

Official Zoning Ordinance

UPPER LEACOCK TOWNSHIP Lancaster County, PA

Effective Sept. 22, 2015



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Look forward to the future!

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Article I

Background Provisions

Section 101 SHORT TITLE

This Ordinance shall be known and may be cited as the “Upper Leacock Township Zoning Ordinance of 2015.”

Section 102 PURPOSE

102.1. 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.

102.2. 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.

102.3. The basis for this Ordinance is the Conestoga Valley Region Strategic Comprehensive Plan of 2003, as adopted by the Board of Supervisors. The Comprehensive 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. The Comprehensive Plan also recommends a regional allocation of land uses among the three participating Townships – namely East Lampeter, Upper Leacock and West Earl Townships in accordance with Article XI of the Act. This Zoning Ordinance along with the companion zoning ordinance adopted within East Lampeter Township implement this regional allocation of land use.

SECTION 103 SCOPE

- 103.1. 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 Upper Leacock 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 but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures or uses.
- 103.2. 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.
- 103.3. 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.
- 103.4. 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

- 104.1. 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.
- 104.2. 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 Section 212.R.5. of this Ordinance, 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

- 107.A. Except as regulated by Sections 220.C.6. and 439, 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 Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception 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 nor is permitted under any terms within any other Zone or District within the Official Zoning Ordinance of East Lampeter Township as part of the Conestoga Valley Region;
 3. is proposed in a manner that complies with all applicable requirements imposed upon other uses that in the opinion of the Zoning Hearing Board 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.
- 107.B. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2.

SECTION 108 ESTABLISHMENT OF ZONES

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

Zones Mapped on the Zoning Map

- Agricultural Zone (A) – Section 200
- Low Density Residential Zone (R-1) – Section 201
- Medium Density Residential Zone (R-2) – Section 202
- Village Overlay Zone (VO) (mapped as R-1 & R-2) – Section 203
- Reserved for Future Use - Sections 204 through 209
- Mixed Use Zone (MU)– Section 210
- General Village Zone (VG) – Section 211
- General Commercial Zone (GC)– Section 212
- Reserved for Future Use - Sections 213 through 219
- Light Industrial Zone (I-1)– Section 220
- Quarry Zone (Q) – Section 221
- Reserved for Future Use - Sections 222 through 229
- Airport Safety Overlay Zone (AS) – Section 230
- Transferrable Development Rights Sending Zone – Article 6

Overlay Zones mapped on the Natural & Cultural Features Map

- Floodplain Overlay Zone – Section 510
- Riparian Buffer Overlay Zone – Section 511
- Wetland and Wetland Buffers – Section 512
- Steep Slopes – Section 513
- Pennsylvania Natural Diversity Inventory Sites – Section 514
- Reserved for Future Use – Section 515
- Forestry Uses – Section 516
- Wellhead Protection Overlay Zone – Reserved for Future Use – Section 517
- Historic Overlay Zone (H) - Section 518

SECTION 109 ZONING & NATURAL & CULTURAL FEATURES MAPS

- 109.A. The areas within Upper Leacock Township, as assigned to each Zone and the location of the Zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance. In addition, for the purposes of administering the requirements of Article 5 (Environmental Protection) the attached Natural and Cultural Features Map contained in Article 5 is also specifically declared to be a part of this Ordinance.
- 109.B. If changes are made to Zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made in accordance with the provisions of Section 904 of this Ordinance and the Pennsylvania Municipalities Planning Code, and the changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors. No changes of any nature shall be made to the Official Zoning

Map, or matter thereon shown, except in conformity with the applicable procedures established in this Zoning Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

109.C. The Official Zoning Map shall be located in a place designated by the Board of Supervisors, and shall be the final authority as to the current zoning status of land and water area in Upper Leacock Township regardless of unofficial copies, which may have been made or published from time to time.

109.D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Board of Supervisors, attested by the Upper Leacock Township Manager or Secretary, and bear the seal of Upper Leacock Township under the following words:

"This is to certify that this Official Zoning Map of Upper Leacock Township supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. of Upper Leacock Township, Lancaster County, Pennsylvania."

109.E. Unless the prior Official Zoning Map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all applicable records pertaining to its adoption or amendment.

SECTION 110 ZONE BOUNDARY LINES

110.A. 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. Where uncertainty exists as to the boundaries of the base districts as indicated on the Official Zoning Map, the following rules and guidelines, as provided within this section shall be applicable.

1. Where Zone boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerline shall be construed to be such boundaries.
2. Where Zone boundaries are indicated as approximately coinciding with lot lines or deed lines, which were in effect at the date of this Zoning Ordinance, such lines shall be construed to be such boundaries.
3. Where Zone boundaries are indicated as approximately coinciding with municipal boundary lines, such lines shall be construed to be such boundaries.
4. Where Zone boundaries are indicated as being approximately parallel to the center of right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such Zone boundaries shall be construed as being parallel to the center of right-of-way lines at such distance as is indicated on the Official Zoning Map.
5. Where Zone boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such Zone boundaries shall be construed as being perpendicular to the right-of-way lines.

6. Where Zone boundaries are referenced by a distance or measurement from a specific feature, such distance shall be measured in feet and the Zone boundaries shall follow the specified setback.
 7. Where distances or measurements are not specifically referenced on the Official Zoning Map, the scale of the Official Zoning Map shall determine the unspecified setback.
- 110.B. 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.E. of this Ordinance.
- 110.C. When a property is contained within more than one Zone, any 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.

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 Ordinance.

SECTION 112 LANGUAGE INTERPRETATION

112.A. In this Ordinance, when not inconsistent with the context:

1. words in the present tense imply also the future tense.
2. the singular includes the plural.
3. the male gender includes the female gender.
4. the word "person" includes an individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee or similar representative.
5. the term "shall" or "must" is always mandatory.

112.B. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

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 vehicles 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 BUILDING APARTMENT - A dwelling unit that is located within a detached accessory building of a principal single-family detached dwelling.

ACCESSORY RESIDENTIAL GREENHOUSES – A detached structure or a portion thereof that is designed and used to promote the growth of plant materials used for domestic purposes. This use is limited to those activities conducted by the occupant of an on-site residence and no sale of any materials shall be permitted. Furthermore, all materials grown on the site must be principally used by the occupants of the residence and no materials shall be transferred and or delivered for sale at a different location.

ACCESSORY STRUCTURE - 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 five hundred (500) square feet shall comply with principal structure setbacks.

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.

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, fowl, camels, deer, 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, the processing and retail sale of goods produced on the farm, uses devoted to research into agricultural technology that would change the conduct of normal farming operations and custom work. For the purposes of this definition custom work shall mean the hiring of another person or agency who does not reside on the subject property to perform one or more activities necessary to the function of the principal farm use as a whole. This definition of agriculture does not include concentrated animal feeding operations, concentrated animal operations, commercial produce operations and gardening, each, as defined herein.

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

AIRPORT - Any 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.

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.

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 above sea level. The airport elevation for the Lancaster Airport is 403 feet above sea level and the airport elevation for the Smoketown Airport is 370 feet above 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 SYSTEMS – 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 and emerging technologies.) This definition shall expressly exclude outdoor furnaces, as defined herein. This definition shall permit the limited exchange, transfer and/or sale of excess energy to a public or private utility company and use conducted pursuant to and part of power purchase agreements.

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 323.C.32.E. of this Ordinance.

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, 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 eight (8) such devices as an accessory use.

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 that enables visitors:

- 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.

ANAEROBIC DIGESTION- The process in which microorganisms, in the absence of oxygen, convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

ANIMAL EQUIVALCY 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.

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

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).

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.

Gross Lot Area: The total surfacial area contained within the property lines of a lot, exclusive of exterior public rights-of-way.

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.

Lot Area: The total surfacial area contained within the property lines of a lot, except that the following features are expressly excluded:

- A. Public and/or private 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;

Minimum Lot Area - The least amount of lot area required to be associated with a principal use as specified within this Zoning Ordinance.

Retail Sales Area: The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

Site Area – The lot area or portion thereof devoted to a particular use as regulated by this Ordinance.

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 habitable 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.

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

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 lot or portion thereof, including structures thereon, that is used for the retail sale of gasoline or any other passenger motor vehicle fuel, oil and other lubricating substances, including any retail sales of passenger 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 - 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.

AUTOMOBILE SERVICE - 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”).

AUTOMOBILE STORAGE COMPOUND - 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.

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 elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance or greater of being equaled or exceeded in any given year.

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 floor 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.

BIOGAS-A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes.

BOARD OF SUPERVISORS – The governing body of Upper Leacock Township, Lancaster 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.

BOOKBINDING, PRINTING AND PUBLISHING OPERATIONS – The process of reproducing hard copies of printed materials including all aspects of production, collation, assembly packaging and distribution.

BOTTLING – The deposition of liquid, gas, powder or other granular material within a sealed container.

BUFFER - A continuous strip of land that is clear of all buildings and paved surfaces and is landscaped in accordance with Section 322.C. of this Ordinance.

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

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

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

Detached: A building which has no common wall.
Semi-detached: A building which has only one (1) common wall.
Attached: A building which has two or more common walls.

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 – That portion 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 level of the ground abutting the corners of the building to the highest point of the building, including except as noted in Section 310, any signs, antennas or other appurtenances.

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 308 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.

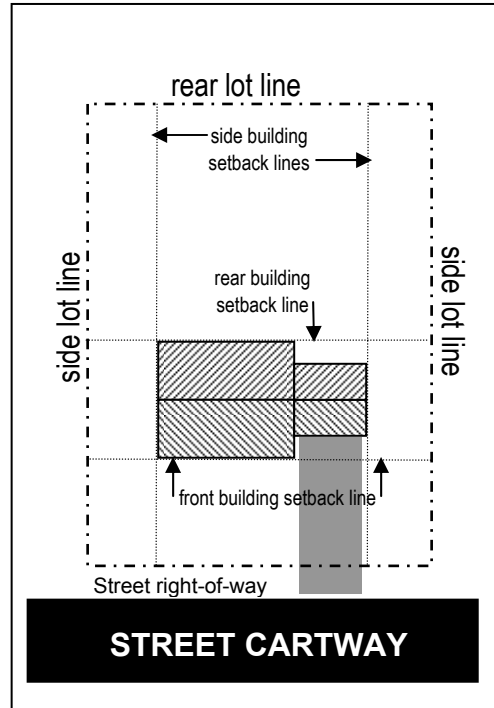
CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by guests, travelers and/or transients in recreational vehicles or tents.

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

CANDELA - The SI 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 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 used to clean the exterior, and sometimes the interior, of automobiles. 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.

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 habitable floor area.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall also include facilities for the burial of domestic pets.

CERTIFICATE OF USE AND OCCUPANCY - A permit, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with this Zoning Ordinance; or that a building, structure, sign, and/or land may be lawfully employed for specific uses; or both.

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

CHANNEL FLOW - The 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.

CINEMA – A building containing a stage and/or screen and seating for the public screening of movies.

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, dental, emergency medical, wellness, dietary, social, behavioral, therapeutic, occupational and psychological services to outpatients. This definition does not include methadone treatment facilities as defined herein.

CLUB, PRIVATE - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be

limited to, service and political organizations, labor unions, as well as social and athletic clubs.

CLUSTER DEVELOPMENT - A development that integrates required common open space and residential dwellings. Cluster developments are further regulated by Section 419 of this Ordinance.

CODE - Code of the Township of Upper Leacock.

CO-LOCATED TELECOMMUNICATION 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, where applicable.

COMMERCIAL GREENHOUSE – A retail business devoted to the raising and/or selling of trees, ornamental shrubs, flowers, and houseplants for transplanting, along with the sale of ancillary supplies wherein the preponderance of the growing operation is indoors.

COMMERCIAL MESSAGE - Words and/or images intended to influence consumer behavior.

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 uses, outdoor shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, campgrounds, convention or conference center, gaming operations, golf courses and driving ranges, off-track betting, slot machine parlors and/or casinos.

COMMERCIAL SCHOOL – See School, Commercial”

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

COMMON OPEN SPACE - Any lot or portion thereof within a development site designed and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets and storm water detention basins with impervious surfaces shall not be classified as common open space. Common open spaces shall not include 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 that is not owned by one user or property, although it may be owned jointly by all or some of the users.

COMMON WALL - A wall used or adopted for joint service between two buildings or parts thereof.

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 antennas 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 or meeting place by local residents of the Township or development within which it is located.

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.

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

COMPREHENSIVE PLAN - The Conestoga Valley Region Strategic Comprehensive Plan.

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 | |
|--|--|
| Criteria 1 The proposed agricultural operation exceeds any of the following animal type thresholds: <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. | |
| Criteria 2 Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry. | |
| Criteria 3 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. | |

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 Section.

CONDITIONAL USE - A use which may be appropriate to a particular zoning 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, 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.

CONESTOGA VALLEY REGION – The combined areas of the Townships of East Lampeter, Upper Leacock, and West Earl in Lancaster County, Pennsylvania and excluding all other municipalities; also, the collective governments and/or governing bodies, and/or any other agencies of these municipalities as the context may imply.

CONFLICTING VEHICLE ACCESS POINTS – On site locations along an access drive where vehicles may enter or exit the access drive.

CONSERVATION EASEMENT – A written legal agreement between a landowner and a government entity or land trust (a private, non-profit conservation organization) that permanently restricts a property's uses to protect its conservation values.

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.

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.

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 VG and GC Zones, some of the following activities require the approval of a special exception or conditional use if they are conducted as part of the convenience store:

1. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult use are expressly prohibited;
2. Restaurants, including drive-thru or fast-food operations, subject to the requirements of Section 426 of this Ordinance, and provided that rest rooms are made available to the

- public;
3. Amusement arcades, subject to the requirements of Section 406 of this Ordinance;
 4. Automatic bank teller machines;
 5. Photomats and film development drop-off sites;
 6. Laundry, dry cleaning and tailoring drop-off sites;
 7. Lottery sales counters and machines;
 8. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;
 9. 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;
 10. Car washes, subject to the requirements of 416 of this Ordinance; and,
 11. Post offices and other parcel delivery drop-off sites.

CONVENIENCE COMMERCIAL CENTER – An assemblage of retail uses whose scale and types of uses are limited to ones that are designed to serve the employees and visitors of an adjoining Industrial Zone.

CONVENTION CENTER - An assemblage of uses that provide a setting for indoor and outdoor exhibits and activities to serve various business activities, meetings, training sessions, entertainment, and recreation on a temporary basis. This use may include hotels and eating and drinking establishments as accessory uses.

CONVERSION - To change or adapt improved property to a use, occupancy, or purpose other than what was intended at its time of construction.

COUNTY - The County of Lancaster, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Lancaster County Planning Commission.

CRT – Cathode ray tube.

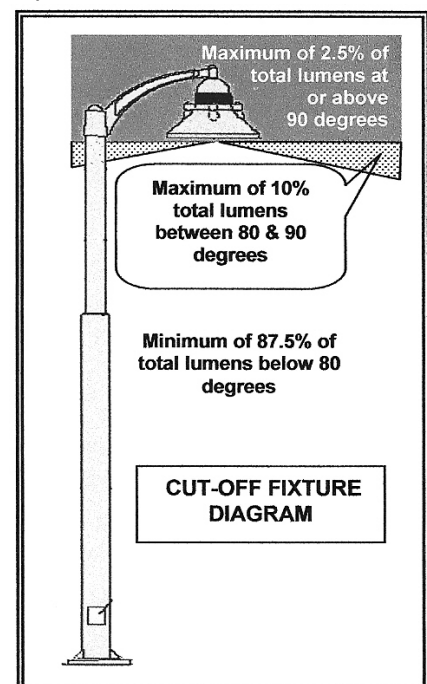
CULTURAL RELATED USE – A use conducted indoors devoted to the development and personal acquaintance with fine arts, humanities and broad aspects of science.

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 LIGHTING FIXTURE – A fixture that distributes light not exceeding 2.5% at or above a horizontal line drawn at the bottom of the fixture (i.e. 90 degrees above the horizon) and not greater than 10% between eighty (80) and ninety (90)



degrees.

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 - The offering of care or supervision over minors or adults for a period not to exceed 18 continuous hours.

- A. **Day-Care, Commercial:** 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, where applicable.
- B. **Day-Care, Family:** 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.

DERRICK – Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

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. In the case where a proposed development with more than one (1) principal use is to rely upon one or more private access drives rather than streets, the lot area devoted to the access drives that serve more than one principal use and any adjoining curbs and sidewalks shall also be deducted from the calculation of density.

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. For the purposes of Section 510 (Floodplain Overlay Zone) of this Ordinance this definition shall also include the storage of equipment or materials and the subdivision of land.

DEVELOPMENT SITE - The area encompassing an application filed under this Ordinance which may or may not correspond to an entire parcel. The development site includes all areas of disturbance associated with the proposed use and any adjoining areas on the site upon which impact is anticipated from the proposed use.

DOMESTIC COMPOST – A portable structure used and properly maintained by on-site residents to convert household organic waste into materials useful for gardening and lawn care.

DOMESTIC PETS - The noncommercial keeping of no more than three (3) 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.)

DRILLING PAD - The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

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 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 200.N.1.H. of this Ordinance may serve up to four (4) single family detached dwelling units.

DRY CLEANERS – A use at which articles of clothing, uniforms, linens, sheets, blankets, table cloths, draperies, towels, diapers and other fabric items are delivered to be cleaned with the use of chemical agents that are generally not water soluble.

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.

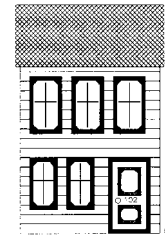


Figure 1

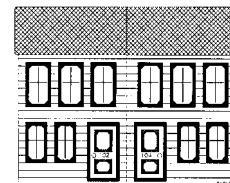


Figure 2



Figure 3



Figure 4



Figure 5

1. **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. Modular homes shall be considered single family detached dwellings so long as they are designed and constructed in accordance with the Uniform Construction Code and manufactured homes shall be considered single family detached dwellings so long as they are designed and constructed in accordance with the Federal Housing and Urban Development's Manufactured Home Construction & Safety Standards. (Figure 1)
2. **Duplex**: (single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side (Figure 2) configuration.

3. Multiple Family: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
4. 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)
5. Two-Family: A freestanding building containing two dwelling units, arranged in an over-and-under (Figure 3) configuration.

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.

ECHO (ELDERLY COTTAGE HOUSING OPPORTUNITY) 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 related by blood, marriage, or adoption, to the occupants of the principal dwelling or their care-giving family members.

ELECTRONIC NOTICE - Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ELEVATION – The level of the ground adjacent to a structure, storage area, sign or other improvement.

EM Unit – An electromagnetic device used to undertake a frequency domain electromagnetic survey.

EMERGENCY RESPONDERS – The Township police department and emergency preparedness coordinator, the Township Fire Official, the first due EMS company and the PA State Police.

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 does ***not*** include adult uses, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, off-track betting, slot machine parlors and/or casinos.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed by September 22, 2015.

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 animals were bred or reared in captivity or imported from another state or nation.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAÇADE – The face(s) of a principal structure that directly adjoins and whose longest axis runs generally perpendicular to the adjoining yard.

1. **Front Façade** – That façade that faces the front yard as defined herein. Front facades must also feature the prominent pedestrian entrance of a building. In the case of lots with multiple front yards, the location of the prominent pedestrian entrance of the building shall be determined according to the descending order of requirement:
 - A. That façade that faces an adjoining street sidewalk;
 - B. That façade that faces the adjoining street of address; and,
 - C. That façade selected at the discretion of the applicant with approval by the Township.
2. **Rear Façade** - That façade that faces the rear yard as defined herein.
3. **Side Façade** – That façade(s) that faces the side yard(s), as defined herein.

FAMILY - Any ***one*** of the following:

1. A single individual occupying a dwelling unit.
2. Two (2) or more persons related by blood, marriage, adoption (including persons receiving foster care) who maintain one (1) common household and occupy a dwelling unit.
3. Not more than three (3) unrelated persons who maintain a common household and occupy a dwelling unit.
4. A licensed group home meeting the requirements of a group home as defined herein.

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.

FARM - A parcel of land that is used for one (1) or more agricultural and/or horticultural 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.

FDEM - Frequency Domain Electromagnetic

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

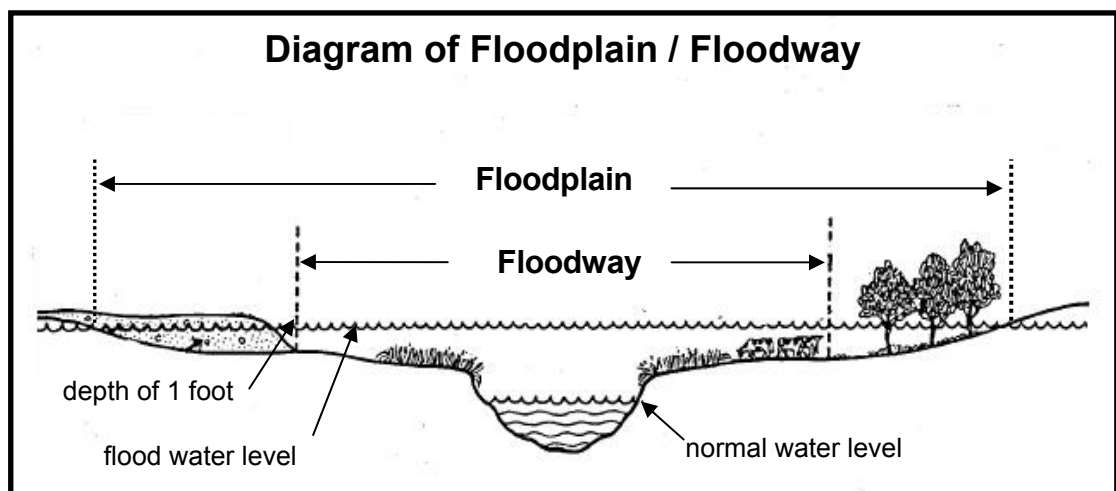
500-YEAR FLOOD - The flood having a 0.2% chance of being equaled or exceeded in any given year.

FLAG – A device that incorporates a distinctive design upon fabric or some other similar material that is used as a symbol or a signal to attract attention.

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 North American Vertical Datum 1988, 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 real estate or improved property, water and sanitary facilities, 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.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOOR AREA RATIO – The gross floor area of all buildings on a lot in relation to the lot area.

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.

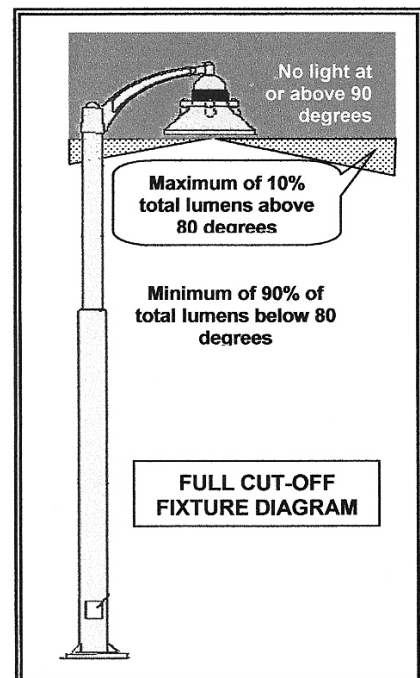
FOREST STEWARDSHIP PLAN – A written strategy approved by the PA DCNR, Bureau of Forestry, for the long term care and maintenance of a property, or portion thereof, upon which a timber harvest is to occur.

FRACKING – The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

FREESTANDING TELECOMMUNICATION AND WIRELESS COMMUNICATION FACILITIES – Any communications antenna, communications tower and/or communications equipment that is not co-located upon an existing structure.

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street.

FULL CUTOFF LIGHTING FIXTURE - A fixture that distributes no light at or above a horizontal line drawn at the bottom of the fixture (i.e. 90 degrees above the horizon) and not greater than (10%) between eighty (80)



and ninety (90) degrees.

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.

GAMING FACILITY - Any facility or location at which any lawful gambling activity other than or in addition to pari-mutuel wagering may be conducted under Pennsylvania law, including 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. The incidental use of less than eight (8) 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) is not considered to be a gaming facility and can be offered at suitable uses and locations (e.g. restaurants, taverns, nightclubs, commercial recreation establishments, and similar uses).

GARAGE, PRIVATE - An accessory building for the storage of one (1) or more personal 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 316.X. of this Ordinance.

GARAGE, YARD AND MOVING 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.

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.

GEOTHERMAL BOREHOLES - A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

GEOTHERMAL SYSTEM - Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from the exchange of underground temperature.

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 675 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 Upper Leacock Township, Lancaster County, Pennsylvania.

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

GREENHOUSE, COMMERCIAL - A retail business devoted to the raising and/or selling of trees, ornamental shrubs, flowers, and houseplants for transplanting, along with the sale of ancillary supplies wherein the preponderance of the growing operation is indoors.

GREENHOUSE, NON-COMMERCIAL – 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.

GREEN ROOFTOP – An assemblage of man-made and natural materials that support vegetation as the principal exposed surface atop a building and are designed and maintained to offer thermal protection and hydrological benefit over conventional roofing surfaces.

GROUP HOME - A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for disabled individuals to return to or remain in their communities in order to develop their maximum potential as citizens where special care is needed by the persons served due to age, emotional, mental, developmental or physical handicap. This definition shall expressly include families for the supervised care of persons with disabilities subject to protection under the Fair Housing Act, as amended. Group homes must be licensed where required by the Pennsylvania Department of Public Welfare or other appropriate federal, state or local agency and shall be in compliance with all rules and regulations applicable to those agencies; a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. Group homes must comply with the Pennsylvania Department of Labor and Industry rules and regulations, the Pennsylvania Department of Public Welfare rules and regulations and the Upper Leacock Township Building and Fire Codes.

HAZARDOUS MATERIAL – For the purposes of Section 510 of this Ordinance, 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.

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:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when

improperly treated, stored, transported, exposed of, or otherwise managed.

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

HEALTH, 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. principal waste handling, processing, transfer and disposal facilities;
- K. truck or motor freight terminals and truck stops;
- L. the production and/or assembly of passenger vehicles and heavy equipment and manufactured homes; and,
- M. any operation of assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products not listed in Sections 220.B., and 220.C. of this Ordinance.

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the corners of the structure to the highest point of the structure, including except as noted in Section 310, any signs, antennae or other appurtenances.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may land/take-off and be stored.

HIGHEST ADJACENT GRADE – For the purposes of Section 510 of this Ordinance (Floodplain Overlay Zone), the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIGHWALL – The face of exposed overburden and mineral in an open cut of a surface mining operation or for entry to underground mining activities.

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 Zone or a Zone preliminarily determined by the Secretary to qualify as a registered historic Zone;
- 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 for a use other than that generally permitted within the site's zone.

HOME IMPROVEMENT, EQUIPMENT RENTAL AND BUILDING SUPPLY STORES - A facility for the retail sale and/or rental 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 - An occupation customarily conducted within a dwelling unit that is clearly incidental and secondary to the residential use of the dwelling. The following uses that are expressly prohibited as home occupations include, but are not limited to, animal hospitals; commercial stables and kennels; day care facilities, funeral homes; tourist homes; restaurants; wholesale sales; storage or mail order activities in which goods are distributed from the dwelling or property; the repair, servicing, storage, or rental of motor vehicles; offices of medical practitioners; clinics; hospitals; and machine and welding shops.

HORSE BOARDING 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.

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,” “bed and breakfast” and “campground” all 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 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.

HPA – The local historic preservation agency appointed by the Board of Supervisors to advise on matters relating to the identification, preservation, conversion, demolition and use of historic resources.

HUB HEIGHT - The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

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.

IMPORANT NATURAL AND/OR CULTURAL FEATURE - Any area characterized by any of the following:

- A. Floodplains as regulated by Section 510 of this Ordinance;
- B. Steep slopes regulated by Section 513 of this Ordinance;
- C. Wetlands and wetland buffers as regulated by Section 512 of this Ordinance;
- D. Riparian buffer as regulated by Section 511 of this Ordinance;
- E. Pennsylvania Natural Diversity Inventory sites as regulated by Section 514 of this Ordinance;
- F. Known and/or suspected areas of archaeological significance as identified by the Pennsylvania Historical and Museum Commission;
- G. Historic sites as defined herein;
- H. Stands of mature trees that exceed five thousand (5,000) square feet of contiguous land area; and
- I. Class I, II, or III agricultural soils as identified in the latest version of the soil survey and/or area that is otherwise agriculturally productive.

IMPROVEMENT - Any structure or paving placed upon land, including 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, street signs, traffic control devices, and monuments. This definition shall expressly exclude the tilling of soil.

INTERIOR AISLE - Any on-site vehicular movement lane(s) 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: , commonly known as

Berberis thunbergii, commonly known as Japanese Barberry
Elaeagnus umbellaa, commonly known as Autumn Olive
Euonymus alatus, commonly known as Winged Euonymus
Ligustrum vulgara, 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,

rag, 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 – A lot or portion thereof, 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, rag, 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, “salvage yard” includes “junkyard,” but 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 “salvage yard.” (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which has expired.)

KEEPING OF CARRIAGE & BUGGY HORSE – An accessory use in which one or more animals are kept for the purpose of providing the primary mode of transport and travel for occupants of the site.

KENNEL - Any lot on which four (4) or more 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 generic term for 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 three (3) residential units, unless such units are intended to be a condominium;
 - 2. The adaptive reuse of buildings in accordance with Section 404 of this Ordinance;
 - 3. the addition of an accessory building / use, including farm buildings, on a lot or lots subordinate to an existing principal residence or farm; and
 - 4. 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.

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 who has 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).

LAUNDRY - A use at which articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers and other fabric items are delivered to be cleaned with the use of agents that are generally water soluble.

LAUNDROMAT – A self-service business in which patrons clean, dry clean and/or dry articles of clothing, uniforms, linens, sheets, blankets, table cloths, draperies, towels, diapers and other fabric items.

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 subjective perception of undesirable illumination including the following examples:

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

LIGHTING 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.

LIVE-WORK-UNIT – A place of business conducted in a dwelling unit within a VO Zone development by the occupant of the dwelling 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 - An off-street space or area having direct usable access to a street or alley

suitable for the loading or unloading of goods for shipment.

LOCAL HISTORIC PRESERVATION AGENCY (HPA) – An organization appointed by the Board of Supervisors to advise on matters relating to the identification, preservation, conversion, demolition and use of historic resources.

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

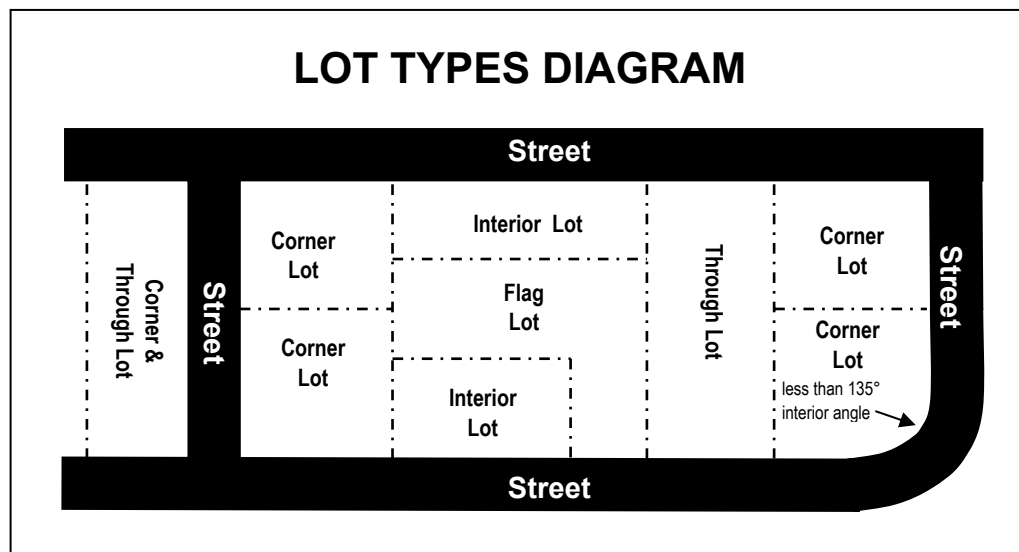
LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. For the purposes of satisfying requirements within this Ordinance, the term “lot” can include an assemblage of more than one lot of record provided such lots are contiguous and under the same ownership.

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.

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.

Lot, Interior: A lot with only one (1) street frontage.

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 which 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.

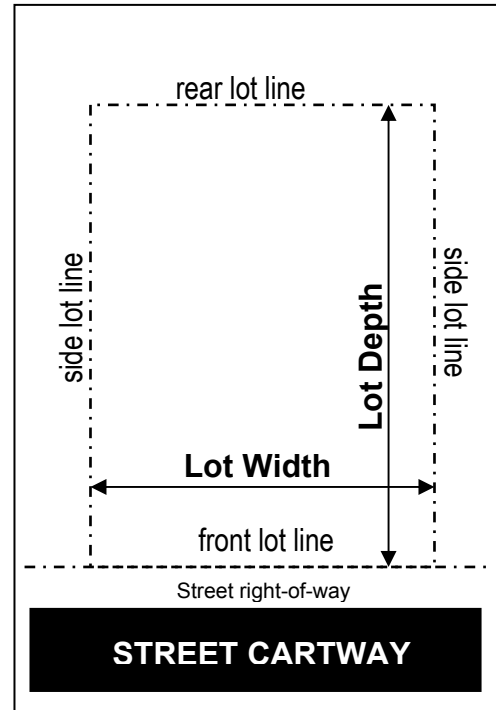
LOT LINE - A recorded boundary line of a lot; however, any line that abuts a street or other public or quasi-public right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Ordinance.

Lot Line, Front: The lot line coincident with the right-of-way line of a street.

Lot Line, Rear: Lot lines that are formed at the outermost edge of any rear yard as defined herein.

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.



LOWEST FLOOR - The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of Section 510 (Floodplain Overlay Zone) of this ordinance.

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.

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.

MAILED NOTICE - Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MAN-MADE LAKES, DAMS AND IMPOUNDMENTS – A body of surface water that has been constructed with a bottom and sides generally comprised of natural materials with the possible exception of an artificial dam or spillway or bottom liner.

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 449 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 except those excluded by the definition of heavy industry as contained herein.

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

MANURE DIGESTER - A facility which main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

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

MASS TRANSIT STOPS – A lot or portion thereof, with or without structures where passengers are routinely collected by and dispatched from buses, trains, subways, taxi-cabs or other passenger vehicles (other than aircraft) owned and operated by a provider of public transportation.

MATURE TREE - A deciduous tree with a diameter at breast height (DBH) greater than or equal to ten (10) inches or a coniferous tree at least ten (10) feet tall.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Overlay 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 - A building or group of buildings occupied by medical and/or other licensed practitioners and related services for the purpose of providing health, dental, emergency medical, wellness, dietary, social, behavioral, therapeutic, occupational and psychological services to outpatients. This definition does not include methadone treatment facilities, as defined herein.

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.

MICRO-BREWERY – An establishment with a manufacturer's license issued by the Pennsylvania Liquor Control Board in which malted or brewed beverages are produced in limited supply (no PLCB limit) for local distribution and/or consumption on the premises. This definition shall also expressly include an accessory brew pub in which is offered the retail sales of malt or brewed beverages produced on the site and/or wine from a Pennsylvania limited winery as approved by the Pennsylvania Liquor Control Board.

MINIMUM LOT AREA - The least amount of lot area required to be associated with a principal use as specified within this Zoning Ordinance.

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. This definition will also include the incidental processing of recycled mineral materials provided such processing is conducted upon the same site as the quarry with its related improvements and infrastructure. 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 definition of garage, yard and moving sale as defined herein.

MOTEL – See definition of Hotel, motel and similar lodging facilities, as defined herein.

MULTI-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling into more than two separate dwelling units.

MULTIPLE-FAMILY DWELLING – See the definition of Dwelling, Multi-Family, as defined herein.

MUNICIPALITY – The Township of Upper Leacock, Lancaster 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. Emergency services 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;

- 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. Uses and structures associated with the provision of public sewer and/or public water that are operated by a municipal authority.
- E. Outdoor community service facilities and activities, including fair grounds, community bulletin boards and other similar uses; and,
- F. 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 and environment.

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

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from an gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

NATURAL GAS STORAGE WELL - A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

NET ACRE – An area of land with 43,560 square feet, exclusive of public rights-of-way, and public and private streets. In the case where a proposed development with more than one (1) principal use is to rely upon one or more private access drives rather than streets, the lot area devoted to the access drives that serve more than one principal use and any adjoining curbs, landscape strips and sidewalks shall also be deducted from the calculation of acreage.

NEW CONSTRUCTION – Structures, including substantial improvements thereto, for which the start of construction commenced on or after the effective date of this Ordinance. For the purposes of Section 510 of this Ordinance (Floodplain Overlay Zone) this definition shall mean structures for which the start of construction commenced on or after September 22, 2015 and includes any subsequent improvements to such structures. Any construction started after November 3, 1978 and before September 22, 2015 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 22, 2015.

NIGHTCLUB - Any building whose principal use is the regular offering of live entertainment along with the offering of on-site consumption of food and beverages, including alcoholic beverages. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment and an “under 21” club which features entertainment. This use does not include adult uses, casinos or gaming facilities as defined herein.

NIGHTTIME - The hours between civil sunset and civil sunrise.

NIT – A unit of luminance equal to one candela per square meter.

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 all of the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventorying of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. 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.
6. 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.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
8. The business may not involve any illegal activity.

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 Zoning 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.

NOXIOUS SPECIES – Plants identified by the Pennsylvania Department of Agriculture's Noxious Weed Control list. 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 useable 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 315 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 316 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.

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.

OIL AND GAS - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT - The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL OR GAS WELL - A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE - The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

ON-LOT SEWER SERVICE - A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth or by means of conveyance to another site for final disposal.

ON-LOT WATER SERVICE – The provision of water to a single user from a private well or other source 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 Susquehanna 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 or other legal guardians or custodians. 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 structure or device located outside which relies upon the combustion of fuel to provide heat and/or hot water. For the purposes of this definition fuel shall include clean wood, natural gas, kerosene, propane and domestic heating oil provided that such fuels comply with all applicable sulfur limits. For the purposes of this definition clean 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. Clean wood fuel does not include materials chemically treated with any preservative, paint, or oil.

