to proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings. In no case shall the Zoning Hearing Board, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 8 once they have been formally initiated.
- 809.2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in

each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- A. Funding mediation;
- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
- C. Completing mediation, including time limits for such completion.
- D. Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation;
- E. Identifying all parties and affording them the opportunity to participate;
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act:

809.3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Article 9

Administration

Section 900 Zoning Officer

900.1. The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. He/she shall receive such fees or compensation as approved by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office within the Township. No zoning permit or Zoning Certificate of Use and Occupancy shall be granted by him/her for any purpose, except in compliance with the literal provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment;

900.2. **Duties & Responsibilities** - The duties and the responsibilities of the Zoning Officer shall be:

- A. **Process Applications** - To receive, examine and process all zoning permit and certificate of use applications as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
- B. **Maintain Official Records** - To maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all Zoning Permits and Certificates of Use and Occupancy issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of this office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy issued and violations and stop-work orders recommended or promulgated.
- C. **Inspections** - Before issuing any Zoning Permit or Zoning Certificate of Use and Occupancy at his/her discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit or a Zoning Certificate of Use and Occupancy. Thereafter, he/she may make such inspections during the completion of the work for which a Zoning Permit has been issued. Upon completion of such work and before issuing a Zoning Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans or Zoning Permit shall be noted and the holder of the Zoning

Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. To inspect properties to determine compliance with all provisions of this Ordinance, as well as conditions attached to the approval of variances, special exceptions, conditional uses, and curative amendments.

- D. **Inspect and/or Register Nonconformities** - Upon request by a landowner and/or the direction of the Board of Supervisors, to inspect nonconforming uses, structures and lots, and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
- E. **Assist Local Officials** - Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
- F. **Maintain Up-to-Date Ordinance** - To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto;
- G. **Floodplain Variance Reporting** - Upon the granting by the Zoning Hearing Board of a variance pertaining to the Floodplain Management Ordinance, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance; and,
 - 2. Such variances may increase the risks to life and property, pursuant to the Township Floodplain Management Ordinance.
- H. **Floodplain Zone Report to DCED** - Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within any floodplain regulated by the Township Floodplain Management Ordinance, to send written notice of the approval by registered mail to the Pennsylvania Department of Community and Economic Development.
- I. **Biannual Report to FIA** - To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).
- J. **Preliminary Opinion** - To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.
- K. **Investigate Complaints** - When in receipt of a verbal non-anonymous complaint stating fully the cause and basis thereof, to investigate alleged violations of this Ordinance. The Zoning Officer shall have the express authority to require proof of zoning compliance from any party through any

reasonable means necessary (e.g. removal of tarp concealing potential violation.) Said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of this Ordinance shall be prepared and filed by the Zoning Officer. If after the investigation the Zoning Officer determines that a violation has occurred, he/she shall take action as provided for by this Ordinance.

- L. **Prosecute Violations** - to institute civil enforcement proceedings as a means of enforcement when anyone undertakes deliberate actions that are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals authorized under this Ordinance.

900.3. **Violations** - Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

900.4. **Enforcement Notice** - If it appears to the Township that a violation of this Zoning Ordinance, has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided in the following:

- A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- B. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth under Section 804.5. of this Ordinance.
 - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

900.5. **Enforcement Remedies** - Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act, or prior enabling laws, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more

than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays, nor timely appeals, the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township; and,

- 900.6. **Causes of Action** - In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance enacted under the Act, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violations, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 901 Zoning Permits

901.1. General Requirements for Zoning Permits:

- A. **Actions Requiring Zoning Permits** - A zoning permit shall be required prior to:
1. a change in use of land or structure,
 2. the erection or construction of a structure (principal or accessory) or portion thereof, including, but not limited to, fences but excluding satellite dish antennas that are less than one (1) meter in diameter;
 3. the improvement or alteration of any existing structure (principal or accessory) where such improvement or portion thereof increases the amount of space which the structure encloses;
 4. the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation, or drilling operations but not including the tilling of soil associated with agriculture;
 5. the erection or alteration of any signs specified in Section 321 of this Ordinance as requiring a zoning permit;

6. the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins; and/or,
 7. the cutting of any tree in accordance with Section 516 of this Ordinance and the conduct of any forestry use in accordance with Section 438 of this Ordinance.
 8. For uses other than a single-family dwelling or agricultural:
 - a. The installation of a new outdoor lighting system;
 - b. The alteration, rehabilitation, or renovation to an existing outdoor lighting installation, which is commenced after the effective date of this Ordinance, and involves the complete replacement of an existing lighting system with a new lighting system and,
 - c. The replacement of an outdoor light fixture that existed on the effective date of this Ordinance.
- B. **Permit Exemptions** - No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
 - C. **Form of Application** - Application for zoning permits shall be made in writing to the Zoning Officer. Two (2) copies of the application including a plot plan for a Zoning Permit shall be submitted in such form as the Zoning Officer may prescribe.
 - D. **Permit Review Deadline** - Such zoning permits shall be issued or rejected within ninety (90) days from date of application.
 - E. **Permit Conformity** - No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
 - F. **Permit Burden of Proof** - In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his/her application. If such evidence is not presented, the zoning permit will be denied.
 - G. **Authorization to Apply** - The parcel or parcels shall be in a single and full ownership, or proof of option shall be furnished at the time of application. The full names and addresses of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
 - H. **Permit Referral** - The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
 - I. **Permit Revocation** - The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application, or on the plans on which the

permit or approval was based, or for any other cause set forth in the Zoning Ordinance.

- J. **Required Permit Fees** - No permit shall be issued until the fees prescribed by the Board of Township Supervisors approved by resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use and Occupancy. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, he/she will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use and Occupancy.
- K. **Issuance / Rejection of Permits** - Upon receipt, the Zoning Officer shall examine the permit application within a reasonable time after filing. If the application fails to comply with the provisions of this Ordinance and all pertinent local laws and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, he/she shall reject such application in writing, stating the reasons therefore. Should the Zoning Officer deny the permit, he/she shall inform the applicant of his/her right to appeal to the Zoning Hearing Board under Section 804.5. of this Ordinance. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance, and all local laws and ordinances applicable thereto and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, he/she shall issue a permit therefore as soon as practical, but not later than ninety (90) days from receipt of the complete application.
- L. **Reconsideration of Application** - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new review of the application if this condition is not met.
- M. **Expiration of Permit** - The permit shall expire after two (2) years from the date of issuance; provided, however, that the same may be extended for a period not to exceed a total of five (5) years upon the request by the applicant who can demonstrate good cause for the extension.
- N. **Compliance with Ordinance** - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board through the issuance of an approved variance under Section 804.D. of this Ordinance.
- O. **Compliance with Permit and Plot Plan** - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.
- P. **Display of Zoning Permit** - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements.

Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its Zoning Certificate of Use and Occupancy.

- Q. **Availability of Zoning Permit** - The Zoning Officer shall maintain a copy of all active Zoning Permits for inspection.
- R. **Temporary Use Permits** - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time in times of local or national emergency and/or disaster which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of application, they will:
 - 1. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, and,
 - 2. contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Board of Supervisors may direct the Zoning Officer to issue a permit.