Phase 2 Outdoor Furnace – An outdoor furnace that has been certified by the United States Environmental Protection Agency as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTUs) of output.

OUTDOOR RESIDENTIAL ATHLETIC COURT – An accessory use to a principal residence which is improved for the use by residents and their guests to engage in recreational sport.

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 with one or more of the following characteristics:

1. A registered gross weight in excess of seventeen thousand one (17,001) pounds;

2. Having a length in excess of twenty (20) feet;
3. Having a height of more than eleven (11) feet, six (6) inches;
4. Having a width of more than eight (8) feet nine (9) inches; and/or,
5. Showing a windshield weight class sticker with a number above six (6).

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, Lancaster 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 GARAGE – A building within which off-street parking spaces are provided.

PARKING LOT - An accessory use in which required and additional parking spaces are provided subject to the requirements listed in Section 316 of this Ordinance.

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

PARKS 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:

1. 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;
2. 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;
3. 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;
4. 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;
5. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;
6. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools,

spas, snack bars, and other similar uses; and,

7. 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 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.

PATIO – An accessory structure consisting of improved surface located at ground level with no walls or roof.

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 Village Overlay Zone development that is open to the general public for passive recreational, cultural and entertainment activities designed for principal access by pedestrians.

PERSON - An individual, corporation, partnership, incorporator's association, limited liability company, limited liability partnership, or any other similar entity.

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

PERSONAL MOTOR VEHICLE – A passenger vehicle owned or leased by an occupant of a residential dwelling unit.

PERSONAL SERVICE - A principal use (excluding adult uses) 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.

PLANNED CENTER – A coordinated development of more than one land use all sharing common vehicle access and off-street parking.

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

PLANNING COMMISSION - The Planning Commission of Upper Leacock Township.

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).

POLICE DEPARTMENT – That agency or staff duly appointed by the Township Officials to enforce the criminal laws of the State and Township and other ordinances of the Township.

POWER GENERATION FACILITIES – Except as permitted under the definition of wind and/or solar farm, 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.

PREPAREDNESS, PREVENTION AND CONTINGENCY PLAN - A plan prepared in accordance with the requirements of the PA DEP for specific uses and activities.

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 Lancaster County Soil Survey.

PRINCIPAL WASTE HANDLING, PROCESSING, TRANSFER AND DISPOSAL FACILITIES – A principal use operated by Lancaster County devoted to the collection, sorting, storage, transport and disposal of solid waste.

PRISON - A secure facility owned and operated by a governmental organization for the purposes of

incarcerating inmates on a 24-hour basis, 365 days a year including its related offices and other accessory operations and facilities.

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, 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.”

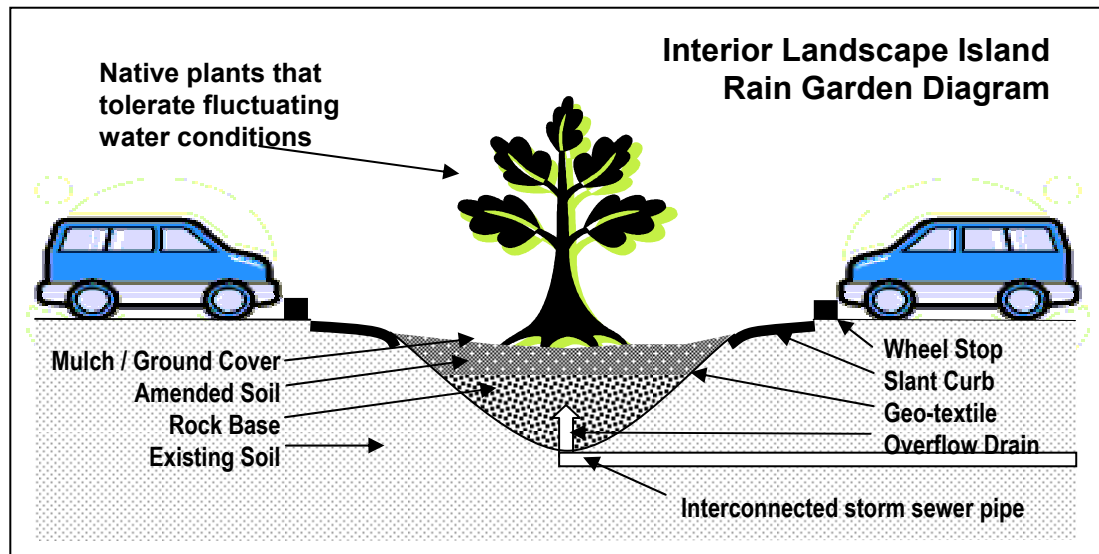
PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

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 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 municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

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. See following diagram.



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.

REPAIR – To fix or rehabilitate an object to its intended condition and/or function.

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 an average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damages occurred.

RESIDENTIAL SWIMMING POOL – An accessory use involving any structure and inflatable device used for swimming, 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.

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). Restaurants may offer incidental live entertainment.

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

RETAIL – 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, REQUIRED – The width or area of land necessary to accommodate present or future public improvements.

ROADSIDE STAND – An accessory agricultural use for the sale of local agricultural or horticultural produce, livestock or merchandise.

ROOF ACCESS POINTS - Areas where ladders are not placed over openings (i.e., windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (i.e., tree limbs, wires, or signs.)

ROOF RIDGE – The highest axis or axes associated with adjacent roof surfaces.

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

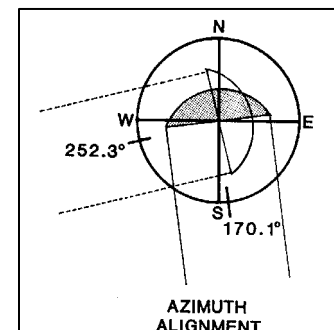
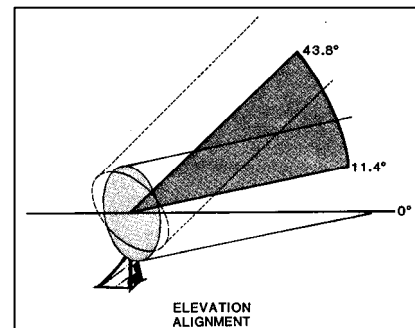
SALES - A use devoted to the transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

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 devices.

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, cosmetology 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 school if they are operated as a business.
- B. **Private School:** A school that offers nursery, 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 nursery, 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. Truck driving;
 - 3. Engineer repairs;
 - 4. Building construction and general contracting;
 - 5. Woodworking;
 - 6. Masonry;
 - 7. Plumbing;
 - 8. Electrical contracting;
 - 9. Heating, ventilation and air conditioning; and,
 - 10. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 804.C.2. of this Ordinance.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a 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 SPENT MUSHROOM COMPOST PROCESSING – A principal use devoted to the collection and conversion of the septage and/or spent mushroom compost for healthful disposal.

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

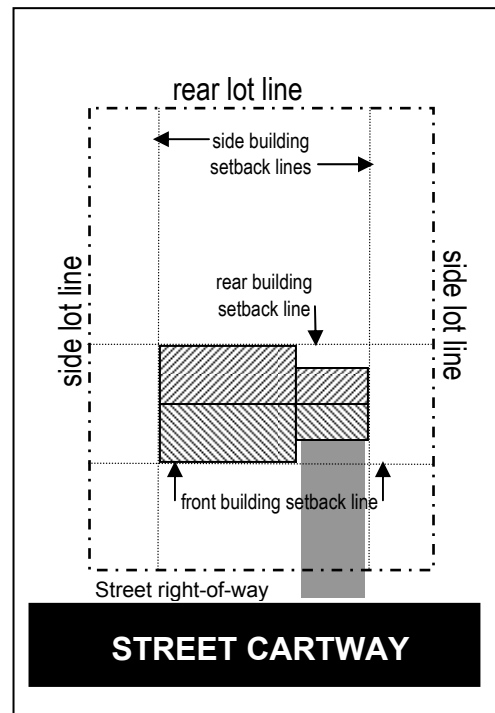
Setback, Front: The distance between the street line and the front building setback line projected the full width of the lot. Commonly, called “required front yard.”

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.”

Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard.”

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

SHADOW FLICKER - means alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.



SHED – A freestanding accessory building to a residence that is generally of portable construction and used to store personal property solely of the inhabitants on the site.

SHOPPING CENTER - A type of planned center development consisting of any single retail store in excess of 20,000 square feet of gross floor area or two (2) or more establishments which are designed to function as a unit, for retail sales, personal services, restaurants, taverns, 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.

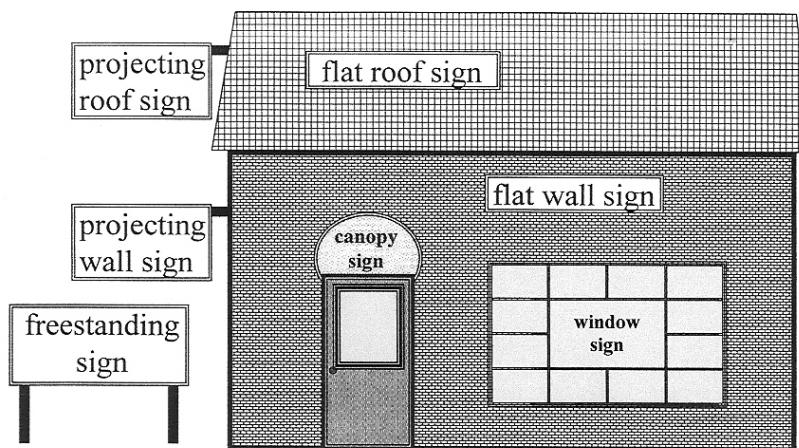
SIGN – A device for visual communication that is used to bring the subject to the attention of the public that is legible from an adjoining road or adjoining property standing at grade (for the purposes of this definition the term legible shall mean understandable by someone of sufficient age and eyesight to obtain a PA driver's license.) 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 legible from an adjoining road or adjoining property;
- 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:

- A. architectural features that may be identified with a particular business;
- B. backlit awnings that include no lettering, logos, or other symbols;
- C. signs within a building that are obviously intended to be seen primarily from within the building;
- D. outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-through lanes provided such signs are not legible from an adjoining road or adjoining property;
- E. signs with regulations within a park provided such signs are not legible from an adjoining road or adjoining property;
- F. building identification signs within a campus provided such signs are not legible from an adjoining road or adjoining property;
- G. flags of governments or government agencies;
- H. decorative seasonal and holiday banners on residential properties; and
- I. display of merchandise either behind store windows or outdoors.

SIGN TYPES DIAGRAM



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

Canopy Sign - A sign that is incorporated into an awning or canopy that is attached to the building.

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.

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.

Freestanding Sign - A sign that has a separate support structure and is not physically attached to a building.

Planned Center Sign - A sign that is only permitted with a coordinated development of more than one land use all sharing common vehicle access and off-street parking.

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.

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.

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.

SITE – A lot or portion thereof devoted to a particular use as regulated by this Ordinance.

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 logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.

SLAUGHTERING, PROCESSING, RENDERING AND PACKAGING OF MEAT 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.

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's soil survey for Lancaster County, Pennsylvania.

SOLAR ACCESS – Direct exposure to sunlight in sufficient intensity and duration to make practical use of one or more solar panels.

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) derived from the sun.

SOLAR ENERGY SYSTEM - An energy conversion system or device, including any structural design features and all appurtenances and parts thereof, whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating and/or for electricity.

SOLAR PANEL - That part or portion of a solar energy system containing one or more receptive cells or units, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

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.

SPECIAL EXCEPTION - A use that is generally compatible with uses permitted in a zoning 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.2. of this Ordinance.

SPECIAL FLOOD HAZARD AREA (SFHA) - An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

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.

SPENT MUSHROOM COMPOST – Soil or mulch-like material that is a by-product of the cultivation of mushrooms.

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

START OF CONSTRUCTION – For the purposes of Section 510 of this Ordinance (Floodplain Overlay Zone), includes substantial improvement and other proposed new development and means the date the zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Zoning Officer. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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.

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 (Floodplain Overlay Zone) 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, excluding stormwater management retention/detention basins and related inlet and/or outlet devices, and excluding sidewalks, driveways leading directly to a public street and public utility lines and appurtenances. Structures shall not include such things as 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 five hundred (500) square feet shall comply with principal structure setbacks.

B. **Structure, Principal**: A structure associated with a primary use.

For the purposes of Section 510 (Floodplain Overlay Zone) of this Ordinance structures shall be considered a walled and roofed building, including a gas or liquid storage tank that is principally above-ground, as well as a manufactured home.

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

SUBSTANTIAL IMPROVEMENT - Any 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.

SWMO – The Upper Leacock Township Stormwater Management Ordinance, as may be amended.

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, and offer incidental live entertainment.

TELECOMMUNICATIONS 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.

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

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

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."

TOWNHOUSE – See definition of Dwelling, Townhouse defined herein.

TOWNSHIP - Upper Leacock Township.

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

TOWNSHIP FIRE OFFICIAL – An individual duly appointed by the Board of Supervisors to render decisions regarding fire protection. In the alternative when no such individual has been appointed, the Fire Chief of the first due fire company to the site.

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.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) - A program authorized by the Act and implemented within the Township by Article 6 of this Ordinance that grants interest in real estate to eligible properties within the designated Sending Areas (A Zones) that can be voluntarily severed from said eligible properties via purchase, donation or bequeath and used to permit prescribed increased lot coverage and/or floor area ratio within designated Receiving Areas (Industrial Zone).

TRANSFERABLE DEVELOPMENT RIGHTS EASEMENT - A private agreement between the landowner who agrees to sever one or more TDRs from his/her property and the Township (and possibly other designated persons or parties) that is applied to property to perpetually protect it from future development.

TRANSFERABLE DEVELOPMENT RIGHTS RECEIVING AREAS – The Industrial Zone into which transferable development rights may be applied to permit prescribed increases in permitted residential densities as authorized by Article 6 of this Ordinance.

TRANSFERABLE DEVELOPMENT RIGHTS SENDING AREAS – The designated areas from which transferable development rights may be voluntarily sold, donated and/or bequeathed from eligible properties in return for their perpetual open space and/or agricultural preservation, as authorized by Article 6 of this Ordinance.

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.

TRAVEL TRAILER – See “Recreational vehicle.”

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 mean level of the ground abutting 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.

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.

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.

VARIANCE – Relief granted to the terms of this Ordinance upon application to the Zoning Hearing Board pursuant to Section 804.D. of this Ordinance.

VETERINARY FACILITY - A building or portion thereof, used primarily for the treatment of livestock and domestic animals, by a licensed veterinarian. This term may include the indoor and/or outdoor boarding or keeping of animals that are under veterinary care.

VETERINARY 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 may include the indoor boarding or keeping of animals that are under veterinary care.

VIOLATION - For the purposes of Section 510 of this Ordinance (Floodplain Overlay Zone), means the failure of a structure or other development to be fully compliant with Section 510 of this Ordinance (Floodplain Overlay Zone). A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

VOCATIONAL-MECHANICAL TRADE SCHOOL - An educational use that offers training of the following occupations:

- A. Agriculture and/or horticulture
- B. Truck driving;
- C. Engineer repairs;
- D. Building construction and general contracting;

- E. Woodworking;
- F. Masonry;
- G. Plumbing;
- H. Electrical contracting;
- I. Heating, ventilation and air conditioning; and,
- J. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 804.C.2. of this Ordinance.

WAREHOUSE – A building whose purpose is the storage of goods awaiting further processes or delivery/distribution.

WAREHOUSE AND WHOLESALE TRADE ESTABLISHMENTS – A principal use where goods, products and/or materials are stored waiting further processing, delivery and/or distribution.

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 from which water drains into a particular watercourse.

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

WELDING SHOPS – A principal use devoted to the joining of metals through intense heat, or other means, 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 the Northeast and North Central Regional Supplement (2012) to the 1987 Corps of Engineers Wetlands Delineation Manual.

WHOLESALE - Pertaining to the sale of goods for resale.

WIND AND/OR SOLAR FARM – A principal use devoted to the generation of electrical energy for consumption elsewhere by means of solar panels and/or wind energy conversion systems.

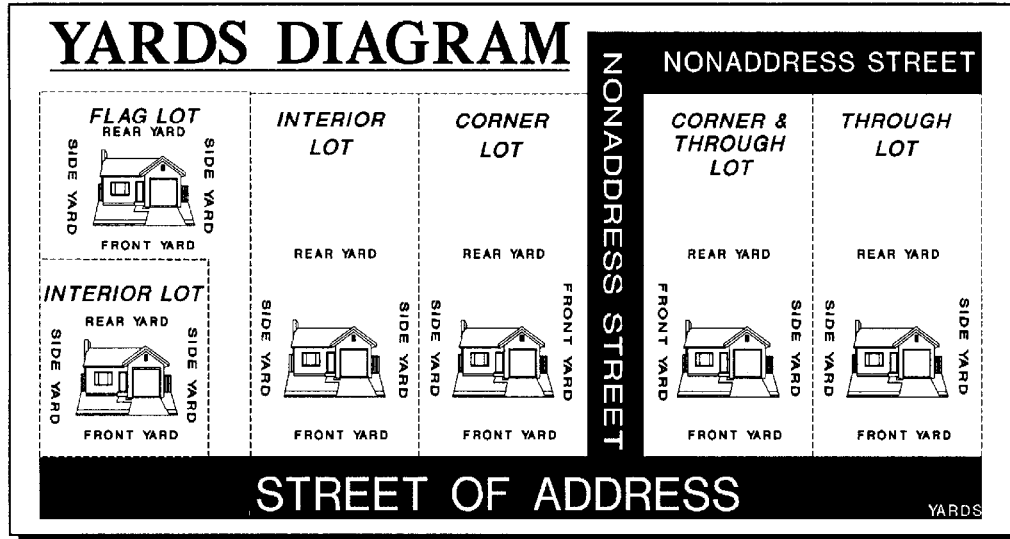
WIND AND/OR SOLAR FARM OPERATOR – That person or entity responsible for the day-to-day operation of the wind and solar farm.

WIND AND/OR SOLAR FARM OWNER – That person or entity having legal or equitable interest in the wind and solar farm.

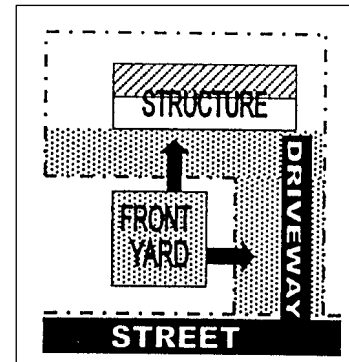
WIND ENERGY CONVERSION SYSTEM (WECS) - Any device which converts wind energy to mechanical or electrical energy.

WIND TURBINE - Any device which converts wind energy to mechanical or electrical energy. This shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

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



- A. **Yard, Front:** The area contained between the front façade of 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 rear façade of the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between 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 side façade of 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 non-address 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 Upper Leacock Township, Lancaster County, Pennsylvania.

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

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

ZONING ORDINANCE – The Official Zoning Ordinance of Upper Leacock 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 zoning Zone in which it is, or will be, located.

Article 2 - Specific Zones

SECTION 200 - AGRICULTURAL ZONE (A)

200.A. PURPOSE OF ZONE

The purpose of this Zone is to protect areas within the municipality possessing prime agricultural soils (Class I, II, and III soils) which are highly productive soil types most capable of supporting agricultural activities, so that agriculture as an on-going economic activity in the municipality is preserved. The Township



acknowledges animal husbandry as an agricultural operation as defined by the Act. Agricultural operations are enhanced by permitting only those land uses and activities which are either agricultural in nature or are in direct support of agricultural activities.

The regulations for this Zone are specifically designed to and shall be construed and interpreted to: protect and enhance agricultural operations in the Zone; facilitate adaptation to other agricultural technologies; minimize conflicting land uses detrimental to agricultural operations; limit development which requires infrastructure in excess of those required by agricultural operations; maintain agricultural tracts in sizes which will preserve existing agricultural operations and facilitate adaptations to other agricultural technologies; encourage and protect a locally available renewable energy source, encourage and protect a locally available renewable food source and preserve, protect, and enhance natural, man-made, and historic features and amenities of the Township that have contributed to the historic character of the community.

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 been present.

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," or 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.

200.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single family detached dwelling unit as a component of the principal use contained on the site. This use shall expressly exclude:
 - A. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 - B. **Commercial produce operations** as defined herein.
2. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources;**
3. **Forestry uses** subject to the requirements of Sections 200.L. and 516 of this Ordinance.

4. **Fish hatcheries and/or fish farms**, subject to the requirements of Section 435 of this Ordinance.
5. **Single family detached dwellings**, including those contained upon flag lots provided such flag lots comply with the requirements of Section 200.N. of this Ordinance.
6. **Governmental and municipal uses** as defined herein.
7. **Parks and playgrounds**; however, swimming pools, campgrounds, golf courses, executive golf courses and miniature golf courses are prohibited.
8. **Public and private schools** provided that no more than fifty (50) students are enrolled at one time.
9. **Churches and related uses**, with a maximum lot area of five (5) acres and subject to the requirements of Section 418 of this Ordinance.
10. **Collocation of communication towers and equipment** that comply with the Pennsylvania Wireless Broadband Collocation Act, subject to all applicable requirements contained therein.
11. **Public utilities structures.**
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Accessory residential greenhouses** subject to the requirements of Section 402 of this Ordinance.
 - B. **Alternative energy systems**, subject to the requirements of Section 405 of this Ordinance.
 - C. **Beekeeping**, subject to the requirements of Section 413 of this Ordinance.
 - D. **Domestic pets**, as defined herein.
 - E. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
 - 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 431 of this Ordinance.
 - H. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.
 - I. **Garages** for personal vehicles and property.
 - J. **Garage yard and/or moving sales**, subject to the requirements of Section 438 of this Ordinance.
 - K. **Gardening and raising of plants for personal use.**
 - L. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 447 of this Ordinance.

- M. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 448 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 450 of this Ordinance.
- O. **No-impact home-based business**, as defined herein.
- P. **Noncommercial keeping of livestock**, as defined herein, subject to the requirements of Section 457 of this Ordinance.
- Q. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
- R. **Outdoor furnaces**, as defined herein, subject to the requirements of Section 463 of this Ordinance.
- S. **Outdoor residential athletic courts (e.g. basketball, bocci, handball, tennis, volleyball, etc.)** subject to the requirements of Section 465 of this Ordinance.
- T. **Parking and/or storage of recreational vehicles, travel trailers, boats, and personal cargo trailers**, subject to the requirements of Section 316.W. of this Ordinance.
- U. **Parking of commercial trucks**, subject to the requirements of Section 316.Y. of this Ordinance.
- V. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than five feet (5') from the closest side and or rear lot line.
- W. **Roadside stands** for the seasonal sale of agricultural products subject to the requirements of Section 472 of this Ordinance.
- X. **Residential swimming pools**, subject to the requirements of Section 471 of this Ordinance.
- Y. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
- Z. **Satellite dish antennas**, subject to the requirements of Section 476 of this Ordinance.
- AA. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 20,000 square feet of a principal residence. For lots with greater than 20,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 20,000 square feet.
- BB. **Signs** as defined herein, subject to the requirements of Section 323 of this Ordinance.
- CC. **Outdoor recreation facilities** as an accessory use when associated with an adjoining public and/or nonprofit school, and/or church and related use located in a Residential Zone subject to the requirements of Section 464 of this Ordinance.

200.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Adaptive reuse of agricultural buildings** subject to the requirements of Section 403

of this Ordinance;

2. **Animal hospitals, veterinary facilities, and kennels** subject to the requirements of Section 407 of this Ordinance;
3. **Bed and breakfasts** subject to the requirements of Section 412 of this Ordinance;
4. **Cemeteries**, subject to the requirements of Section 417 of this Ordinance;
5. **Farm occupations** subject to the requirements of Section 433 of this Ordinance;
6. **Home occupations** subject to the requirements of Section 444 of this Ordinance;
7. **Horse boarding stables** subject to the requirements of Section 445 of this Ordinance;
8. **Nursery and garden centers** subject to the requirements of Section 458 of this Ordinance;
9. **Rural occupations** subject to the requirements of Section 474 of this Ordinance; and,
10. **Two-family conversions** subject to the requirements of Section 481 of this Ordinance.

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

1. **Commercial produce operations** , subject to the requirements of Section 421 of this Ordinance;
2. **Concentrated animal feeding operations (CAFOs) and, Concentrated animal operations (CAOs)** both as defined herein, subject to the requirements of Section 423 of this Ordinance;
3. **Facilities for the warehousing, sales, repair, and service of agricultural equipment, vehicles, feed or supplies** subject to the requirements of Section 430 of this Ordinance;
4. **Freestanding communication and wireless communications facilities**, subject to the requirements of Section 436 of this Ordinance; and,
5. **Helicopter pad, private**, subject to the requirements of Section 442 of this Ordinance.

200.E. 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 obtainment of an approved conservation plan by the Lancaster Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

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

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

200.H. AGRICULTURAL NUISANCE DISCLAIMER - All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the

operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

- 200.I.** Except as noted in Section 308, all principal buildings shall be set back the following distances from the centerline of various road types as listed in Section 321 of this Ordinance:

| Road Type (See Section 321 for a listing of roads.) | Minimum Setback |
|---|-----------------|
| Arterial | 80 feet |
| Major Collector | 80 feet |
| Minor Collector | 60 feet |
| Local | 50 feet |
| Cul-de-sac Turnaround | 75 feet |

- 200.J.** All properties fronting along the limited access Route 23 Bypass shall maintain a minimum one hundred (100) foot setback as measured from the edge of the road right-of-way; and,

- 200.K.** All accessory structures shall provide for a front yard setback of at least one hundred feet (100') from the street right-of-way or fifteen (15) feet behind the principal building line, whichever is the lesser distance. If there is no principal building, the accessory structure shall be set back at least one hundred feet (100') from the street right-of-way.

| 200.L. Area and Design Requirements for the Agricultural (A) Zone | | | | | | | | |
|--|-----------------------------|----------------------------|----------------------------|--|--|---|--------------------------------|--------------------------|
| Use | Minimum Required Lot Area | Maximum Permitted Lot Area | Minimum Required Lot Width | Minimum Required Front Yard Setback | Minimum Required Side Yard Setback | Minimum Required Rear Yard Setback | Maximum Permitted Lot Coverage | Maximum Permitted Height |
| Agriculture, horticulture and forestry-related uses | 20 acres ⁷ | N/A | 150. ft. | S e e S e c t i o n s 200.I., 200.J, & 200.K. | 50 ft. each side ¹ | 50 ft. ¹ | 10% | 150. ft. ² |
| Single-family detached dwellings ⁶ | 32,000 sq. ft. ³ | 2 acres ⁴ | 150. ft. | | 25 ft. on each side | 50 ft. | 20% | 35 ft. |
| Municipal services, parks and playgrounds and public utilities structures | 6,250 sq. ft. ³ | N/A | 50 ft. | | 25 ft. on each side | 50 ft. | 20% | 35 ft. |
| Other principal uses | 1 acre ³ | 2 acres | 150. ft. | | 50 ft. on each side | 50 ft. | 20% ⁵ | 35 ft. |
| Residential accessory structures | N/A | N/A | N/A | | Each structure shall be set back a distance at least equal to its height from each side and rear lot line & each accessory building shall be setback at least 20 feet from any principal building. | Included within that permitted for principal use. | 25 ft. | |
| FOOTNOTES | | | | | | | | |
| ¹ <u>Special Setback Requirements</u> - Except as provided below, no new slaughter area, area for the storage or processing of manure, garbage, or spent mushroom compost, structures for the cultivation of mushrooms or the raising of livestock, or any building housing livestock shall be permitted within three hundred (300) feet of any land within the R-1 or R-2 Zones. The Zoning Hearing Board may, as a special exception, however, reduce these setbacks 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 nuisances and hazards. In no case shall the Zoning Hearing Board reduce these setbacks to no less than one hundred (100) feet. The burden shall be on the applicant to prove that the lesser distance would not be detrimental to the health, safety and general welfare of the community. | | | | | | | | |
| ² Each structure must be set back a distance at least equal to its height from each property line. All structures must comply with Section 310 of this Ordinance. | | | | | | | | |

³All uses relying upon on-lot sewers must comply with Section 324 of this Ordinance.

⁴The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the new lot (1) does not predominately consist of Class I, II or III soils as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes.

⁵Churches and related uses shall have a maximum lot coverage of forty percent (40%).

⁶Within this Zone, single-family detached dwellings are subject to the requirements of the following Section 200.M. of this Ordinance.

⁷ The minimum lot size for agricultural and horticultural uses may be reduced by special exception use subject to the requirements of Section 804.C. 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.M. TOTAL NUMBER OF PRINCIPAL USES WHICH MAY BE ESTABLISHED

1. The total number of permitted principal uses (whether on separate lots or not) which may be established shall be determined as follows:
 - A. One (1) principal use permitted (in addition to that which existed on May 5, 1976 - the adoption date of this provision) on a tract of land in single ownership which contains a minimum of sixty-four thousand (64,000) square feet, and up to fifty (50) acres;
 - B. Two (2) principal uses are permitted (in addition to that which existed on May 5, 1976 - the adoption date of this provision) on a tract of land in single ownership which is larger than fifty (50) acres;
 - C. The provisions of Sections 200.M.1.A. and 200.M.1.B. of this Ordinance shall apply to all parcels of land legally existing on May 5, 1976. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional principal uses or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional principal uses the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of principal uses as determined by the provisions of this section;
 - D. In the event a tract of land, which was not classified as part of the Agricultural Zone on May 5, 1976, is hereafter classified as part of the Agricultural Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification; and,
 - E. For those vacant lots in existence on May 5, 1976, and containing less than one acre, there may be one principal use constructed subject to the standards listed for such use in Section 200.L. of this Ordinance;
2. **PLANNING CONSIDERATIONS** - To enhance compatibility between proposed residential development and continued surrounding farming, each application for subdivision/land development review shall include a scaled drawing showing all of the potential lots permitted on the farm, as determined in this section;
3. In reviewing an application and sketch plan for this use, the Board of Supervisors should seek to:
 - A. Minimize the loss of valuable farmland;
 - B. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;

- C. Minimize the length of property lines shared by all residential lots and adjoining farms;
- D. Assure adequate vehicular access to future residences not currently proposed;
- E. Assure that the proposed sketch plan can comply with the applicable Subdivision and Land Development Ordinance; and,
- F. Make use of existing public sewer and/or public water facilities.

The applicant shall furnish evidence regarding how these objectives have been satisfied.

200.N. WITHIN THE (A) ZONE, THE USE OF FLAG LOTS IS PERMITTED

1. Within the (A) Zone, the use of flag lots is permitted only when it will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques. For an applicant to qualify for the use of flag lots, the proposed development plan must:

- A. successfully incorporate said important natural and/or cultural features onto one or more lots lot which will be subject to protection under Section 304 of this Ordinance;
- B. better preserve prime farmlands and/or an agricultural operation which would otherwise be disturbed by conventional lotting techniques; and,
- C. result in the retention of a farm with at least twenty (20) acres.”

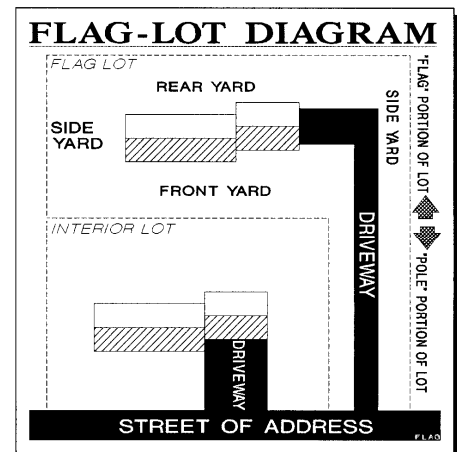
- D. For the purposes of this section, a flag-lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road;

E. Requirements for the Flag:

1. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
2. 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 preceding Flag-Lot Diagram for a graphic depiction of the yard locations.)

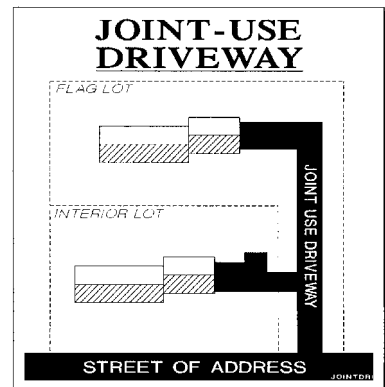
F. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction;

G. Requirements for the Pole:

1. The pole shall maintain a minimum width of twenty-five (25) feet.
2. 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.
3. 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.
4. The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
5. No pole shall be located within two hundred (200) feet of another on the same side of the street, unless an adjoining pole utilizes a joint-use driveway, regulated as follows:

H. Joint-Use Driveways:

1. When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access.
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 cartway width of sixteen (16) feet.
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.



200.O. AGRICULTURAL EROSION CONTROL FILTER STRIPS – A filter strip shall be maintained between all cultivated land and all public streets. The filter strip shall be permanently maintained as a weed free, vegetative buffer. The width of the filter strip shall extend no less than a horizontal distance of fifteen feet (15') from the edge of the cartway.

Section 201

LOW DENSITY RESIDENTIAL ZONE (R-1)

201.A. PURPOSE OF ZONE

This Zone accommodates suburban detached residential uses, which are becoming more abundant within the Township. This Zone coincides with public sewer and water utility service areas. Last, multi-family and nonresidential uses have been specifically excluded to protect the single-family residential character of these neighborhoods. However, the Village Overlay Zone offers the opportunity to blend higher density residential neighborhoods with local commercial conveniences, civic uses and protected open spaces under Section 203 of this Ordinance.



201.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single family detached dwelling unit as a component of the principal use contained on the site subject to the requirements of Sections 200.L of this Ordinance. This use shall expressly exclude:
 - A. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 - B. **Commercial produce operations** as defined herein.
2. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources** subject to the requirements of Sections 200.L of this Ordinance.
3. **Forestry uses** subject to the requirements of Sections 200.L. and 516 of this Ordinance.
4. **Single family detached dwellings.**
5. **Governmental and municipal uses** as defined herein.
6. **Parks and playgrounds.**
7. **Public utilities structures.**
8. **Village Overlay Zone developments** in accordance with Section 203 of this Ordinance.
9. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Accessory residential greenhouses** subject to the requirements of Section 402 of this Ordinance.
 - B. **Alternative energy systems**, subject to the requirements of Section 405 of this Ordinance.

- 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 431 of this Ordinance.
- F. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.
- G. **Garage yard and/or moving sales**, subject to the requirements of Section 438 of this Ordinance.
- H. **Garages** for personal vehicles and property.
- I. **Gardening and raising of plants for personal use**.
- J. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 447 of this Ordinance.
- K. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 448 of this Ordinance.
- L. **Manure storage facilities**, as an accessory use to an agricultural or horticultural use if contained upon a farm, subject to the requirements of Section 450 of this Ordinance.
- M. **No-impact home-based business**, as defined herein.
- N. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than five feet (5') from the closest side and or rear lot line.
- O. **Roadside stands** for the seasonal sale of agricultural products as an accessory use on a farm subject to the requirements of Section 472 of this Ordinance.
- P. **Residential swimming pools**, subject to the requirements of Section 471 of this Ordinance.
- Q. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
- R. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
- S. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 465 of this Ordinance.
- T. **Parking and/or storage of recreational vehicles, travel trailers, boats, and personal cargo trailers**, subject to the requirements of Section 316.W. of this Ordinance.
- U. **Satellite dish antennas**, subject to the requirements of Section 476 of this Ordinance.
- V. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 20,000 square feet of a principal residence. For lots with greater than 20,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 20,000 square feet.
- W. **Signs** as defined herein, subject to the requirements of Section 323 of this Ordinance.

201.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

1. **Farm occupations** subject to the requirements of Section 433 of this Ordinance;
2. **Home occupations** subject to the requirements of Section 444 of this Ordinance;

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

1. **Cluster developments**, subject to the requirements of Section 419 of this Ordinance;

201.E. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

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

201.G. AGRICULTURAL SETBACK REQUIREMENT - No dwelling unit shall be located within one hundred (100) feet of any actively farmed parcel within the Agricultural Zone. In addition, no shrub nor tree shall be planted within ten (10) feet and twenty (20) feet, respectively, of any parcel within the Agricultural Zone.

201.H. AREA AND DESIGN REQUIREMENTS IN THE R-1 RESIDENTIAL ZONE - See Table on following page

| 201.H. AREA AND DESIGN REQUIREMENTS IN THE R-1 RESIDENTIAL ZONE | | | | | | | | |
|--|---------------------------------------|----------------------------|--|---|-------------------------------------|------------------------------------|------------------------------------|--------------------------|
| Use | Utilized Public Utilities | Minimum Required Lot Area | Minimum Lot Width @ Frontage/ Setback Line | Maximum Permitted Lot Coverage | Minimum Required Front Yard Setback | Minimum Required Side Yard Setback | Minimum Required Rear Yard Setback | Maximum Permitted Height |
| Agricultural, horticultural and forestry uses. | See Section 200.L. of this Ordinance. | | | | | | | |
| Municipal services, parks and playgrounds and public utilities structures | N/A | 6,250 sq. ft. ¹ | 50/50 ft. | 30% | See Footnotes 3, 4 & 5 | 25 ft. on each side | 50 ft. | 35 ft. |
| Single-family dwellings and other principal uses. | Both Public Sewer and Public Water | 15,000 sq. ft. | 100/70 ft. | 35% | | 15 ft. on each side ² | 35 ft. ² | 35 ft. |
| Residential accessory uses. | N/A | N/A | N/A | Included within that permitted for principal use. | | See footnote 5 | | |
| FOOTNOTES | | | | | | | | |
| ¹ All uses relying upon on-lot sewers must comply with Section 324 of this Ordinance. | | | | | | | | |
| ² No dwelling unit shall be located within one hundred (100) feet of any Agricultural Zone. | | | | | | | | |
| ³ All principal buildings shall be set back the following minimum distances from the centerline of various road types as listed in Section 321 of this Ordinance and depicted on the Zoning Map: Arterial Road - 80 feet; Major Collector Road - 80 feet; Minor Collector Road - 60 feet; Local Road - 50 feet; and, Cul-de-sac Turnaround - 75 feet. | | | | | | | | |
| ⁴ All properties fronting along the limited access Route 23 Bypass shall maintain a minimum one hundred (100) foot setback as measured from the edge of the road right-of-way | | | | | | | | |
| ⁵ All accessory structures shall provide for a front yard setback of at least one hundred feet (100') from the street right-of-way or fifteen (15) feet behind the principal building line, whichever is the lesser distance. If there is no principal building, the accessory structure shall be set back at least one hundred feet (100') from the street right-of-way. Each accessory structure with up to a maximum of 200 square feet of floor area and a maximum height of 12 feet shall be setback at least five (5) feet from any side or rear lot line. Each accessory structure with between 201 and a maximum of 500 square feet of floor area and/or a height of between 12 and a maximum of 15 feet shall be setback at least ten (10) feet from any side or rear lot line. Each accessory structure with greater than 500 square feet of floor area and/or a height of between 15 and a maximum of 25 feet shall comply with all applicable principal use setbacks. | | | | | | | | |

Section 202

MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

202.A. PURPOSE OF THE ZONE

This Zone seeks to accommodate the higher density housing needs of the Township. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere in the Township. These Zones are located around existing multi-family developments and major transportation routes. They are also close to commercial centers so that residents can easily walk to the commercial uses rather than driving. Similarly, certain civic and residential-related uses have also been allowed to enhance convenient access to these higher concentrations of residents. The Village Overlay Zone offers the opportunity to blend higher density residential neighborhoods with local commercial conveniences, civic uses and protected open spaces under Section 203 of this Ordinance. Finally, cluster developments have been permitted by conditional use, with density bonuses, to encourage this preferred development pattern. Both public sewer and water facilities are readily available to these areas.



202.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one dwelling single family detached dwelling unit as a component of the principal use contained on the site subject to the requirements of Sections 200.L of this Ordinance. This use shall expressly exclude:
 - A. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 - B. **Commercial produce operations** as defined herein.
2. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources**, subject to the requirements of Sections 200.L. of this Ordinance.
3. **Forestry uses** subject to the requirements of Sections 200.L. and 516 of this Ordinance.
4. **Single family detached dwellings.**
5. **Duplexes and two-family dwellings;**
6. **Multiple-family dwellings;**
7. **Orphanages;**
8. **Townhouses;**
9. **Adaptive reuse of vacated governmental, municipal or public school buildings**, for any of the following uses:
 - A. **Libraries;**
 - B. **Public, private and commercial schools and training centers, excluding vocational-technical schools;**
 - C. **Offices;**

- D. **Post offices;**
- E. **Commercial day-care facilities;**
- F. **Churches;** and,
- G. **Museums, galleries, studios, and other cultural-related uses;**
- 10. **Governmental and municipal uses** as defined herein.
- 11. **Parks and playgrounds.**
- 12. **Public utilities structures.**
- 13. **Village Overlay Zone developments** in accordance with Section 203 of this Ordinance.
- 14. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Accessory residential greenhouses** subject to the requirements of Section 402 of this Ordinance.
 - B. **Alternative energy systems**, subject to the requirements of Section 405 of this Ordinance.
 - 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 431 of this Ordinance.
 - F. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.
 - G. **Garage yard and/or moving sales**, subject to the requirements of Section 438 of this Ordinance.
 - H. **Garages** for personal vehicles and property.
 - I. **Gardening and raising of plants for personal use.**
 - J. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 447 of this Ordinance.
 - K. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 448 of this Ordinance.
 - L. **Manure storage facilities**, as an accessory use to an agricultural or horticultural use if contained upon a farm, subject to the requirements of Section 450 of this Ordinance.
 - M. **No-impact home-based business**, as defined herein.
 - N. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
 - O. **Parking and/or storage of recreational vehicles, travel trailers, boats, and personal cargo trailers**, subject to the requirements of Section 316.X. of this Ordinance.

- P. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than five feet (5') from the closest side and or rear lot line.
- Q. **Roadside stands** for the seasonal sale of agricultural products as an accessory use on a farm subject to the requirements of Section 472 of this Ordinance.
- R. **Residential swimming pools**, subject to the requirements of Section 471 of this Ordinance.
- S. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
- T. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 465 of this Ordinance.
- U. **Satellite dish antennas**, subject to the requirements of Section 476 of this Ordinance.
- V. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 20,000 square feet of a principal residence. For lots with greater than 20,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 20,000 square feet.
- W. **Signs** as defined herein, subject to the requirements of Section 323 of this Ordinance.

202.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Bed and Breakfasts** as defined herein subject to the requirements of Section 412 of this Ordinance.
- 2. **Boarding houses** as defined herein subject to the requirements of Section 415 of this Ordinance.
- 3. **Churches and related uses** as defined herein subject to the requirements of Section 418 of this Ordinance.
- 4. **Farm occupations** as defined herein subject to the requirements of Section 433 of this Ordinance.
- 5. **Home occupations** as defined herein subject to the requirements of Section 444 of this Ordinance.
- 6. **Nursing, rest or retirement homes** as defined herein subject to the requirements of Section 459 of this Ordinance.
- 7. **Two-family conversions** as defined herein subject to the requirements of Section 481 of this Ordinance.

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

- 1. **Cluster developments**, subject to the requirements of Section 419 of this Ordinance;
- 2. **Manufactured home parks**, subject to the requirements of Section 449 of this Ordinance;
- 3. **Medical residential campuses**, subject to the requirements of Section 451 of this Ordinance;

202.E. ACCESSORY STRUCTURE SETBACKS & PERMITTED HEIGHT

1. Front yard setback - All accessory structures shall be set back at least fifteen (15) feet behind the principal building line. If there is no principal building, the accessory structure shall be set back at least fifteen (15) feet behind the required principal front yard setback line; and,
2. Each accessory structure with up to a maximum of 200 square feet of floor area and a maximum height of 12 feet shall be setback at least five (5) feet from any side or rear lot line. Each accessory structure with between 201 and a maximum of 500 square feet of floor area and/or a height of between 12 and a maximum of 15 feet shall be setback at least ten (10) feet from any side or rear lot line. Each accessory structure with greater than 500 square feet of floor area and/or a height of between 15 and a maximum of 25 feet shall comply with all applicable principal use setbacks.

| 202.F. AREA AND DESIGN REQUIREMENTS IN THE R-2 RESIDENTIAL ZONE | | | | | | | |
|--|----------------------------|---------------------------------|--------------------------------|----------------------|------------------------------------|--------------|------------------|
| Use | Minimum Lot Area (sq. ft.) | Maximum Density (Units/Net Ac.) | Minimum Lot Width ¹ | Maximum Lot Coverage | Minimum Yard Setbacks ⁴ | | |
| | | | | | One Side | (Both Sides) | Rear Yard |
| Municipal services, parks and playgrounds and public utilities structures | 6,250 sq. ft. | NA | 50 ft. | 30% | 15' | (30') | 30' |
| Single-family detached dwelling | 10,000 | 3 | 80 ft. | 35% | 15' | (30') | 30' ⁵ |
| Duplexes | 7,260 per unit | 4 | 50' per unit | 35% | 25' ⁵ | (NA) | 30' ⁵ |
| Two-family dwellings | 10,000 | 4 | 80 ft. | 35% | 15' | 30' | 30' |
| Townhouses ² | 4,800 per unit | 4 | 40' per unit | 50% | 15' | (End Units) | 30' ⁵ |
| Multiple Family ³ | 87,120 | 4 | 200' | 50% | 30' | (60') | 50' |
| Other Uses | 43,560 | NA | 200' | 30% | 30' | (60') | 50' |
| <p>¹ Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than seventy percent (70%) of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.</p> <p>² No townhouse groupings 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 (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.</p> <p>³ In those instances where several multiple-family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances will be provided between each building:</p> <ol style="list-style-type: none">a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings. <p>⁴ All principal buildings shall comply with the front yard setbacks listed in Sections 202.K. & 202.L. of this Ordinance</p> <p>⁵ This setback can be reduced to ten (10) feet when an attached garage is provided in the rear yard which connects with an adjoining alley.</p> | | | | | | | |

202.G. MAXIMUM PERMITTED HEIGHT

1. Principal buildings and structures - Thirty-five (35) feet.
2. Accessory buildings and structures - Twenty-five (25) feet.

202.H. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

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

202.J. AGRICULTURAL SETBACK REQUIREMENT - No dwelling unit shall be located within one hundred (100) feet of any actively farmed parcel within the Agricultural Zone. In addition, no shrub nor tree shall be planted within ten (10) feet and twenty (20) feet, respectively, of any parcel within the Agricultural Zone.

202.K. All principal buildings shall be set back the following distances from the centerline of various road types as classified in Section 321 of this Ordinance:

| Road Type | Minimum Setback |
|-----------------------|-----------------|
| Arterial | 80 feet |
| Major Collector | 80 feet |
| Minor Collector | 60 feet |
| Local | 50 feet |
| Cul-de-sac Turnaround | 75 feet |

202.L. All properties fronting along the limited access Route 23 Bypass shall maintain a minimum one hundred (100) foot setback as measured from the edge of the road right-of-way.

Section 203

VO: VILLAGE OVERLAY ZONE

203.A. PURPOSE AND INTENT

In compliance with Sections 605.(2), 605.(3) and 701-A. of the Act, this Zone provides an optional set of design standards that can be applied to property located within the R-1 and R-2 Residential Zones. These optional design standards seek to achieve a “village” type setting that is characteristic of much of Lancaster County'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 design options, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.



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. To this end, the Board of Supervisors shall permit the developer to modify the design standards of this Section 203 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.

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. Provide for 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 so 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.

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

203.B. RELATIONSHIP TO OTHER ORDINANCES AND SECTIONS OF THIS ZONING ORDINANCE

The provisions of this Section 203 establish an overlay zone that may be applied to any property within the R-1 and/or R-2 Residential Zones. This Section 203 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.

203.C. REVIEW PROCEDURES

All proposals within this Zone are considered and shall be governed by the application and review procedures for subdivisions and/or land developments under the SLDO. The remaining requirements of this Zone shall be used in determining zoning compliance. Review of applications under this Zone shall follow the subdivision and land development review process established in the SLDO. This Zone may only be applied to property upon approval by the Board of Supervisors and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors. 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.

203.D. 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. **Governmental and municipal uses** as defined herein.,
- F. **Forestry uses** subject to the requirements of Sections 200.L. and 516 of this Ordinance.
- G. **Health, fitness, fraternal, social and other private clubs** , subject to the requirements of Section 439 of this Ordinance;
- H. **Libraries, museums, and galleries;**

- I. **Man-made lakes, dams, and impoundments**, subject to the requirements of Section 448 of this Ordinance
- J. **Mass transit stops and passenger shelters**;
- K. **Natural settings and open spaces**;
- L. **Ornamental ponds and wading pools**, subject to the requirements of Section 460 of this Ordinance;
- M. **Parks and playgrounds**;
- N. **Public utilities structures**;
- O. **Accessory uses customarily incidental to the above permitted uses** including but not limited to signs as defined herein and subject to the requirements of Section 323 of this Ordinance.

2. PERMITTED RESIDENTIAL USES:

- A. **Single-family detached dwellings**;
- B. **Duplexes and two-family dwellings**;
- C. **Townhouses**;
- D. **Live-work units**;
- E. **Multiple-family dwellings**;
- F. **Two-family conversions**;
- G. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - 1. **Accessory residential greenhouses** subject to the requirements of Section 402 of this Ordinance.
 - 2. **Alternative energy systems**, subject to the requirements of Section 405 of this Ordinance.
 - 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 431 of this Ordinance.
 - 6. **Fences and walls**, subject to the requirements of Section 434 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 438 of this Ordinance.
 - 9. **Gardening and raising of plants for personal use**.
 - 10. **Home occupations**, as defined herein, subject to the requirements of Section 444 of this Ordinance.
 - 11. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 447 of this Ordinance.
 - 12. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 448 of this Ordinance.

13. **No-impact home-based business**, as defined herein.
14. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
15. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 465 of this Ordinance.
16. **Parking and/or storage of recreational vehicles, travel trailers, boats, and personal cargo trailers**, subject to the requirements of Section 316.W. of this Ordinance.
17. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than five feet (5') from the closest side and or rear lot line.
18. **Residential swimming pools**, subject to the requirements of Section 471 of this Ordinance.
19. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
20. **Satellite dish antennas**, subject to the requirements of Section 476 of this Ordinance.
21. **Sheds** with a maximum area of 720 square feet and a maximum height of fifteen feet (15'), provided that no more than one (1) such shed shall be permitted for lots with up to 20,000 square feet of a principal residence. For lots with greater than 20,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 20,000 square feet.
22. **Signs** as defined herein, subject to the requirements of Section 323 of this Ordinance.

3. **PERMITTED COMMERCIAL USES:**

- A. **Banks and similar financial institutions, 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 412 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.**
1. **Signs** as defined herein, subject to the requirements of Section 323 of this Ordinance.

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 203.D.1. but excluding public utilities (% of Gross Lot Area of the development) | Percentage of Dwelling Units Permitted by Structural Type (Uses Listed in Section 203.D.2.) | | | Proposed Local Commercial Uses (see Section 203.D.3.) |
|------|--|---|---------------------|----------------------------|---|
| | | Single-Family Detached | Duplex & two-family | 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 lot area of the development ¹ |
| R-2 | Minimum 25% | At least 35%; no more than 50% | No more than 35% | No more than 35% | Maximum 10% of gross lot area of the development 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 Village Overlay Zone development site be covered with buildings and/or other impervious surfaces.
6. **Minimum Lot Area:** All proposed developments must contain at least five (5) acres.

203.E. **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 Village 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 and analyzed with the following criteria.

- A. **Proportion of Building's Front Facades.** The



Historic Architecture

relationship between the width of the front of the building and the height of the front of the building.

- B. Proportion of Openings Within the Building. The relationship of width to height of windows and doors.
- C. Rhythms of Solids to Voids in the Front Facade. Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a building should be maintained.
- D. Rhythm of Spacing of Buildings on Streets. In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.
- E. Rhythm of Entrance and/or Porch Projections. Moving past a series of structures, one experiences a rhythm of entrances or projections at an intimate scale.
- F. Relationship of Materials. Within an area, the predominant materials may be brick, stone, stucco, wood siding, or other approved synthetic material.
- G. Relationship of Textures. The predominant textures of an area may be smooth, such as stucco, or rough as brick with tooled joints or horizontal wood siding, or other textures.
- H. Walls of Continuity. Physical ingredients, such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these form continuous, cohesive walls of enclosures along the street.
- I. Relationship of Landscaping. There may be a predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.
- J. Paving Materials. There may be a predominance in the use of brick pavers, cobblestones, granite blocks or approved others.
- K. Directional Expression of Front Elevation. Structural shape, planning of openings and architectural detail may provide a predominantly vertical, horizontal, or non-directional character to the building's facade.
- L. Scale. Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches, and balconies, etc.
- M. Relationship of Color. Insofar as the mass and detail, such as trim, are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending colors of trim is also a factor.
- N. Relationship of Architectural Details. Architectural details and their relationship to the structure in question and adjacent ones, including, but not limited to, cornices, lintels, arches, quoins, balustrades and ironwork, chimneys, etc.
- O. Relationship of Roof Shapes. Buildings should have compatible roof shapes, such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
- P. A description of any nonstructural site improvements (buffering, landscaping

and screening) that will be used to protect the integrity of the historic resources.

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-2 Zone | | | One Side | Both Sides | Rear |
| Single-Family Detached & Two family dwellings | 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 Village Overlay development. 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.

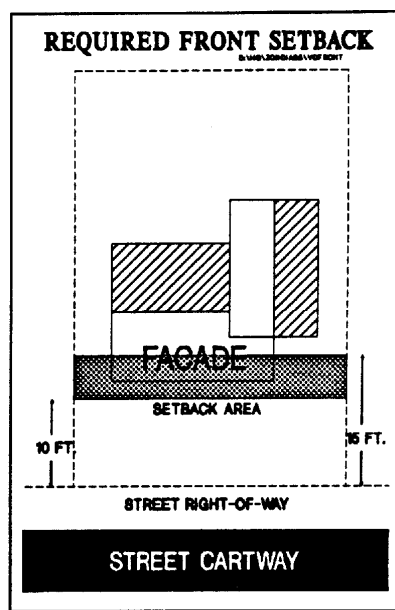
²Maximum lot coverage requirements shall not apply to porches located within the front yard.

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. **Structure Height** - In no case shall any principal structure exceed thirty-five feet



(35') in height. Accessory structures shall be no more than twenty-five feet (25') high. All uses must comply with Section 230 (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 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,



Front Porches

- 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 PARKING 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

203.F. 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 Area

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.

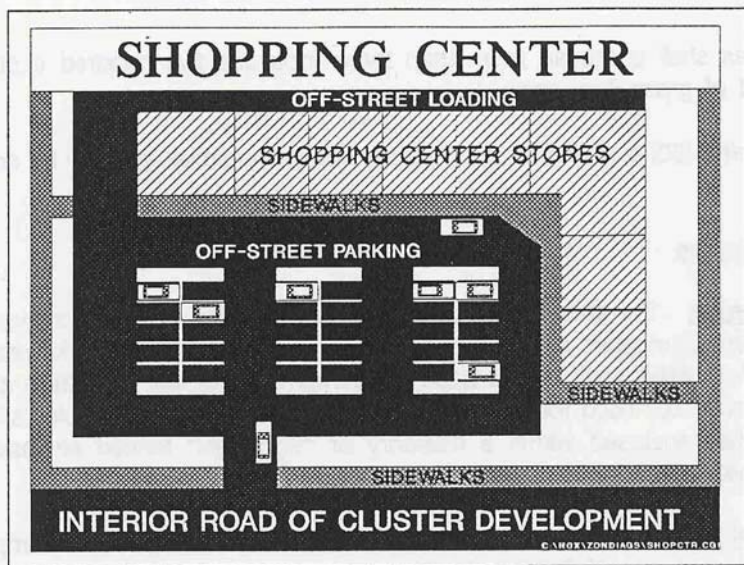
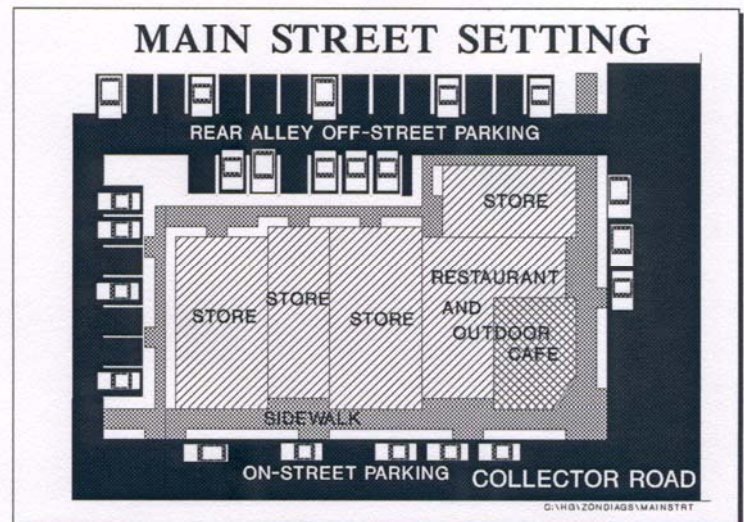
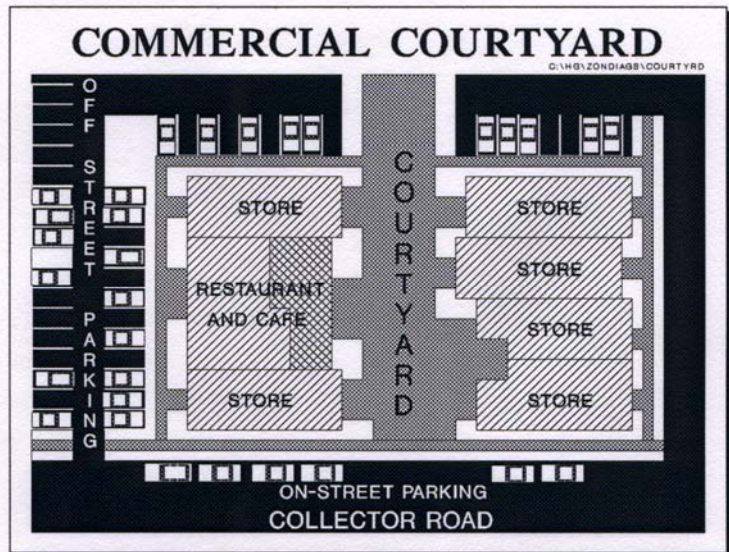
1. BUSINESS TIMING: No commercial area shall be approved until such time as at least twenty (20) new dwelling units are also approved in this Zone;
2. LOCATION AND LAYOUT: All commercial land uses shall be confined to one area

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 203.H. 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 in accordance with Section 477.M. of this Ordinance, at least one of which must be oriented to the pedestrian access;
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 gross 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 gross 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 gross floor area, and no on-street parking is required. All off-street parking must be provided within common parking lots in accordance with Section 316 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. |
| 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 Village Overlay Zone development. 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 315 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 230 (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 Village 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 using the criteria presented in Section 203.E.1. of this Ordinance for Township consideration during the review process.

203.G. 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 304 of 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 Village 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 .0576 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 203.D.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;
 - 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; and,



Integrated Open Space & Parklands

- F. A proposed trail that is successfully integrated with the site's natural and cultural features, links with, or provides the potential to link with, and is part of a larger community trail system identified within the Conestoga Valley Strategic Comprehensive Plan and/or the Official Map or as determined to be suitable by the Board of Supervisors, may also be counted as open space required under Section 203.D.4. of this Ordinance.

3. **OWNERSHIP AND MAINTENANCE OF OPEN SPACE:** An essential element of the Village 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 304 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.)

203.H. PROMINENT FOCAL POINT

Each Village Overlay 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

203.I. 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 comply with Section 322.E. of this Ordinance. Tree species should vary within the entire development site, but may be consistent along individual streets or sections of streets.

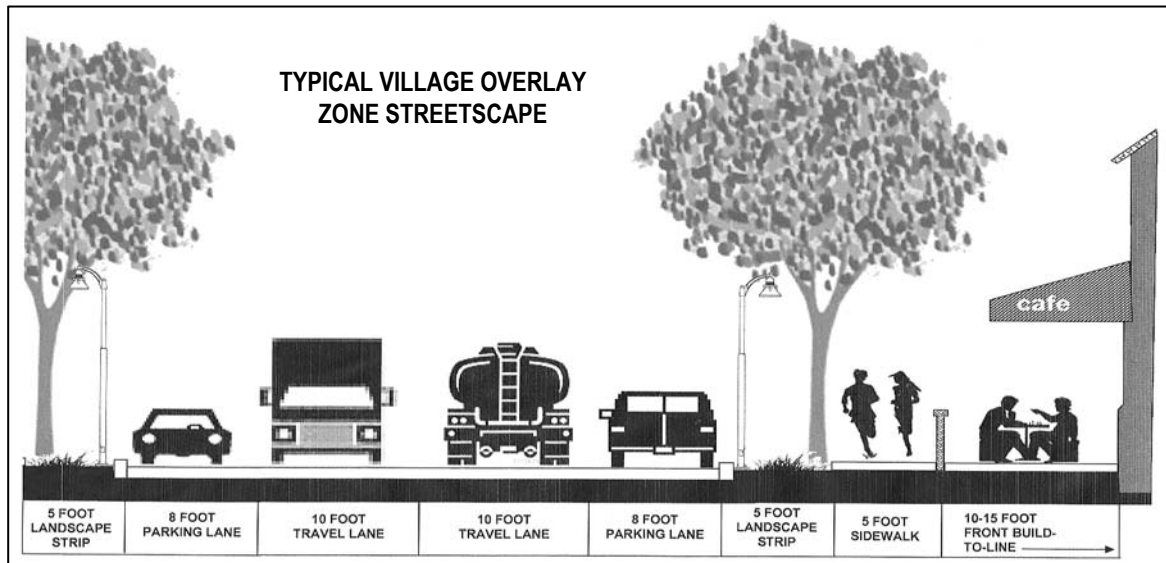
4. **REPLACEMENT.** Dead, damaged or diseased trees shall be replaced.

203.J. **CIRCULATION SYSTEM FORM**

A successful Village Overlay Zone development 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. |
| Two-way alley (Max 10 mph) | 8 ft. | not permitted | 0 ft. | 15 ft. | 22 ft. | 33 ft. |



2. Generally streets 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.

203.K. 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 322.E. of this Ordinance.

203.L. PUBLIC UTILITY AND SERVICE REQUIREMENTS

All proposals within the Village 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 203.D.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 203.D.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 pro-



Attractive Streetlights

posed 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.

203.M. SUBSEQUENT REVISIONS WITHIN THE VILLAGE OVERLAY ZONE

1. Once a development is constructed and occupied within the Village 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 Village Overlay Zone; and,
 - D. Do not adversely affect the architecture of the approved existing development.
2. The following accessory uses may be established by special exception, subsequent to approval of a Village Overlay District development, subject to their respective specific criteria and the rules and procedures of Section 804.C. of this Ordinance:
 - A. Accessory building apartments (See Section 401);
 - B. Family day-care facilities (See Section 429); and,
 - C. Home occupations (See Section 442).

203.N. 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 Village Overlay Zone development, as required by Section 203, 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 203.A.;
 - B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Village 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 203.N.1.A.-C.

Section 204

RESERVED FOR FUTURE USE

Section 205

RESERVED FOR FUTURE USE

Section 206

RESERVED FOR FUTURE USE

Section 207

RESERVED FOR FUTURE USE

Section 208

RESERVED FOR FUTURE USE

Section 209

RESERVED FOR FUTURE USE

Section 210

MU: MIXED USE ZONE (MU)

210.A. PURPOSE

This Zone accommodates a mixture of land uses that have evolved along Main Street within the three Villages of Leacock, Leola and Bareville. Limited businesses have been selected that can take advantage of the daily traffic passing through these Villages, while at the same time assure compatibility with the numerous dwellings that remain. Aside from some limited uses, most mixed uses are evaluated via the conditional use 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.



210.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one dwelling single family detached dwelling unit as a component of the principal use contained on the site subject to the requirements of Sections 200.L of this Ordinance. This use shall expressly exclude:
 - A. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 - B. **Commercial produce operations** as defined herein.
2. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources**, subject to the requirements of Sections 200.L. of this Ordinance.
3. **Forestry uses** subject to the requirements of Sections 201.L. and 516 of this Ordinance.
4. **Single family detached dwellings.**
5. **Governmental and municipal uses** as defined herein.
6. **Parks and playgrounds.**
7. **Public utilities structures.**
8. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Accessory residential greenhouses** subject to the requirements of Section 402 of this Ordinance.
 - B. **Alternative energy systems**, subject to the requirements of Section 405 of this Ordinance.

- 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 431 of this Ordinance.
- F. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.
- G. **Garage yard and/or moving sales**, subject to the requirements of Section 438 of this Ordinance.
- H. **Garages** for personal vehicles and property.
- I. **Gardening and raising of plants for personal use**.
- J. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 447 of this Ordinance.
- K. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 447 of this Ordinance.
- L. **No-impact home-based business**, as defined herein.
- M. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
- N. **Parking and/or storage of recreational vehicles, travel trailers, boats, and personal cargo trailers**, subject to the requirements of Section 316.W. of this Ordinance.
- O. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than five feet (5') from the closest side and or rear lot line.
- P. **Residential swimming pools**, subject to the requirements of Section 471 of this Ordinance.
- Q. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
- R. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 465 of this Ordinance.
- S. **Satellite dish antennas**, subject to the requirements of Section 476 of this Ordinance.
- T. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 20,000 square feet of a principal residence. For lots with greater than 20,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 20,000 square feet.

210.C. USES PERMITTED BY CONDITIONAL USE (Subject to the requirements of Section 210.W. and the review procedures of Section 905, both of this Ordinance).

- 1. **Accessory building apartments**, subject to the requirements listed in Section 401 of this Ordinance.
- 2. **Bed and breakfasts**, subject to the requirements listed in Section 412 of this Ordinance.

3. **Boarding houses**, subject to the requirements listed in Section 415 of this Ordinance.
4. **Caterers, bakers and confectioners.**
5. **Churches and related uses**, excluding cemeteries, subject to the requirements listed in Section 418 of this Ordinance.
6. **Commercial day-care facilities**, subject to the requirements listed in Section 420 of this Ordinance.
7. **Duplexes, townhouses and multiple-family** dwellings subject to the design requirements listed in Section 202 of this Ordinance.
8. **One dwelling unit located above, below or behind a commercial use**, subject to the design requirements listed in Section 202 of this Ordinance.
9. **Funeral homes**, subject to the requirements listed in Section 437 of this Ordinance.
10. **Home occupations**, subject to the requirements listed in Section 444 of this Ordinance.
11. **Medical, dental, vision and counseling clinics**, subject to the requirements listed in Section 451 of this Ordinance.
12. **Nursing, rest or retirement homes**, subject to the requirements listed in Section 459 of this Ordinance.
13. **Offices.**
14. **Personal services** (excluding adult uses) but including: barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios, the repair of clocks and small appliances and similar activities.
15. **Restaurants** (excluding drive-thru restaurants and nightclubs).
16. **Retail sale of goods** (excluding adult uses) provided the retail sales area is less than one thousand, two hundred (1,200) square feet.
17. **Two-family conversions**, subject to the requirements listed in Section 481 of this Ordinance.
18. **Veterinarian offices**, provided no outdoor keeping of animals is permitted.

210.D NUMBER OF USES

1. Any number of the uses allowed in this Zone are permitted within each existing building, provided the building size and gross floor area remain the same as it was on the effective date of this Ordinance and Section 306 of this Ordinance shall not apply in this instance.
2. For new buildings, only one principal use is permitted and Section 306 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 306 of this Ordinance shall not apply in this instance.

210.E. LOT AREA REQUIREMENTS - Unless otherwise specified, all lots shall have a minimum of ten thousand (10,000) square feet.

210.F. MAXIMUM LOT COVERAGE - Sixty percent (60%).

210.G. MINIMUM LOT WIDTH - Seventy-five (75) feet.

210.H. MINIMUM SETBACK REQUIREMENTS - (Principal and Accessory Uses)

1. Front yard setback - All buildings, structures (except permitted signs) and, loading areas shall be set back at least twenty-five (25) feet from the street right-of-way. No off-street parking is permitted within the front yard.
2. Side yard setback - All buildings and structures shall be set back a total of at least fifteen (15) feet from both of the side lot lines with one side being no less than five (5) feet from the adjoining lot line. Off-street parking lots, and loading areas, shall be set back at least five (5) feet from each of the side lot lines.
3. Rear yard setback - All buildings, structures, off-street parking lots, and loading areas, shall be set back at least fifteen (15) feet from the rear lot line.
4. Residential buffer strip - Any lot adjoining land within a (R-1, R-2 or VO) Zone shall maintain fifteen (15) foot setback for buildings, structures, freestanding signs, off-street parking lots, and loading areas, from said land. Such area shall be used for a landscape strip.

210.I. HEIGHT REQUIREMENTS – The maximum permitted height is thirty-five (35) feet. New buildings constructed after the effective date of this ordinance shall be a minimum of two (2) stories in height when situated between existing buildings of at least two (2) stories in height on adjoining properties. No less than thirty-five percent (35%) of the habitable floor area shall be contained on the story(ies) above the first floor.

210.J. OUTDOOR STORAGE - No outdoor storage is permitted.

210.K. OFF-STREET LOADING - Off-street loading shall be provided as specified in Section 315 of this Ordinance.

210.L. OFF-STREET PARKING - Off-street parking shall be provided as specified in Section 316 of this Ordinance.

210.M. SIGNS - Signs shall be permitted as specified in Section 323 of this Ordinance.

210.N. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS - All driveways serving single-family dwellings shall be provided in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

210.O. SCREENING - A visual screen must be provided along any adjoining lands within a (R-1, R-2 or VO) Zone, regardless of whether or not the parcel is developed. (See Section 322.D. of this Ordinance.)

210.P. LANDSCAPING - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 322 of this Ordinance.)

210.Q. 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 twenty-five (25) feet from any adjoining properties in a (R-1, R-2 or VO). All waste receptacles shall be completely enclosed.

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

210.S. 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 317 of this Ordinance.

210.T. DESIGN FEATURES/BONUS INCENTIVES - Because of this Zone's intended purpose to reduce traffic congestion along the Main Street corridor, 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 Board of Supervisors, during the conditional use 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 onto PA Route 23. | 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 five percent (5%) 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 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. |

210.U. MODIFICATIONS OF DESIGN STANDARDS

1. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such conditional use approval shall, when making application for conditional use approval for any use listed in Section 210.C, also make application for conditional use approval under this section. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use 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 210.A.;
 - B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor inhabitants within the Mixed Use Zone;
 - 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 210.U.1.A.–C.

210.V. RESIDENTIAL ACCESSORY USES - Properties with principal residences may include accessory structures subject to the following requirements.

1. Required Front Yard Setbacks - All accessory structures shall be setback at least fifteen (15) feet behind the principal building line. If there is no principal building, the accessory structure must be setback at least fifteen (15) feet behind the required principal front yard setback line;
2. Required Side and Rear Yard Setbacks - All accessory structures shall be setback at least five (5) feet from any side and/or rear lot lines , unless the structure exceeds fifteen (15) feet in height and/or 500 square feet of gross floor area in which case the minimum setback shall be equal to the height of the accessory structure; and,
3. Maximum Permitted Height - Twenty-five (25) feet.

210.W. MIXED USES

1. Within this Zone, those uses listed in Section 210.C. of this Ordinance shall be 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.B., the specific criteria listed in Article 4 and specifically to the following:
 - A. The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.T. 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 211

GENERAL VILLAGE ZONE (VG)

211.A. PURPOSE

The purpose of this Zone is to provide basic convenience commercial goods and services to local residents who live in the existing Village. Uses have been limited to those that residents are likely to need on a daily, or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone. This Zone has been sized to permit a grouping of several businesses; minimum lot sizes have been kept small to allow for start-up businesses. Finally, several larger and more intensive uses have been allowed (by special exception) because of their provision of commercial conveniences for local residents; however, buffer requirements have been imposed to protect adjoining uses.



211.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one dwelling single family detached dwelling unit as a component of the principal use contained on the site subject to the requirements of Sections 200.L of this Ordinance. This use shall expressly exclude:
 - A. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 - B. **Commercial produce operations** as defined herein.
2. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources**, subject to the requirements of Sections 200.L. of this Ordinance.
3. **Forestry uses** subject to the requirements of Sections 200.L. and 516 of this Ordinance.
4. **Single-family detached, duplexes, two-family dwellings, townhouses and/or multiple family dwellings** subject to the requirements of the R-2 Zone listed in Section 202 of this Ordinance.
5. **Governmental and municipal uses.**
6. **Parks and playgrounds**, subject to the requirements of Section 200.L. of this Ordinance.
7. **Public utilities structures**, subject to the requirements of Sections 200.L. of this Ordinance.
8. **Banks and similar financial institutions;**
9. **Caterers, bakers and confectioners;**
10. **Churches and related uses;**
11. **Laboratories** for the testing of soil, water, air, agricultural products and by-products, and any materials used in the agricultural, horticultural and/or forestry process;

12. **Medical, dental, vision and counseling clinics;**
13. **Museums;**
14. **Offices;**
15. **Restaurants** (excluding drive-thru restaurants and outdoor areas for patron seating);
16. **Retail sale and/or rental of goods and convenience stores** (excluding adult uses) provided the total retail sales area is less than three thousand, six hundred (3,600) square feet;
17. **Personal services** (excluding adult uses) but including: barber/beauty/tanning salons; music, dance, art or photographic studios and repair of clocks and small appliances;
18. **Public, private and commercial schools and training centers**, subject to the requirements listed in Section 467 of this Ordinance.
19. **Veterinarian offices** provided no outdoor keeping of animals is permitted;
20. **One dwelling unit**, including, but not limited to, one apartment unit associated with a commercial use;
21. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Accessory residential greenhouses** subject to the requirements of Section 402 of this Ordinance.
 - B. **Alternative energy systems**, subject to the requirements of Section 405 of this Ordinance.
 - 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 431 of this Ordinance.
 - F. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.
 - G. **Garage yard and/or moving sales**, subject to the requirements of Section 438 of this Ordinance.
 - H. **Garages** for personal vehicles and property.
 - I. **Gardening and raising of plants for personal use.**
 - J. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 447 of this Ordinance.
 - K. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 448 of this Ordinance.
 - L. **No-impact home-based business**, as defined herein.
 - M. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
 - N. **Parking and/or storage of recreational vehicles, travel trailers, boats, and personal cargo trailers**, subject to the requirements of Section 316.W. of this Ordinance.

- O. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than five feet (5') from the closest side and or rear lot line.
- P. **Roadside stands** for the seasonal sale of agricultural products as an accessory use on a farm subject to the requirements of Section 472 of this Ordinance.
- Q. **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;
- R. **Residential swimming pools**, subject to the requirements of Section 471 of this Ordinance.
- S. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
- T. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 465 of this Ordinance.
- U. **Satellite dish antennas**, subject to the requirements of Section 476 of this Ordinance.
- V. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 20,000 square feet of a principal residence. For lots with greater than 20,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 20,000 square feet.

211.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Automobile filling stations** (including minor incidental repair), subject to the requirements listed in Section 410 of this Ordinance.
- 2. **Bed and breakfasts**), subject to the requirements listed in Section 412 of this Ordinance.
- 3. **Commercial day-care facilities**), subject to the requirements listed in Section 420 of this Ordinance.
- 4. **Dry cleaners, laundries and laundromats**), subject to the requirements listed in Section 428 of this Ordinance.
- 5. **Farm occupations**), subject to the requirements listed in Section 433 of this Ordinance.
- 6. **Two-family and/or multi-family conversions**), subject to the requirements listed in Section 481 of this Ordinance.

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

- 1. **Shopping centers** with any use permitted within this Zone), subject to the requirements listed in Section 479 of this Ordinance.

211.E. LOT AREA REQUIREMENTS - Unless otherwise specified, all uses shall have a minimum of

fifteen thousand (15,000) square feet and a maximum lot area of one and one-half (1½) acres.

211.F. MAXIMUM LOT COVERAGE - Sixty percent (60%).

211.G. MINIMUM LOT WIDTH – One hundred (100) feet.