901.2. **Application for all Zoning Permits**

- A. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land, and shall be accompanied by plot plans in duplicate drawn to scale and showing the following as may be applicable to the requested permit:
 - 1. The actual dimensions and shape of the lot to be built-upon;
 - 2. The exact size and location on the lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto;
 - 3. The number of dwelling units or other units of occupancy (eg. commercial, industrial, institutional, agricultural, accessory uses and etc.) if any, to be provided;
 - 4. The location and proposed surfacing of driveways and access drives and copies of any highway occupancy permits as required by local, county and/or state agencies;
 - 5. The height of all structures, buildings, and/or signs;
 - 6. Distances of buildings and structures from lot lines and street right-of-way lines;
 - 7. Off-street parking and loading areas and access thereto, including grades and proposed surfacing;
 - 8. Outdoor areas devoted to storage of goods, materials and/or wastes;
 - 9. Individual lot grading plans in accordance with Section 307 of this Ordinance;

10. Utility systems affected and proposed, including primary and back-up on-lot and/or public sewage disposal and water supply systems, including any required permits;
 11. Alteration or development of any improved or unimproved real estate;
 12. Lot coverage;
 13. Site lighting plans, including lighting of signs in accordance with the requirements of Section 309 of this Ordinance;
 14. Floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses;
 15. Recreation areas;
 16. Screens, buffer yards, landscaping, erosion control filter strips and riparian buffers;
 17. Means of pedestrian access;
 18. Written approvals for needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans;
 19. Information relating to any zoning approvals obtained from the Zoning Hearing Board or the Board of Supervisors;
 20. Copies of any applicable subdivision/land development plan;
 21. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- B. If the proposed development, excavation or construction is located within a floodplain as regulated by the Township Floodplain Management Ordinance, the following information is specifically required to accompany all applications:
1. The accurate location of the floodplain and floodway;
 2. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements; and
 3. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated.
- C. Applications involving any excavation or earthmoving involving earth disturbance on five thousand (5000) square feet or more shall require submission of one or more of the following:
1. Applications for permits for agricultural use involving earth disturbance on five thousand (5000) square feet or more shall require submission of a letter from the Adams County Conservation District or the United States Department of Agriculture's Natural

Resource and Conservation Service (NRCS) that the proposed use has an approved Conservation Plan;

2. Applications for permits involving nonagricultural use where any of the following conditions apply shall require submission of a letter from the Adams County Conservation District that the proposed use has an approved Erosion and Sediment Pollution Control Plan:
 - a. earth disturbance will occur on one (1) acre or more;
 - b. the site possesses slopes exceeding ten percent (10%); and,
 - c. the site contains or abuts a body of water or watercourse; and,
 - d. the site and proposed use or activity presents the potential for discharge into State designated "High Quality Waters," and/or State designated "Exceptional Value Waters," and/or "Exceptional Value Wetlands;" and,
3. Applications for permits that do not involve uses or activities subject to the above Sections 901.2.C.1. and 901.2.C.2., shall require the submission of a signed statement by the applicant that an adequate Erosion and Sediment Pollution Control Plan will be developed, implemented and maintained prior to any excavation or earthmoving on the site.
4. Applications involving forestry uses shall require the submission of information listed in Section 438 of this Ordinance.
5. Applications involving disturbance proposed on steep slopes, shall require the submission of an individual lot grading plan in accordance with Section 513 of this Ordinance.
6. A natural and cultural features site plan and report in accordance with Article 5 of this Ordinance.

901.3. **Application for Zoning Permit for Uses in the Highway Commercial, Industrial and Quarry Zones** – In addition to the preceding requirements for all zoning permits, uses proposed within the Commercial, Industrial Zones and/or Quarry Zones shall provide the following information:

- A. A location plan showing the tract to be developed, Zone boundaries, adjoining tracts, significant natural features, proposed topographic features, and streets for a distance of two hundred (200) feet from all tract boundaries.
- B. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- C. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.

- D. Engineering plans for the handling of traffic, noise, light and glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
- E. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
- F. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- G. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

Section 902 Zoning Certificate of Use and Occupancy

- 902.1. **When Required** – Except in the case of zoning permits issued for tree cutting in accordance with Section 516 of this Ordinance, it shall be unlawful to use and/or occupy any structure, building, sign, or land or portion thereof for which a Zoning Permit is required until a Zoning Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue such Certificate unless he/she has inspected said structure, building, sign, or land and has determined that all provisions of the Zoning Ordinance and other laws of the Township have been satisfied and that the applicant has received a Certificate of Occupancy under the Township Building Code, if applicable.
- 902.2. **Form of Application** - The application for a Zoning Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe, and shall be made at the same time as the application for a Zoning Permit is filed with the Zoning Officer.
- 902.3. **Description of Use and Occupancy** - The application shall contain a description of the intended use and occupancy of any structure, building, sign, or land or portion thereof for which a Zoning Permit is required herein.
- 902.4. **Action Upon Applications** - Except in the case of zoning permits issued for tree cutting in accordance with Section 516 of this Ordinance, the Zoning Officer shall inspect any structure, building, sign or use of land within seven (7) days after notification that the proposed work that was listed under the Zoning Permit has been completed. If he/she is satisfied that:
 - A. the work is in conformity and compliance with the work listed in the issued Zoning Permit;
 - B. the work is in conformity and compliance with and all other pertinent local laws; and,
 - C. that the applicant has received a Certificate of Occupancy under the Township Building Code, if applicable;

he/she shall issue a Zoning Certificate of Use and Occupancy for the intended use listed in the approved application. If the Zoning Officer finds that the work has not been performed in accordance with this Ordinance and/or the approved application, the Zoning Officer shall refuse to issue the Zoning Certificate of Use and Occupancy and shall give in writing the reasons for such refusal. The Zoning Officer shall inform

the zoning permit holder of his/her right of appeal to the Zoning Hearing Board under Section 804.5. of this Ordinance.

The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use and Occupancy. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, he/she will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use and Occupancy.

- 902.5. **Availability of Certificate** - The Zoning Officer shall maintain a Zoning Certificate of Use and Occupancy (or a true copy thereof) for all uses that shall be kept available for inspection at all times.
- 902.6. **Temporary Zoning Certificate of Use and Occupancy** - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance during times of local or national emergency and/or disaster. If such uses are of such a nature and are so located that, at the time of application, they will:
- A. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, and,
 - B. contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Board of Supervisors may direct the Zoning Officer to issue a Zoning Certificate of Use and Occupancy for a period not to exceed six (6) months. Such Zoning Certificate of Use and Occupancy may be extended not more than once for an additional period of six (6) months.
- 902.7. **Performance Standards** - For uses that involve activities that are subject to operations and performance standards listed in Article 3 of this Ordinance, no Zoning Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facility is fully operating and when, upon re-inspection by the Zoning Officer, it is determined that the facility is in compliance with all such standards.

Section 903 Fees

- 903.1. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for Zoning Permits, Zoning Certificates of Use and Occupancy, special exceptions, conditional uses, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- 903.2. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors.
- 903.3. Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

Section 904 Amendments

904.1. **Power of Amendment** - The Board of Supervisors may, from time to time, amend, supplement, change, or repeal this Ordinance, including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by an interested party. The Township is under no obligation to consider and zoning amendment other than curative amendments submitted under Section 904.F. and 904.G. of this Ordinance;

904.2. **Hearing and Enactment Procedures for Zoning Amendments**

A. **Public Hearing** - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.

B. **Public Notice** - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:

1. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
- An attested copy of the proposed Ordinance shall be filed in the County Law Library, or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.

2. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. In addition, notice of the public hearing shall be sent by first class mail by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.

3. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.
 4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- C. **Enactment Notice** - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 904.2.B.
- D. **Township Planning Commission Referrals** - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment. A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and the Official Comprehensive Plan of the Township.
- E. **Adams County Planning Commission Referrals** - All proposed amendments shall be submitted to the Adams County Planning Commission at least forty five (45) days prior to the public hearing on such amendments. The Commission may submit recommendations to the Board of Supervisors; however, if the Adams County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.
- F. **Adjournment of Public Hearing** – If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.
- G. **Copies of Adopted Amendments** - Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the Adams County Planning Commission.
- H. **Authentication of the Official Zoning Map** - Whenever there has been a change in the boundary of a Zone or a reclassification of the Zone adopted, the change on the Official Zoning Map shall be made and shall be duly

certified by the Township Secretary and shall thereafter be re-filed as part of the permanent records of the Township.