211.H. MINIMUM SETBACK REQUIREMENTS - (Principal and Accessory Uses)

1. Front yard setback – The following table lists required front yard setbacks from the street right-of-way of the various road types listed in Section 321 of this Ordinance:

| Road Type | Required Front Yard Setbacks for structures except signs | Required Front Yard Setbacks for off-street parking |
|--------------------------|---|--|
| Arterial | 30 feet | 20 feet |
| Collector | 20 feet | 10 feet |
| Minor | 20 feet | 10 feet |
| Marginal access | 20 feet | 10 feet |
| Cul-de-sac turnaround | 20 feet | 10 feet |

2. Side yard setback - All buildings and structures, off-street parking lots, and loading areas shall be set back at least ten (10) feet from the side lot lines except that joint parking facilities shared by adjoining uses may extend to the property line in the side yard along one side of the site.
3. Rear yard setback - All buildings, structures off-street parking lots, and loading areas, shall be set back at least twenty-five (25) feet from the rear lot line.
4. Residential buffer strip - Any lot adjoining land within a (R-1, R-2, VO or MU) Zone shall maintain a twenty-five (25) foot setback for buildings and structures (including but not limited to freestanding signs), and a fifteen (15) foot side yard setback for off-street parking lots, and loading areas, from the adjoining land within a (R-1, R-2, VO or MU) Zone. Such area shall be used for a landscape strip.
5. Residential accessory structures (structures containing no more than 720 square feet.
 - A. Required Front Yard Setbacks - All accessory structures shall be setback at least fifteen (15) feet behind the principal building line. If there is no principal building, the accessory structure must be setback at least fifteen (15) feet behind the required principal front yard setback line; and,
 - B. Required Side and Rear Yard Setbacks - All accessory structures shall be setback at least five (5) feet from any side and/or rear lot lines , unless the structure exceeds fifteen (15) feet in height and/or 500 square feet of floor area in which case the minimum setback shall be equal to the height of the accessory structure which shall not exceed twenty-five feet (25').

211.I. MAXIMUM PERMITTED HEIGHT - Thirty five (35) feet for principal structures and twenty-five (25) feet for accessory residential structures.

211.J. OUTDOOR STORAGE - No outdoor storage is permitted.

211.K. OFF-STREET LOADING - Off-street loading shall be proved as specified in Section 315 of this Ordinance.

211.L. OFF-STREET PARKING - Off-street parking shall be provided as specified in Section 316 of

this Ordinance.

211.M. SIGNS - Signs shall be permitted as specified in Section 323 of this Ordinance.

211.N. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS - All driveways serving single-family dwellings shall be provided in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

211.O. SCREENING - A visual screen must be provided along any adjoining lands within a (R-1, R-2, VO or MU) Zone, regardless of whether or not said land is developed. (See Section 322.D of this Ordinance.)

211.P. LANDSCAPING - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 322 of this Ordinance.) Landscape strips are not required for that portion of the site occupied by a joint parking lot shared by adjoining uses.

211.Q. 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 twenty-five (25) feet from any adjoining properties within a (R-1, R-2, VO or MU) Zone. All waste receptacles shall be completely enclosed.

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

211.S. 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 317 of this Ordinance.

Section 212

GENERAL COMMERCIAL ZONE (GC)

212.A. PURPOSE

This Zone provides suitable locations for larger-scale and/or highway-oriented retail, service and entertainment businesses. The uses 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 are imposed upon outdoor storage areas to protect adjoining properties. Both public sewer and public water are available to these Zones. 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.



212.B. USES PERMITTED BY RIGHT

1. **Uses permitted by right with conventional site design in accordance with Section 212.G.1. of this Ordinance:**
 - A. **Adaptive reuse** with more than one principal use of a building that existed on September 22, 2015; or adaptive reuse with more than one principal use of a building that gained land development approval after September 22, 2015; both, subject to the requirements listed in Section 403 of this Ordinance.
 - B. **Agriculture and horticulture**, including one dwelling single family detached dwelling unit as a component of the principal use contained on the site subject to the requirements of Sections 200.L of this Ordinance. This use shall expressly exclude:
 1. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 2. **Commercial produce operations** as defined herein.
 - C. **Forestry uses**, subject to the standards listed in Section 200.L. and 516 of this Ordinance;
 - D. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources** subject to the standards listed in Section 200.L. of this Ordinance;
 - E. **Parks and playgrounds** subject to the standards in Section 200.L. of this Ordinance;
 - F. **Governmental and municipal uses** as defined herein.
 - G. **Public utilities structures.**
 - H. **Automobile, boat, farm machinery, recreational vehicle and personal cargo trailer sales** (including service or repair facilities as an accessory use and if conducted within a completely-enclosed building);

- I. **Churches and related uses;**
 - J. **Commercial greenhouses;**
 - K. **Dry cleaners, laundries and laundromats;**
 - L. **Single-family detached, duplexes, two-family dwellings, townhouses and/or multiple family dwellings that existed on the effective date of this Ordinance, and all related accessory uses** permitted and subject to the requirements in the R-2 Zone listed in Section 202 of this Ordinance.
2. **Uses permitted by right with compact multi-story site design in accordance with Section 212.G.2. of this Ordinance:**
- A. **Banks and similar financial institutions;**
 - B. **Caterers, bakers and confectioners;**
 - C. **Convenience stores**, subject to the requirements listed in Section 425 of this Ordinance.
 - D. **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.
 - E. **Hotels, motels and similar lodging facilities;**
 - F. **Laboratories;**
 - G. **Medical, dental, vision and counseling clinics;**
 - H. **Offices;**
 - I. **Public, private and commercial schools and training centers**, subject to the requirements listed in Section 469 of this Ordinance.
 - J. **Restaurants, taverns and microbreweries** (excluding drive-thru or fast-food restaurants, nightclubs and outdoor areas for patron seating);
 - K. **Retail sale of goods and services** (including auto parts stores, without installation and excluding adult uses);
 - L. **Shops, offices and showrooms for contractors** of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry and cabinet making, and other structural components of buildings;
 - M. **Theaters, auditoriums and cinemas** (excluding drive-in cinemas);
3. **Accessory uses that are customarily incidental to the above permitted uses:**
- A. **No-impact home based business;** and,
 - B. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.
 - C. **Garages** for personal vehicles and property.
 - D. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
 - E. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
 - F. **Keeping of carriage and buggy horses** used as the principal mode of transport for residents of the property subject to the requirements of Section 447 of this Ordinance; and,

- G. **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.

212.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Uses permitted by special exception with conventional site design in accordance with Section 212.G.1. of this Ordinance:**
 - A. **Auction house**, subject to the requirements listed in Section 408 of this Ordinance.
 - B. **Automobile filling stations** (including minor incidental repair, subject to the requirements listed in Section 410 of this Ordinance.
 - C. **Automobile service and repair facilities** including but not limited to auto mechanics, drive-thru lubrication services and tire, auto paint, brake, muffler, transmission, windshield, autobody, car radio, and upholstery shops, subject to the requirements listed in Section 411 of this Ordinance.
 - D. **Car washes**, subject to the requirements listed in Section 416 of this Ordinance.
 - E. **Commercial day-care facilities**, subject to the requirements listed in Section 420 of this Ordinance.
 - F. **Farmers and/or flea markets**, subject to the requirements listed in Section 432 of this Ordinance.
 - G. **Farm occupations**, subject to the requirements listed in Section 433 of this Ordinance.
 - H. **Funeral homes**, subject to the requirements listed in Section 437 of this Ordinance.
 - I. **Two-family and/or multi-family conversions**, subject to the requirements listed in Section 481 of this Ordinance.
- 2. **Uses permitted by special exception with compact multi-story site design in accordance with Section 212.G.2. of this Ordinance:**
 - A. **Amusement arcades**, subject to the requirements listed in Section 406 of this Ordinance.
 - B. **Home improvement, equipment rental and building supply stores**, subject to the requirements listed in Section 443 of this Ordinance.
 - C. **Nursing rest or retirement homes**, subject to the requirements listed in Section 459 of this Ordinance.

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

- 1. **Uses permitted by conditional use with conventional site design in accordance with Section 212.G.1. of this Ordinance:**
 - A. **Commercial recreation facilities**, subject to the requirements listed in Section 422 of this Ordinance.
 - B. **Drive-thru and/or fast-food restaurants**, excluding outdoor areas for patron

seating, subject to the requirements listed in Section 427 of this Ordinance.

- C. **Miniwarehouses**, subject to the requirements listed in Section 454 of this Ordinance.
 - D. **Outdoor seating areas for patrons of restaurants, taverns and nightclubs**, subject to the requirements listed in Section 466 of this Ordinance.
2. **Uses permitted by conditional use with compact multi-story site design in accordance with Section 212.G.2. of this Ordinance:**
- A. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements listed in Section 439 of this Ordinance.
 - B. **Hospitals and related uses**, subject to the requirements listed in Section 446 of this Ordinance.
 - C. **Nightclubs**, subject to the requirements listed in Section 456 of this Ordinance.
 - D. **Shopping centers** involving any use permitted in this Zone, subject to the requirements listed in Section 479 of this Ordinance.

212.E. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS - See the following table.

| Minimum Lot Area | Minimum Lot Width | Maximum Lot Coverage & Floor Area Ratio |
|-----------------------------|---------------------|---|
| 43,560 sq. ft. | 200 ft. | 60% ¹ |
| 10,000 sq. ft. ³ | 80 ft. ³ | 70% ² |

¹ The maximum permitted lot coverage can be increased through compliance with architectural design standards as contained within Section 212.R. of this Ordinance, up to a maximum lot coverage and floor area ratio of seventy percent (70%).

² The maximum permitted lot coverage can be increased through compliance with architectural design standards as contained within Section 212.R. of this Ordinance, up to a maximum lot coverage and floor area ratio of eighty percent (80%).

³ These standards shall apply when the proposed use relies upon vehicular access within an integrated development and does not have direct vehicular access onto an adjoining road.

212.F. MINIMUM SETBACK REQUIREMENTS - (Principal and Accessory Uses)

1. Front yard setback – The following table lists required front yard setbacks from the street right-of-way of the various road types listed in Section 321 of this Ordinance:

| Road Type | Required Front Yard Setbacks for structures except signs | Required Front Yard Setbacks for off-street parking |
|-----------------------|--|---|
| Arterial | 35 feet | 10 feet |
| Collector | 35 feet | 10 feet |
| Minor | 35 feet | 10 feet |
| Marginal access | 35 feet | 10 feet |
| Cul-de-sac turnaround | 35 feet | 10 feet |

2. Side yard setback - All buildings and structures (except permitted signs) shall be set back at least twenty (20) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten (10) feet from the side

lot lines, except that joint parking and/or loading facilities shared by adjoining uses may extend to the property line in the side yard along one side of the site. For uses that rely upon vehicular access within an integrated development and do not have direct vehicular access onto an adjoining road the side yard setbacks are ten (10' feet except that joint parking and/or loading facilities shared by adjoining uses may extend to the property line in the side yard along one side of the site.

3. Rear yard setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line. For uses that rely upon vehicular access within an integrated development and do not have direct vehicular access onto an adjoining road the rear yard setbacks are ten (10' feet.
4. Residential buffer strip - Any lot adjoining land within a (R-1, R-2, VO or MU) Zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures (including but not limited to freestanding signs), off-street parking lots, loading areas and outdoor storage areas, from the adjoining land within a (R-1, R-2, VO or MU) Zone. Such areas shall be used for a landscape strip and screen.

212.G. HEIGHT REQUIREMENTS

1. Uses that existed on the effective date of this ordinance and uses permitted with conventional site design as listed in Sections 212.B.1., 212.C.1. and 212.D.1. of this Ordinance shall have a maximum permitted height of seventy five feet (75') provided that each building or structure that exceeds a height of thirty-five (35') feet shall be setback a minimum distance equal to its height from each lot line.
2. Uses that require compact multi-story design as listed in Sections 212.B.2., 212.C.2., and 212.D.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 thirty-five (35') feet.
 - B. Uses established after the effective date of this Ordinance 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 seventy-five feet (75'). Unless Section 212.F. 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 established after the effective date of this Ordinance 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 seventy-five feet (75'). Unless Section 212.F. 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 | 1 st Story | 2 nd Story | 3 rd Story | 4 th Story | 5 th Story |
| 1 | 100% | NA | NA | NA | NA |
| 2 | Maximum 60% | Minimum 40% | NA | NA | NA |
| 3 | Maximum 40% | Minimum 30% | Minimum 20% | NA | NA |
| 4 | Maximum 30% | Minimum 25% | Minimum 20% | Minimum 15% | NA |
| 5 | Maximum 25% | Minimum 20% | Minimum 15% | Minimum 10% | Minimum 5% |

E. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.

3. All uses must comply with Section 230 (Airport Safety Zone) of this Ordinance.

212.H. OFF-STREET LOADING - Off-street loading shall be provided as specified in Section 315 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a (R-1, R-2, VO or MU) Zone, nor any side of a building facing an adjoining street unless said street right-of-way is at least one hundred feet (100') from such off-street loading area.

212.I. OFF-STREET PARKING - Off-street parking shall be provided as specified in Section 316 of this Ordinance.

212.J. SIGNS - Signs shall be permitted as specified in Section 323 of this Ordinance.

212.K. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

212.L. SCREENING - A visual screen must be provided along any existing residential use and any adjoining lands within a (R-1, R-2, VO or MU) Zone, regardless of whether or not the residentially-zoned parcel is developed. (See Section 322.D. of this Ordinance.)

212.M. LANDSCAPING - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 322 of this Ordinance.) A minimum fifteen (15) foot wide landscape strip shall be provided along all property lines. Such landscape strip does not apply for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

212.N. 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 (50) feet from any adjoining properties within the (R-1, R-2, VO or MU) Zone. All waste receptacles shall be completely enclosed.

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

212.P. COMMERCIAL OPERATIONS STANDARDS - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations refer to Section 317 of this Ordinance.

212.Q. OUTDOOR STORAGE - Within the (GC) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. The outdoor storage areas for passenger motor vehicle sales need not be screened from adjoining roads. Section 318 lists other applicable requirements.

212.R. ARCHITECTURAL STANDARDS

Developers 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 and floor area ratio in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for land development approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously as part of the land development process. 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 shall be designed by licensed architects and/or engineers and constructed and maintained so that they:
 - A. Contribute to the Township's historic character with multiple stories as opposed to a typical one-story suburban or strip center arrangement;
 - B. Feature prominent customer entrances and exterior pedestrian amenities;
 - C. Make use of a combination of natural materials such as wood, brick, stone, concrete masonry split face block or synthetic materials that simulate natural materials such as textured molded block, glass, stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - D. Employ "earth-tone," "pottery-tone" or natural colors for primary wall surfaces;
 - E. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties;
 - F. Employ pedestrian-level freestanding signs and/or attached signs;
 - G. Exceed energy efficiency standards under conventional building code requirements; and/or,
 - H. Employ green-rooftop technology that is designed and maintained to offer effective thermal protection and hydrological benefit over conventional roofing surfaces.
2. 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;
3. In return for compliance with the above-described design standards, the Township will award a ten percent (10%) increase in permitted lot coverage and floor area ratio as referenced in Section 212.E. of this Ordinance.
4. 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

land development approval at that time.

5. Should any part of this Section 212.R. be declared invalid by the courts, the entire Section 212.R. shall be automatically repealed.

Section 213

RESERVED FOR FUTURE USE

Section 214

RESERVED FOR FUTURE USE

Section 215

RESERVED FOR FUTURE USE

Section 216

RESERVED FOR FUTURE USE

Section 217

RESERVED FOR FUTURE USE

Section 218

RESERVED FOR FUTURE USE

Section 219

RESERVED FOR FUTURE USE

Section 220

I-1: LIGHT INDUSTRIAL ZONE

220.A. PURPOSE

This Zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This Zone provides for light industrial uses as permitted by right, but requires obtainment of a conditional use for heavier and potentially more-objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences. Finally, specified large-scale industrial uses are required to incorporate multi-story building and off-street parking to make more efficient use of these valuable industrially-zoned lands and reduce sprawl.



220.B PERMITTED USES

1. **Uses permitted by right with conventional site design in accordance with Section 220.H. of this Ordinance:**
 - A. **Agriculture and horticulture**, including one dwelling single family detached dwelling unit as a component of the principal use contained on the site subject to the requirements of Sections 200.L of this Ordinance. This use shall expressly exclude:
 1. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 2. **Commercial produce operations** as defined herein.
 - B. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources**, subject to the requirements of Sections 200.L. of this Ordinance.
 - C. **Forestry uses** subject to the requirements of Sections 200.L. and 516 of this Ordinance.
 - D. **Commercial greenhouses.**
 - E. **Governmental and municipal uses** as defined herein.
 - F. **Parks and playgrounds**, subject to the requirements of Sections 200.L. of this Ordinance.

- G. **Public utilities structures**, subject to the requirements of Sections 200.L. of this Ordinance.

- H. **Adaptive reuse** with more than one principal use of a building that existed on September 22, 2015; or adaptive reuse with more than one principal use of a building that gained land development approval after September 22, 2015; both, subject to the requirements listed in Section 403 of this Ordinance.

- I. **Bookbinding, printing, and publishing operations;**

- J. **Collocation of communication towers and equipment** that comply with the Pennsylvania Wireless Broadband Collocation Act, subject to all applicable requirements contained therein;

- K. **Facilities for the commercial processing, and warehousing of agricultural products;**

- L. **Facilities for the warehousing, sales and service of agricultural equipment, vehicles, feed or supplies;**

- M. **Machine, tool and die and metal fabrication shops;**

- N. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 - 1. Furniture, cabinets, fixtures, office supplies, and other household appointments;
 - 2. Wooden or composite sheds, dog houses, gazebos, footbridges lawn furniture, fences, and similar products;
 - 3. Structural components of buildings;
 - 4. Scientific, specialized and technical instruments and equipment;
 - 5. Audio visual components, computers, vending machines, electronic equipment and video games;
 - 6. Finished textile products;
 - 7. Brushes, brooms and combs;
 - 8. Hot tubs, spas, saunas, and swimming pools;
 - 9. Jewelry, and other precious metals;
 - 10. Photographic, lighting and timekeeping equipment;
 - 11. Small household appliances, excluding major appliances;
 - 12. Musical instruments and sporting equipment;
 - 13. Cosmetics, toiletries and pharmaceuticals;
 - 14. Optical, dental, and medical supplies and equipment; and,
 - 15. Small or novelty products from prepared materials (excluding the use of sheet metals).

- O. **Microbreweries;**

- P. **Processing, packaging, storage and/or wholesaling of food products excluding:**
 - 1. Breweries and distilleries;

2. Pickling processes;
 3. Rendering or slaughtering operations; and,
 4. Sugar refineries.
- Q. **Repair shops** for products permitted to be manufactured in this Zone;
- R. **Retail sales, service and rental of recreation equipment and supplies;**
- S. **Sales, storage and/or wholesaling of the following:**
1. Home and auto related fuels;
 2. Nursery and garden materials, and stock;
 3. Contractor supplies; and,
 4. Plumbing, heating, air conditioning, electrical and other structural components of buildings.
- R. **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.
- S. **Sawmills;**
- T. **Sign makers;**
- U. **Small engine repair shops;**
- V. **Welding shops;**
2. **Uses permitted by right with compact multi-story site design in accordance with Section 220.H. of this Ordinance:**
- A. **Laboratories** for medical, scientific or industrial research and development;
 - B. **Medical, dental, vision and counseling clinics;**
 - C. **Offices;**
 - D. **Public, private and commercial schools and training centers;**
 - E. **Animal hospitals, veterinary offices and kennels;**
 - F. **Vocational, technical and mechanical trade schools;**
3. **Accessory uses that are customarily incidental to the above permitted uses:**
- A. **Accessory retail sales** of products produced on-site so long as the retail sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
 - B. **Cafeterias and restaurants** contained completely within a principal industrial building;
 - C. **Commercial day care facilities;**
 - D. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.
 - E. **Garages** for personal vehicles and property.

- F. **No-impact home based businesses;**
- G. **One caretaker dwelling unit** in accordance with the requirements of the R-2 Medium Density Residential Zone;
- H. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
- I. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
- J. **Recreation facilities**; and,
- K. **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.

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

- 1. **Automobile service and repair facilities** including but not limited to auto mechanics, drive-thru lubrication services and tire, auto paint, brake, muffler, transmission, windshield, autobody, car radio, and upholstery shops, subject to the requirements listed in Section 411 of this Ordinance;
- 2. **Billboards**, subject to the requirements listed in Section 414 of this Ordinance;
- 3. **Convenience commercial centers** subject to the requirements listed in Section 424 of this Ordinance;
- 4. **Freestanding telecommunication and wireless communications facilities** subject to the requirements listed in Section 436 of this Ordinance;
- 5. **Heavy equipment sales, leasing, rental, service and repair** such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers and other similar machinery subject to the requirements listed in Section 440 of this Ordinance;
- 6. **Heavy industrial uses** not listed in Section 220.B, 220.C or 221 that, in the opinion of the Board of Supervisors is similar to and will generate impacts like those uses permitted within this Zone subject to the requirements listed in Section 441 of this Ordinance;
- 7. **Helicopter pad, private**, subject to the requirements of Section 442 of this Ordinance.
- 8. **Methadone treatment facility**, subject to the requirements of Section 452 of this Ordinance.
- 9. **Miniwarehouses**, subject to the requirements listed in Section 454 of this Ordinance;
- 10. **Oil or gas well sites, natural gas compressor stations and natural gas processing plants** subject to the requirements listed in Section 460 of this Ordinance;
- 11. **Power generation facilities**, subject to the requirements listed in Section 467 of this Ordinance;
- 12. **Principal waste handling, recycling, processing, transfer and disposal facilities** subject to the requirements listed in Section 468 of this Ordinance.
- 13. **Recycling facilities for electronics, paper, plastic, glass and metal products**

subject to the requirements listed in Section 470 of this Ordinance;

14. **Slaughtering, processing, rendering, and packaging of meat products and their by-products**, subject to the requirements of Section 480 of this Ordinance.
15. **Septage and spent mushroom compost processing and/or commercial mushroom operations** subject to the requirements listed in Section 478 of this Ordinance;
16. **Sales of compost, mulch, wood chips and coal** subject to the requirements listed in Section 475 of this Ordinance; and,
17. **Warehousing and wholesale trade establishments** subject to the requirements listed in Section 482 of this Ordinance.
18. **Wind and/or solar farms**, subject to the requirements of Section 483 of this Ordinance.

220.D. LOT AREA REQUIREMENTS - Unless otherwise specified, each use within this Zone shall have a minimum lot size of forty-three thousand, five hundred sixty (43,560) square feet.

220.E. MAXIMUM LOT COVERAGE & FLOOR AREA RATIO - Seventy percent (70%); however, in accordance with Article 6 of this Ordinance, the successful transfer of each development right (TDR) shall enable the applicant to develop two-thousand (2,000) square feet of lot coverage up to a maximum permitted lot coverage and floor area ratio of eighty percent (80%).

220.F. MINIMUM LOT WIDTH - Two hundred (200) feet.

220.G. MINIMUM SETBACK REQUIREMENTS - (Principal and Accessory Uses)

1. Front yard setback – The following table lists required front yard setbacks from the street right-of-way of the various road types listed in Section 321 of this Ordinance:

| Road Type | Required Front Yard Setbacks for structures except signs | Required Front Yard Setbacks for off-street parking |
|-----------------------|---|--|
| Arterial | 50 feet | 20 feet |
| Collector | 50 feet | 20 feet |
| Minor | 50 feet | 20 feet |
| Marginal access | 50 feet | 20 feet |
| Cul-de-sac turnaround | 50 feet | 20 feet |

2. Side yard setbacks - All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas shall be set back at least thirty (30) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty (20) feet from any side lot lines, except that joint parking and/or loading facilities shared by adjoining uses may extend to the property line in the side yard along one side of the site.
3. Rear yard setback - All buildings, structures, dumpsters and off-street loading areas shall be set back at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five (25) feet from any rear lot lines.
4. Residential Buffer Strip - Any use adjoining land within a (R-1, R-2, VO or MU) Zone, or across a road from land within a (R-1, R-2, VO or MU) Zone, shall maintain a seventy-five (75) foot setback for buildings, structures (including but not limited to freestanding signs), dumpsters, outdoor storage areas, and off-street loading areas from the (R-1, R-2, VO or MU) Zone. Off-street parking lots shall be set back at least fifty (50) feet from

adjoining land within a (R-1, R-2, VO or MU) Zone. All of these setback areas shall be devoted to landscaping. (See Section 322);

5. Accessory Recreation Uses - These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line.

220.H. HEIGHT REQUIREMENTS

1. Uses that existed on the effective date of this ordinance and uses permitted with conventional site design as listed in Sections 220.B.1. and 220.C. of this Ordinance shall have a maximum permitted height of fifty (50') feet, except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures extending above thirty-five (35) feet from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines.
2. Uses that require compact multi-story design as listed in Sections 220.B.2. of this Ordinance shall comply with the following:
 - A. Uses established after the effective date of this Ordinance with up to seventy-five thousand (75,000) square feet of gross floor area shall have a maximum permitted height of fifty (50') feet, except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. Unless Section 220.G. 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.
 - B. Uses established after the effective date of this Ordinance 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 fifty (50'), except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. Unless Section 220.G. 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 established after the effective date of this Ordinance 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 fifty (50'), except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. Unless Section 220.G. 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 | 1 st Story | 2 nd Story | 3 rd Story | 4 th Story | 5 th Story |
| 1 | 100% | NA | NA | NA | NA |
| 2 | Maximum 60% | Minimum 40% | NA | NA | NA |
| 3 | Maximum 40% | Minimum 30% | Minimum 20% | NA | NA |
| 4 | Maximum 30% | Minimum 25% | Minimum 20% | Minimum 15% | NA |
| 5 | Maximum 25% | Minimum 20% | Minimum 15% | Minimum 10% | Minimum 5% |

F. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.

3. All uses must comply with Section 230 (Airport Safety Zone) of this Ordinance.

220.I. OFF-STREET LOADING - Off-street loading shall be provided as specified in Section 315 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential Zone, nor any side of a building facing an adjoining street.

220.J. OFF-STREET PARKING - Off-street parking shall be provided as specified in Section 316 of this Ordinance.

220.K. SIGNS - Signs shall be permitted as specified in Section 323 of this Ordinance.

220.L. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access driveways serving other uses shall be in accordance with Section 301 of this Ordinance.

220.M. SCREENING - A visual screen must be provided along any existing residential use and/or any adjoining lands within a (R-1, R-2, VO or MU) Zone, regardless of whether or not the land within the (R-1, R-2, VO or MU) Zone is developed. (See Section 322.D. of this Ordinance.)

220.N. LANDSCAPING - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 322 of this Ordinance.)

A minimum twenty (20) foot wide landscape strip shall be provided along all property lines. Such landscape strip does not apply for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

220.O. 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 seventy five (75) feet from any adjoining land within a (R-1, R-2, VO or MU) Zone. All waste receptacles shall be completely enclosed.

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

220.Q. INDUSTRIAL OPERATIONS STANDARDS - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations refer to Section 317 of this Ordinance.

220.R. OUTDOOR STORAGE - Within the (I) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. Section 318 lists other applicable requirements.

Section 221

Q: QUARRY ZONE

221.A. PURPOSE

The purpose of this Zone is to reserve appropriate areas of the Township for quarrying and processing of quarry raw materials; to provide reasonable standards for quarry 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.



221.B. PERMITTED USES - All permitted uses within this Zone are subject to the applicable design standards listed in Section 200 of this Ordinance.

1. **Agriculture and horticulture**, including one dwelling single family detached dwelling unit as a component of the principal use contained on the site subject to the requirements of Sections 200.L of this Ordinance. This use shall expressly exclude:
 - A. **Concentrated animal feeding operations (CAFOs)** and, **Concentrated animal operations (CAOs)** both as defined herein.
 - B. **Commercial produce operations** as defined herein.
2. **Areas and structures devoted to the conservation of open space, water, soil and wildlife resources.**
3. **Forestry uses** subject to the requirements of Section 516 of this Ordinance.
4. **Governmental and municipal uses** as defined herein.
5. **Parks and playgrounds.**
6. **Public utilities structures.**
7. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Alternative energy systems**, subject to the requirements of Section 405 of this Ordinance.
 - B. **Domestic composts**, subject to the requirements of Section 426 of this Ordinance.
 - C. **Domestic pets**, as defined herein.
 - D. **Family day care facilities** as defined herein subject to the requirements of Section 431 of this Ordinance.
 - E. **Fences and walls**, subject to the requirements of Section 434 of this Ordinance.

- F. **Garage yard and/or moving sales**, subject to the requirements of Section 438 of this Ordinance.
- G. **Garages** for personal vehicles and property.
- H. **Gardening and raising of plants for personal use.**
- I. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 447 of this Ordinance.
- J. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 448 of this Ordinance.
- K. **No-impact home-based business**, as defined herein.
- L. **Ornamental ponds and wading pools**, subject to the requirements of Section 461 of this Ordinance.
- M. **Outdoor furnaces**, as defined herein, subject to the requirements of Section 463 of this Ordinance.
- N. **Parking and/or storage of recreational vehicles, travel trailers, boats, and personal cargo trailers**, subject to the requirements of Section 316.W. of this Ordinance.
- O. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- P. **Roadside stands** for the seasonal sale of agricultural products as an accessory use on a farm subject to the requirements of Section 472 of this Ordinance.
- Q. **Residential swimming pools**, subject to the requirements of Section 471 of this Ordinance.
- R. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 473 of this Ordinance.
- S. **Outdoor residential athletic courts** (e.g. basketball, bocci, handball, tennis, volleyball, etc.) subject to the requirements of Section 465 of this Ordinance.
- T. **Satellite dish antennas**, subject to the requirements of Section 476 of this Ordinance.
- U. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 20,000 square feet of a principal residence. For lots with greater than 20,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 20,000 square feet.

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

- 1. **Mining, quarrying and related processing operations**, including the recycling of related construction materials (See Section 453).
- 2. **Wind and/or solar farms**, subject to the requirements of Section 483 of this Ordinance.

221.D. MAXIMUM PERMITTED STRUCTURAL HEIGHT - The height of any principal or accessory structure shall not exceed fifty (50) feet, except that chimneys, flagpoles, water tanks, and other

mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures extending above forty (40) feet from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines.

- 221.E. OFF-STREET LOADING** - Off-street loading shall be provided as specified in Section 315 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a (R-1, R-2, VO or MU) Zone, nor any side of a building facing an adjoining street.
- 221.F. OFF-STREET PARKING** - Off-street parking shall be provided as specified in Section 316 of this Ordinance.
- 221.G. SIGNS** - Signs shall be permitted as specified in Section 323 of this Ordinance.
- 221.H. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access driveways serving other uses shall be in accordance with Section 301 of this Ordinance.
- 221.I. LANDSCAPING** - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 322 of this Ordinance.)
- 221.J. 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 one hundred (100) feet from any adjoining properties. All waste receptacle shall be completely enclosed.
- 221.K.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 221.L. INDUSTRIAL OPERATIONS STANDARDS** - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations refer to Section 317 of this Ordinance.

Section 222

RESERVED FOR FUTURE USE

Section 223

RESERVED FOR FUTURE USE

Section 224

RESERVED FOR FUTURE USE

Section 225

RESERVED FOR FUTURE USE

Section 226

RESERVED FOR FUTURE USE

Section 227

RESERVED FOR FUTURE USE

Section 228

RESERVED FOR FUTURE USE

Section 229

RESERVED FOR FUTURE USE

Section 230

AS: AIRPORT SAFETY OVERLAY ZONE

230.A. PURPOSE AND INTENT

This Zone protects the approaches to the Lancaster and Smoketown Airports by imposing height restrictions beyond which applicant's must demonstrate by qualified expert evidence that the proposed use will not violate the respective Airport Hazard Areas for the respective airport.

230.B. LANDS IN ZONE DEFINED

Areas contained within this Zone are depicted on the Official Zoning.

230.C. HEIGHT REQUIREMENTS WITHIN THE ZONE

1. Within this Zone, no structure shall exceed one hundred (100) feet in height above natural grade without the Zoning Hearing Board granting a special exception subject to the following:
 - A. Certification by a Commonwealth-registered engineer that the proposed height of the use does not extend above the height ceiling depicted on the "Airport Hazard Area for Lancaster Airport" map;
 - B. The applicant shall furnish a letter from the Lancaster Airport Authority indicating that the proposed use has been reviewed and would not violate the permitted height restrictions listed in the Federal Aviation Regulations No. 77; and,
 - C. Certification by a Commonwealth-registered engineer that the proposed use does not extend above the height ceiling depicted on the "Height Limitation and Zoning District Map" prepared by L. Robert Kimball and Associates, for the Smoketown Airport. The same engineer shall certify that the proposed use would not violate the height restrictions listed in the Federal Aviation Regulations No. 77.
2. In lieu of this section, telecommunication and wireless communications facilities and similar antennae shall be subject to the regulations of Sections 419 and 436 of this Ordinance.

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.A. NUMBER PER LOT

Except as specified elsewhere, the number of access drives intersecting with a street may not exceed the equivalent of one (1) two-way access drive per each three hundred feet (300') of lot frontage and no more than a total of the equivalent of two (2) two-way access drives per lot frontage. The Township may restrict access to right turn only ingress and egress to ensure safe and efficient movements. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

301.B. SETBACKS

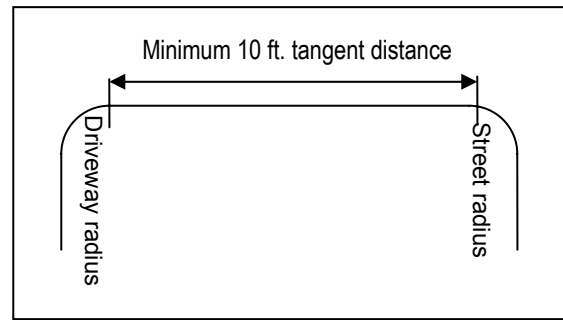
All access drives shall be set back at least:

1. Along arterial roads - Four hundred (400) feet from the intersection of any street right-of-way lines except that the creation of through intersections directly across the street are permitted;
2. Along collector and local roads - Two hundred (200) feet from the intersection of any street right-of-way lines except that the creation of through intersections directly across the street are permitted;
3. Where applicable, a proposed access drive located on one side of a street shall be aligned so that it is directly across from another access drive or intersection on the opposite side of the street;
4. The following lists the minimum required setbacks between access drives located upon the same lot (measured from closest radii edges):

| Adjoining Road Types (see Section 321 of this Ordinance) | Required Minimum Setback |
|--|--------------------------|
| Along an arterial road | 400 feet |
| Along a collector road | 200 feet |
| Along a local road | 100 feet |

5. Fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.
6. If any of the preceding required setbacks cannot be met the Zoning Hearing Board may grant a special exception to approve an alternate access drive design subject to the following criteria:

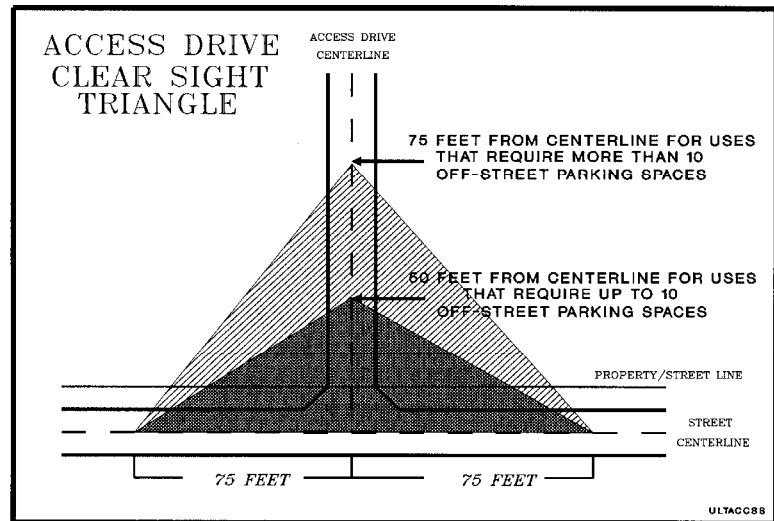
- a. There shall be a minimum 10-foot tangent distance between the end of the intersecting roadway radius and the beginning radius of a permitted access drive. See diagram below.
- b. The distance from the nearest edge of cartway of an intersecting roadway to the beginning radius of a permitted access drive shall be a minimum of 30 feet.
- c. If no other reasonable access to the property is available, and no reasonable alternative is identified, the access drive 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.
- d. The municipality shall require restrictions at the access drive if the Township engineer determines that the location of the access drive and particular ingress or egress movements will create safety or operational problems.



301.C CLEAR-SIGHT TRIANGLE

Access drives shall be located and constructed so that no permanent obstructions and/or plant materials over thirty inches (30") shall be placed and/or maintained within a clear-sight triangle of:

1. one hundred (100) feet as measured along the street centerline and fifty (50) feet as measured along the access drive for uses requiring up to, and including, ten (10) off-street parking spaces; and,
2. one hundred (100) feet as measured along the street centerline and along the access drive centerline is maintained for uses requiring more than ten (10) off-street parking spaces.
3. Deviations from the requirements of this Section 301.C. that are proposed during the subdivision / land development process shall be reviewed as a waiver according to Section 305 of the SLDO; and,
4. Deviations from the requirements of this Section 301.C. that are proposed during the zoning permit process that do not involve a subdivision / land development review shall be reviewed as a variance according to Section 304.D. of this Zoning Ordinance.



301.D. ACCESS MANAGEMENT ALONG ARTERIAL ROADS

Where possible, vehicular access for nonresidential land uses along arterial roads (See Section 321) shall incorporate shared access drives among adjoining land uses with interconnected off-street parking lots. Such shared access drives shall be accompanied by a cross access easement in a form acceptable to the Township Solicitor.