- 904.3. **Amendment Initiated by the Township Planning Commission** - When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors, which has already been reviewed by the Township Planning Commission;
- 904.4. **Amendment Initiated by the Board of Supervisors** - When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 904.2.;
- 904.5. **Amendment Initiated by a Petition from an Interested Party** - A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials;
- 904.6. **Curative Amendment by a Landowner** - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered), with a written request that his/her challenge and proposed amendment be heard and decided, as provided in Sections 609.1 and 916.1 of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Adams County Planning Commissions, as provided for in Section 904.2., and public notice of the hearing shall be provided as defined herein.
- A. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The governing body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider;
1. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map;
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features;

4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts; and,
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- B. The governing body shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 - C. If the governing body fails to act on the landowner's request within the time limits referred to in Section 904.6.B., a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
 - D. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material, or proposed amendments may be examined by the public.
 - E. The challenge shall be deemed denied when:
 1. The governing body fails to commence the hearing within sixty (60) days;
 2. The governing body notifies the landowner that it will not adopt the curative amendment;
 3. The governing body adopts another curative amendment which is unacceptable to the landowner; or,
 4. The governing body fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
 - F. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the governing body pursuant to this Section, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 804.1., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply.
 - G. Where the proposal appended to the curative amendment application or the validity challenge is approved, but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no

subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary;

904.7. Curative Amendment by the Board of Supervisors

- A. The Board of Supervisors, by formal action, may declare this Ordinance, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
1. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity.
 - b. references to a class of use or uses which require revision; or,
 - c. references to the entire Ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
 3. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
 4. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 604.1., subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
 5. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the

Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

Section 905 Conditional Uses

905.1. **Filing of Conditional Use** - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. No conditional use application will be accepted which requires approval for any use or relief by the Zoning Hearing Board until such times as such approvals have been secured. If during the course of review of the conditional use it is determined that the proposed use requires approval for any use or relief by the Zoning Hearing Board, the application shall be either withdrawn by the applicant or may be denied by the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

- A. Ground floor plans and elevations of proposed structures.
- B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
- C. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance; and,
- D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance.

905.2. **General Criteria** - Each applicant must demonstrate compliance with the following:

- A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by conditional use within the Zone wherein the applicant seeks approval;
- B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- C. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;
- D. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);

- E. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
 - F. For development within a floodplain as defined herein, that the application complies with those requirements listed in by the Township Floodplain Management Ordinance.
 - G. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - H. The proposed use will not substantially impair the integrity of the Comprehensive Plan;
- 905.3. **Conditions** - The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article;
- 905.4. **Site Plan Approval** - Any site plan presented in support of the conditional use pursuant to Section 905.A.3. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval; and,
- 905.5. **Hearing Procedures:**
- A. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
 - B. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations;
 - C. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely

request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;

- D. The first hearing before the Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal;
- E. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
- F. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose;
- G. The Chairman or Acting Chairman of the Board of Supervisors or hearing officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- H. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- I. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- J. The Board of Supervisors or hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors or hearing officer

if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof;

- K. The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his/her representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present;
- L. The Board of Supervisors or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer;
- M. Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction; and,
- N. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally, or mailed to him/her no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing,

the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

905.6. Time Limitation:

- A. For uses that do not require subsequent subdivision and/or land development approval:
 - 1. If a conditional use is granted, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period;
 - 2. Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,
 - 3. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such two (2) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.
- B. For uses that require subsequent subdivision and/or land development approval:
 - 1. If a conditional use is granted, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the conditional use is finally granted, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period;
 - 2. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,

3. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use approval, if the Board of Supervisors finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.
- C. As an alternative to the preceding requirements of Section 905.6.A. and 905.6.B., an applicant can request, as part of the original conditional use application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 905.6.A.-B. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Board of Supervisors must establish and bind a definite time-frame for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

Section 906 Mediation Option

- 906.1. Parties to proceedings before the governing body may utilize mediation as an aid in completing such proceedings. In no case shall the governing body, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 9 once they have been formally initiated.
- 906.2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - A. Funding mediation;
 - B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation;
 - E. Identifying all parties and affording them the opportunity to participate;
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act:

906.3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 907 Information Submission Requirements

In order to ensure that the review processes and administration of this Zoning Ordinance are accomplished in a manner that is readily accessible to all citizens of the Township, any information and/or plans submitted associated with any application, permit, petition, appeal or any other request shall be provided in a form that is reproducible, without restriction, by any and all interested parties and/or the general public. The submission of copyrighted materials will not be accepted.

Section 908 Appeals

Proceedings for securing review of any ordinance or of any decision, determination, or order of the Board of Supervisors, their agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Ordinance shall be in accordance with Article X-A of the Act, as amended.

Section 909 Repealer

Any Resolution, Ordinance, or part of any Resolution or Ordinance, inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

Section 910 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Conewago Township, County of Adams, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 5th day of January, 2010.

*Ordinance
2010-E*

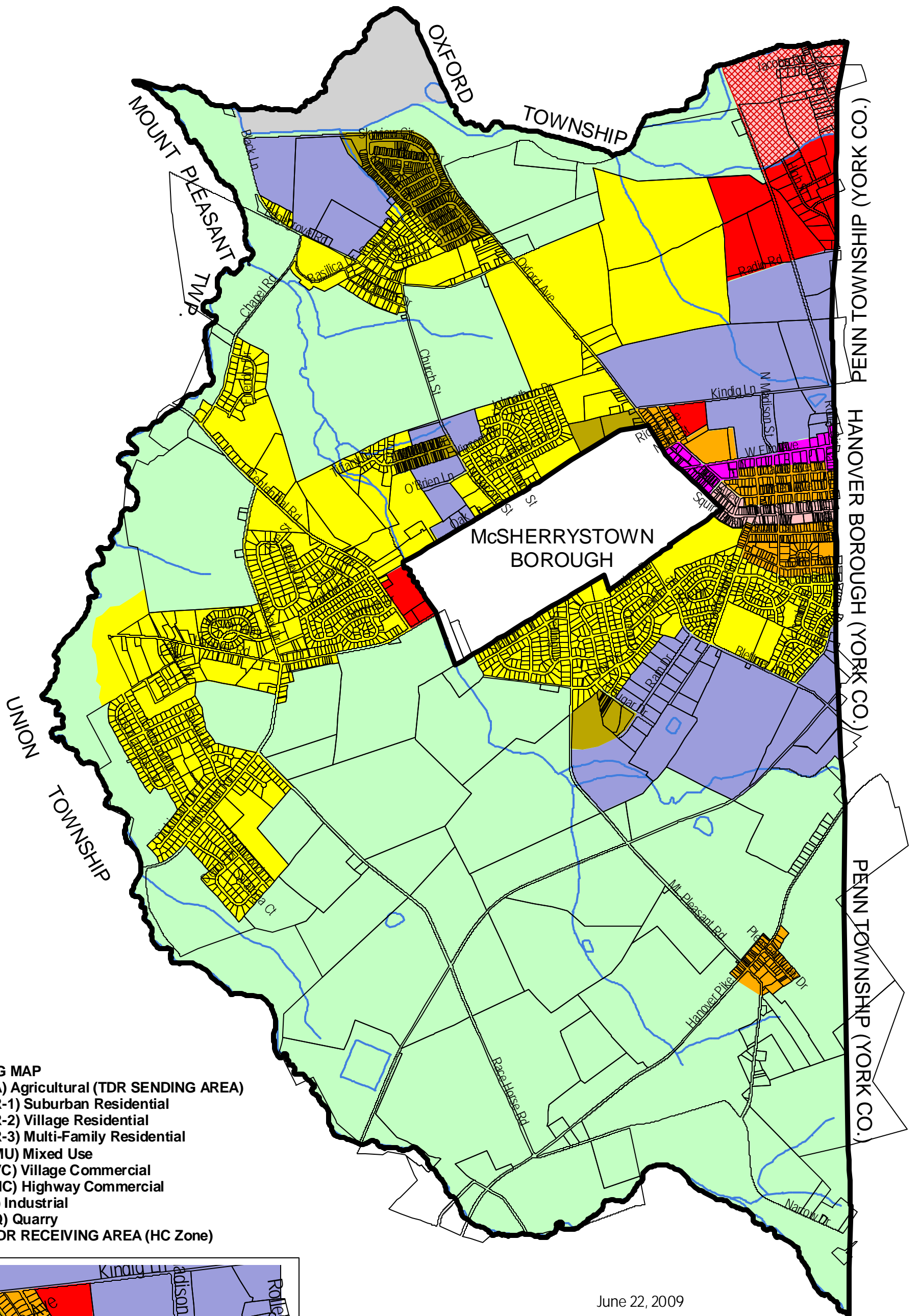
BOARD OF SUPERVISORS OF CONEWAGO TOWNSHIP