301.E. SLOPE

Access drives shall not exceed a slope of four percent (4%) within seventy-five (75) feet of the intersecting street centerline and ten percent (10%) elsewhere;

301.F. SURFACING

The entire length and width of all access drives shall be provided and maintained with a paved surface as defined herein;

301.G. ACCESS DRIVE WIDTH

The following table specifies various access drive width requirements:

| Function | Required Minimum Cartway Width |
|--|---------------------------------------|
| Two lanes of traffic without parallel parking* | 24 feet |
| One lane of traffic without parallel parking** | 12 feet |
| Median separating traffic lanes | 4 feet |
| * Off-street parking lots must be provided in accordance with Section 316 of this Ordinance and the prohibition of on-street parking must be identified along the cartway. | |
| ** The one-way direction of traffic must be identified along the cartway. | |

301.H. ACCESS DRIVE THROAT LENGTH & RADIUS

The following table specifies various access drive throat length requirements to be measured between the closest edge of two intersection cartways and the proposed access drive:

| Access Drive Type | Required Minimum Throat Length | Minimum Required Radius Uncurbed/curbed |
|--|---------------------------------------|--|
| Low volume (up to 750 vehicles per day) | 50 feet* | 15 ft. / 25 ft. |
| Medium volume (between 751 - 1499 vehicles per day) | 120 feet* | |
| High volume (over 1499 vehicles per day) | 150 feet* | as determined by traffic impact study or Township engineer |
| *Or as determined through a queuing analysis as part of a traffic impact study in accordance with Section 320 of this Ordinance. | | |

301.I. REQUIRED PERMIT

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

301.J. SIGHT DISTANCE

Sight Distance – Adequate sight distance shall be provided in accordance with Section 602.13. of the SLDO. Deviations from the access requirements of the SLDO that are proposed during the subdivision / land development process shall be reviewed as a waiver according to Section 305 of the SLDO. Deviations from the access requirements of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be reviewed as a variance according to Section 804.D. of this Zoning Ordinance.

301.K. ACCESS DRIVE CONFIGURATION

1. For uses requiring a traffic impact study as per Section 320 of this Ordinance, access drives shall incorporate those features deemed warranted to minimize congestion (e.g. traffic signalization, dedicated turning lanes and signal cycles, acceleration / deceleration lanes, medians, one way access drives, etc.).
2. Channelization – When recommended in a traffic impact study as per Section 320, channelization islands and medians shall be used to separate conflicting traffic movements into specified lanes to facilitate orderly movements for vehicles and pedestrians. Where it is found to be necessary to restrict particular turning movements at an access drive, due to the potential disruption to the orderly flow of traffic or a result of sight distance constraints, the Township shall require a raised channelization island. Raised channelization islands shall be designed with criteria consistent with the latest AASHTO publication entitled *A Policy on Geometric Design of Highways and Streets*.

301.L. CONNECTION TO LESSER ROAD CLASSIFICATION

Whenever a use has the ability to connect its access drive(s) to either of two (2) different classifications of roads as listed in Section 321 of this Ordinance, such access drives shall be required to connect with that road of lower classification according to the following hierarchy:

| | | |
|--|-----------|-------|
| Highest Classification >>>>>>>>>>>>>>>>>>>>>> Lowest Classification | | |
| Arterial | Collector | Local |

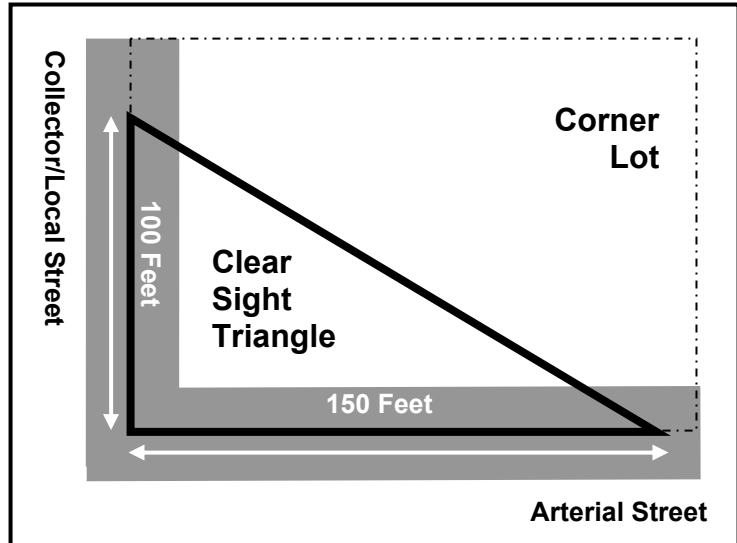
SECTION 302 ACCESS TO PROPERTIES & STRUCTURES

- 302.A.** Every new principal use created and/or building hereafter erected or moved shall be on a lot with frontage along a public street or approved private street.
- 302.B.** Outparcel lots are also permitted provided that they have adequate vehicular access in accordance with 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.C.** All structures 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. The creation of new principal uses and the erection of buildings without approved access shall not be permitted.

302.D. Approved access shall be defined in terms of the Subdivision and Land Development Ordinance of Upper Leacock Township, 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 305); access to lots containing other uses shall be via access drives (see Section 301).

SECTION 303 CLEAR SIGHT TRIANGLE

303.A. On corner lots, there shall be provided and maintained a clear sight triangle of at least one hundred (100) feet, as measured along the centerline of each local and/or collector streets or at least one hundred fifty (150) feet, as measured along the centerline of any arterial 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.



1. Deviations from the requirements of this Section 303.A. that are proposed during the subdivision / land development process shall be reviewed as a waiver according to Section 305 of the SLDO; and,
2. Deviations from the requirements of this Section 303.A. that are proposed during the zoning permit process that do not involve subdivision / land development review shall be reviewed as a variance according to Section 804.D. of this Zoning Ordinance.

303.B. 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.C. Clear sight-triangles for driveways are regulated by 305.C. of this Ordinance. Clear sight-triangles for access drives are regulated by Section 301.C. of this Ordinance.

SECTION 304 COMMON OPEN SPACE REQUIREMENTS

304.A. 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 the following:

304.B. REQUIRED OPEN SPACE DESIGN

Required open space shall be designed and arranged to achieve at least one of the following

objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

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

304.C. OWNERSHIP AND MAINTENANCE

An essential element of the provision of open space is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through any of the following:

1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
2. With permission of the Township, and with an appropriate conservation easement as specified in Section 304.D. of this Ordinance, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township; and/or,
3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. § 3101 et seq, or the Pennsylvania Planned Community Development Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
 - A. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance;
 - B. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities; and,
 - C. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

304.D. PERMANENT PROTECTION OF COMMON OPEN SPACE

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 of Supervisors, limit 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.) The determination of necessity shall lie solely with the Board of Supervisors.

SECTION 305 DRIVEWAY REQUIREMENTS (SINGLE-FAMILY DWELLING)

305.A. NUMBER PER LOT

No more than two (2) driveway connections per lot frontage shall be permitted;

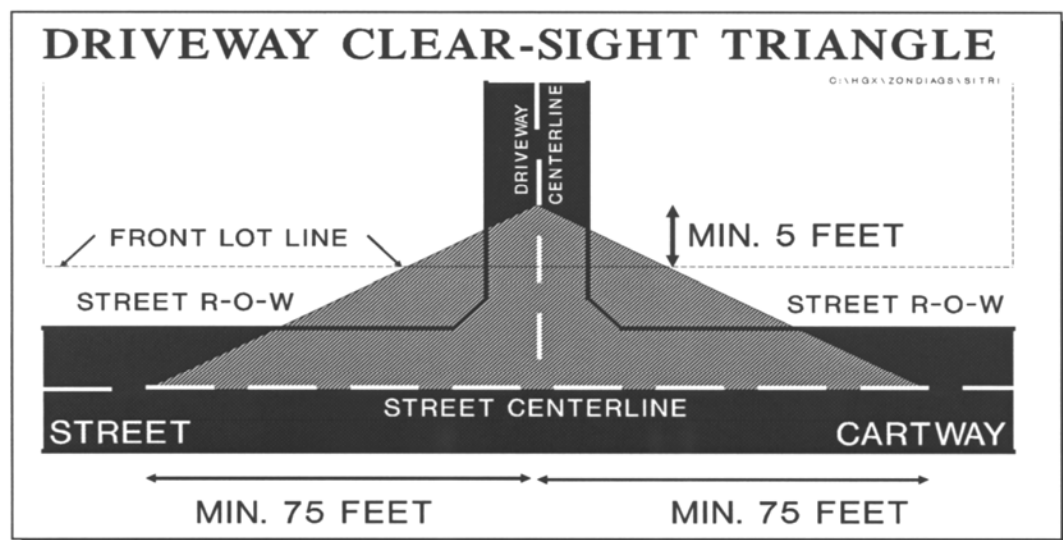
305.B. SETBACKS

Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets; except that driveways may connect with a local street as listed in Section 321 of this Ordinance directly opposite another local street or access drive. Driveways shall not connect with a public street within five (5) feet of a fire hydrant. Furthermore, no part of a driveway shall be located within five (5) feet from any adjoining side lot line, except as permitted in Sections 200.N.1.H., 305.K., 305.L., 305.M., and 305.N. of this Ordinance;

305.C. CLEAR-SIGHT TRIANGLE

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; no permanent obstructions and/or plant materials over thirty inches (30") high shall be placed and/or maintained within this area;

1. Deviations from the requirements of this Section 301.C. that are proposed during the subdivision / land development process shall be reviewed as a waiver according to Section 305 of the SLDO; and,
2. Deviations from the requirements of this Section 301.C. that are proposed during the zoning permit process that do not involve subdivision / land development review shall be reviewed as a variance according to Section 804.D. of this Zoning Ordinance.



305.D. ADEQUATE SIGHT DISTANCE

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. 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.

305.E. 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%) at any point;

305.F. ROAD CLASSIFICATION

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

305.G. DRIVEWAY SURFACE, WIDTH & APRON

No driveway shall provide a curb cut exceeding twenty-four (24) 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 feet (20') feet onto the subject property. Beyond the paved apron all driveways shall be provided with a dust free surface or in the case of farm lanes an alternative 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;

305.H. REQUIRED PERMIT

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

305.I. DRAINAGE

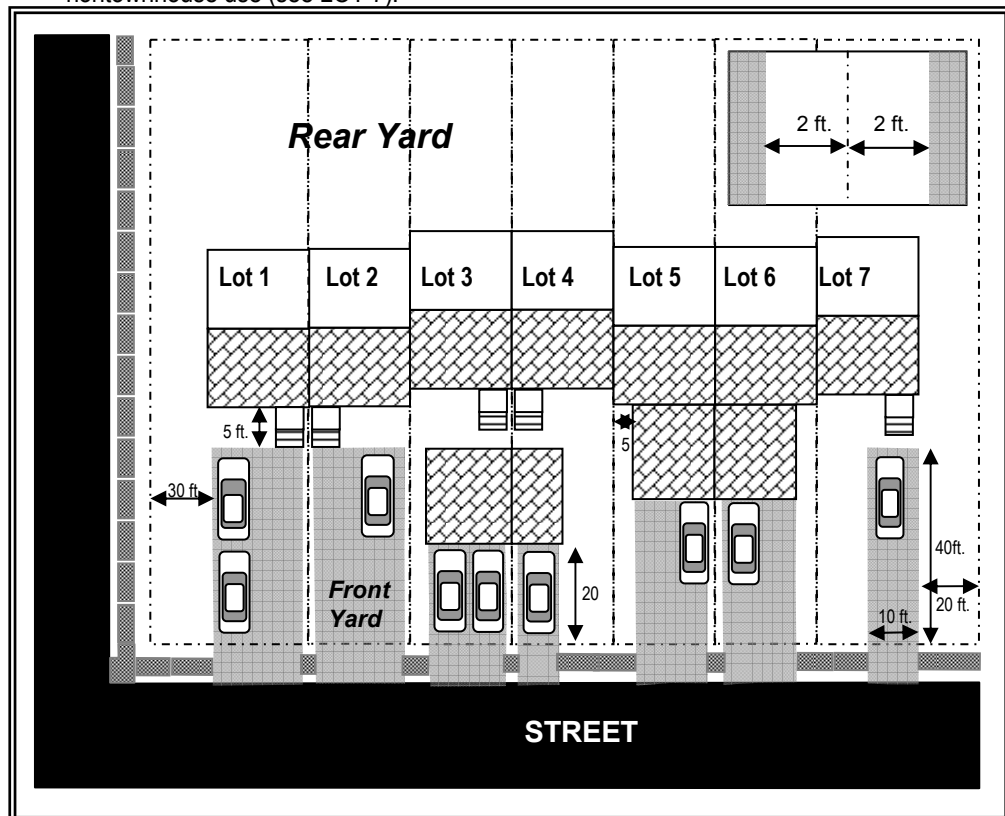
Driveways shall be constructed in a manner consistent with the design, maintenance, and drainage of the street;

305.J. VERTICAL CLEARANCE

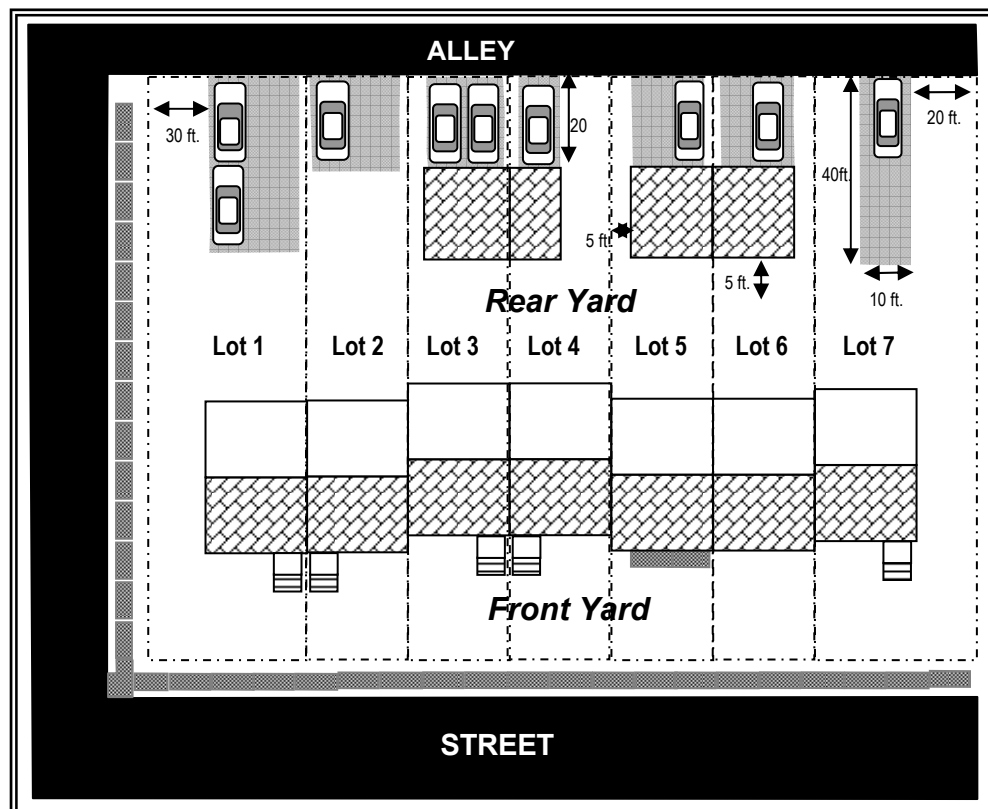
Driveways shall maintain a height of at least twelve (12) feet that is clear of obstructions and vegetation to facilitate emergency vehicle access.

305.K. 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:

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

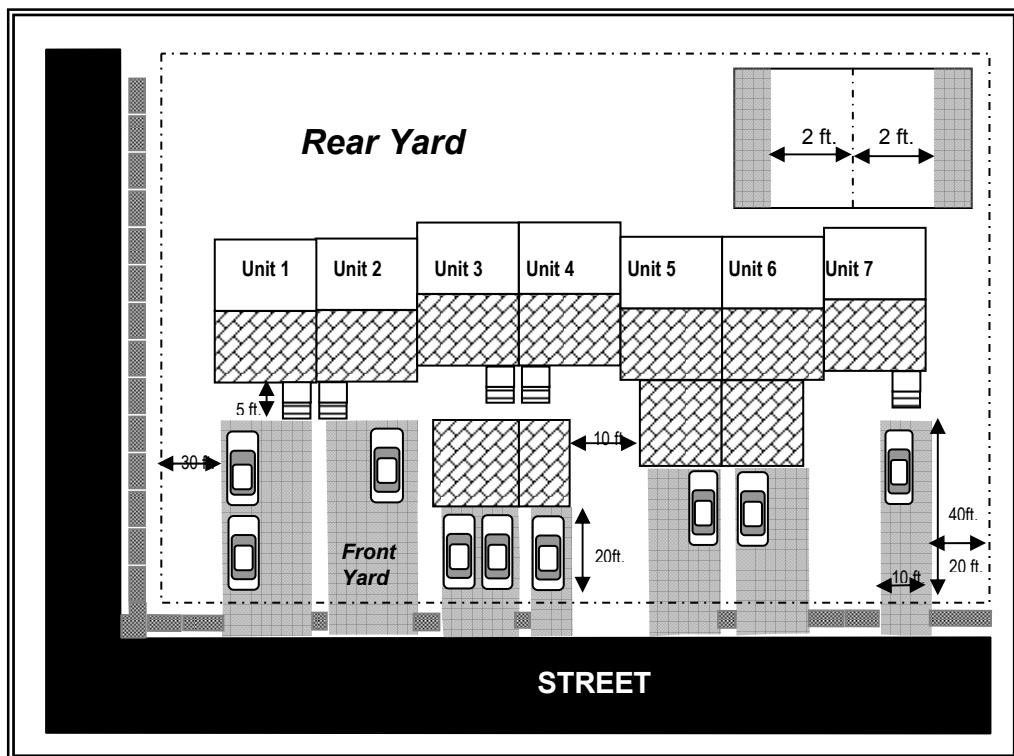


- 305.L.** Townhouses on individual lots are permitted to utilize rear yard driveways and garages, if such driveways and garages comply with the following requirements as depicted in the following diagram:
1. Such driveways must be separate on each lot and shall accommodate at least two (2) of the required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



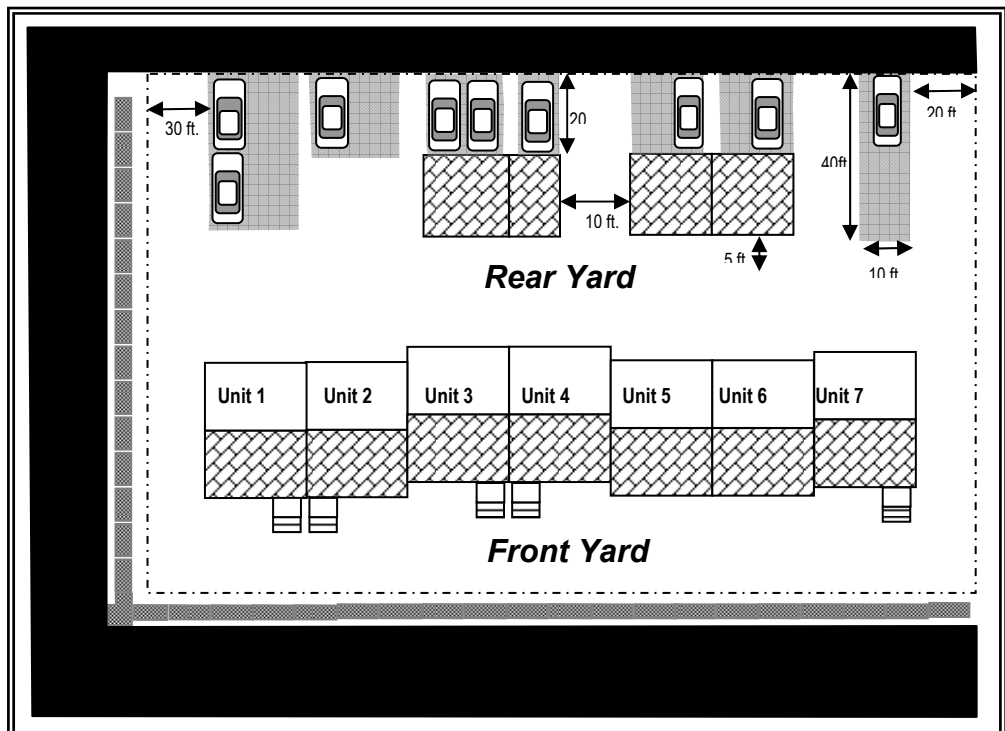
305.M. Townhouses on common property are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following requirements as depicted in the following diagram:

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



305.N. Townhouses on common property are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to comply with the following requirements depicted in the following diagram:

1. Such driveways must be separate for each unit and shall accommodate at least two (2) of the required three (3) off-street parking spaces;
2. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see UNIT 7);
3. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage (see UNIT 4);
4. 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);
5. Such driveways must be set back at least:
 - A. 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);
 - B. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 - C. 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,
 - D. five feet (5') from the closest point of any building other than a garage (see UNIT 6).
6. No individual driveway shall be narrower than ten feet (10') (see UNIT 7);
7. Garages must be attached to, and rely upon, a driveway as permitted above;
8. Garages must be set back at least:
 - A. twenty feet (20') from the rear lot line or alley cartway whichever provides the greater setback (see UNIT 4);
 - B. ten feet (10') from any garage of an adjoining townhouse that does not share an attached garage;
 - C. five feet (5'), from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4); and,
 - D. 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 306 ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT

- 306.A.** 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 other requirements of this Ordinance (including but not limited to Section 302 of this Ordinance) as though it were on an individual lot, and a plan has been recorded in compliance with the SLDO.
- 306.B.** An applicant for more than one principal use on a lot shall be required to submit information and detailed plans that demonstrate compliance with this Section (e.g. ghost property lines, and related setbacks, respective ghost lot coverage calculations and etc.)

SECTION 307 RESERVED FOR FUTURE USE

SECTION 308 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 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 twenty (20) feet from an abutting street right-of-way line.

SECTION 309 RESERVED FOR FUTURE USE

SECTION 310 HEIGHT LIMIT EXCEPTIONS

- 310.A.** 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 and are constructed in accordance with the prevailing Uniform Construction Code:
1. 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;
 2. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances;
 3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,
 4. Church or school roofs.
- 310.B.** In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for any use; and,
- 310.C.** All uses must comply with Section 230 (Airport Safety Zone) of this Ordinance.
- 310.D.** In lieu of this section, telecommunications towers, wireless communication facilities, and similar antennae shall be subject to the regulations of Sections 419 and 436 of this Ordinance.

SECTION 311 OUTDOOR LIGHTING

- 311.A. PURPOSES** - This Section is enacted for the following purposes:

1. 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;
2. 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;

3. 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;
4. To promote outdoor lighting installations which serve to enhance the nighttime safety and enjoyment of pedestrians, cyclists, and motorists throughout the community;
5. To set forth outdoor lighting requirements which are consistent with lighting industry standards and practices, available technologies, and the lighting sciences.

311.B. APPLICABILITY - The requirements of this Section shall apply to all outdoor lighting installations as follows:

1. Outdoor lighting installations which are newly designed, constructed, erected, or otherwise placed into operation after the effective date of this Ordinance;
2. 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.
3. Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Ordinance, the new light fixture must meet the standards of this Section.

311.C. NON-APPLICABILITY - 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 light fixture components such as ballasts, ignitors, lenses, reflectors, refractors, sockets, or photocell controls.

311.D. ADOPTIONS BY REFERENCE

1. Adoption of the IESNA Lighting Handbook. The publication, a copy of which is on file in the Township Office, being marked and designated as "Lighting Handbook", most recent edition, as published by the Illuminating Engineering Society of North America (IESNA), and referred to in this Section as "The IESNA Lighting Handbook," is hereby adopted by reference and made a part hereof as if fully set out in this Section.
2. Adoption of the ANSI/IESNA Lighting Definitions. 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.

311.E. 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.

311.F. PERFORMANCE STANDARDS

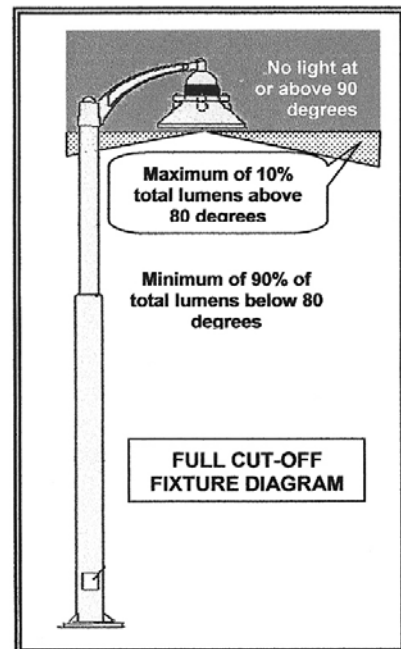
1. Any lighting used to illuminate lawfully conducted activities associated with a single residential or agricultural use (including accessory uses) shall be arranged so as to deflect light away from any adjoining property or from the public street. The light source shall be downcast, hooded, shielded or controlled so as not to light adjacent property in excess of the maximum intensity as listed in Section 311.F.4. of this Ordinance. 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.
2. Any lighting used to illuminate lawfully conducted activities associated with any use other than a single residential or agricultural use shall be arranged so as to deflect light away from any adjoining property or from the public street in accordance with the following requirements. Proper mounting height, shielding, setback and aiming rather than vegetative screening shall be used to serve as the primary means of controlling light trespass.

A. Use of Full Cutoff Light Fixtures Required - Except as noted below in Sections 311.F.2.A.3. and 4., all light fixtures employed in outdoor area and roadway lighting installations shall be the full cutoff light fixture type.

1. The candlepower distribution classification of the light fixture as a cutoff type shall be in accordance with the ANSI/IESNA Lighting Definitions and the IESNA Lighting Handbook. The manufacturer of the light 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 cutoff light fixture types shall include, but is not limited to, the following outdoor area and roadway lighting configurations:

- a. Pole-mounted light fixtures.
- b. Light fixtures mounted on the exterior of buildings and structures.
- c. Light fixtures mounted on or within exterior canopies of buildings and structures.
- d. Pedestal-or bollard-mounted light fixtures.

2. Full cutoff light 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 light 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. Cutoff light fixtures shall not be



installed in a canted or tilted position which permits candlepower distribution above the horizontal.

3. Light fixtures which do not meet the strict definition for full cutoff light fixtures, yet employ advanced or alternative technology which causes the photometric performance to approach that of cutoff light fixtures, may be approved by the Township, or its duly appointed representative, on a case-by-case basis. Such light fixtures include, but are not limited to, period-style light fixtures with refractive globes and internal cutoff reflectors.
 4. Light 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).
 5. Poles and standards supporting lighting fixtures, except wooden poles or standards, shall be suitably protected from collision by vehicles by being placed atop a concrete pedestal at least 30" high or protected by steel bollards, or when directly behind parking spaces set back a minimum of 5' behind tire stops or edge of pavement.
 6. The use of floodlights and building-mounted light fixtures for area lighting shall be permitted only when such lighting cannot be achieved using pole-mounted lighting equipment.
3. Illumination Levels - Outdoor lighting, where required by this Ordinance or otherwise required by the Township, or provided on property within the Township shall be provided within the range of permitted lighting levels as specified in the following table:

| Required Maintained 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 |
| Off-street parking lots & bicycle racks | 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 without hazards (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 | 5.0 |
| 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 311.F.12. of this Ordinance. | | | |

4. 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. No light source or combination thereof shall cast light on adjacent residential property that exceeds one tenth (0.1) footcandle as measured at an adjacent property's side and rear lot lines or one (1.0) footcandle on an adjacent non-residential property.
5. Method of Measuring Light – Except for signs, the footcandle level of a light source shall be taken after dark with the light meter held 6" above the ground with the meter aimed at the light source. For signs, the footcandle level of a light source shall be taken after dark with the light meter held 6" away from the brightest spot on the face of the sign with the meter aimed at the brightest spot on the face of the sign. 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.
6. Height - The maximum height above the ground grade permitted for light sources mounted on a pole is twenty (20') feet except in the case where a parking lot contains at least one hundred contiguous parking spaces and/or when the light source serves an off-street loading space and related maneuvering area, in which cases the maximum permitted height shall be 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 and no light sources shall be located on the roof unless said light's intended purpose is solely to enhance the architectural features of the building.
7. Location – Except for lights mounted on an individual residence, 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.
8. Hours - Outdoor lighting, which serves commercial, industrial, recreational, social or institutional 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 311.F.9. 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, industrial, recreational, social or institutional use closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting. Programmable controllers shall be required to automatically control outdoor lighting.
9. 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 upon grounds and parking lots. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it. The level of illumination shall not exceed a maximum average illumination of twenty-five percent (25%) that level required in Section 311.F.3. of this Ordinance.
10. Illumination Under Outdoor Canopies. Under-canopy lighting, shall be accomplished using flat-lens full-cutoff light fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the light 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:
 - A. Fuel island canopies associated with service stations and convenience stores.

- B. Exterior canopies above storefronts in shopping centers and malls.
 - C. Exterior canopies above driveways and building entrances.
 - D. Pavilions and gazebos.
11. Billboards and Signs - The lighting of new, or replacement of lighting systems of existing, billboards and signs shall be subject to the following requirements:
- A. All electrically illuminated signs and billboards shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.
 - B. Externally illuminated billboards and signs shall have light fixtures mounted at the top of the billboard or sign and aimed downward. The light 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.
 - C. The light source for internally illuminated signs and billboards shall not exceed 3,500 nits during daytime hours or 125 nits during nighttime hours.
 - D. The illumination of billboards shall be limited to the (I-1) Zone and the illumination of billboards within four hundred (400') feet of a residential use or (R-1, R-2, VO or MU) Zone is prohibited.
 - E. 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.
 - F. 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 or (R-1, R-2, VO or MU) Zone.
 - G. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the GC, I-1 and/or Q Zones and shall comply with the requirements of Section 323.C.32 of this Ordinance.
 - H. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
 - I. Applications for the lighting or relighting of signs and/or billboards shall be accompanied by a point-by-point plot of illuminance on the sign or billboard face, catalog cuts of proposed light 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 .
12. Outdoor Recreation - No lighting of recreation facilities shall be permitted brighter than that necessary for security purposes except during recreation events. The following requirements shall apply to the lighting of outdoor recreation facilities:
- A. Lighting shall be accomplished only through the use of light fixtures conforming to IESNA full-cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.
 - B. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM.

- C. Maximum mounting heights for recreational lighting shall be in accordance with the following:

| Outdoor Recreation Activity | Maximum Mounting Height |
|--|-------------------------|
| Basketball | 35' |
| Football | 70' |
| Soccer, Lacrosse, Field Hockey, Rugby and other similar field sports | 70' |
| Baseball 200' Radius | 60' |
| Baseball 300' Radius | 90' |
| Miniature Golf | 20' |
| Swimming Pool Aprons | 20' |
| Tennis | 50' |
| Track | 70' |

- D. Off street parking areas for outdoor recreation uses, which are illuminated, shall meet the requirements stated in Section 311.F.3. of this Ordinance
- E. To assist the Township in determining whether lighting will be permitted, in addition to the normal lighting plan submission requirements listed in Section 311.H. of this Ordinance, applications for illuminating recreational facilities shall also contain the following:
1. 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.
 2. Elevations containing pole and light fixture mounting heights, horizontal and vertical aiming angles and light fixture arrays for each pole location.
 3. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight.
 4. Elevation drawings containing illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. In the case where an adjoining property is undeveloped, elevation drawings containing illuminance plots on the facades plotted at the minimum required applicable setback line of all potential residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this Ordinance.
 5. 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.
 6. A narrative describing the measures proposed to achieve minimum off-site disturbance.

311.G. PROHIBITIONS - No search lights, flashing lights or lights that may cause a hazard by impairing driver's vision shall be permitted.

311.H. 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:

1. Plans indicating the location on the premises, and the type of illuminating devices, light fixtures, lamps, supports, reflectors and other devices.
2. Description of illuminating devices, light 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 of light emissions, etc.).
3. 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. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.
4. 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.
5. 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).
6. Required Plan Notes - The following notes shall appear on the Lighting Plan:
 - A. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.

311.I. EXEMPTIONS - The standards of this Section 311 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.

SECTION 312 LITTER

- 312.A.** No property shall be developed, used or maintained in a state that creates litter either on the property or upon any adjoining properties and/or roads;
- 312.B.** Any property containing litter on the effective date of this Ordinance shall be considered nonconforming. Such litter may continue for a period not to exceed ten (10) days from the effective date of this Ordinance. After the ten (10) day period, such litter shall be removed by the owner; and,
- 312.C.** Should any property or use be conducted or maintained in a condition that causes repeated litter complaints or violations, the owner shall be required, upon the instruction of the Zoning Officer, to prepare and implement a working plan for the cleanup of such litter as a condition of

SECTION 313 MINIMUM HABITABLE FLOOR AREA

313.A. All dwelling units must conform to the following minimum habitable floor area requirements:

1. Single-family, duplex, quadraplex and townhouse dwelling units: seven hundred (700) square feet per dwelling unit.
2. Multi-family dwellings and conversion apartments: four hundred (400) square feet per dwelling unit.

SECTION 314 NOISE STANDARDS

314.A. Except for agricultural, horticultural and forestry-related uses and as provided on Section 314.B. of this Ordinance, no use shall regularly 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, MU, VG, or VO | 6 a.m. to 10 p.m. | 60 dBA |
| R-1, R-2, MU, VG, or VO | 10 p.m. to 6 a.m. | 55 dBA |
| GC | 6 a.m. to 10 p.m. | 70 dBA |
| GC | 10 p.m. to 6 a.m. | 65 dBA |
| A, I-1 and Q | Anytime | 75 dBA |

314.B. 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 temporary noises and infrequent instantaneous noises may be permitted at noise levels 20 dBA higher than the above-described standards, but only between 7 a.m. and 10 p.m.;

1. 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,
2. Infrequent instantaneous noises occurring no more than twice per hour but not exceeding ten (10) occurrences each day.

314.C. Sound pressure level shall be measured according to the specifications published by the American Standard Association.

314.D. All noise shall be muffled so as not to be objectionable due to intermittence, beat, frequency, or shrillness.

314.E. The maximum permissible sound limits listed above shall not apply to any of the following noise sources:

1. The emission of sound for the purpose of alerting people to the existence of an emergency or associated practice drill.
2. 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.

3. Domestic power tools, machines, and/or equipment between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time).
4. 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).
5. Public celebrations, including fireworks displays, authorized by the Township.
6. Blasting operations associated with extractive related industries when conducted in accord with use specific regulations contained within Section 453 of this ordinance.
7. 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).

SECTION 315 OFF-STREET LOADING

315.A. WHEN REQUIRED

Off-street loading shall be required in accordance with this Section prior to the occupancy of any building or use that requires off-street loading. Off-street loading shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

1. a new use is established,
2. the use of a property or building is changed such that more loading space is required, and
3. an existing use is enlarged such that more loading space is required.

315.B. SITE PLAN APPROVAL

1. 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.
2. No Zoning Permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

315.C. SURFACING

All off-street loading spaces, including access drives, shall be constructed and maintained with a paved surface, as defined herein.

315.D. LOCATION & ORIENTATION

Except as provided elsewhere, a ground-level off-street loading space may only be located in any side or rear yard. No off-street loading space is permitted between a building and an adjoining street right-of-way. No exterior portion of an off-street loading space (including access drives) shall be located within fifty (50) feet of any R-1, R-2, MU, VG, or VO Zone; off-street loading space shall be located on the face of a building not facing any adjoining land in these zones.

315.E. CONNECTION TO STREET

Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide, exclusive of curb returns and gutters.

315.F. SEPARATION FROM STREETS, SIDEWALKS, AND PARKING LOTS

Off-street loading spaces shall be designed so that there will be no need for service vehicles to back onto streets or sidewalks. Furthermore, off-street loading spaces shall not interfere

with off-street parking lots or with the free movement of vehicles and pedestrians on the site and over a public street.

315.G. DRAINAGE

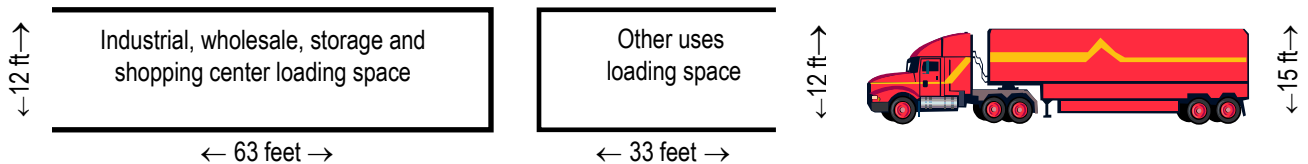
Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading spaces shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

315.H. REQUIRED OFF-STREET LOADING SPACE SIZES

Off-street loading spaces shall have a rectangular shape with not less than the following dimensions, excluding access drives, entrances, and exits. Angled spaces will need to be longer to achieve the rectangular shape.

| Facility | Length | Width | Height (if covered or obstructed) |
|--|---------|---------|--------------------------------------|
| Industrial, Wholesale and Storage Uses and Shopping Centers | 63 feet | 12 feet | 15 feet |
| All Other Uses | 33 feet | 12 feet | 15 feet |

Off-Street Loading Space Diagram (§315.H.)



315.I. ACCESS

Off-street loading spaces shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle. All access drives shall be so designed and constructed such that it will not be necessary for drivers to back out onto a street. All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them. Such back-up and turn-around areas shall also be considered to be part of the off-street loading space for purposes of location, setbacks, orientation and screening.

315.J. LIGHTING

Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall comply with Section 311 of this Ordinance.

315.K. LANDSCAPING AND SCREENING REQUIREMENTS

Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street loading facilities shall be screened from adjoining areas in the R-1, R-2, MU, VG, and VO Zones and all adjoining public streets. All landscaping and screening shall be provided in accordance with the standards listed in Section 322 of this Ordinance.

315.L. LOADING SPACE MARKINGS

All off-street loading spaces shall be marked and maintained for the purpose of defining all loading spaces and interior drives. As a minimum, the lines of all off-street loading spaces and interior drives (including directional arrows) shall be in a color typically suitable for such markings and shall be at least four (4) inches in width. Painted lines, arrows, and dividers

shall be provided and maintained to control truck parking and to direct vehicular circulation.

315.M. 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 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 | See Section 479 | |
| 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 |
| | 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 316 OFF-STREET PARKING

316.A. 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:

1. A building is constructed or a new use is established,
2. The use of an existing building is changed to a use requiring more parking facilities, and
3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

316.B. 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 316.W. of this Ordinance.