By: *Robert C. Gorn*
Vice Chairman

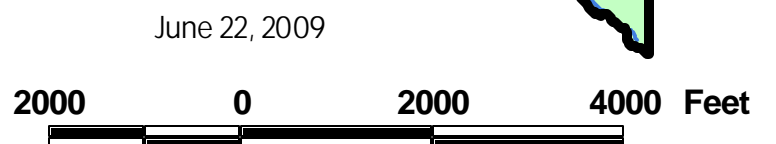
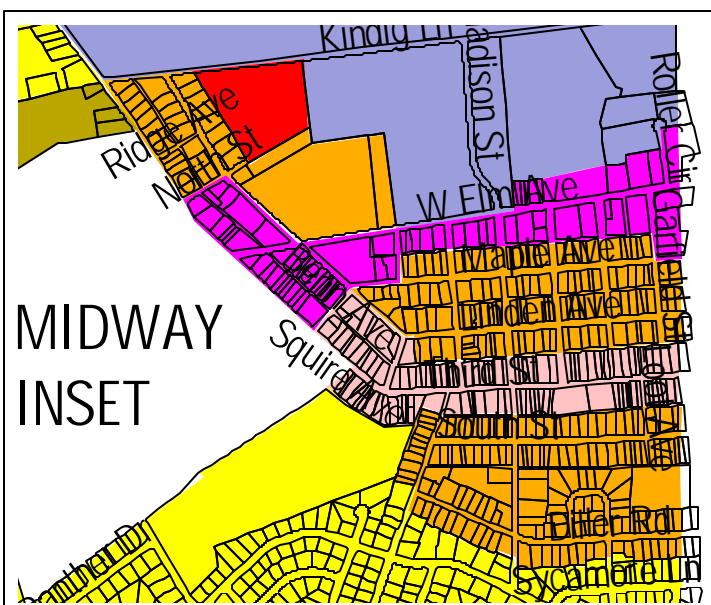
ATTEST: *Robin C. Paul*

Margaret K. Hagan
Township Manager Secretary

(SEAL)

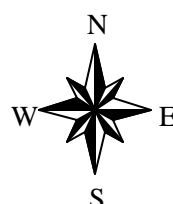


- ZONING MAP**
- (A) Agricultural (TDR SENDING AREA)
 - (R-1) Suburban Residential
 - (R-2) Village Residential
 - (R-3) Multi-Family Residential
 - (MU) Mixed Use
 - (VC) Village Commercial
 - (HC) Highway Commercial
 - (I) Industrial
 - (Q) Quarry
 - TDR RECEIVING AREA (HC Zone)



Conewago Township

Adams County, PA



Appendix 1

JOINT USE DRIVEWAY AGREEMENT for up to four lots.

LOT 1 The undersigned, *(insert 1st owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 1st property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Adams, Commonwealth of Pennsylvania, in *(insert deed number of 1st property)* Deed Book _____,
Page _____, known as tax map number *(insert 1st property tax number)* _____;

&

LOT 2 The undersigned, *(insert 2nd owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 2nd property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Adams, Commonwealth of Pennsylvania, in *(insert deed number of 2nd property)* Deed Book _____,
Page _____, known as tax map number *(insert 2nd property tax number)* _____;

&

LOT 3 The undersigned, *(insert 3rd owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 3rd property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Adams, Commonwealth of Pennsylvania, in *(insert deed number of 3rd property)* Deed Book _____,
Page _____, known as tax map number *(insert 3rd property tax number)* _____;

&

LOT 4 The undersigned, *(insert 4th owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 4th property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Adams, Commonwealth of Pennsylvania, in *(insert deed number of 4th property)* Deed Book _____,
Page _____, known as tax map number *(insert 4th property tax number)* _____.

In order to provide access to the proposed lots, Owners desire to create a mutual easement and right-of-way for access to all of the lots as set forth in this instrument and as depicted on a plan attached hereto as Exhibit "A."

EASEMENT GRANT - NOW THEREFORE, the Owners do hereby declare, make known and covenant for themselves, their heirs and assigns, that herein and hereby they do subject all the lots to the following easement for the mutual benefit of the owners of each other lot:

1. The Owners, their heirs, successors and assigns of each lot shall have a perpetual casement for a right-of-way, together with free ingress, egress, and regress to and for the said owners, their heirs, successors, assigns, tenants and undertenants, occupiers, or possessors of the owners upon and across that portion of each lot more fully described on Exhibit "B" and depicted on Exhibit "A."
2. The proper maintenance and repair of said right-of-way shall be borne equally by the owners, successors and assigns of all the lots.
3. This agreement is intended to run with and be binding upon the owners of all the lots as set forth in this agreement, their heirs, successors and assigns.

IN WITNESS WHEREOF, the said Owners have hereunto set their hands and seals this ____ day of _____, 20____.

ATTEST:

_____ <i>Insert signature for witness for owner of Lot 1</i>	_____ <i>Insert signature of owner of Lot 1</i>
_____ <i>Insert signature for witness for owner of Lot 2</i>	_____ <i>Insert signature of owner of Lot 2</i>
_____ <i>Insert signature for witness for owner of Lot 3</i>	_____ <i>Insert signature of owner of Lot 3</i>
_____ <i>Insert signature for witness for owner of Lot 4</i>	_____ <i>Insert signature of owner of Lot 4</i>

REQUIRED EXHIBITS TO BE ATTACHED

EXHIBIT A – Scaled plan that depicts the location and dimensions of the proposed joint-use driveway.

EXHIBIT B – Legal description of proposed joint-use driveway perpetual easement.

COMMONWEALTH OF PENNSYLVANIA)

LOT 1

COUNTY OF ADAMS)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LOT 2

COUNTY OF ADAMS)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LOT 3

COUNTY OF ADAMS)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LOT 4

COUNTY OF ADAMS)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal. _____

Notary Public

Appendix 2

CONEWAGO TOWNSHIP **WELLHEAD PROTECTION – LAND USE QUESTIONNAIRE**

Name: _____

Address: _____

To your knowledge, has a spill of hazardous chemicals ever occurred on the property identified above?

No _____ Yes _____. If you answered yes, please provide the following information:

When _____; What was spilled? _____

How was the spill cleaned up? _____

Please check any and all land use(s) that currently or historically apply to the property identified above. If none applies, please check "Other" and briefly describe the land use.

____ Agricultural:

____ Crop Farm

____ Horse Stable

____ Cow / Steer / Pig Barns (please circle appropriate livestock)

____ Chicken Coops

____ Animal Burial

____ Animal Feedlots

____ Manure Storage / Spreading (How much? _____ How often? _____)

____ Irrigation (How much? _____)

____ Fertilizer Storage / Spreading (How much? _____ How often? _____)

____ Herbicide Use (Types _____,

How much? _____ How often? _____)

____ Pesticide Use (Types _____,

How much? _____ How often? _____)

____ Silage Storage (Type _____ How much? _____)

____ Commercial:

____ Airport

____ Auto / Truck Garage / Repair Shop

____ Beauty Parlor / Hair Store

____ Boatyard

____ Building Supplies / Contractor / Lumber Yard

____ Car Wash (Automatic? _____ Manual? _____)

____ Cemetery

____ Chemical Manufacturing / Distribution

____ Dog / Cat Kennel

____ Dry Cleaner

____ Furniture Stripper / Refinisher / Painting

____ Gasoline Station

____ Golf Course

____ Jewelry Shop

____ Laundromat

____ Medical Institution

- ___ Metal Plating
- ___ Paintshop
- ___ Pharmacy
- ___ Photography Shop / Lab
- ___ Printer
- ___ Railroad Yard and Tracks
- ___ Research Lab (Type _____)
- ___ Scrap and Junkyard / Salvage Yard
- ___ Storage Tank(s) (Contents _____ Tank Type _____)
- ___ Veterinarian
- ___ Industrial:
 - ___ Asphalt Plant
 - ___ Chemical Manufacture / Storage
 - ___ Commercial Truck / Rail Tanker Cleaning Operation
 - ___ Electronics Manufacture
 - ___ Electroplater
 - ___ Foundry / Metal Fabrication
 - ___ Hazardous Material Storage Facility (Materials stored _____)
 - ___ High Tech Industry (Type _____)
 - ___ Machine Shop / Metal Working
 - ___ Mining / Mine Drainage
 - ___ Paint, Paint Thinner and Related Product Manufacture / Storage
 - ___ Petroleum Production / Storage
 - ___ Quarry
 - ___ Septage Lagoons / Sludge Storage Tanks
 - ___ Slaughtering / Rendering
 - ___ Tannery
 - ___ Well (Operating / Abandoned including Underground Injection Wells)
 - ___ Wood Preservation
- ___ Residential:
 - ___ Aboveground or Underground Petroleum (Heating Oil, Propane, etc.) Storage
(Tank Type, Capacity, Contents, Age? _____)
 - ___ Furniture Stripping/Refinishing
 - ___ Household Pesticides Use / Storage
(Type, Quantity, Frequency of Use? _____)
 - ___ Lawn Chemicals Use / Storage
(Type, Quantity, Frequency of Use? _____)
 - ___ Septic System / Cesspool
 - ___ Swimming Pool Chemicals Use / Storage
- ___ Other:
 - ___ Landfill (Municipal / Hazardous Waste)
 - ___ Open Burning Sites

Appendix 3

WELLHEAD PROTECTION – KEY FACILITY EVALUATION QUESTIONNAIRE

Name: _____

Address: _____

What operations are conducted at this site?

How long have the operations continued on this site?

Historically, what other operations have occurred at this property?

If others, when were they conducted?

What chemicals or hazardous materials are utilized at the site?

What quantities of these chemicals are stored on-site?

Please provide material safety data sheets (MSDS) for every hazardous material containing compounds used on site.

Do you report your chemical usage to the EPA as part of SARA Title III Reporting?

What quantity of chemicals is utilized each year?

What kind of containers hold the chemicals?

Where are the chemicals stored?

Where are the chemicals used?

How are the chemicals transported from storage point to usage point?

Provide a site plan showing the locations of the above information and attach to your response to this questionnaire.

Waste disposal information:

Hazardous

What quantities are generated?

Who is the disposal contractor?

Please provide copies of manifests for removal and disposal.

Non-Hazardous

Septic? (please locate on the site plan)

Public sewer?

How long on septic or sewer?

Are there any floor drains at the facility? If so, please locate on the site plan.

If yes – where do they discharge?

Is there a well on the property?

If yes – please locate on the site plan.

If known – please provide age, depth and yield.

Appendix 4

Prepared by:

*(Insert typed name, address, and telephone
number of party of document preparer.)*

Return to:

*(Insert typed name, address, and telephone
number of party to whom document should be
returned.)*

DEED OF TRANSFERABLE DEVELOPMENT RIGHTS

THIS DEED, made this ____ of _____, 20__, by and between the Township of Conewago, a Township of the Second Class, organized and existing under and pursuant to the Second Class Township Code and other statutes of the Commonwealth of Pennsylvania and the County of Adams, with a mailing address of, and a business address at, 541 Oxford Avenue, Hanover, Pennsylvania 17331 (hereinafter referred to as the "Grantee"); and *Insert the typed name and address of of the Grantor* (hereinafter referred to as "Grantor").

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. 10101, et seq. enables municipalities to transfer development rights for the purpose of preserving designated resources and land areas; and,

WHEREAS, a TDR Easement granted to Conewago Township, pursuant to Article 6 of the Official Conewago Township Zoning Ordinance, and section number and recorded at Book ____, Page ____, in the Recorder of Deeds Office of Adams County, Pennsylvania, restricts future development from being constructed, occupied, or maintained on property hereinafter described situate in the Agricultural Zone, Conewago Township, Adams County, Pennsylvania and thereby authorizes the severance of development rights.

NOW THEREFORE, in consideration _____, and other good and valuable considerations, the receipt of which is hereby acknowledged, the Grantor does grant and convey to the Grantee, his/her heirs, successors and assigns, for attachment to and use in conjunction with development of Grantee's property situate in (Insert the name of the receiving Zoning District.) Conewago Township, Adams County, Pennsylvania, (Insert No. of TDRs) originally attached to property situate in the (Insert the name of the receiving Zoning District.) Conewago Township, Adams County, Pennsylvania, described as:

INSERT PROPERTY DESCRIPTION FOR SENDING PARCEL INCLUDING STREET ADDRESS AND ADAMS COUNTY PARCEL IDENTIFICATION NUMBER.

BEING the same property that Grantor acquired by deed bearing date the ____ day of _____, 20____, and recorded in the Adams County Recorder of Deeds Office in Book____, Page____.

AND, Grantor covenants that it will warrant specially the property rights hereby conveyed, that it will execute such further assurances of said property rights as may be requisite and that it has the right to convey the property rights.

IN WITNESS WHEREOF, Grantors have affixed their hands and seals in the day and year written above.

Insert the signature of the Grantee in black ink

Signature of Grantor

ACKNOWLEDGEMENTS

Approved as to form and legality by the governing body of Conewago Township, pursuant to Section 619.1. of the Pennsylvania Municipalities Planning Code this ____ day of _____, 20____.

Insert the signature of the Chariman of the Board of Superviors in black ink.

Chairman

Appendix 5

Prepared by:

*(Insert typed name, address, and telephone
number of party of document preparer.)*

Return to:

*(Insert typed name, address, and telephone
number of party to whom document should be
returned.)*

AGREEMENT PROVIDING FOR GRANT OF TDR EASEMENT

THIS AGREEMENT, made this ____ of _____, 20__, by and between the Township of Conewago, a Township of the Second Class, organized and existing under and pursuant to the Second Class Township Code and other statutes of the Commonwealth of Pennsylvania and the County of Adams, with a mailing address of, and a business address at, 541 Oxford Avenue, Hanover, Pennsylvania 17331 (hereinafter referred to as the "Township");

AND

Insert the typed name and address of the Grantor (hereinafter referred to as "Grantor").

WHEREAS, the Grantor is the owner in fee of a tract of land containing approximately _____ acres located *Insert the physical address of the property that will be subject to the TDR easement*, known as *Insert the parcel Identification Number* of the Adams County Tax Assessment Records, described in the attached legal description identified as EXHIBIT A and made a part hereof and as depicted on the attached plot plan or survey identified as EXHIBIT B and made a part hereof.

WHEREAS, a portion of the Property is located within and/or contains: (“✓” check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Sensitive geologic conditions; | <input type="checkbox"/> Natural habitats and species of special concern; |
| <input type="checkbox"/> Wetlands; | <input type="checkbox"/> Special protection waters; |
| <input type="checkbox"/> Floodplains; | <input type="checkbox"/> Pennsylvania Highlands; |
| <input type="checkbox"/> Woodlands; | <input type="checkbox"/> Outstanding geologic features and/or caves; |
| <input type="checkbox"/> Productive farmlands; | <input type="checkbox"/> Historic sites; |
| <input type="checkbox"/> Prime agricultural soils; | <input type="checkbox"/> Areas of suspected archaeological significance; |
| <input type="checkbox"/> Steep slopes; | |

and is worthy of conservation in its natural state or as close as possible to its natural state.

In order to insure that this portion of the Property is preserved, Grantor hereby imposes a TDR easement upon that portion of the Property identified in this Agreement. The Grantor, their respective successors and assigns agree to maintain the TDR easement area as outlined in accordance with the terms of this Agreement. The Township, as grantee of the TDR easement, shall be given the authority to insure proper maintenance and protection of the preserved area.

NOW, THEREFORE, intending to be legally bound hereby and in consideration of receiving approvals to develop the Property in accordance with the Plan from the Board of Supervisors of Conewago, and the Grantor, for themselves and respective successors and assigns, covenant, declare and agree as follows:

1. Grantor grants and conveys to the Township an easement upon, over and within that portion of the Property as described in Exhibit “A” (Legal Description of the Property subject to the TDR easement) and as shown on Exhibit “B” (the “Property subject to the TDR easement”), both of which are attached hereto and made a part hereof, for the maintenance, preservation and conservation of those portions of the Property in their natural state.

2. The TDR easement shall be permanently maintained in its natural state. No permanent or temporary buildings or structures or vehicles, including but not limited to utility sheds, swimming pools, tennis courts, swings, sliding boards, portable recreational equipment, tents, campers, signs or mobile homes, may be placed or stored within the Property subject to the TDR easement. Grantor, for themselves and their respective successors and assigns, agree that the Township may deny issuance of building permits, zoning permits, or any other permits or approvals required by applicable Township ordinances and regulations for the erection, installation or placement of such buildings, structures or vehicles.
3. The grade of the Property subject to the TDR easement shall not be changed or altered in any manner.
4. The Property subject to the TDR easement shall not be used for the dumping, storage, processing or landfilling of solid or hazardous waste.
5. The Property subject to the TDR easement shall be maintained in accordance with sound soil and water conservation practices and in general accordance with environmental protection standards of Article 5 of the Conewago Township Zoning Ordinance.
6. Grantor, and their respective successors and assigns shall maintain the Property subject to the TDR easement in accordance with all requirements of this Agreement.
7. The Township may request that it be permitted, at its cost and expense, to plant vegetation within the Property subject to the TDR easement. Any such planting by the Township shall require permission of the Grantor, their respective successors and assigns. This Paragraph shall not apply to action by the Township in accordance with Paragraphs 8 and 9 herein.
8. If vegetation within the Property subject to the TDR easement is damaged or destroyed by any person, the Township shall have the right to take all steps which it deems reasonably necessary to restore the Property subject to the TDR easement for its intended purpose and may institute appropriate legal or equitable action to recover the monies necessary to

restore the Property subject to the TDR easement for its intended purpose.