316.C. PARKING FOR SINGLE-FAMILY DETACHED DWELLINGS

Every single-family dwelling shall be required to provide at least two (2) off-street parking spaces that are each rectangular and 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 305 of this Article. The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single-family dwelling.

316.D. SITE PLAN APPROVAL

1. 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.
2. 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.

316.E. SURFACING

All parking lots and/or parking garages shall be constructed and maintained with a paved surface, as defined herein.

316.F. SEPARATION FROM STREETS AND SIDEWALKS

Parking spaces shall be guarded by curbs or other protective devices, which shall be arranged so that parked cars cannot project into streets, yards, or walkways. All parking lots, parking garages and parking spaces shall be designed such that vehicles shall only be able to enter an adjoining street in a forward direction.

316.G. DRAINAGE

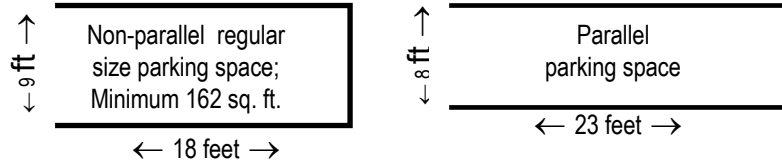
Parking lots and/or parking garages shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan to be approved by the Township under the terms of the SLDO.

316.H. PARKING SPACE SIZES

1. Within an off-street parking lot and/or a parking garage, each parking space for passenger vehicles (except those spaces dedicated for use by handicapped persons) shall have a minimum length of eighteen (18) feet and a minimum width of nine (9) feet with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.

2. Where parallel parking is proposed, parking spaces within an off-street parking lot and/or a parking garage shall be delineated by painted lines and shall have a minimum width of eight (8) feet as measured from the curb or cartway edge and a minimum length of twenty-three (23) feet as measured along the curb or cartway edge with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.

Off-Street Parking Spaces Diagram (§316.H.)



316.I. PARKING SPACES FOR DISABLED PERSONS.

1. All uses shall comply with the Americans with Disabilities Act (or successor regulation) which shall supersede any conflicting requirements of this Section 316.
2. Parking Space Size and Identification - Each such parking space shall have a minimum size as required by the American with Disabilities Act. Angled spaces will need to be longer to achieve the rectangular shape. Vertical clearance for parking spaces shall be a minimum of eight (8) feet, two (2) inches above grade. Parking space identification signs shall be provided for each parking space and shall include the International Symbol of Accessibility. Such signs must also contain the phrase "van accessible" and be located no less than five (5) feet above the finished grade of the parking lot surface as measured to the bottom of the sign. Each parking space that is oriented perpendicular to the accessible routes between the parking spaces and the entrances to the use of the property shall be fitted with wheel stops so that parked vehicles do not obstruct the required clear width of the accessible route.
3. Minimum Number - All uses shall provide a minimum number of parking spaces for the handicapped in accordance with the following table. In the instance where several uses share a common off-street parking lot, each use must provide for its required parking spaces for the handicapped.

316.I.3. Minimum Number of Parking Spaces for the Handicapped

| Total Number of Parking Spaces Provided in Parking Lot and/or Parking Garage | Minimum Number of Required Accessible Parking Spaces |
|---|---|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | 2 percent of total |
| 1001 and over | 20, plus 1 for each 100, or fraction thereof, over 1000. |

4. Required Access Aisles - Each parking space for the handicapped shall be located

directly adjoining an accompanying access aisle and two parking spaces may share an access aisle unless angled parking spaces are used. In such instance, each parking space shall be required to provide an access aisle on the passenger side of the parking space assuming the driver pulls into the parking space in a forward direction. Access aisles shall be a minimum of five (5) feet wide and shall extend the full length of the adjoining parking spaces. Access aisles shall be clearly marked through surface painting and/or suitable signage. Access aisles shall be on the same surface as its accompanying parking space; no grade changes are permitted. No built-up curb ramps are permitted within the access aisles

5. Required Access Routes - Each parking space for the handicapped and its accompanying access aisle shall be located directly adjoining access route that connects to the handicapped-accessible entrance to the use on site. Such routes shall not be directed such that they pass behind parked vehicles within the parking lot (assuming driver pulls into the parking space in a forward direction). Where practicable, parking spaces and access aisles shall be located so that access routes need not cross vehicle traffic lanes. When access routes cross travel lanes, they shall be clearly marked with a painted crosswalk. Access routes should be clear of surface openings of greater than ½ inches in diameter and any drainage grates shall be oriented so that the longer axes of any openings run perpendicular to the direction of the access route. Walking surfaces must have stable slip-resistant surfaces with running slopes not steeper than 1:20 and cross slopes not be steeper than 1:48. Access routes shall be a minimum of three (3) feet wide and shall provide for passing spaces that are at least 60 inches wide at no less than 200 foot intervals.
6. Curbs and Ramps – Curbs and ramps along access routes shall comply with the following. The counter slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20. The adjacent surfaces at transitions at curb ramps to walks, gutters, and streets shall be at the same level. Where provided, curb ramp flares shall not be steeper than 1:10. Landings shall be provided at the tops of curb ramps. The landing clear length shall be 36 inches minimum. The landing clear width shall be at least as wide as the curb ramp, excluding flared sides, leading to the landing. Curb ramps and the flared sides of curb ramps shall be located so that they do not project into vehicular traffic lanes, parking spaces, or parking access aisles. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides. Diagonal or corner type curb ramps with returned curbs or other well-defined edges shall have the edges parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have a clear space 48 inches minimum outside active traffic lanes of the vehicle traffic lanes. Diagonal curb ramps provided at marked crossings shall provide the 48 inches minimum clear space within the markings. Diagonal curb ramps with flared sides shall have a segment of curb 24 inches long minimum located on each side of the curb ramp and within the marked crossing. Raised islands in crossings shall be cut through level with the vehicle traffic lanes or have curb ramps at both sides. Each curb ramp shall have a level area 48 inches long minimum by 36 inches wide minimum at the top of the curb ramp in the part of the island intersected by the crossings. Each 48 inch minimum by 36 inch minimum area shall be oriented so that the 48 inch minimum length is in the direction of the running slope of the curb ramp it serves. The 48 inch minimum by 36 inch minimum areas and the accessible route shall be permitted to overlap.

316.J. INTERIOR AISLES

1. Interior aisles between rows of parking spaces within off-street parking lots and/or parking garages shall have the minimum widths shown:

| Angle of Parking | Width of Aisle: One-Way Traffic | Width of Aisle: Two-Way Traffic |
|------------------|---------------------------------|---------------------------------|
| 90 Degrees | 24 feet | 24 feet |
| 60 Degrees | 20 feet | 24 feet |
| 45 Degrees | 18 feet | 24 feet |
| 30 Degrees | 12 feet | 24 feet |
| Parallel | 12 feet | 24 feet |

- Interior aisles within off-street parking lots and/or parking garages where no parking permitted shall be at least twelve (12) feet wide for each lane of traffic.
- The maximum permitted length of interior aisles between rows of parking spaces within off-street parking lots and/or parking garages shall be two hundred (200) feet for parking lots and three hundred feet (300') for parking garages. See diagram on page 160 for a graphic illustration of this requirement.

316.K. MARKING OF PARKING SPACES AND INTERIOR AISLES

- All parking lots and/or parking garages shall be adequately marked and maintained for the purpose of defining parking spaces and interior aisles prior to occupancy. As a minimum, the lines of all parking spaces and interior aisles (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white non-reflective traffic line paint, or equivalent. For parking garages the color of paint does not need to be white but must clearly contrast with the parking garage surface.
- In the event parking lots and/or parking garages are not marked as required by this section, the Township may at its option, perform or hire the said marking to be done and recover the same from the owner or tenant of said lot in the manner permitted by law.

316.L. REQUIRED HORIZONTAL RADII

Not less than a five (5) feet radius of curvature shall be permitted for horizontal curves in parking within off-street parking lots and/or parking garages.

316.M. DEAD END PARKING SPACES

All dead-end parking lots and/or parking garages shall be designed to provide sufficient back-up area for all end spaces.

316.N. LIGHTING

Adequate lighting shall be provided if the parking lot and/or parking garages is to be used at night. The lighting shall be arranged so as not to direct, reflect, or otherwise cause glare beyond the property line. Lighting shall comply with Section 311 of this Ordinance.

316.O. ACCESS DRIVE REQUIREMENTS

Every parking lot and/or parking garage shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 301 specifies other requirements for access drives.

316.P. SPEED BUMPS (HUMPS) AND TRAFFIC CALMING DEVICES

1. Speed bumps (humps), constructed as part of access drives or parking lots and/or parking garages, shall be marked with permanent, yellow diagonal stripes.
2. The speed bumps (humps) shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
3. There shall be a warning sign posted at each entrance to an off-street parking lot and/or parking garage having speed bumps (humps).
4. In no case shall the overall height (or depth) of speed bumps (humps) exceed four (4) inches.
5. Speed bumps (humps) and traffic calming devices shall be setback at least fifty (50) feet from the street right-of-way of any local, marginal access or collector road and at least one hundred (100) feet from the street right-of-way of any expressway or arterial road.

316.Q. JOINT PARKING LOTS

Parking lots and/or parking garages may be designed to serve more than one (1) use, provided that the number of spaces is not less than the sum of the spaces that would be required for each use if calculated separately. For the purposes of determining required landscape strips and interior landscaping required by Section 322 of this Ordinance, all parking spaces within a joint parking lot shall be combined.

316.R. PROHIBITED USES OF A PARKING LOT AND/OR PARKING GARAGE

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

1. The sale, display, or storage of automobiles or other merchandise, except as otherwise permitted by this Ordinance;
2. Parking vehicles accessory to the use unless in designated areas for such vehicles which shall be in excess of those required for the use in Section 316.W. of this Ordinance;
3. Performing services (including services to vehicles);
4. The placement or storage of trailers, trucks, portable storage containers, palettes or other similar structures, vehicles, items or materials; or,
5. Loading and unloading purposes except during hours when business operations are suspended.

316.S. ACCESS

Off street parking lots and/or parking garages shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. All commercial and industrial use access drives shall be so designed and constructed such that vehicles need not reverse onto the street in order to exit the parking facility.

316.T. LOCATION

All parking spaces shall be provided on same premises except that, if the required number of parking spaces cannot be reasonably provided on the premises, the Zoning Hearing Board

may permit such spaces to be provided on another property in accordance with the standards for special exception applications in Section 804.C. of this Ordinance. To approve the use the Board must find 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.C.2. of this Ordinance and specifically as follows:

1. The proposed off-site location for the off-street parking spaces is located within the same Zone as the principal use;
2. The proposed off-site location for the off-street parking spaces is located within one hundred fifty feet (150') of the premises containing the principal use;
3. Adequate pedestrian access from the off-site parking spaces to the principal use is provided to the satisfaction of the Zoning Hearing Board;
4. The applicant provides written evidence of a binding agreement in a form acceptable to the Township Solicitor that ensures ongoing use and access to the off-site parking spaces; and,
5. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot spaces may not be claimed by more than one (1) user for use at the same time.

316.U. BUS STOP

Where provided, bus stops shall be located and designed to permit the safe discharge and collection of occupants of the bus at the use within the lot. Bus stops shall be linked with a safe means of pedestrian access to the principal use of the property.

316.V. LANDSCAPING AND SCREENING REQUIREMENTS

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

1. Front Yard Landscape Strip - When a parking lot and/or parking garage is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot and/or parking garage shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip. The strip may be located within any other landscaped strip required to be located along a street. The following lists required width of landscape strips:

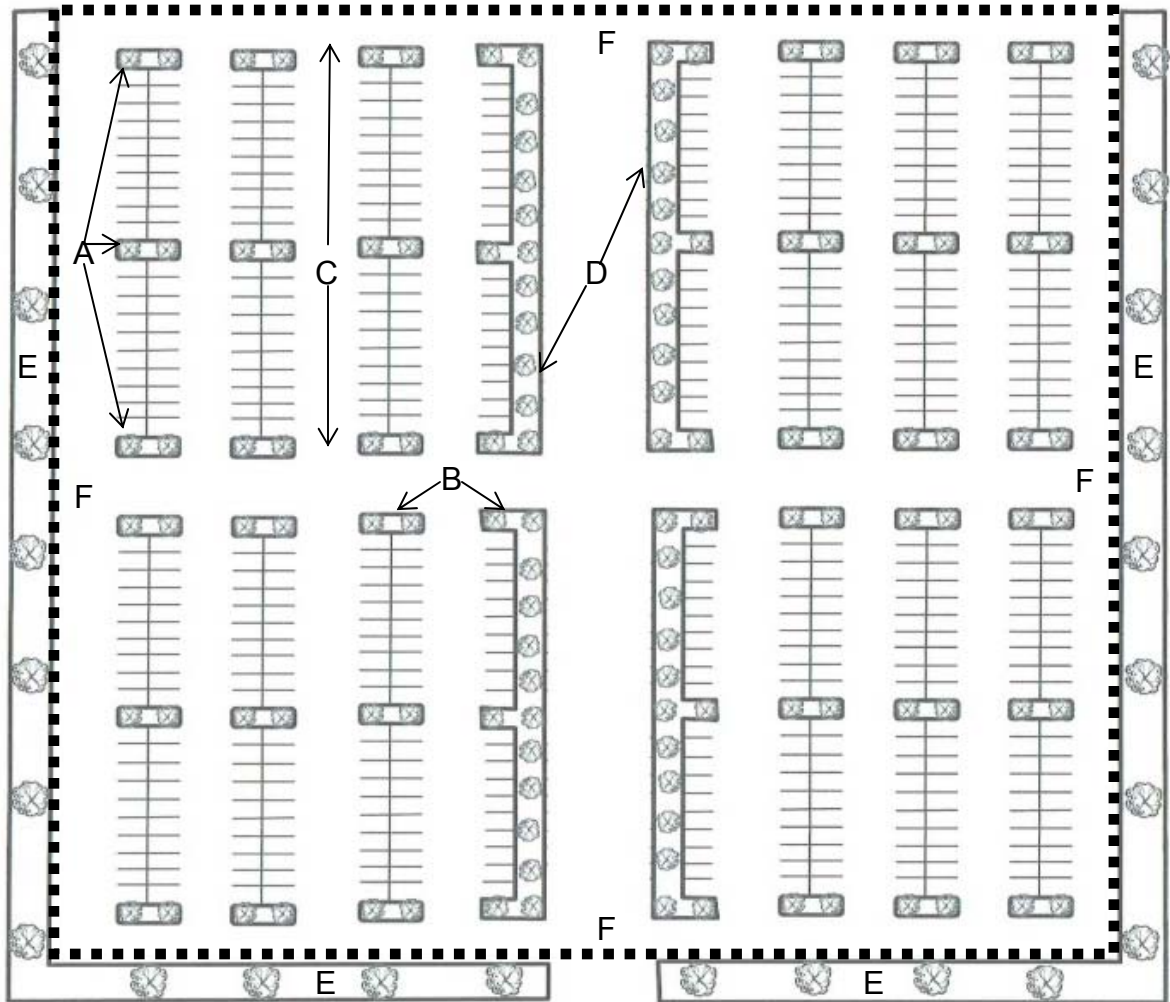
| Number of Parking Spaces in Parking Lot, Including Joint Facilities | Landscape Strip Width Measured In Feet From the Street R.O.W. Line* |
|---|--|
| Less than 100 | 15 |
| 100-250 | 20 |
| Over 250 | 25 |
| *or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip. | |

2. Side and Rear Yard Landscape Strips - Unless otherwise indicated, all off-street parking lots and/or parking garages shall be surrounded by a ten (10) foot wide landscape strip.
3. Interior Landscaping – See diagram on following page for graphic illustrations of some

of the following requirements:

- A. Except in those instances when off-street parking spaces are provided within a parking garage, on a story either above or below grade, or when such off-street parking spaces are provided at grade but covered with a roof, any parking lot, or portion thereof, containing twenty (20) or more parking spaces, shall devote a minimum of five percent (5%) of the total area of the parking lot to interior landscaping.
 - B. Such interior landscaping shall be used:
 - i. at the end of parking space rows and to break up continuous rows of parking spaces at least every ten (10) parking spaces;
 - ii. adjoining and to help visually define travel lanes through or next to the parking lot; and,
 - iii. to provide for a minimum six (6) feet wide landscape island that extends the full length of adjoining parking space rows at intervals of no less than every four (4) rows of parking spaces.
 - C. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
 - D. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces, interior aisles, islands, and curbed areas.
 - E. Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) mature shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level;
 - F. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang;
 - G. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot;
4. Screening - When a parking lot is located on property which is adjacent to an R-1, R-2, MU, VG, or VO Zone, the parking lot shall be screened from the adjoining property in accordance with Section 322.D. of this Ordinance;

INTERIOR LANDSCAPING DIAGRAM



NOTES:

- A. This depicts three interior landscape islands that are used at the end of parking space rows and/or break-up continuous rows of parking spaces at least every ten parking spaces as required by Section 316.V.3.B.i.;
- B. This depicts two landscape islands that help visually define travel lanes through the parking lot as required by Section 316.V.3.B.ii.;
- C. This depicts the maximum 200 foot length of permitted interior aisles between rows of parking spaces as required by Section 316.J.3.;
- D. This depicts two of the full length interior landscape islands required at a rate of at least one per every four rows of parking spaces as required by Section 316.V.B.iii.;
- E. These depict peripheral landscape strips that do not constitute interior landscaping as specified in Section 316.V.3.C.; and,
- F. The dashed line depicts the area used to calculate the required amount of interior landscaping in accordance with Section 316.V.3.C.

316.W. SCHEDULE OF REQUIRED PARKING SPACES

1. Except as provided for in Sections 316.W.2. and 316.W.4., 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. When a calculation results in a fraction, any fraction below one-half ($\frac{1}{2}$) may be disregarded, and any fraction of one-half ($\frac{1}{2}$) or more shall require an additional full space.

| Type of Use | Minimum of One Passenger Parking Space for Each |
|--|---|
| Amusement arcades | 80 square feet of gross floor area |
| Auction houses, excluding automobile auctions | Two persons of legal occupancy plus one per employee |
| Auditorium, banquet, conference, and meeting facilities; theater, and other such places of public assembly | Three (3) seats of legal occupancy plus 1 per employee on largest shift |
| Automobile filling stations as a principal or accessory use | 2 parallel spaces arranged in a stacked configuration for each fuel dispensing location plus 4 per service or washing bay |
| Automobile, truck, trailer, bus, and recreational vehicle repair and washing facilities | $\frac{1}{4}$ service and/or washing bay (i.e. 4 per bay) |
| Automobile, boat, and trailer sales | 500 square feet of gross indoor and outdoor display areas |
| Banks, credit unions & other similar financial uses | 200 square feet of gross floor area |
| Bed and breakfast | Room for rent plus those required for the dwelling unit |
| Car wash | See Section 415 |
| Carpeting, drapery, floor covering, and wall covering sales | 500 square feet of gross floor area |
| Casinos, off-track betting parlors, slot machine parlors | 65 square feet of gross floor area |
| Clinics and professional offices of veterinarians, physicians, dentists, opticians, counselors and etc. | 220 square feet of gross floor area |
| Clubs, lodges and other similar places | 100 square feet of gross floor area plus 1 per employee on largest shift |
| Commercial recreation facilities | See Section 422 |
| Commercial day care | See Section 420 |
| Convenience stores | 75 square feet of gross floor area |
| Drive-thru and/or fast-food restaurants serving alcohol | 50 square feet of gross floor area |
| Drive-thru and/or fast-food restaurants not serving alcohol | 67 square feet of gross floor area |
| Dry cleaners, laundries and laundromats | See Section 428 |
| Farmers and/or flea markets | 200 square feet of retail sales area |
| Food markets and grocery stores | 150 square feet of gross floor area |
| Funeral homes | See Section 437 |
| Furniture sales | 500 square feet gross floor area |

| Type of Use | Minimum of One Passenger Parking Space for Each |
|---|--|
| Health, fitness, social, fraternal and other private clubs | See Section 439 |
| Home occupation | See Section 444 |
| Hotels, motels and similar lodging facilities | Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.) |
| Kennels & Horse boarding stables | 10 animals of occupancy plus and one per each employee on two largest shifts |
| Mini-warehouses | 25 units plus one per 250 square feet of office space, plus two per any resident manager |
| Nightclubs and taverns serving alcohol | 50 square feet of gross floor area |
| Office buildings | 200 square feet of gross floor area |
| Personal services (as defined herein) | 4 spaces per practitioner or 2 spaces per service station whichever produces the greater number |
| Retail stores or shops and personal service uses(except those listed above) | 200 square feet of gross floor area plus one per each employee on two largest shifts |
| Restaurants and taverns serving alcohol | 50 square feet of gross floor area |
| Restaurants not serving alcohol | 67 square feet of gross floor area |
| Shopping centers or malls | See Section 479 of this Ordinance. |
| Other commercial uses | 400 square feet of gross floor area |

| Type of Use | Minimum of One Passenger Parking Space 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 |
| Warehousing, distribution and wholesale trade | Employee on the two largest shifts |
| 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 |

| Type of Use | Minimum of One Passenger Parking Space for Each |
|---|---|
| Amusement arcades | 80 square feet of gross floor area |
| Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields, without spectator seating. | 1/12 field (12 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 |
| Basketball and volleyball courts without spectator seating | 1/8 court (8 per court) |
| Basketball and volleyball courts with spectator seating | 1/8 court (8 per court) plus one (1) per each four (4) seats of spectator seating. |

| Type of Use | Minimum of One Passenger Parking Space for Each |
|--|--|
| Bowling alleys, billiards rooms | 1/4 lane/table (i.e., 4 per lane/table) and one per each two employees |
| Campgrounds | Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses |
| Golf courses | 1/2 hole (i.e., 2 per hole), plus one per employee, plus 50% of the spaces normally required for accessory uses |
| Golf driving ranges | One per tee and one per employee |
| Gymnasiums without spectator seating | 1/8 court (8 per court) |
| Gymnasiums with spectator seating | 1/8 court (8 per court) plus one (1) per four (4) seats of spectator seating. |
| Miniature golf courses | 1/2 hole (i.e., 2 per hole) and one per employee |
| Riding schools or horse stables | Two stalls plus one per every four seats of spectator seating |
| Picnic areas | Per table |
| Skating rinks | Four persons of legal occupancy |
| Swimming pools (other than one accessory to a residential development) | Four 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 |

| Type of Use | Minimum of One Passenger Parking Space for Each |
|---|--|
| Single-family detached dwellings, two family dwellings and two-family conversions | 1/2 dwelling unit (i.e., two spaces per dwelling unit) |
| Boarding houses, group homes, bed and breakfasts, orphanages, dormitories, rectories and etc. | Bedroom |
| 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. |

| Type of Use | Minimum of One Passenger Parking Space 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 |
| 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 |
| Nursing, rest or retirement homes | Four accommodations (beds) in addition to those needed for doctors and support staff |

| Type of Use | Minimum of One Passenger Parking Space for Each |
|---|---|
| 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. |
| Museums, art galleries, cultural centers, libraries | 400 square feet of gross floor area |
| Rehabilitation centers (without overnight accommodations) | One per each employee and per each three people anticipated to be handled through the facility. |
| Schools below grade ten, including principal day-care and kindergarten | Six students enrolled |
| Schools, tenth grade and above, including colleges with on-site housing for a majority of students enrolled | Three students enrolled |
| Colleges that do not offer on-site housing for a majority of students enrolled | 1.5 students enrolled |
| Vocational training and adult education facilities | 1.5 students enrolled |

2. 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.
3. 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 316.V.4. of this Ordinance.
4. 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.C. of this Ordinance. The applicant shall establish by credible evidence that adequate parking is provided for all uses within the development. Such evidence shall include, but not necessarily be limited to, the following:
 - A. Estimates of required parking needs based upon actual traffic or parking surveys for existing similar land uses located in comparable settings.
 - B. 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.
 - C. 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.
 - D. Analysis of the likelihood of the use of bus service (both public transit and charter service) by a significant volume of patrons.
 - E. Any other specific characteristics of the proposed use that, in the opinion of the Zoning Hearing Board, justifies a different required parking ratio.

316.X. RECREATIONAL VEHICLES, BOATS, CAMPERS, AND PERSONAL CARGO TRAILERS

Except as noted in Section 316.Y. of this Ordinance, within any (R-1, R-2, VO, MU & VG) Zone, or upon any property used principally for residential purposes, the parking and/or storage of recreational vehicles, travel trailers, trucks, boats, and personal cargo trailers used solely for the transport of the residents' personal property is permitted only according to the following

requirements:

1. For purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and personal cargo trailers used solely for the transport of the residents' personal property are divided into two separate categories, as follows:

Class I Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other personal cargo trailers used solely for the transport of the residents' personal property that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

Class II Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other personal cargo trailers used solely for the transport of the residents' personal property that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

2. The temporary parking of one Class I or Class II vehicle for periods not exceeding 72 hours during any seven (7) day period is permitted on a paved or gravel 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.
3. The storage of one Class I vehicle shall be permitted per lot behind the front yard building setback line, so long as the unit is set back no less than five (5) feet from any adjoining side and rear lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
4. Except as permitted in Section 316.Y., and as follows, the parking or storage of any Class II vehicle is expressly prohibited in any (R-1, R-2, VO, MU & VG) Zone, or on any property used principally for residential purposes. The storage of one Class II vehicle on any property within the (R-1, R-2, VO, MU & VG) Zones, or a parcel used for a principal residence, is permitted, subject to the following requirements:
 - A. In no case shall the vehicle contain more than three hundred twenty (320) square feet, as measured to the vehicle's outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
 - B. All vehicles shall be set back a horizontal distance equal to twice the vehicle's height from every side and rear lot line.
 - C. No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.
 - D. Screening, as described in Section 322.D. of this Ordinance, shall be provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot, and stores the vehicle on an adjacent vacant lot that he/she owns. One ten (10) foot wide break in required

screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley.

- E. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.

316.Y. PARKING OF COMMERCIAL TRUCKS

Within any (R-1, R-2, VO, MU & VG) Zone, the parking of commercial trucks with a gross vehicle weight of no more than 11,000 pounds (Class IV) is prohibited. Within the Agricultural 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 shall be leased to a non-resident of the lot.
- B. Within the Agricultural Zone, 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. 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 thirty (30') 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 from the street line, 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.

316.Z. PROHIBITION OF PARKING OF UNLICENSED / UNINSPECTED VEHICLES

Passenger motor vehicles, commercial trucks, heavy equipment or 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 building. This requirement shall not apply to implements and other vehicles not normally used for conveyance on the public streets.

SECTION 317 OPERATIONS AND PERFORMANCE STANDARDS

317.A. REQUIRED COMPLIANCE WITH APPLICABLE REGULATIONS

- 1. 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 Upper Leacock Township.
- 2. 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.

3. 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 Upper Leacock Township as regulatory controls on land use.
4. 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.
5. 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.
6. 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.

317.B. AIR POLLUTION, AIRBORNE EMISSIONS, AND ODOR

1. The Pennsylvania Air Pollution Control Act, enacted January 8, 1960, 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, 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.
2. No use shall discharge contaminants to the air in excess of the limits prescribed herein, or as may be created by State and/or Federal laws, rules, and regulations, unless such measures shall be utilized as prescribed by applicable the regulatory agency.
3. 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.
4. 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.
5. Open burning is not permitted unless such burning is consistent with the provisions and restrictions of all codes, regulations, and ordinances adopted by Upper Leacock Township.
6. 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.

317.C. 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, VO and MU Zones.

317.D. FIRE AND EXPLOSIVES

1. 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.
2. 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.
3. 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.

317.E. 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 311 of this Ordinance. No use shall produce heat above the ambient temperature that is perceptible beyond subject property.

317.F. MATERIALS AND WASTE STORAGE, HANDLING AND DISPOSAL

1. All principal commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
 - A. Listing of all materials to be used and/or produced on the site;
 - B. Listing of all wastes generated on the site; and,
 - C. 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:
 - i. the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);
 - ii. the Pennsylvania Solid Waste Management Act (Act 97);
 - iii. the Federal Emergency Management Act;
 - iv. the Federal Superfund Amendment and Reauthorization Act;
 - v. the Pennsylvania Hazardous Materials Emergency Planning and Response Act; and,
 - vi. the Pennsylvania Low-Level Radioactive Waste Disposal Act.
 - D. 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.
 - E. All storage facilities for fuel stored outdoors shall be enclosed by a security fence and screened from adjoining roads and properties.
 - F. All storage facilities for fuel stored outdoors shall be located in accord with any State and/or Federal regulatory requirements for separation distances.

- G. 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.
 - H. 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.
 - I. No materials or wastes shall be stored or deposited upon a lot in such form or manner that they:
 - i. may be transferred off the lot by natural causes or forces;
 - ii. can contaminate a stream or watercourse;
 - iii. render a stream or watercourse undesirable as a source of water supply or recreation; or,
 - iv. will destroy aquatic life.
 - J. 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.
 - K. Dumpsters are permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Unless specified elsewhere within this Ordinance dumpsters shall comply with all side and rear yard setbacks imposed upon the principal use. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
2. All uses must properly dispose of wastes in accordance with all applicable laws and regulations. The outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
 3. Outdoor stockpiling - In all Zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In the R-1, R-2, R-3, MU, VG, and VO Zones, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited. Upon residential properties the outdoor stockpiling of materials (including firewood) shall provide for a minimum five foot (5') setback from each side and rear lot line.
 4. Upon any property used for a principal residence, the use of dumpsters and or other portable storage containers and pods is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of dumpsters and or other portable storage containers and pods for permanent storage and/or waste containment is expressly prohibited. The use of dumpsters and or other portable storage containers and pods shall not exceed thirty (30) days during any calendar year and only following the issuance of a zoning permit. Such containers must be located so as not to block any required clear sight triangles 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:
 - A. is ongoing;
 - B. is making reasonable progress;
 - C. requires additional time; and,

- D. has a definitive ending date identified by the applicant beyond which the use shall cease.

317.G. 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.

317.H. 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 314 of this Ordinance.

317.I. 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.

317.J. 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 324 and 317.F. of this Ordinance.

317.K. 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.

317.L. WATER QUALITY

1. The Clean Streams Law, June 3, 1937 P.L. 1987, 35 P.S. 691.1 as well as any and all regulations that may succeed or replace these regulations.
2. PA Code, Title 25, Chapters 93 and 102;
3. the PA DEP water quality anti-degradation guidelines and,
4. the PA DEP best management practices for stormwater management.

SECTION 318 OUTDOOR STORAGE AND DISPLAY REQUIREMENTS

318.A. 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.

1. 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.
2. 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).
3. 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.

4. 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 Section 323.D.8. of this Ordinance.

318.B. SEASONAL SIDEWALK DISPLAYS

For commercial uses, seasonal sidewalks displays related to retail sales is permitted subject to the following:

1. 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.
2. 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.
3. 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).
4. 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.
5. Signage for seasonal sidewalk sales shall comply with the applicable requirements contained within Section 323.D.12. of this Ordinance.
6. 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.

318.C. SPECIAL EVENT SALES

For commercial uses, special events are permitted subject to the following:

1. 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.
2. 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.
3. 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.
4. The area devoted to special event sales displays shall not exceed twenty (20) percent of the gross floor area of the use(s) conducting the special event sale.
5. 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.
6. 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.

7. Signage for special event sales shall comply with the applicable requirements contained within Section 323.D.12. of this Ordinance.

SECTION 319 PROJECTIONS INTO YARDS

319.A. 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.

1. 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.
2. Uncovered stairs and landings, provided that such stairs or landings do not exceed three (3) feet six (6) inches in height.
3. 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.
4. Sidewalks, stormwater inlets and/or stormwater outlets.

SECTION 320 REQUIRED TRAFFIC STUDY STANDARDS

320.A. Where a traffic study is required elsewhere in this Ordinance, it shall be provided in accordance with Section 402.05.5. of the SLDO;

320.B. Deviations from the requirements of Section 402.05.5. of the SLDO that are proposed during the subdivision / land development process shall be reviewed as a waiver according to Section 305 of the SLDO; and,

320.C. Deviations from the requirements of Section 402.05.5. of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be reviewed as a variance according to Section 804.D. of this Zoning Ordinance.

SECTION 321 ROADWAY CLASSIFICATIONS

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

| Arterial Road | Major Collector Roads | Minor Collector Roads | Local Roads |
|--|--|--|---|
| New Holland Pike Main Street PA Route 23 | Glenn Brook Road Newport Road Horseshoe Road Glenola Drive Hellers Church Road | Quarry Road Hunsecker Road Farmland Road North Maple Avenue Peters Road Monterey Road Stumptown Road Forest Hill Road | All other roads not listed in other categories. |

SECTION 322 SCREENING AND LANDSCAPING REQUIREMENTS

322.A. REQUIRED LANDSCAPE PLAN

For uses with off-street parking lots that require the approval of a land development plan, the applicant shall submit a landscape plan prepared by a landscape architect or professional engineer registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of this Ordinance and the SLDO. Such plans shall include, but not

be limited to, details depicting:

1. Landscape buffers and screens used to protect adjoining properties, residential Zones and streets;
2. Screening used to prevent the spillage of headlights onto adjoining properties;
3. Typical interior landscape island treatments including rain gardens, if applicable;
4. Typical landscape strip treatments including rain gardens, if applicable;
5. Typical screening treatments; and,
6. Landscape treatments at access drives' intersections with streets.

322.B. YARD GROUNDCOVER

Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season groundcover approved by the Board of Supervisors (e.g., grass, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly;

322.C. LANDSCAPING REQUIREMENTS

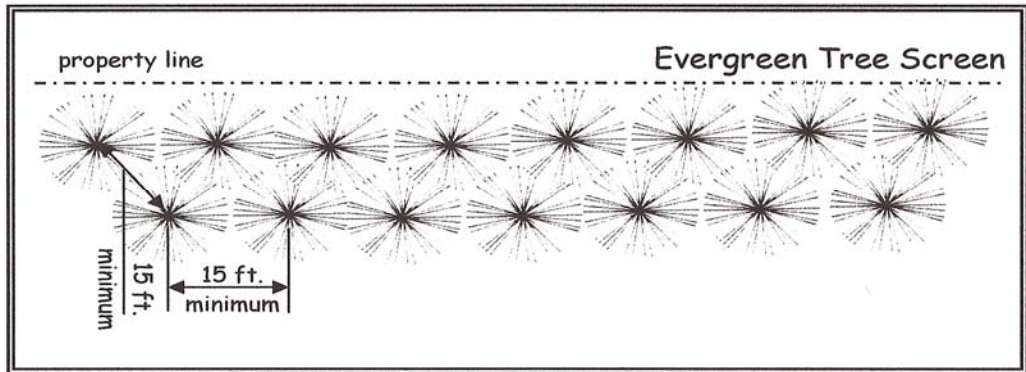
1. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas and/or strips.
2. For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. Deciduous trees shall have a clear trunk at least five (5) feet above finished grade. Evergreen trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard;
3. Interior landscaping within off-street parking lots shall be provided in accordance with Section 316.V.3. of this Ordinance. For every three hundred (300) square feet of interior landscaping required (parking lots), at least one mature deciduous shade tree shall be provided. Such trees shall have a clear trunk at least five (5) feet above finished grade; and,
4. Those landscape strips and/or screens that are located at the periphery of a property shall include a continuous planting of low-level vegetation to act as a trash and litter trap/barrier for the subject property. Such vegetation shall be located and maintained so as not to interfere with any clear sight-triangle as regulated in Sections 301.C., 303 and 305.C. of this Ordinance.

322.D. SCREENING

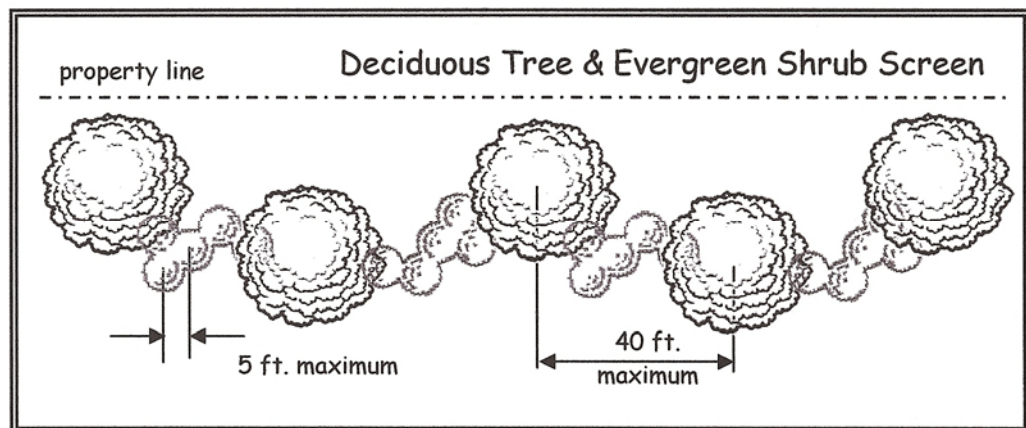
1. Screening shall be located as specified. When no location is specified, screening shall occur along the subject property's lot line, except that screening can be located elsewhere on the subject property if the applicant can prove that the alternate location affords a more effective screen for the proposed use by reason of natural site conditions, on and adjoining, the site, or because of the site design. Alternate screening location shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening location with assistance from the Township engineer.