9. All plants named as noxious weeds by the Noxious Weed Control Act of the Commonwealth of Pennsylvania or so declared by action of the Pennsylvania Department of Agriculture, the Pennsylvania Department of Conservation and Natural Resources or the Township shall be removed by the Grantor, their respective successors and assigns. The Grantor, their respective successors and assigns shall be responsible for the removal of all such plants named as noxious weeds following written notification from the Pennsylvania Department of Agriculture, the Pennsylvania Department of Conservation and Natural Resources or the Township. If the Grantor, their respective successors and assigns fails or refuses to remove the noxious weeds within the time period specified in the notification, the Township will have the right to enter upon the Property subject to the TDR easement, remove such noxious weeds, and recover its costs as set forth in Paragraph 8 above.
10. The Township, its successors and assigns, shall have the right to enforce these restrictions by injunction and other appropriate proceedings. The Township shall also have the right to enter upon the Property subject to the TDR easement to remove any planting, building, structure or item placed within the Property subject to the TDR easement, to restore the Property subject to the TDR easement to its natural grade, or to take any other measure necessary to enforce these restrictions at the cost and expense of the Grantor and to recover its costs and expenses as set forth in Paragraph 8 above.
11. The covenants, terms, conditions and restrictions of this TDR easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns and shall continue as a servitude running in perpetuity with the easement area as outlined, or any portion thereof, created from the Property.
12. If circumstances arise in the future such as to render the purposes of this TDR easement impossible to accomplish, this TDR easement can only be terminated or extinguished,

- whether in whole or in part, by judicial proceedings in a court of competent jurisdiction.
13. Grantor, and their respective successors and assigns, shall hold harmless, indemnify and defend the Township and its elected and appointed officials, officers, employees and agents (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including without limitation, reasonable attorneys fees, arising from or in any way connected with: (1) a violation or alleged violation of any State or Federal environmental statute or regulation or any statutes or regulations concerning the storage or disposal of hazardous or toxic chemicals or materials; (2) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the gross negligence of any of the Indemnified Parties; and (3) the existence of this Agreement.
 14. Grantor, and their respective successor and assigns, shall retain all responsibilities and shall bear all costs and liabilities of any kind related to the fee simple ownership of the Property subject to the TDR easement, including the maintenance of adequate comprehensive general liability insurance coverage and the payment, as and when due, of all real estate taxes.
 15. Grantor shall record this Agreement in the Office of the Recorder of Deeds of Adams County, Pennsylvania, at the expense of the Grantor.
 16. If any provision of this Agreement, or the application thereof to any person or circumstances, is found to be invalid, the remainder of the provisions of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

TO HAVE AND TO HOLD all and singular the privileges and easements above mentioned unto the Township, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor, and the Township have caused this Agreement providing for Grant of TDR easement to be executed as of the day and year first above written.

TOWNSHIP OF CONEWAGO

By:

Chairperson, Board of Supervisors

Attest: _____
Secretary
[TOWNSHIP SEAL]

(Individual or Husband and Wife Grantor)

_____(SEAL)
(Signature of Individual)

_____(SEAL)
(Signature of Spouse if Husband and
Wife are Co-Grantors)

Witness:

Trading and doing business as:

(Partnership Grantor*)

(Name of Partnership)

Witness:

Partner

By: _____ (SEAL)

Partner

By: _____ (SEAL)

Partner

By: _____ (SEAL)

Partner

By: _____ (SEAL)

*All partners must sign. Additional signature lines should be attached if necessary.

(Corporation Grantor)

(Name of Corporation)

Attest: _____
Representative)

By: _____
(President or Vice President or **Authorized

Title: _____
(Assistant) Secretary

Title: _____

[CORPORATE SEAL]

**Attach appropriate proof, dated as of the same date as the Agreement, evidencing authority to execute on behalf of the corporation.

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ADAMS)

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My commission expires:

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ADAMS)

Witness my hand and notarial seal.

My commission expires:

[CORPORATE ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF ADAMS

On this ____ day of _____, 20____, before me, a notary public, the undersigned _____ officer, _____ personally appeared _____, who acknowledged _____self to be the _____ of _____, a corporation, and that as such officer, being authorized to do so, acknowledged the foregoing instrument for the purposes therein contained by signing the name of the corporation by _____self as _____.

Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ADAMS)

IN WITNESS WHEREOF, I set my hand and official seal.

My commission expires:

EXHIBIT "A"

Legal description of the "property subject to the TDR easement."

EXHIBIT "B"

Plan illustrating the "property subject to the TDR easement"

Appendix 6

Prepared by:

*(Insert typed name, address, and telephone
number of party of document preparer.)*

Return to:

*(Insert typed name, address, and telephone
number of parties to whom document should be
returned.)*

AGREEMENT PROVIDING FOR GRANT OF TDR EASEMENT

THIS AGREEMENT, made this ____ of _____, 20__, by and between *Insert the typed NAME and address of the Grantee* (hereinafter referred to as "Grantee") a bona fide conservation organization approved by Conewago Township, Adams County, Pennsylvania.

AND

as a third party grantee, the TOWNSHIP OF CONEWAGO, a Township of the Second Class, organized and existing under and pursuant to the Second Class Township Code and other statutes of the Commonwealth of Pennsylvania and the County of Adams, with a mailing address of, and a business address at, 541 Oxford Avenue, Hanover, Pennsylvania 17331 (hereinafter referred to as the "Township");

AND

Insert the typed NAME and address of of the Grantor (hereinafter referred to as "Grantor").

WHEREAS, the Grantor is the owner in fee of a tract of land containing approximately _____ acres located *Insert the physical address of the property that will be subject to the TDR easement*, known as *Insert the parcel Identification Number* of the Adams County Tax Assessment Records, described in the attached legal description identified as EXHIBIT A and made a part hereof and as depicted on the attached plan or survey identified as EXHIBIT B and made a part hereof.

WHEREAS, a portion of the Property is located within and/or contains: ("\" *check all that apply*)

- | | |
|---|---|
| <input type="checkbox"/> Sensitive geologic conditions; | <input type="checkbox"/> Natural habitats and species of special concern; |
| <input type="checkbox"/> Wetlands; | <input type="checkbox"/> Special protection waters; |
| <input type="checkbox"/> Floodplains; | <input type="checkbox"/> Pennsylvania Highlands; |
| <input type="checkbox"/> Woodlands; | <input type="checkbox"/> Outstanding geologic features and/or caves; |
| <input type="checkbox"/> Productive farmlands; | <input type="checkbox"/> Historic sites; |
| <input type="checkbox"/> Prime agricultural soils; | <input type="checkbox"/> Areas of suspected archaeological significance; |
| <input type="checkbox"/> Steep slopes; | |

and is worthy of conservation in its natural state or as close as possible to its natural state.

In order to insure that this portion of the Property is preserved, Grantor hereby imposes a TDR easement upon that portion of the Property identified in this Agreement. The Grantor, their respective successors and assigns agree to maintain the TDR easement area as outlined in accordance with the terms of this Agreement. The grantee and the Township shall be given the authority to insure proper maintenance and protection of the preserved area.