2. Screening shall be arranged so as to block the ground level views between grade, and a minimum height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation and shall be comprised of plants approved for screening purposes as listed in Section 322.E.3. of this Ordinance. As screens can take many forms and incorporate different materials and treatments (e.g. vegetation, berms, fences, walls and combinations) the following present several typical landscape screening arrangements:

- A. Screening may consist of a minimum of two rows of evergreen trees that are at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternately as depicted below:

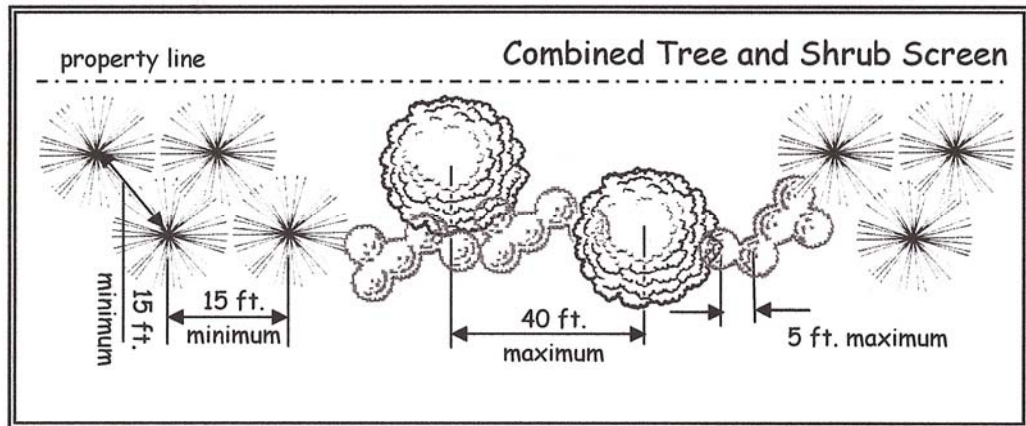


- B. Screening may consist of a minimum of two rows of vegetation (e.g. deciduous trees with evergreen shrubs). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.



- C. Screening may consist of a combination of a minimum of two rows of evergreen trees alternating with a minimum of two rows of deciduous trees and evergreen shrubs. Evergreen trees shall be at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternatively). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are

planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.



- D. As an alternate to the preceding arrangements, an applicant can request an alternate landscape screen arrangement if he/she can prove through expert evidence that the proposed alternate arrangement:
- i. Will result in an equally effective blockage of ground-level views between the subject and adjoining properties;
 - ii. Will employ an attractive combination of vegetation (e.g. deciduous and evergreen trees, hedges, or shrubs) that presents a more natural appearance; and,
 - iii. Has a better chance for long-term survival and maintenance given the characteristics of the location upon the subject property.
 - iv. Alternate screening arrangements shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening arrangements with assistance from the Township engineer.
- E. Walls, fences, earth berms, or other approved similar materials may also be used to supplement the required vegetation of a landscape screen. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screens located within the front yard that incorporate a sight-tight fence or wall shall include on the street side of the screen the use's required front yard landscape strip along with its required shade trees as specified in the above Section 322.C.2. of this Ordinance.

322.E. SELECTION OF PLANT MATERIALS

1. No vegetation shall include any noxious or invasive species as defined herein. Trees and shrubs shall be native and typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Applicants shall select a mix of native diverse plant materials to protect against a catastrophic loss due to a disease or insect damage. "Salt tolerant" species shall be selected for locations near streets.

2. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.
3. The following lists the types of vegetation approved for specific required uses by this Ordinance within the Township:

| APPROVED SHADE TREES | | |
|-----------------------------|-------------------------------|----------------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| Acer rubrum | Red Maple (N) | 75 |
| Acer saccharum | Sugar Maple (N) | 100 |
| Betula nigra | River Birch (N) | 70 |
| Carpinus betulus | European Hornbeam | 60 |
| Celtis occidentalis | Common Hackberry (N) | 120 |
| Cercidiphyllum japonicum | Katsura Tree | 75 |
| Ginko biloba (males only) | Ginko, Maidenhair Tree | 120 |
| Gleditsia tricanthos | Common Honeylocust | 120 |
| Gymnocladus dioicus | Kentucky Coffee-tree (N) | 90 |
| Liquidambar styraciflua | Sweet Gum (N) | 75 |
| Liriodendron tulipifera | Tulip Tree (N) | 150 |
| Nyssa sylvatica | Black Gum (N) | 50 |
| Plantanus x acerifolia | London Planetree | 50 |
| Quercus palustris | Pin Oak | 70 |
| Quercus rubra | Red Oak(N) | 75 |
| Quercus prinus | Chestnut Oak (N) | 70 |
| Tilia tomentosa | Silver Linden | 70 |
| Tilia cordata | Littleleaf Linden | 90 |
| Ulmus americana | American Elm (N) | 120 |
| Zelkova serrata | Japanese Zelkova | 80 |

| APPROVED SMALL DECIDUOUS TREES | | |
|---------------------------------------|-------------------------------|----------------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| Acer buergeranum (tree form) | Trident Maple | 30 |
| Acer campestre | Hedge Maple | 45 |
| Acer griseum | Paper Bark Maple | 40 |

| APPROVED SMALL DECIDUOUS TREES | | |
|------------------------------------|---------------------------------|---------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| Amelanchier canadensis (tree form) | Serviceberry (N) | 30 |
| Betula populifolia | Gray Birch (N) | 30 |
| Carpinus caroliniana | Ironwood, American Hornbeam (N) | 35 |
| Cercis canadensis | Eastern Redbud (N) | 36 |
| Chionanthus virginicus | Fringetree (N) | 30 |
| Cladrastis lutea | American Yellow-wood (N) | 50 |
| Cornus florida | Flowering Dogwood (N) | 40 |
| Cornus kousa | Kousa Dogwood | 40 |
| Cornus mas | Cornelian Cherry | 24 |
| Halesia carolina | Carolina Silverbell (N) | 40 |
| Magnolia stellata | Star Magnolia | 20 |
| Magnolia virginiana | Sweet Bay Magnolia (N) | 20 |
| Malus floribunda* | Japanese Flowering Crab* | 30* |
| Malus 'Red Barron' | Red Barron Flowering Crabapple | 20 |
| Ostrya virginiana | Hop-hornbeam (N) | 40 |
| Oxydendrum arboreum | Sourwood (N) | 30 |
| Parrotia persica | Persian Parrotia | 40 |
| Prunus sargentii | Sargent Cherry | 50 |
| Prunus serrulata | 'Kwanzan' Kwanzan Cherry | 25 |
| Stewartia pseudocamellia | Japanese Stewartia | 40 |
| Syringa amurensis japonica | Japanese Tree Lilac | 30 |
| Ulmus parvifolia | Chinese Elm | 40 |

* Applicant must submit expert written evidence that the proposed plants are of a disease resistant variety.

| APPROVED EVERGREEN TREES FOR SCREENING | | |
|--|------------------------------|---------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| Abies concolor | White Fir (N) | 90 |
| Chamaecyparis nootkatensis 'pendula' | Weeping Nootka False-Cypress | 35 |
| Chamaecyparis thyoides | Atlantic White Cedar (N) | 50 |
| Ilex opaca | American Holly (N) | 45 |
| Juniperus virginiana | Eastern Red Cedar (N) | 90 |

| APPROVED EVERGREEN TREES FOR SCREENING | | |
|---|---------------------------------|---------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| <i>Picea abies</i> | Norway Spruce | 120 |
| <i>Picea omorika</i> | Serbian Spruce | 90 |
| <i>Picea pungens</i> | Colorado Spruce (N) | 100 |
| <i>Pinus flexilis</i> | Limber Pine (N) | 50 |
| <i>Pinus strobus</i> | Eastern White Pine (N) | 100 |
| <i>Pinus strobus</i> 'Fastigiata' | Pyramidal White Pine (N) | 40 |
| <i>Pinus thunbergi</i> | Japanese Black Pine | 90 |
| <i>Pseudotsuga taxifolia</i> | Douglas Fir (N) | 100 |
| <i>Thuja occidentalis</i> 'pyramidalis' | Pyramidal Arborvitae (N) | 15 |
| <i>Thuja occidentalis</i> | 'Emerald Emerald Arborvitae (N) | 15 |
| <i>Tsuga canadensis</i> | Canadian Hemlock (N) | 90 |

| APPROVED DECIDUOUS SHRUBS | | |
|--|-------------------------|---------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| <i>Aesculus parviflora</i> | Bottlebrush Buckeye (N) | 12 |
| <i>Aronia arbutifolia</i> | Red Chokeberry (N) | 8 |
| <i>Aronia melanocarpa</i> | Black Chokeberry (N) | 8 |
| <i>Calycanthus floridus</i> | Common Sweetshrub | 9 |
| <i>Cephalanthus occidentalis</i> | Buttonbush (N) | 10 |
| <i>Chaenomeles speciosa</i> | Common Flowering Quince | 10 |
| <i>Clethra alnifolia</i> and cultivars | Summersweet Clethra | 8 |
| <i>Cornus alba</i> and cultivars | Tatarian Dogwood | 10 |
| <i>Cornus amomum</i> | Silky Dogwood (N) | 10 |
| <i>Cornus racemosa</i> | Gray Dogwood (N) | 15 |
| <i>Cornus sericea</i> | Red Oosier Dogwood (N) | 9 |
| <i>Cotinus coggygria</i> and cultivars | Smokebush | 15 |
| <i>Fothergilla major</i> | Large Fothergilla (N) | 10 |
| <i>Hamamelis virginiana</i> | Common Witchazel (N) | 20 |
| <i>Hydrangea quercifolia</i> | Oakleaf Hydrangea (N) | 6 |
| <i>Ilex verticillata</i> | Common Winterberry (N) | 10 |
| <i>Itea virginica</i> | Virgina Sweetspire (N) | 6 |

| APPROVED DECIDUOUS SHRUBS | | |
|----------------------------------|-------------------------------|----------------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| Lindera benzoin | Spicebush (N) | 10 |
| Myrica pennsylvanica | Northern Bayberry (N) | 12 |
| Philadelphus virginialis | Sweet Mockorange | 12 |
| Physocarpus opulifolius | Common Ninebark (N) | 9 |
| Sambucus canadensis | American Elder (N) | 12 |
| Spiraea x vanhouttei | Van Houtte Spiraea | 10 |
| Symphoricarpos albus | Common Snowberry (N) | 6 |
| Syringa vulgaris and hybrids | Common Lilac | 15 |
| Vaccinium corymbosum | Highbush Blueberry (N) | 12 |
| Viburnum acerifolium | Mapleleaf Viburnum (N) | 6 |
| Viburnum carlesii | Korean Spice Viburnum | 5 |
| Viburnum dentatum | Arrow Wood Viburnum (N) | 12 |
| Viburnum lentago | Nannyberry Viburnum (N) | 18 |
| Viburnum prunifolium | Black Haw Viburnum (N) | 15 |

| APPROVED EVERGREEN SHRUBS FOR SCREENING | | |
|--|-------------------------------|----------------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (ft.) |
| Chamaecyparis pisifera 'Boulevard' | Boulevard False Cypress | 12 |
| Ilex glabra | Inkberry (N) | 8 |
| Juniperus chinensis shrub cultivars | Chinese Juniper | 3-15 |
| Kalmia latifolia | Mountain Laurel (N) | 15 |
| Leucothoe jontanesiana | Drooping Leucothoe (N) | 6 |
| Picea glauca 'conica' | Dwarf Alberta Spruce | 10 |
| Pieris floribunda | Dwarf Alberta Spruce | 6 |
| Pinus mugo | Mugho Pine | 6 |
| Rhododendron catawbiense & cultivars | Catawba Rhododendron (N) | 10 |
| Rhododendron 'P.J.M' and cultivars | P.J.M. Rhododendrons | 6 |
| Taxus x media and cultivars | Yew | 3-12 |
| Thuja occidentalis 'Techny' | Mission Arborvitae | 8 |

| APPROVED GROUNDCOVERS | | |
|-------------------------------------|------------------------|---------------------|
| Botanical Name | Common Name (N–Native) | Mature Height (in.) |
| Ajuga repans | Ajuga/Carpet Bugleweed | 4-6 |
| Hedera helix | English Ivy | 6-8 |
| Juniperus horizontalis | Creeping Juniper | 8-24 |
| Liriope muscari | Lilyturf | 12-24 |
| Liriope spicata | Lilyturf | 12 |
| numerous genera, species, cultivars | Ornamental Grasses | 12-60 |
| Ophipogon japonicus | Mondo Grass | 4-6 |
| Pachysandra terminalis | Japanese Spurge | 12 |
| Vinca minor | periwinkle/vinca | 4-6 |

SECTION 323 SIGNS

323.A. PURPOSE.

1. To provide for signs as a means of effective visual communication.
2. To promote adopted comprehensive planning and zoning objectives.
3. To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.
4. To improve the safety of pedestrians, vehicular traffic, and property.
5. To enhance the economic value of the community.
6. To enhance the aesthetic environment.
7. To minimize adverse effects of signs on nearby property.
8. To otherwise promote the public health, safety, morals, and general welfare of the community.
9. To regulate the use of signs through a sign permitting process.
10. To enable the fair and consistent enforcement of these sign regulations.

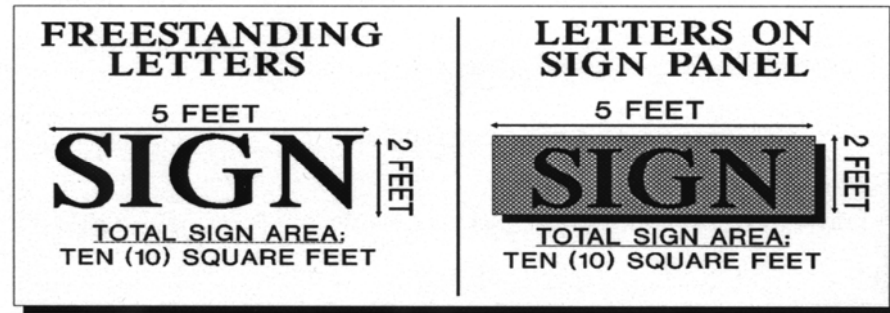
323.B. SIGN AREA AND HEIGHT

The following guidelines shall apply when interpreting area and height regulations in this Section.

1. 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.
 - A. 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.

- B. 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.
- C. 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.



- 2. 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.
 - A. No sign shall be higher than the height limitation imposed by this Ordinance.
 - B. The height of freestanding signs shall be controlled by the standards in Tables 1, 2 and 3 listed in Section 323.D. of this Ordinance.
 - C. 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.
 - D. 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.

323.C. 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.

- 1. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
- 2. 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.

3. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
4. All permanent signs shall be removed within six (6) months if the purpose for which they were erected no longer exists.
5. 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.
6. No permanent, temporary or planned center signs shall be permitted except as authorized by this Section.
7. No sign shall be located within a street right-of-way.
8. 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 thirty (30) inches and eight (8) feet above the elevation of the centerline of the street.
9. 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.
10. Any freestanding sign within the Floodplain Overlay Zone must receive approval as a special exception.
11. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
12. No sign shall be placed so as to obstruct ventilation or light from a building.
13. 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.
14. 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.
15. 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.
16. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
17. 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.
18. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.

19. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.
20. 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.
21. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building.
22. In addition to any other signs permitted by this Section, each principal use may display one (1) flag not to exceed the size and height of a permanent sign permitted by Section 323.D. Of this Ordinance. Such flag shall not be used to convey any commercial message or advertising.
23. No sign shall emit smoke, visible vapors, particles, sound, or odor.
24. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
25. No inflatable signs shall be permitted.
26. No open flames shall be permitted as part of a sign or in any other way to attract attention.
27. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this Section.
28. Signs that are located on the inside of a window shall be counted as a sign if they are legible from an adjoining road or adjoining property.
29. 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.
30. The lighting of all signs shall comply with Section 311.F.11. of this Ordinance.
31. Billboards shall comply with Section 413 of this Ordinance.
32. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the GC, I-1 and Q Zones and shall comply with the following requirements:
 - A. Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists;
 - B. 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;
 - C. 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 to facilitate immediate recognition by motorists;

- D. 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);
- E. 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.)
- F. 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;
- G. 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,
- H. 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. |

323.D. SPECIFIC SIGN REQUIREMENTS

The tables on the following four pages tabulate requirements imposed upon permanent, temporary and planned center signs as permitted within the Township:

§323.D. - PERMANENT SIGN REQUIREMENTS (TABLE 1)

| Sign Type | Maximum Permitted Number | Maximum Permitted Sign Area | Maximum Height of Freestanding Signs | Maximum Height of Wall, Window and Roof signs | Maximum Projection from Wall/Roof Projecting Signs | Permitted Zones | Other Requirements | Zoning Permit Required |
|--|---|--|--------------------------------------|--|---|------------------------|---|------------------------|
| 1. Signs for lawfully conducted activities associated with and on the premises of an individual residence or farm, including accessory uses. | 1 freestanding sign per principal use, unlimited wall or roof signs | 4 square feet, <u>plus</u> 1 square foot per 25 lineal feet of lot frontage, not to exceed 8 square feet of total sign area. | 5 feet | Flat wall and wall projecting signs shall not extend higher than the top of the wall to which they are attached. Flat roof and roof projecting 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. | 5 feet, but not closer than 10 feet from any lot line. | All | No flat wall, wall projecting, flat roof, roof projecting or window sign shall be larger than 15% of the surface area (i.e. wall, windows and/or roof) to which the sign is attached. | Yes |
| 2. Signs for lawfully conducted activities upon common residential property | 1 per vehicle entrance; maximum two signs | 16 square feet, <u>plus</u> 1 square foot per each dwelling unit in excess of 16 units, not to exceed 48 square feet per sign. | 15 feet | | 20 feet, but not closer than 10 feet from any lot line. No wall projecting sign shall project more than forty-eight (48) inches from the surface to which it is attached over a public sidewalk. | A, R-1, R-2, MU and VO | | Yes |
| 3. Signs for lawfully conducted activities associated with and on the premises of an individual non-residential principal use. | 1 freestanding sign per principal use, unlimited wall, window or roof signs | 24 square feet, <u>plus</u> 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet of total sign area. | 15 feet | | | GC, I-1, and Q | | Yes |
| 4. Signs for lawfully conducted activities upon common non-residential property | 1 per vehicle entrance; maximum two signs | 24 square feet, <u>plus</u> 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet per sign. | 15 feet | | | GC, I-1, and Q | | Yes |
| 5. Signs for lawfully conducted activities associated with and on the premises of an individual non-residential principal use. | 1 freestanding sign per principal use, unlimited wall, window or roof signs | 4 square feet, <u>plus</u> 1 square foot per 10 lineal feet of lot frontage, not to exceed 8 square feet of total sign area. | 15 feet | | | MU & VG | | Yes |
| 6. Signs for lawfully conducted activities associated with and on the premises of an individual non-residential principal use. | 1 freestanding sign per principal use, unlimited wall, window or roof signs | 16 square feet, <u>plus</u> 1 square foot per 10 lineal feet of lot frontage, not to exceed 32 square feet of total sign area. | 15 feet | | | A, R-1, R-2, MU and VO | | Yes |
| 7. Signs for lawfully conducted activities upon common non-residential property | 1 per vehicle entrance; maximum two signs | 4 square feet, <u>plus</u> 1 square foot per 10 lineal feet of lot frontage, not to exceed 8 square feet of total sign area. | 15 feet | | | MU & VG | | Yes |
| 8. On-site directional, directory, entrance, exit, rest room, and other informational signs. | 4 per principal use | 2 square feet per sign; 8 square feet if the sign is not legible from an adjoining road or adjoining property. | 5 feet | | 2 feet | All | | No |

| §323.D. - PERMANENT SIGN REQUIREMENTS (TABLE 1) | | | | | | | | |
|---|---------------------------------------|-----------------------------|--------------------------------------|---|--|-----------------|--|------------------------|
| Sign Type | Maximum Permitted Number | Maximum Permitted Sign Area | Maximum Height of Freestanding Signs | Maximum Height of Wall, Window and Roof signs | Maximum Projection from Wall/Roof Projecting Signs | Permitted Zones | Other Requirements | Zoning Permit Required |
| 9. 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 | All | | No |
| 10. 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 | All | Spacing at no less than 25 foot intervals. | No |

§323.D. - TEMPORARY SIGN REQUIREMENTS (TABLE 2)

| Sign Type | Maximum Permitted Number | Maximum Permitted Sign Area | Maximum Height of Freestanding Signs | Maximum Height of Wall, Window and Roof signs | Maximum Projection from Roof/Wall for Projecting Signs | Permitted Zones | Other Requirements | Zoning Permit Required |
|---|--------------------------|--|--------------------------------------|--|--|---------------------|--|---|
| 11. Signs for lawfully conducted activities associated with an individual residence or farm, including but not limited to signs for roadside stands, real estate, open house, yard sale, political and etc. | 1 sign per principal use | 4 square feet per sign. | 5 feet | | 5 feet, but not closer than 10 feet from any lot line. | All | | |
| 12. Signs for lawfully conducted activities associated with an individual non-residential principal use including but not limited to signs for special event sales, real estate, open house, political and etc. | 1 sign per principal use | 12 square feet, <u>plus</u> 2 square feet per 10 lineal feet of lot frontage, not to exceed 32 square feet per sign. | 10 feet | Flat wall, window and wall projecting signs shall not extend higher than the top of the wall to which they are attached. | 20 feet, but not closer than 10 feet from any lot line. | A, GC, I-1, and Q | Such signs shall be removed within 7 days after the purpose for the sign no longer exists. In the case of temporary signs with a commercial message such signs shall be limited to no more than 30 continuous days and no more than sixty days during each calendar year. 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, unless the sign contains a commercial message in which case a permit shall be required. |
| 13. Signs for lawfully conducted activities associated with an individual non-residential principal use including but not limited to signs for special event sales, real estate, open house, political and etc. | 1 sign per principal use | 4 square feet, <u>plus</u> 1 square feet per 10 lineal feet of lot frontage, not to exceed 8 square feet per sign. | 10 feet | Flat roof and roof projecting 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. | No wall projecting sign shall project more than forty-eight (48) inches from the surface to which it is attached over a public sidewalk. | MU & VC | | |
| 14. Signs for lawfully conducted activities associated with an individual non-residential principal use including but not limited to signs for special event sales, real estate, open house, political and etc. | 1 sign per principal use | 16 square feet, <u>plus</u> 1 square feet per 10 lineal feet of lot frontage, not to exceed 32 square feet per sign. | 10 feet | | | R-1, R-2, MU and VO | | |
| | | | | | | | | |

§ 323.D. – PLANNED CENTER SIGN REQUIREMENTS (TABLE 3)

| Sign Type | Maximum Number Permitted | Maximum Permitted Sign Area | Maximum Permitted Height | Other Requirements | Zoning Permit Required |
|---|---|---|---|---|------------------------|
| 15. Freestanding planned 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 100 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 |
| 16. Anchor tenant sign for each use containing more than 150 lineal feet of store-front. | Unlimited within the allowable total sign area | 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, window, wall projecting, flat roof or roof projecting signs. | Yes |
| 17. Storefront sign for each use containing up to 150 lineal feet of storefront. | Unlimited within the allowable total sign area | 2 square feet per lineal foot of storefront up to a maximum of 75 square feet | Height of wall to which sign is attached. | These signs shall only be provided as flat wall, window, wall projecting, flat roof or roof projecting signs. | Yes |
| 18. 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. | 8 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 |
| 19. Outparcel signs for principal freestanding uses sharing common ingress and egress to planned 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, window, wall projecting, flat roof or roof projecting signs. | Yes |

323.E. COORDINATED SIGNS

As an alternative to separate freestanding signs, uses may provide for coordinated freestanding signage among several principal uses. In so doing each tenant is permitted 60 percent of their respective freestanding sign area upon the coordinated freestanding sign plus the ability to erect a flat wall, window or wall projecting sign at 60 percent that otherwise permitted for the use under Section 323.D. of this Ordinance. Such coordinated signage must be located no less than 10 feet from the street right of way, not exceed 15 feet in height and include a sign easement agreement in language acceptable to the Township solicitor which assures each use adequate sign display and ensures adequate sign maintenance.

323.F. NON-CONFORMING SIGNS - Except as noted in Section 708 of this Ordinance, non-conforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions.

1. There shall be no expansion or increase in the non-conforming aspect in any way.
2. 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.
3. The sign must be brought into conformity if, for a period of at least twelve (12) months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

323.G. PERMITTING PROCEDURES AND FEES - Permits for the placement of signs are required as indicated by the last column in the Tables listed in Section 323.D. 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.

1. 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:
 - A. exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected;
 - B. exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation; and
 - C. any other lawful information that may be required of the applicant by the Zoning Officer.
2. 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.
3. 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.

323.H. PROPERTY ADDRESS POSTING REQUIREMENTS - After the effective date of this ordinance, each new principal use, or existing principal use that has undergone a substantial improvement, which has been assigned a numeric street address must

permanently display the numeric address so that it is clearly visible from the street. The address must include the street number; the street name is optional. The address must be displayed using no less than six inch-high numerals with a three-fourths-inch stroke and shall be of a reflective and contrasting color to its background. The area taken up by the address does not count as part of the sign area, as defined herein, unless it is incorporated into the name of the principal use. Applicants for a zoning permit shall be required to demonstrate compliance with this Section of the Zoning Ordinance prior to the issuance of a Zoning Certificate of Use and Occupancy.

SECTION 324 ZONING REQUIREMENTS FOR ON-LOT SEWAGE

324.A. TWO DISPOSAL SITES REQUIRED

As of the effective date of this Ordinance, all future uses that rely upon on-lot sewage disposal systems shall be required to comply with the Township's Retaining Tank Ordinance or specifically test for and secure one disposal site (field, bed or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site;

324.B. 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 groundwaters. Such determinations will be made by the PA DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection.

324.C. DISPOSAL PLUME EASEMENT

In the Agricultural Zone and in lieu of the increased lot size described in the previous Section 324.B., an applicant who intends to make use of an on-lot sewage disposal system may secure and protect a sewage disposal plume easement to insure an acceptable level of nitrate-nitrogen in the adjoining groundwaters. Such easement shall be in a form acceptable to the Township Solicitor and the size and extent of the sewage plume easement shall be approved by the PA DEP, through its sewer module review process

324.D. REQUIRED MAINTENANCE

Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

SECTION 325 BICYCLE PARKING REQUIREMENTS

325.A. Bicycle parking facilities for nonresidential and non-agricultural uses shall be provided in accordance with the following provisions:

325.B. Uses requiring up to 50 off-street parking spaces shall provide for a permanently installed bicycle rack that accommodates at least one bicycle for each 10 off-street parking spaces, or fraction thereof. Uses requiring more than 50 off-street parking spaces shall provide one or more permanently installed bicycle racks that accommodate at least five bicycles plus 1 bicycle for each 30 off-street parking spaces, or fraction thereof, greater than 50 parking spaces.

- 325.C.** Bicycle racks shall enable attachment of the bicycle frame and one (1) wheel using a chain or cable. There shall be adequate separation to allow bicycles to be attached or removed without moving other bicycles. Bicycle racks shall effectively accommodate bicycles not equipped with kickstands.
- 325.D.** Bicycle parking spaces shall be convenient to the structure or use for which it is required. Such spaces shall be visible from at least one (1) entrance to the structure or use and shall be lighted in accordance Section 311 of this Ordinance.
- 325.E.** Bicycle racks shall be situated no less than ten (10') from the edge of the curb or sidewalk or ten feet (10') from the street right-of-way where no curb or sidewalk exists.

Specific Criteria

Section 400 Specific Criteria for Permitted Uses, Special Exception Uses 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. Proposals that combine uses permitted by this Ordinance shall comply with all applicable sets of criteria and their respective review processes.

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 be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

400.C. SPECIAL EXCEPTION USES

For uses permitted by special exception, in addition to the general criteria listed in Section 804.C.2. of this Ordinance, this Article sets forth standards that shall be applied to each respective special exception. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

400.D. CONDITIONAL USES

For uses permitted by conditional use, in addition to the general criteria listed in Section 905.B. of this Ordinance, this Article sets forth standards that shall be applied to each respective conditional use. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

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 ACCESSORY BUILDING APARTMENTS

- 401.A. Within the (MU) Zone, accessory building apartments 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.B. and specifically as follows:
- 401.B. Only one (1) accessory building apartment shall be permitted as an accessory use to an owner-occupied, single-family, detached dwelling;
- 401.C. The accessory building apartment may only be located within an accessory building that was in existence for no less than one (1) year;
- 401.D. The accessory building apartment shall contain no less than four hundred (400) square feet of habitable floor area; however, the accessory building apartment shall not be larger than fifty percent (50%) of the habitable floor area of the principal detached dwelling unit;
- 401.E. The applicant shall furnish expert testimony that any exterior modifications to the appearance of the building (except required fire escapes) complement the property's residential character;
- 401.F. All units contained on floors above or below grade shall have a direct means of escape to the outside at ground level, and at least one hardwired fire detection device;
- 401.G. The applicant shall demonstrate that an approved means of sewage disposal and water supply shall be used; and,
- 401.H. At least four (4) off-street parking spaces shall be provided.

SECTION 402 ACCESSORY RESIDENTIAL GREENHOUSES

- 402.A. Within the (A, R-1, R-2, VO, MU and VG) Zones accessory residential greenhouses are permitted by right subject to the following requirements:
- 402.B. Accessory residential greenhouses shall only be permitted upon property containing a single family detached dwelling.
- 402.C. Within the (R-1, R-2, VO, MU and VG) Zones, no accessory residential greenhouse shall contain more than one hundred (100) square feet of floor area. Within the (A) Zone, no accessory residential greenhouse shall contain more area than the ground floor of the principal residence or 250 square feet whichever is the lesser area.
- 402.D. Within the (A) Zone, there is no pre-determined limit on accessory residential greenhouses other than those that result from the application of other requirements (e.g. max lot coverage, required setbacks, etc.).
- 402.E. No sign shall indicate the existence of an accessory residential greenhouse.
- 402.F. Vehicular access to the accessory residential greenhouse shall be limited to the driveway serving the principal residence; no separate vehicular street access is permitted.
- 402.G. All accessory residential greenhouses that exceed 1000 square feet within the (A) Zone must be designed, built and maintained in accordance with the PA Uniform Construction Code, as may be amended.
- 402.H. All accessory residential greenhouses must incorporate durable materials that, in the opinion of the Township, can withstand normal climatic conditions.

- 402.I. All accessory residential greenhouses must comply with the applicable setback and height requirements listed within its respective Zone. Any accessory residential greenhouses that is located less than fifteen feet (15') from an adjoining property line must be screened in accordance with Section 313 of this Ordinance from the adjoining property or properties.
- 402.J. Any lighting associate with the accessory residential greenhouses shall be extinguished between the hours of 10:00 PM and 6:00 AM and must comply with Section 311. F. 1. of this Ordinance.

SECTION 403 ADAPTIVE REUSE OF AGRICULTURAL BUILDINGS

- 403.A. Within the (A) Zone, the adaptive reuse of agricultural buildings 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.C.2. and specifically as follows:
- 403.B. The purpose of this section is to provide for an expanded list of uses permitted within agricultural buildings that existed on the effective date of this Ordinance. The applicant must demonstrate that such agricultural building existed on such date.
- 403.C. Any use proposed under this section must be permitted within the Township, but not be permitted by right, special exception or conditional use, within the Agricultural Zone. The addition of new dwelling units is prohibited.
- 403.D. 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.
- 403.E. Any use proposed under this section that has specific criteria applied to it within other non-Agricultural Zones, and listed in 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.
- 403.F. The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.
- 403.G. The applicant shall obtain any necessary land development approvals.
- 403.H. 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 roads.
- 403.I. 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:
- A. can be effectively accommodated without adverse impact to adjoining uses, and,
 - B. will not introduce uses that would be adversely impacted by other uses, activities or operations contained either on, or adjoining, the site.

SECTION 404 ADAPTIVE RE-USE OF AN EXISTING BUILDING FOR MORE THAN ONE PRINCIPAL USE

404.A. Within the (GC and I-1) Zones, the adaptive re-use with more than one principal use of a building that existed on the effective date of this Ordinance or adaptive re-use with more than one principal use of a building that gained land development approval after the effective date of this Ordinance are both permitted by right, subject to the following requirements:

- A. The building may not be expanded beyond the footprint that existed on the effective date of this Ordinance or that footprint approved via the most recent land development approval after the effective date of this Ordinance;
- B. Uses shall be limited to those permitted by right within its respective Zone;
- C. Each use must provide evidence of an approved means of sewage disposal and water supply;
- D. Each use must satisfy the current number of required off-street parking spaces as listed in Section 316.W. of this Ordinance;
- E. Each use must satisfy the current number of required off-street loading spaces as listed in Section 315.M. of this Ordinance;
- F. Each use must satisfy the current outdoor sign requirements as listed in Section 323 of this Ordinance, except that for commercial and industrial uses, no more than one (1) freestanding sign shall be permitted for the entire site;
- G. The lot coverage may not be expanded beyond that existing on the effective date of this Ordinance or the lot coverage approved via the most recent land development review after the effective date of this Ordinance;
- H. Vehicular access to the site shall be limited to that existing on the effective date of this Ordinance or that approved via the most recent land development review process. Each principal use shall be guaranteed unrestricted vehicular access. Configurations relying upon shared access shall require the implementation of a joint use access drive agreement recorded in a form acceptable to the Township Solicitor;
- I. Each principal use must comply with the current landscaping and screening requirements as listed in Section 322 of this Ordinance;
- J. Each principal use must comply with the current requirements for waste storage and disposal as listed in its respective Zone; and,
- K. Outdoor storage shall be regulated as listed in its respective Zone.

SECTION 405 ALTERNATIVE ENERGY SYSTEMS

405.A. Within every Zone, alternative energy systems are permitted accessory uses by right, subject to the following requirements:

405.B. Alternative energy systems constructed prior to the effective date of this Ordinance shall not be required to meet the requirements specified under this section of the Zoning Ordinance. Any physical modification to an existing alternative energy system that materially alters the size, type and quantity of the facilities shall require a zoning permit and shall comply with the applicable provisions specified under this section of the Zoning Ordinance.

405.C. Alternative energy systems shall be primarily utilized by the principal use of the lot upon

which it is located and energy generated must first be used to meet the demand on-site. Surplus energy may be exchanged, transferred and/or sold to a public or private utility company, if the applicant submits written expert evidenced that the proposed alternative energy system is designed not to exceed the following energy generating parameters:

1. The maximum energy generated for a residential use shall not exceed 1.5 times the annual energy needs of the principal residential use upon whose site the alternative energy system is located.
2. The maximum energy generated for a commercial use shall not exceed 2.0 times the annual energy needs of the principal commercial use upon whose site the alternative energy system is located.
3. The maximum energy generated for an industrial use shall not exceed 3.0 times the annual energy needs of the consumer of the principal industrial use upon whose site the alternative energy system is located.
4. The maximum energy generated for a governmental, school, hospital, church and/or other similar institutional use shall not exceed 4.0 times the annual energy needs of the consumer of the principal use upon whose site the alternative energy system is located.
5. The maximum energy generated for a municipal use shall not exceed 5.0 times the annual energy needs of the consumer of the municipal use upon whose site the alternative energy system is located

405.D. The owner of any alternative energy system connected to an electric utility grid shall provide the Township with written authorization from the utility acknowledging and approving such connection.

405.E. Alternative energy systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems do not exceed the permitted height requirements of the Zone in which it is located except that:

1. the total height of a building or structure with solar panels shall not exceed by more than one (1) foot the maximum permitted height in the applicable zone;
2. ground-mounted solar panels shall not exceed a height of 20 feet at the highest point of the structure;
3. the maximum height of a freestanding wind turbine and any supporting structure shall be fifty (50) feet for non-agricultural uses and one-hundred fifty feet (150) for agricultural uses, as measured from the ground surface to the tip of the blade at its highest turning movement;
4. the maximum height of a roof-mounted wind turbine and any supporting structure shall be ten feet (10') as measured from the highest roof surface to the tip of the blade at its highest turning movement; and,
5. all structures that exceed the maximum permitted height within its respective Zone shall demonstrate compliance with §220-34. of this Ordinance.

405.F. Except as noted in §405.R.B. of this Ordinance, alternative energy systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the Zone in which it is located.

405.G. Alternative energy systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems comply with all applicable setbacks of the zone in which it is located. Detached accessory systems shall

comply with applicable accessory use setbacks. Systems attached to a principal structure will be required to comply with principal use setbacks. In Zones with no accessory use setbacks, principal use setbacks shall apply.

- 405.H. Above-ground alternative energy systems shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white or gray and a flat finish. Wind turbine towers may be painted brown up to the height of nearby trees. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 405.I. On-site electrical transmission and power lines connected to or associated with the alternative energy system that are not contained within a building shall be located underground.
- 405.J. Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- 405.K. The applicant shall provide written evidence that the proposed alternative energy system shall comply with the noise standards listed in Section 314 of this Ordinance. A manufacturer's certificate of specification may be used to demonstrate compliance with this standard.
- 405.L. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternative energy system.
- 405.M. The applicant shall provide written evidence from the Township Fire Official that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.
- 405.N. The design and installation of the alternative energy system shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction Code and be subject to all applicable permit requirements thereof as well as all other applicable laws, codes and regulations.
- 405.O. In addition to those materials required in Section 901.B. of this Ordinance for a zoning permit, applicants for alternative energy systems shall be required to submit:
 - 1. a narrative describing the system and its principal components including, but not limited to related ancillary facilities;
 - 2. information about its potential energy generating capacity and anticipated generation; and,
 - 3. a site plan depicting the system and its principal components including, but not limited to related ancillary facilities as they relate to property lines, required setbacks, adjoining roads, utility rights-of-way and lines, and on-site buildings and structures. Such information shall be depicted upon the site plan even if it is located underground.
- 405.P. All solar energy systems shall comply with the following requirements:
 - 1. Solar energy panels shall be designed and located in order to minimize reflective glare and/or heat towards any adjoining use and/or road.
 - 2. All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the PA Sunshine Program website operated by the PA Department of Environmental Protection or from the

North American Board of Certified Energy Practitioners.