NOW, THEREFORE, intending to be legally bound hereby and in consideration of receiving approvals from the Township, the Grantee and the Grantor, for themselves and respective successors and assigns, covenant, declare and agree as follows:

1. Grantor grants and conveys to the Grantee and the Township an easement upon, over and within that portion of the Property as described in Exhibit "A" (Legal Description of the Property subject to the TDR easement) and as shown on Exhibit "B" (the "Property subject to the TDR easement"), both of which are attached hereto and made a part hereof, for the maintenance, preservation and conservation of those portions of the Property in their natural state.
2. The TDR easement shall be permanently maintained in its natural state. No permanent or temporary buildings or structures or vehicles, including but not limited to utility sheds, swimming pools, tennis courts, swings, sliding boards, portable recreational equipment, tents, campers, signs or mobile homes, may be placed or stored within the Property subject to the TDR easement. Grantor, for themselves and their respective successors and assigns, agree that the Township may deny issuance

of building permits, zoning permits, or any other permits or approvals required by applicable Township ordinances and regulations for the erection, installation or placement of such buildings, structures or vehicles.

3. The grade of the Property subject to the TDR easement shall not be changed or altered in any manner.
4. The Property subject to the TDR easement shall not be used for the dumping, storage, processing or landfilling of solid or hazardous waste.
5. The Property subject to the TDR easement shall be maintained in accordance with sound soil and water conservation practices and in general accordance with environmental protection standards of Article 5 of the Conewago Township Zoning Ordinance.
6. Grantor, and their respective successors and assigns shall maintain the Property subject to the TDR easement in accordance with all requirements of this Agreement.
7. The Grantee and/or the Township may request that it be permitted, at its cost and expense, to plant vegetation within the Property subject to the TDR easement. Any such planting by the Grantee and/or the Township shall require permission of the Grantor, their respective successors and assigns. This Paragraph shall not apply to action by the Grantee and/or the Township in accordance with Paragraphs 8 and 9 herein.
8. If vegetation within the Property subject to the TDR easement is damaged or destroyed by any person, the Grantee and/or the Township shall have the right to take all steps which it deems reasonably necessary to restore the Property subject to the TDR easement for its intended purpose and may institute appropriate legal or equitable action to recover the monies necessary to restore the Property subject to the TDR easement for its intended purpose.
9. All plants named as noxious weeds by the Noxious Weed Control Act of the Commonwealth of Pennsylvania or so declared by action of the Pennsylvania Department of Agriculture, the Pennsylvania Department of Conservation and Natural Resources or the Township shall be removed by the Grantor, their respective successors and assigns. The Grantor, their respective successors and assigns shall be responsible for the removal of all such plants named as noxious weeds following written notification from the Pennsylvania Department of Agriculture, the Pennsylvania Department of

Conservation and Natural Resources or the Township. If the Grantor, their respective successors and assigns fails or refuses to remove the noxious weeds within the time period specified in the notification, the Grantee and/or the Township will have the right to enter upon the Property subject to the TDR easement, remove such noxious weeds, and recover its costs as set forth in Paragraph 8 above.

10. The Grantee and/or the Township, its successors and assigns, shall have the right to enforce these restrictions by injunction and other appropriate proceedings. The Township shall also have the right to enter upon the Property subject to the TDR easement to remove any planting, building, structure or item placed within the Property subject to the TDR easement, to restore the Property subject to the TDR easement to its natural grade, or to take any other measure necessary to enforce these restrictions at the cost and expense of the Grantor and to recover its costs and expenses as set forth in Paragraph 8 above.
11. The covenants, terms, conditions and restrictions of this TDR easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns and shall continue as a servitude running in perpetuity with the easement area as outlined, or any portion thereof, created from the Property.
12. If circumstances arise in the future such as to render the purposes of this TDR easement impossible to accomplish, this TDR easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction.
13. Grantor, and their respective successors and assigns, shall hold harmless, indemnify and defend the Grantee and/or the Township and its elected and appointed officials, officers, employees and agents (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including without limitation, reasonable attorneys fees, arising from or in any way connected with: (1) a violation or alleged violation of any State or Federal environmental statute or regulation or any statutes or regulations concerning the storage or disposal of hazardous or toxic chemicals or materials; (2) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the

gross negligence of any of the Indemnified Parties; and (3) the existence of this Agreement.

14. Grantor, and their respective successor and assigns, shall retain all responsibilities and shall bear all costs and liabilities of any kind related to the fee simple ownership of the Property subject to the TDR easement, including the maintenance of adequate comprehensive general liability insurance coverage and the payment, as and when due, of all real estate taxes.
15. Grantor shall record this Agreement in the Office of the Recorder of Deeds of Adams County, Pennsylvania, at the expense of the Grantor.
16. If any provision of this Agreement, or the application thereof to any person or circumstances, is found to be invalid, the remainder of the provisions of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

TO HAVE AND TO HOLD all and singular the privileges and easements above mentioned unto the Township, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor, Grantee and the Township have caused this Agreement providing for Grant of TDR easement to be executed as of the day and year first above written.

INSERT NAME OF GRANTEE

By:

Officer

TOWNSHIP OF CONEWAGO

By:

Chairperson, Board of Supervisors

Attest: _____
Secretary

[TOWNSHIP SEAL]

(Individual or Husband and Wife Grantor)

_____(SEAL)
(Signature of Individual)

_____(SEAL)
(Signature of Spouse if Husband and
Wife are Co-Grantors)

Witness:

Trading and doing business as:

(Partnership Grantor*)

(Name of Partnership)

Witness:

Partner

By: _____ (SEAL)

Partner

By: _____ (SEAL)

Partner

By: _____ (SEAL)

Partner

By: _____ (SEAL)

*All partners must sign. Additional signature lines should be attached if necessary.

(Corporation Grantor)

(Name of Corporation)

Attest: _____

Representative)

By: _____
(President or Vice President or **Authorized

Title: _____
(Assistant) Secretary

Title: _____

[CORPORATE SEAL]

**Attach appropriate proof, dated as of the same date as the Agreement, evidencing authority to execute on behalf of the corporation.

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ADAMS)

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My commission expires:

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ADAMS)

Witness my hand and notarial seal.

My commission expires:

[CORPORATE ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF ADAMS

On this ____ day of _____, 20____, before me, a notary public, the undersigned _____ officer, _____ personally appeared _____, who acknowledged _____self to be the _____ of _____, a corporation, and that as such officer, being authorized to do so, acknowledged the foregoing instrument for the purposes therein contained by signing the name of the corporation by _____self as _____.

Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ADAMS)

IN WITNESS WHEREOF, I set my hand and official seal.

My commission expires:

EXHIBIT "A"

Legal description of the "property subject to the TDR easement."

EXHIBIT "B"

Plan illustrating the "property subject to the TDR easement"

Appendix 7

APPLICATION FOR SEVERANCE OF TRANSFERABLE DEVELOPMENT RIGHTS FROM A DESIGNATED SENDING ZONE

Conewago Township File Number: _____
(To be completed by Township Staff)

Date of Receipt/Filing: _____
(To be completed by Township Staff)

The undersigned hereby applies for approval under Article 6 of the Conewago Township Zoning Ordinance to sever transferable development rights and provides the following information in support thereof:

Name of Property Owner(s) from which TDRs will be severed:

Address: _____ Phone Number: _____

Total Acreage: _____

Adams County Parcel Identification No. _____

Source of Title (Deed Recording Reference): _____

Is the subject property presently a separate lot of record? _____ yes _____ no

If the answer to the previous question is no, will the subject property be subdivided from a larger tract of land? _____ yes _____ no

Total number of TDRs to be severed: _____

Please list the number of TDRs that will be severed to each of the following applicable recipients:

_____ To landowner(s) in Conewago Township's receiving area for TDRs (i.e. HC) Zone Please list name, address and phone number in space below:

Name _____ Address _____ Phone _____

_____ To Conewago Township.

_____ To other recipient, please explain. _____

Please list name, address and phone number in space below:

Name _____ Address _____ Phone _____

The undersigned hereby represents that, to the best of the undersigned's knowledge and belief, all information listed above is true, correct, and complete.

Date: _____

Signature of Transferor (if applicable)

Signature of Transferee

Required Application Materials

Along with this Application form, the following shall be submitted, as applicable by the transferor:

1. A metes and bounds description of the property of the owner of the land from which the rights will be transferred and a plot plan or survey thereof, showing:
 - a. total acreage of the selling owner's property;
 - b. areas of land or portions thereof, subject to easements in favor of governmental agencies, utilities, and nonprofit corporations; and,
 - c. land restricted against development by covenant, easement or deed restriction.
2. If the proposed severance entails less than an entire parcel, the portion of the parcel from which the development rights are transferred shall be clearly identified on a plan of the entire parcel, drawn to scale, the accuracy of which shall enable the Township to clearly determine:
 - a. the number of development rights applicable to the entire parcel;
 - b. the number of development rights applicable to the identified portion of the parcel from which the development rights are to be transferred; and,
 - c. the number of development rights which remain available to the remaining portion of the parcel;
3. A title search of the subject tract from which the transferable development rights will be severed sufficient to determine all owners of the tract and all lienholders. In addition, the applicant shall submit a written legal opinion of title affirming that the TDRs to be severed by the Deed of Transferable Development Rights have not been previously severed from or prohibited upon the subject property. Such legal opinion must be approved by the Township Solicitor; and,
4. A copy of the proposed Deed of Transferable Development Rights;
5. A copy of the Deed Restriction language to be applied to all of, or that portion of, the subject property from which the TDRs are to be severed that permanently restricts use of the subject property for any purpose other than those listed as follows for each respective zoning District:

Agricultural Zone:

- a. Agriculture and horticulture;
- b. Forestry uses subject to the requirements of Section 438 of the Zoning Ordinance; and,
- c. Structures and facilities of Conewago Township or its agencies and/or authorities.
- d. Uses devoted to the conservation of local natural and cultural resources

6. A copy of two (2) proposed TDR Easements, one of which shall designate Conewago Township as the grantee, the other which shall designate a bona fide conservation organization (public or private) as the grantee and shall designate Conewago Township as a third party grantee, to be applied to all of, or that portion of, the subject property from which the TDRs are to be severed that:

- a. Permanently restricts use of the subject property for any purpose other than those listed in the above Section 5.;
- b. Provides for the suitable ownership, maintenance and stewardship of the subject property given its current use and land use context;
- c. Provides for protection of the subject property's important natural and cultural features as guided by the requirements of Article 5 (Environmental Protection) of the Zoning Ordinance;
- d. Prohibit the use of any portion of the subject property from which the TDRs are to be severed to be used to satisfy any other area, bulk or coverage requirements for any development rights retained on the subject property;
- e. Specifically grants all future owners of any portion of the of the sending area property and any owners of any of the receiving area property to which the transferable development rights have been attached, separate and independent enforcement rights.

Appendix 8

APPLICATION FOR USE OF TRANSFERRED DEVELOPMENT RIGHTS WITHIN A DESIGNATED RECEIVING ZONE

Conewago Township File Number: _____
(To be completed by Township Staff)

Date of Receipt/Filing: _____
(To be completed by Township Staff)

The undersigned hereby applies for approval under Article 6 of the Conewago Township Zoning Ordinance to use transferable development rights in connection with the following development and provides the following information in support thereof:

Plan Name: _____

Plan Number: _____ Plan Date: _____

Project Location: _____

Municipality (if portion of project is in another municipality): _____

Name of Applicant: _____

Address: _____ Phone Number: _____

Name of Property Owner(s): _____

Address: _____ Phone Number: _____

Total Acreage: _____

Adams County Parcel Identification No. _____

Source of Title (Deed Recording Reference): _____

Is the Project presently a separate lot of record? _____ yes _____ no

If the answer to the previous question is no, will the Project be subdivided from a larger tract of land? _____ yes _____ no

Total number of TDRs to be used: _____

Please list the number of TDRs that will be acquired from each of the following applicable sources:

_____ From landowner(s) in Conewago Township's Agricultural Zone sending area for TDRs.

_____ From Conewago Township.

_____ Other source, please explain. _____

Please list the number of TDRs that will be applied in each of the following respective Zones under this application:

LAND USE DENSITY BONUSES FOR EACH TDR APPLIED		
No. of TDRs to be applied in this Plan	TDR-Receiving Zone	Each TDR applied entitles the transferee:
_____	HC	One thousand (1000) square feet of permitted lot coverage above the base lot coverage of ten percent (10%) up to a maximum of seventy-five percent (75%) permitted lot coverage.

Firm that Prepared the Plan: _____

Engineer/Consultant's Name: _____

Address: _____ Phone Number: _____

The undersigned hereby represents that, to the best of the undersigned's knowledge and belief, all information listed above is true, correct, and complete.

Date: _____

Signature of Transferor (if applicable)

Signature of Transferee

Application Materials

Along with this Application form, the following shall be submitted, as applicable by the transferee:

1. A metes and bounds description of the property of the owner of the land from which the rights will be transferred and a plot plan or survey thereof, showing:
 - a. total acreage of the selling owner's property;
 - b. areas of land or portions thereof, subject to easements in favor of governmental agencies, utilities, and nonprofit corporations; and,
 - c. land restricted against development by covenant, easement or deed restriction.
2. If the proposed severance entails less than an entire parcel, the portion of the parcel from which the development rights are transferred shall be clearly identified on a plan of the entire parcel, drawn to scale, the accuracy of which shall enable the Township to clearly determine:
 - a. the number of development rights applicable to the entire parcel;
 - b. the number of development rights applicable to the identified portion of the parcel from which the development rights are to be transferred; and,
 - c. the number of development rights which remain available to the remaining portion of the parcel;
3. A title search of the subject tract from which the transferable development rights will be severed sufficient to determine all owners of the tract and all lienholders. In addition, the applicant shall submit a written legal opinion of title affirming that the TDRs to be severed by the Deed of Transferable Development Rights have not been previously severed from or prohibited upon the subject property. Such legal opinion must be approved by the Township Solicitor; and,
4. A copy of the proposed Deed of Transferable Development Rights;
5. A copy of the Deed Restriction language to be applied to all of, or that portion of, the subject property from which the TDRs are to be severed that permanently restricts use of the subject property for any purpose other than those listed as follows for each respective zoning District:

Agricultural Zone:

- a. Agriculture and horticulture;
- b. Forestry uses subject to the requirements of Section 438 of the Zoning Ordinance; and,
- c. Structures and facilities of Conewago Township or its agencies and/or authorities.
- d. Uses devoted to the conservation of local natural and cultural resources.

6. A copy of two (2) proposed TDR Easements, one of which shall designate Conewago Township as the grantee, the other which shall designate a bona fide conservation organization (public or private) as the grantee and shall designate Conewago Township as a third party grantee, to be applied to all of, or that portion of, the subject property from which the TDRs are to be severed that:
 - a. Permanently restricts use of the subject property for any purpose other than those listed for each respective zoning District in the above Section 5.;
 - b. Provides for the suitable ownership, maintenance and stewardship of the subject property given its current use and land use context;
 - c. Provides for protection of the subject property's important natural and cultural features as guided by the requirements of Article 5 (Environmental Protection) of the Zoning Ordinance;
 - d. Prohibit the use of any portion of the subject property from which the TDRs are to be severed to be used to satisfy any other area, bulk or coverage requirements for any development rights retained on the subject property;

- e. Specifically grants all future owners of any portion of the of the sending area property and any owners of any of the receiving area property to which the transferable development rights have been attached, separate and independent enforcement rights.
7. For uses permitted by right, a preliminary subdivision or land development plan, prepared in accordance with the latest version of the Conewago Township Subdivision and Land Development Ordinance. The preliminary plan must indicate:
 - a. that transferable development rights are to be used;
 - b. the base permitted lot coverage for receiving areas within the (HC) Zone;
 - c. the proposed density of the site for receiving areas within the (HC) Zone; and,
 - d. the number of transferable development rights to be applied to the site;
 8. For uses permitted by special exception or conditional use, a site plan, prepared in accordance with Sections 804.3.A. or 905.1., respectively, of the Zoning Ordinance that includes the applicable requirements as listed in Section 7.a.-d. as listed above.
 9. An agreement of severance for the development rights between (1) the owner of the tract to which development rights have been granted, or the owner of development rights which have been previously severed from a tract in the sending area, as evidenced by a recorded Deed of Transferable Development Rights, and (2) the owner of the tract proposed to be developed with the transferred development rights. The agreement may be contingent upon approval of a final subdivision or land development plan of the tract to which the transferable development rights are to be severed; and,
 10. If the use of transferable development rights which were previously severed from a tract in the sending area is proposed, a title search of such previously severed transferable development rights.
 11. In all cases the applicant must clearly demonstrate and the plan must note that the proposed use has the requisite number of TDRs to achieve the proposed lot coverage permitted within the (HC) Zone.