3. The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application.
4. Solar energy systems shall not be used for displaying advertising except for reasonable identification of the manufacturer of the system. In no case shall such identification exceed 200 square inches.
5. Upon residential properties, when a building is necessary for the storage of cells and/or equipment or components related to the solar energy system, the building must not exceed 400 square feet in area, must not exceed fifteen (15) feet in height and must comply with all applicable accessory use setbacks. Where no accessory use setbacks apply, principal use setbacks shall apply.
6. All solar energy systems shall, to the extent feasible, be sited inconspicuously when viewed from adjacent street rights-of-way and be sited so that tree removal is not required.
7. Stone storm water infiltration trenches or other best management practices shall be installed, that in the opinion of the Township Engineer, properly manage stormwater runoff from the solar panels in accordance with the Township Stormwater Management Ordinance.
8. Prior to the issuance of a zoning permit for the installation of a solar energy system, the applicant shall provide the Zoning Officer with:
 - A. A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties as well as any adjacent street rights-of-way. The glare study shall include:
 1. angle of the solar collector system panels, arrays, cells, etc. at the location;
 2. a diagram showing the maximum and minimum angles of reflective glare from the solar collector system panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and,
 3. mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
 - B. Certification from a professional engineer registered by the Commonwealth of Pennsylvania that the proposed installation of the solar energy system will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy system, and applicable requirements of the Township Building Code; and,
 - C. Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
9. The location of all solar energy systems shall comply with the following locational hierarchy. In order for an applicant to use a lower locational rank as listed below, he/she must demonstrate that the higher locational rank prevents the solar energy

system from operating as designed, as certified in writing by the manufacturer or installer. An applicant's reluctance to remove potential obstructions such as vegetation shall not be considered sufficient cause for permitting panel installation on a lower locational rank:

| Rank | Solar Panel Locational Hierarchy |
|-------------|--|
| 1 | Rooftop or attached mounts facing opposite any front lot line(s) |
| 2 | Rooftop or attached mounts facing any side lot lines |
| 3 | Rooftop or attached mounts facing any front lot lines |
| 4 | Freestanding - located within the rear yard |
| 5 | Freestanding - located within the side yard |
| 6 | Freestanding - located within the front yard provided that the solar panel(s) is: <ul style="list-style-type: none"> • located within the A Zone; • no less than 100 feet from each property line; and, • screened in accordance with §322 of this Ordinance. |

10. All owners of property upon which a solar energy system is installed shall maintain the solar energy system in a safe condition and good repair at all times. Whenever a solar energy system becomes structurally unsafe or endangers the safety of the structure or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the solar energy system is located that such solar energy system shall be made safe or removed. The disposal of solar energy systems shall comply with all applicable Township, county, state, and federal regulations.

11. All owners of property upon which a solar energy system is installed shall be required, as a condition of the issuance of the zoning permit to acknowledge in writing to the Township that the issuance of a zoning permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:

- A. the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or,
- B. the right to prohibit the development on, or growth of any trees or vegetation on, such property.

405.Q. Roof-mounted solar energy systems shall also comply with the following requirements:

- A. Solar panels shall not extend beyond any portion of a roof's surfaces nor above the roof ridge at its highest point.
- B. The applicant shall submit, from a structural engineer registered in the Commonwealth of Pennsylvania, a written certification of the existing structure's ability to adequately support the roof-mounted solar energy system.
- C. Solar panels may be installed on individual roof surfaces provided that the solar panel arrangement provides for three (3) safety access corridors

each at least eighteen inches (18") wide between the roof access points and the related roof ridge; or in the case of a flat roof, between the roof access points on opposite sides of the roof. As an alternative, the roof mounted solar panels shall be arranged to provide for a minimum thirty-six inch (36") wide safety access perimeter around the outside of the arrays on each roof surface.

- D. The applicants/owners shall post at conspicuous locations labels identifying the type of solar energy system and the system shut-off location(s) on the equipment.

405.R. Ground-mounted solar energy systems shall also comply with the following requirements:

- A. Ground-mounted solar energy systems must be located so that any sun reflection is directed away from, or is properly screened from, adjoining property.
- B. The surface area of a ground-mounted solar energy system, regardless of the mounted angle of any solar panels, shall be considered part of and cumulatively calculated in the lot coverage of the lot on which the system is located. The surface area of a ground-mounted solar energy system shall not exceed three percent (3%) of maximum lot coverage of the lot. For panels that self-adjust, the lot coverage of each solar panel shall be calculated at that angle with the greatest horizontal exposure.
- C. Solar panels shall not be mounted on any pole or tower such that the closest point of the solar panel is more than one (1') foot above the grade directly below the solar panel. Vegetation beneath a ground mounted, free standing solar energy system shall be properly maintained at all times in accordance with §63 of the Township Code.
- D. In those instances when the solar energy system is proposed as a freestanding installation within the front yard, the applicant must provide vegetative screening to serve as a barrier to visibility and glare, in accordance with §322 of this Ordinance. Prior to issuance of a zoning permit, a site plan showing the proposed arrangement, placement, species and size of all screen planting material shall be submitted for approval to the Zoning Officer.

405.S. The following provisions shall specifically apply to wind turbines:

- 1. Wind turbines may only be permitted upon lots with a minimum of one (1) acre. Only one wind turbine shall be permitted per principal residential use or upon lots of less than five (5) acres.
- 2. The design and installation of all wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer specifications shall be submitted as part of the application.
- 3. Wind energy systems shall not be installed in any location where they would interfere with existing fixed broadcast, re-transmission, or reception antennas. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy system shall be installed in any

location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.

4. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of fifteen (15) feet ground clearance, as measured between the ground surface and the tip of the blade at its closest point of the turning movement.
5. Wind turbines shall be setback the following distances as measured from the center of the wind turbine base to the nearest point of the respective feature listed below:

| Feature | Minimum setback |
|--|------------------------------|
| Occupied building on site | Turbine height plus ten feet |
| Above ground utility line right-of-way | Turbine height plus ten feet |
| Adjoining property | 1.5 times turbine height |
| Adjoining street right-of-way or private street* | 1.5 times turbine height |
| *This Section shall not be interpreted to permit the location of a wind turbine in the front yard if such structure is not permitted in the front yard within its respective Zone. | |

6. A wind turbine and any supporting structure shall be enclosed by a six (6) foot fence with locking gate or the base of the wind turbine and any supporting structure shall not be climbable for a minimum height of twelve (12) feet. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
7. All wind turbines and wind energy systems shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed 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 over-speed protection.
8. The applicant shall make reasonable efforts to minimize shadow flicker to adjoining properties.
9. No wind turbine shall cause ground vibrations perceptible beyond the property line of the site.
10. No wind turbine shall cause ice to be thrown or shredded beyond the property line of the site.
11. No trees or landscaping required by Township Ordinance, or as otherwise required by the Board of Supervisors or Zoning Hearing Board as a condition of approval for any plan, application or permit may be removed to facilitate installation or operation of a wind turbine.
12. Prior to the issuance of a zoning permit for the installation of a wind energy system, the applicant shall provide the Zoning Officer with:
 - A. A site plan showing:
 1. Lot lines and physical dimensions of the subject property within two (2) times the total height from the tower location.
 2. Location, dimensions, and types of existing structures on the property.
 3. Location of the proposed wind energy system tower, foundations, guy anchors, and associated equipment.

4. The right-of-way of any public street abutting the property.
 5. Any overhead utility lines.
- B. Wind energy systems system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
 - C. Certification from a professional engineer registered by the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable requirements of the Township Building Code. A copy of the foundation analysis shall also be provided.
 - D. Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approval of such connection. Off-grid systems shall be exempt from this requirement.
13. The owner of the wind energy system shall be required to dismantle and remove the wind energy system, including all structures, facilities, appurtenances, etc., within sixty (60) days of the time when the wind energy system is no longer in use.
 14. The owner of the wind energy system shall be required to maintain the wind energy system in a safe condition and good repair at all times. Whenever a wind energy system becomes structurally unsafe or endangers the safety of the structure or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the wind energy system is located that such wind energy system shall be made safe or removed. The disposal of wind energy systems shall comply with all applicable Township, county, state, and federal regulations.

405.T. The following provisions shall specifically apply to geothermal systems:

1. Only closed loop geothermal systems shall be permitted. Any anti-freeze fluid circulated through the pipes shall be a biodegradable mixture such as food grade propylene glycol.
2. Prior to installation, all installation specifications and drawings for the geothermal system must be certified by a registered engineer within the Commonwealth of PA as conforming to the installation standards of the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application;
3. The vertical geothermal system well (or wells) installation will be made only by a Pennsylvania-licensed well driller;
4. No geothermal system sub-surface loops and related geothermal boreholes shall be located closer than one hundred feet (100') from any existing or planned drinking water wells, twenty-five feet (25') from any existing or planned on-lot sewage disposal systems or twenty feet (20') from any and any property lines;
5. The vertical loop in a geothermal system well (or wells) shall be pressure-grouted bottom to top with a bentonite-based or cement-based material of 0.0000001 centimeter per second or lower permeability;
6. The applicant shall maintain the geothermal system in a safe condition and good

repair at all times. Whenever a geothermal system endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the geothermal system is located that such geothermal system shall be made safe or removed. The disposal of geothermal systems shall comply with all applicable Township, county, state, and federal regulations.

7. With respect to each geothermal system well installation, the Pennsylvania-licensed well driller and/ or system installer shall provide to the Township, before activation of the system, copies of:
 - A. Accurate written records and a written geologic log;
 - B. Accurate records with respect to grouting for each such well;
 - C. "As-built" plans and related documentation for each such system and well location in relation to property lines, street rights-of-way and drinking wells within twenty (20) feet;
 - D. Written documentation of the geothermal system testing and certification; and,
 - E. A written "plan" for the operation of the geothermal system proposed by the applicant and approved by the system installer which, among other matters, provides that:
 1. Any geothermal system leaks or releases will be reported by the applicant (and subsequent owner) to the Township Zoning Officer within twenty-four (24) hours of the discovery of same, and the applicant (and subsequent owner) covenants and agrees to take appropriate action to minimize any fluid release to the ground and to promptly repair any system leaks; and
 2. In the event of the proposed discontinuance of the use of the geothermal system, a system closure plan will be prepared and submitted to the Township for its approval by the landowner prior to the conveyance by the landowner of the land to any third party.

405.U. Manure digester facilities shall only be permitted as an accessory use to an agricultural or horticultural use.

SECTION 406 AMUSEMENT ARCADES

- 406.A. Within the (G-C) Zone, 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.C.2. and specifically as follows:
- 406.B. All activities shall take place within a completely-enclosed building;
- 406.C. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the arcade;
- 406.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 316.W. of this Ordinance; and,
- 406.E. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

SECTION 407 ANIMAL HOSPITALS, VETERINARY FACILITIES AND KENNELS

- 407.A. Within the (I-1) animal hospitals, veterinary facilities and kennels are permitted by right subject to the following specific criteria and within the (A) Zone, animal hospitals, veterinary facilities 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.C.2. and specifically as follows:
- 407.B. All detached animal boarding buildings, and any outdoor animal pens, stalls, or runways shall be located within the rear yard;
- 407.C. All animal boarding areas, pens, stalls or runways that are not contained within a completely enclosed building shall be a minimum of one hundred (100) feet from all property lines;
- 407.D. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines; and,
- 407.E. Any building, or area used for the housing, feeding, watering, or running of animals shall be set back at least five hundred (500) feet from:
1. the nearest property line of any existing residence other than the principal residence of the applicant;
 2. 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,
 3. the nearest property line of any lot proposed for residential purposes which has been submitted for preliminary or final subdivision approval; and,
- 407.F. Any building, or area used for the housing, feeding, watering, or running of animals shall be set back at least one thousand (1,000) feet from any land within the (R-1, R-2, VO, VG, and/or MU) Zones.

SECTION 408 AUCTION HOUSE

- 408.A. Within the (GC) Zone, auction 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.C.2. and specifically as follows:
- 408.B. All auction activities shall be conducted within a completely enclosed building.
- 408.C. No outdoor storage or display is permitted.
- 408.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.
- 408.E. A minimum of four off-street loading spaces shall be provided, subject to increases in accordance with the schedule listed in Section 315.M. of this Ordinance.
- 408.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 409 AUTOMOBILE, BOAT, FARM MACHINERY, RECREATIONAL
VEHICLE AND PERSONAL CARGO TRAILER SALES
(INCLUDING SERVICE OR REPAIR FACILITIES AS AN
ACCESSORY USE, AND IF CONDUCTED WITHIN A
COMPLETELY ENCLOSED BUILDING)**

- 409.A. Within the (GC) Zone, automobile, boat, farm machinery, recreational vehicle and personal cargo trailer sales (including service or repair facilities as an accessory use, and if conducted within a completely enclosed building) 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.C.2. and specifically as follows:
- 409.B. The applicant shall be required to submit an on-site circulation that fully describes the location and manner in which vehicles for sale 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 retail sales areas and required off-street parking spaces.
- 409.C. Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 316 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 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 316.J. of the Zoning 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 thirty-five feet (35');
 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 (GC) 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 vehicles shall comply with the off-street parking design requirements of Section 316 of the Zoning Ordinance.
- 409.G. The applicant shall submit a lighting plan in accordance with Section 311 of this Ordinance which shall demonstrate that areas to be used by employees or customers after dusk, shall be lighted to provide an average level of illumination of a minimum two (2) foot candles at an elevation of three (3) feet above grade.

- 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 314 of this Ordinance.
- 409.I. The applicant shall prepare, submit and explain, and continuously implement a 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.B. of this Ordinance;
 2. All service, repair and/or reconditioning activities shall be conducted within a completely enclosed building;
 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 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.

SECTION 410 AUTOMOBILE FILLING STATIONS (INCLUDING MINOR INCIDENTAL REPAIR)

- 410.A. Within the (VG & GC) 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.C.2. and specifically as follows:
- 410.B. The subject property shall have shall have at least one hundred twenty-five feet of continuous road frontage with two (2) points of vehicular access to an arterial or collector road.
- 410.C. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home;
- 410.D. The outdoor storage of any motor vehicle for more than thirty (30) days period is prohibited;
- 410.E. All structures, including but not limited to, gasoline pump islands, kiosks and canopies, (but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line;
- 410.F. No outdoor storage of automobile parts (new or used) shall be permitted. No discarded automobile parts shall remain on the site for more than thirty (30) days from when they are removed from the vehicle.

- 410.G. Access driveways shall be a minimum of twenty-four (24) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from closest edge to edge;
- 410.H. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residence and residentially-zoned property; and,
- 410.I. Within the VG Zone the subject property must be at least five hundred feet (500') from an existing automobile filling station.

**SECTION 411 AUTOMOBILE SERVICE AND REPAIR FACILITIES
INCLUDING, BUT NOT LIMITED TO, AUTO MECHANICS,
DRIVE-THRU LUBRICATION SERVICES AND TIRES, AUTO
PAINT, BRAKE, MUFFLER, TRANSMISSION, WINDSHIELD,
AUTO BODY, DETAILING, CAR RADIO AND UPHOLSTERY
SHOP**

- 411.A. Within the (GC) Zone, automobile service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services, tires, auto paint, brake, muffler, transmission, windshield, auto body, detailing, 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.C.2. and the following specific criteria, and within the (i-1) Zone automobile service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services, tires, auto paint, brake, muffler, transmission, windshield, auto body, detailing, car radio and upholstery shop 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.B. and the following specific criteria:
- 411.B. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 411.C. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 411.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;
- 411.E. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads;
- 411.F. The storage of unlicensed vehicles for more than sixty (60) days is prohibited;
- 411.G. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property;
- 411.H. All vehicles shall be repaired and removed from the premises promptly; and,
- 411.I. The demolition or junking of automobiles is prohibited.

SECTION 412 BED AND BREAKFASTS

- 412.A. Within the (A, R-2 & VG) Zones, bed and breakfasts 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.C.2. and the following specific criteria, and within the (MU)

Zone, bed and breakfasts 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.B. and the following specific criteria:

- 412.B. The owner and operator shall reside in the same building as the bed and breakfast and all rooms for rent shall be confined to the principal detached dwelling unit;
- 412.C. There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways, where practical, shall be located to the rear of the building insofar as such are permitted by applicable building codes;
- 412.D. All floors above and/or below grade shall have direct means of escape to ground level;
- 412.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. All parking areas shall be screened from adjoining residentially-zoned properties and adjoining residences;
- 412.F. No cooking facilities (other than portable coffee machines and tea pots) shall be permitted in any of the bedrooms available to guests; and,
- 412.G. Operation of the bed-and-breakfast shall comply with all applicable Municipal and State regulations.

SECTION 413 BEEKEEPING

- 413.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:
- 413.B. The site shall contain a minimum of one (1) acre;
- 413.C. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance;
- 413.D. Colonies shall be maintained in movable hives;
- 413.E. Hives shall be situated to maximize sunshine exposure and/or natural wind protection;
- 413.F. In no case shall hives be located within twenty-five feet (25') of any property line;
- 413.G. All bee hives must be registered in accordance with the PA Department of Agricultural, Entomology Section; and,
- 413.H. Hives shall not be oriented to children's play areas either on the site or an adjoining property.

SECTION 414 BILLBOARDS

- 414.A. Within the (I-1) Zone, billboards 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.B. and specifically as follows:
- 414.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;
- 414.C. Billboards shall only be permitted upon properties with frontage along an arterial road as listed

in Section 321 of this Ordinance;

- 414.D. All billboards shall be a minimum of fifty feet (50') from all property lines and a minimum of thirty-five feet (35') from the street right-of-way;
- 414.E. All billboards shall be set back at least one hundred feet (100') from any land within a (R-1, R-2, VO and MU) Zone;
- 414.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;
- 414.G. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five feet (25') in height;
- 414.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;
- 414.I. Any lighting used for billboards shall be designed in accordance with Section 311.F.11. to only illuminate the face of the billboard and not cast glare on adjoining areas or in an upward direction;
- 414.J. Billboards incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like display shall comply with Section 323.C.32. of this Ordinance; and,
- 414.K. The applicant must demonstrate that the proposed use will comply with the Pennsylvania Outdoor Advertising Control Act.

SECTION 415 BOARDING HOUSES

- 415.A. Within the (R-2) Zone, 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.C.2. and the following specific criteria and within the (MU) Zone, boarding houses are permitted within detached dwellings that existed on the effective date of this ordinance 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.B. and specifically as follows:
- 415.B. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used;
- 415.C. There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways, where practical, shall be located to the rear of the building insofar as such are permitted by applicable building codes;
- 415.D. All floors above and/or below grade shall have direct means of escape to ground level;
- 415.E. One off-street parking space shall be provided for each dwelling unit;
- 415.F. All parking areas shall be screened from adjoining properties; and,
- 415.G. Meals shall be offered only to registered tenants.

SECTION 416 CAR WASHES

- 416.A. Within the (GC) Zone, 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.C.2. and the following specific criteria:

- 416.B. Public sewer and water facilities shall be utilized and grey water recycling is encouraged;
- 416.C. There shall be an on-site stacking lane with a minimum length of eighty (80) feet for each self-service washing bay; automatic car wash bays shall have an on-site stacking lane with a minimum length of two hundred (200) feet. The design of the facility shall include an escape lane from the stacking area;
- 416.D. All structures housing washing apparatuses, stacking lanes, self-service vacuum devices and post-wash drying areas shall be set back twenty (20) feet from any side lot line;
- 416.E. One off-street parking space shall be provided for each employee on the two largest shifts;
- 416.F. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter; and,
- 416.G. The subject property shall front on an arterial or collector road.

SECTION 417 CEMETERIES

- 417.1. Within the (A) Zone, cemeteries 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.C.2. and the following specific criteria:
- 417.2. Minimum Lot Area - One (1) acre;
- 417.3. All burial plots or facilities shall be located at least ten (10) feet from any property line or street line;
- 417.4. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,
- 417.5. No burial plots or facilities are permitted in floodplain or flood fringe areas.

SECTION 418 CHURCHES AND RELATED USES

- 418.A. Within the (A, VG and GC) Zones, churches and related uses are permitted by right subject to the following specific criteria, within the (R-2) Zone, churches and related uses, excluding cemeteries 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.C.2. and the following specific criteria, and within the (MU) Zone, churches and related uses, excluding cemeteries 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.B. and specifically as follows:
- 418.B. HOUSE OF WORSHIP
 - 1. Minimum lot area - Two (2) acres;
 - 2. Minimum lot width - Two hundred (200) feet;
 - 3. All houses of worship shall have vehicular access to an arterial or collector highway, as

identified on the Official Zoning Map;

4. Side yard setback - Fifty (50) feet on each side; and
5. All off-street parking areas shall be set back at least twenty-five (25) feet 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-2) Zone.

418.D. CHURCH-RELATED EDUCATIONAL OR DAY-CARE FACILITIES

1. All educational or day-care uses shall be accessory, and located upon the same lot as a house of worship;
2. An outdoor play area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. The use of outdoor play areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. 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 persons 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 educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying 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 off-street parking space shall be provided for each six persons enrolled below grade ten, and/or one off-street parking space for each three persons, grades ten and above.

418.E. Within the (R-2) Zone the maximum permitted lot coverage for churches and related uses shall be sixty (60%) percent.

SECTION 419 CLUSTER DEVELOPMENTS

419.A. Within the (R-1 and R-2) Zones, cluster developments 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.B. and specifically as follows:

419.B. The minimum area devoted to a cluster development shall be ten (10) acres;

419.C. All units contained within a cluster development shall be served by public sewer and public water utilities;

419.D. **LOT DESIGN REQUIREMENTS** - See following tables:

| Cluster Development Lot Design Requirements – R-1 Zone | | | | | | | |
|---|----------------------------|---------------------------------|--------------------------------|----------------------|------------------------------------|--------------|-----------|
| Use | Minimum Lot Area (sq. ft.) | Maximum Density (Units/Net Ac.) | Minimum Lot Width ¹ | Maximum Lot Coverage | Minimum Yard Setbacks ² | | |
| | | | | | One Side | (Both Sides) | Rear Yard |
| Single-Family Detached Dwellings | 9,000 | 3.5 | 80' | 40% | 10' | 20' | 30' |
| ¹ Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than 70% of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear. | | | | | | | |
| ² Front yard setbacks shall be provided in accordance with footnotes 3, 4 and 5 as found in Section 201.8. of this Ordinance. | | | | | | | |

| Cluster Development Lot Design Requirements – R-2 Zone | | | | | | | |
|--|----------------------------|---------------------------------|--------------------------------|----------------------|------------------------------------|------------------|-----------|
| Use | Minimum Lot Area (sq. ft.) | Maximum Density (Units/Net Ac.) | Minimum Lot Width ⁴ | Maximum Lot Coverage | Minimum Yard Setbacks ⁵ | | |
| | | | | | One Side | (Both Sides) | Rear Yard |
| Single-Family Detached Dwellings | 6,000 | 5 | 60' | 45% | 10' | 20' ¹ | 30' |
| Duplexes | 5,000 | 6 | 45' | 50% | 10' | (NA) | 25' |
| Two-family dwellings | 8,000 | 6 | 80 | 45% | 10' | 20' | 30' |
| Townhouses ² | 1,800 | 6 | 18' | 65% | 15' | (End Units) | 20' |
| Multiple-Family ³ | 87,120 | 6 | 200' | 60% | 30' | 60' | 30' |

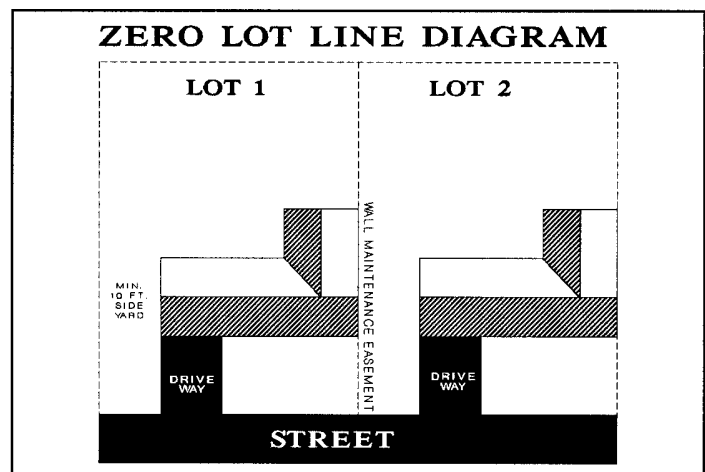
¹Within cluster development in the (R-2) Zone, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

A. One side wall of the structure may be located no less than one inch from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least twenty (20) feet wide.

B. A perpetual four (4) foot wall-maintenance easement shall be provided on the lot adjacent to the zero-lot-line. Such easement shall prohibit the placement of structures that would interfere with the maintenance of the wall located along the zero-lot-line. Such easements shall be recorded on the deed of any zero-lot-line lots.

C. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.) unless such openings are located at least eight (8) feet above grade.

D. The zero-lot-line dwelling shall be designed to integrate interior and exterior living area. The dwelling's room layout and configuration of exterior walls should be coordinated so that visibility and pedestrian access are readily provided between indoor and outdoor living areas.



E. All groupings of zero-lot-line dwellings shall be separated from other single-family detached dwellings on conventional lots by a fifty (50) foot wide, landscaped buffer.

²No townhouse grouping shall contain more than eight (8) 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 (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plan. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

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

A. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

B. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.

C. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

⁴Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than 70% of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

⁵Front yard setbacks shall be provided in accordance with Section 202.11. and Section 202.12. of this Ordinance.

419.E. Within the R-1 Zone at least twenty percent (20%) of the cluster development site shall be devoted to common open space and within the R-2 Zone at least thirty percent (30%) of the cluster development site shall be devoted to common open space. The location and design of required common open space shall be largely determined by a proper site planning process. As part of this process, applicants shall be required to prepare a natural and cultural features inventory of the site. Qualified experts must identify and plot each of the following found on the proposed site:

- 100-year floodplains
- steep slopes [greater than fifteen percent (15%)]
- wetlands, riparian buffers, streams, ponds, or other water bodies
- sinkholes, caves, vistas, or other significant geologic features
- threatened or endangered species habitats
- archaeological resources
- historic resources
- significant stands of mature trees

From this inventory and plot, it shall be incumbent upon the applicant to demonstrate that the proposed schematic design of the cluster development minimizes disturbance of, and integrates, these features to provide safe and attractive areas, and a network of common pedestrian paths that link areas within the proposed development, and connect with nearby uses of the Township. All common pedestrian paths shall consist of an all-weather, durable surface that is at least five (5) feet wide.

419.F. In addition, the applicant can include proposed parklands within required common open space (which will only be counted towards the required mandatory dedication of parkland and open space as required within the SLDO to the extent that the proposed common open space exceeds the minimum required 30 percent of the area of the cluster development site) if such parkland complies with the following:

1. 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;
2. 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;
3. 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;
4. 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,
5. 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.

419.G. **ENDOWMENT OF COMMON OPEN SPACE AND PROVISION OF DESIRED TRAIL FEATURES**

The Board of Supervisors may grant a density bonus during the land development review of any cluster development subject to the following conditions. The decision whether to offer a density bonus and the extent of any density bonus shall be at the sole discretion of the Board of Supervisors. Density bonuses may be granted to help defray the costs of:

1. an endowment fund with suitable features and protections that ensure the perpetual management and maintenance of common open space that serves residents of the Township located beyond the confines of the proposed cluster development; and/or,
2. the successful integration of an improved trail across the site that links with, and is part of, a larger community trail system identified within an Official Comprehensive Recreation and Open Space Plan, the Comprehensive Plan, the Official Map or as determined to be suitable by the Board of Supervisors.

In order to assist the Board of Supervisors determine the extent to which a density bonus may be granted, the applicant shall be required to submit evidence of the additional costs incurred to accomplish the preceding objectives along with a calculation of the value of any proposed additional dwelling units that are being requested to defray the costs thereof.

419.H. **PERMANENT PROTECTION OF COMMON OPEN SPACE**

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 limit

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.) The determination of necessity shall lie solely with the Board. The ownership and maintenance of common open space shall be governed by Section 304 of this Ordinance.

SECTION 420 COMMERCIAL DAY-CARE FACILITIES

- 420.A. Within the (GC) 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.C.2. and the following specific criteria, and within the (MU) Zone, commercial day care 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.B. and specifically as follows:
- 420.B. An outdoor play area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. The use of outdoor play areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. 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 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; and,
- 420.E. One off-street parking space shall be provided for each six (6) persons enrolled, or fraction thereof.

SECTION 421 COMMERCIAL PRODUCE OPERATIONS

- 421.A. Within the (A) Zone, commercial produce operations 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.B. and specifically as follows:
- 421.B. Minimum Lot Area - Fifty (50) acres;
- 421.C. Maximum Permitted Lot Coverage - Thirty percent (30%), including all impervious surfaces;
- 421.D. The applicant shall submit written evidence 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 Lancaster 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 Lancaster 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, no artificial lighting may be used for growing which can be viewed from adjoining roads or properties between the hours of official sunset to official sunrise. Any other lighting on the site shall be designed and arranged so as not to cast glare on adjoining roads or properties;
- 421.H. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the operator. If said fans are within one thousand feet (1,000') of the closest subject property line, then the applicant shall construct a dispersion buffer. Such dispersion buffer shall include a vegetative berm that will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at any of the subject 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 (50) foot wide radius for all turns and intersections;
- 421.J. Any on-site waste storage facilities shall comply with the requirements of Section 449 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, except that subject to the limitations of Section 200.12. of this Ordinance, additional dwellings may be created for family members of the farm owner or for someone who is involved in the day-to-day farm operations;
- 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;

In addition, 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 to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer;

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 municipality.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one mile from the site;
- 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;
- the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
- the location of all streams within one thousand feet (1,000') feet of the site and all known point sources of pollution;

- based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - 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,
 - 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. All commercial produce operations must comply with applicable storm water management regulations of the SLDO;
- 421.O. The applicant shall be required to obtain an approved land development under the SLDO;
- 421.P. The applicant shall be required to submit a traffic impact study in accordance with Section 320 of this Ordinance;
- 421.Q. 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 conditional use shall be denied;
- 421.R. The site shall include one (1) off-street parking space for each employee during the largest work shift;
- 421.S. No retail sales shall be permitted on the site, except for roadside stands as permitted by Section 200.B.12.S. of this Ordinance;
- 421.T. 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.U. Signage shall be permitted , as provided for in 323.D.6. of this Ordinance; and,
- 421.V. The applicant shall establish and maintain a riparian buffer along any perennial streams that are located upon the subject property in accordance with Section 511 of this Ordinance.

SECTION 422 COMMERCIAL RECREATION FACILITIES

- 422.A. Within the (GC) Zone, commercial recreation 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.B. and specifically as follows:
- 422.B. If the subject property contains more than two acres, it shall front on an arterial or collector road;
- 422.C. 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.D. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy;
- 422.E. Maximum permitted height for structures regulated by this Section can exceed thirty-five (35) 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 does not violate the Airport Safety Zone as regulated by Section 240 of this Ordinance; and,
 5. the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999;
- 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 316.W. of this Ordinance. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 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) & CONCENTRATED ANIMAL OPERATIONS (CAOS)

- 423.A. Within the (A) Zone, concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) 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.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 one thousand (1,000) feet from any land within the (R-1, R-2, VO, and/or MU) 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/or concentrated animal operations 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. 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 Lancaster 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 Lancaster Conservation District that the amended plan has been approved;
- 423.F. The applicant shall submit, abide by and demonstrate a working knowledge of 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 on-site manure storage facilities comply with the requirements of Section 449 of this Ordinance;
- 423.I. All buildings used for the housing of livestock shall be fitted with a solid concrete slab or slotted floor;
- 423.J. 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.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 perennial streams that are located upon the subject property in accordance with Section 511 of this Ordinance.

SECTION 424 CONVENIENCE COMMERCIAL CENTERS

- 424.A. Within the (I-1) Zone, convenience commercial 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.B. and specifically as follows:
- 424.B. One convenience commercial center may be established in each (I-1) Zone that contains at least one hundred fifty (100) contiguous acres;
- 424.C. No individual lot within the convenience commercial center shall contain less than one half (1/2) acre nor be less than one hundred fifty (100) feet wide;
- 424.D. A convenience commercial center shall include a combination of at least three of the following uses:
- A. convenience grocery and/or dairy stores;
 - B. pharmacies and/or drug stores;
 - C. dry cleaner store branches (not including on-site cleaning);
 - D. restaurants including fast-food facilities;
 - E. automobile filling stations (including accessory service and/or repair facilities);
 - F. barbers and beauty salons;
 - G. photocopying stores;
 - H. banks and other similar financial institutions;
 - I. retail sales of stationery, office supplies;
 - J. photographic studios
- 424.E. No convenience commercial center shall exceed ten percent (10%) of the total land area devoted to the adjoining (I-1) Zone, and in no case shall a commercial convenience center exceed four (4) acres in size;
- 424.F. The overall acreage of a proposed convenience commercial center shall not exceed the actual acreage devoted to allowed uses within the (I) Zone that have already been constructed and occupied;
- 424.G. All buildings, structures, parking lots, off-street loading areas, signs, dumpsters, and access drive associated with a convenience commercial center shall be set back at least one hundred (100) feet and screened from any adjoining properties within the (R-1, R-2, VO and MU) Zones;
- 424.H. Convenience commercial centers shall be linked to the surrounding (I-1) Zone development by safe and convenient walkways;
- 424.I. No more than two access drives shall provide vehicular access to a convenience commercial center. In no case shall a convenience commercial center front along, nor have direct vehicular access onto, PA Route 23;
- 424.J. All convenience commercial centers shall be functionally and visually integrated with shared parking, vehicular access, signage, and landscaping;
- 424.K. No building nor structure shall exceed a total height of twenty-five (25) feet; and,
- 424.L. All other requirements of the (I-1) Zone shall apply to convenience commercial centers.

SECTION 425 CONVENIENCE STORES

- 425.A. Within the (VG and GC) Zones, convenience stores are permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 425.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 | 409 |
| Car wash | 415 |
| Drive-thru or fast food restaurant | 426 |

- 425.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;
- 425.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 316.W. of this Ordinance; and,
- 425.E. An acceptable working plan for the cleanup of litter shall be furnished and implemented by the applicant.

SECTION 426 DOMESTIC COMPOSTS

- 426.A. Within all Zones domestic composts as an accessory residential use is permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 426.B. The placement of framed enclosure for composting is permitted, subject to all accessory use setbacks.
- 426.C. Only waste materials from the residential site shall be deposited within the compost enclosure, and in no case shall meat or meat by-products be composted.
- 426.D. 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 (GC) Zone, drive-thru and/or fast-food restaurants 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.B. and specifically as follows:
- 427.B. The subject property shall have vehicular access onto an arterial or collector road;
- 427.C. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter;

- 427.D. All drive-thru window-lanes shall be separated from the parking lot's interior driveways;
- 427.E. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;
- 427.F. No outdoor areas for patron seating are permitted unless the applicant gains approval under Section 465 of this Ordinance. All exterior play/activity areas shall be completely enclosed by a three (3) foot high fence. Uses providing outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate visual and/or audible impacts on adjoining properties; and,
- 427.G. No part of the subject property shall be located within two hundred (200) feet of any property within the (R-1, R-2, VO and MU) Zones.

SECTION 428 DRY CLEANERS, LAUNDRIES AND LAUNDROMATS

- 428.A. Within the (GC) Zone all Zones dry cleaners, laundries and laundromats are permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows and within the (VG) Zone, 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.C.2. and the following specific criteria:
- 428.B. Public sewer and water shall be used;
- 428.C. All activities shall be conducted within a completely enclosed building;
- 428.D. During times of operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining property within the (R-1, R-2, VO and MU) Zones shall be kept closed;
- 428.E. Ventilation exhausts shall meet all applicable State and Federal air quality standards. Ventilation outlets must be set back at least fifty (50) feet from all property lines or be directed skyward; in no case shall any such exhaust outlet be directed toward adjoining residences or property within the (R-1, R-2, VO and MU) Zones; and,
- 428.F. Self-service laundromats shall require one off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one off-street parking space for each four hundred (400) square feet of gross floor area.

SECTION 429 ECHO HOUSING

- 429.A. Within the (A) Zone, ECHO housing is an accessory residential use permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 429.B. The elder cottage may not exceed one thousand, two hundred (1,200) square feet of gross floor area, including any enclosed garage and/or any basement;
- 429.C. The total lot coverage shall not exceed twenty percent (20%);
- 429.D. The elder cottage shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption;
- 429.E. The elder cottage shall be occupied by a maximum of two (2) people;

429.F. **UTILITIES**

1. Sewage disposal, water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility standards; and,
 2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.
- 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. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard set back requirements for principal uses;
- 429.I. The elder cottage shall be removed from the property within twelve (12) months after it is no longer occupied by a person who qualifies for the use; and,
- 429.J. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary Zoning Certificate of Use and Occupancy. Such Zoning Certificate of Use and Occupancy 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 Certificate of Use and Occupancy. Such fee shall be based upon the cost of the annual review of the Zoning Certificate of Use and Occupancy.

SECTION 430 FACILITIES FOR THE WAREHOUSING, SALES, REPAIR, AND SERVICE OF AGRICULTURAL EQUIPMENT, VEHICLES, FEED OR SUPPLIES

- 430.1. Within the (A) Zone, facilities for the warehousing, sales, repair, and service of agricultural equipment, vehicles, feed or supplies 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.B. and specifically as follows:
- 430.2. All activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm rather than the distribution of goods produced on the farm. This use should not be construed to include the sales of agricultural products primarily to nonfarmers, nor those involved in wholesale distribution. Wholesale produce, tobacco and livestock sales and auctions are expressly prohibited;
- 430.3. All uses shall have vehicular access to an arterial or collector road, as identified on the Official Zoning Map;
- 430.4. **MINIMUM LOT SIZE** - One (1) acre;
- 430.5. **MAXIMUM LOT SIZE** - Five (5) acres;

- 430.6. The processing of products produced on the farm shall be limited to those products that are primarily used in local agricultural production;
- 430.7. All structures shall be located at least fifty (50) feet from all property lines;
- 430.8. Maximum Lot Coverage - Twenty percent (20%);
- 430.9. Sufficient vehicles stacking lanes shall be provided to prevent vehicle back-ups onto adjoining roads;
- 430.10. A minimum twenty-five (25) foot landscape strip shall be provided along all property lines;
- 430.11. All on-site vehicles areas shall contain a dust-free surface;
- 430.12. Except for the outside storage of farm machinery, all outdoor storage shall be completely enclosed by a six (6) foot high fence, and screened from adjoining properties and roads. No outdoor storage is permitted within the required landscape strip; and,
- 430.13. All grain storage facilities, conveying apparatuses, drying chambers and axial ventilation fans shall be set back a minimum of one hundred (100) feet from all property lines.

SECTION 431 FAMILY DAY-CARE FACILITIES

- 431.A. Within the (A, R-1, R-2, MU and VG) Zones, family day-care facilities are an accessory residential use permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 431.B. The family day care must be operated within a detached dwelling having a minimum lot size of ten thousand (10,000) square feet.
- 431.C. A family day-care facility shall offer care and supervision to no more than six (6) different minors during any calendar day;
- 431.D. All family day-care facilities with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- 431.E. An outdoor play area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining property within the (R-1, R-2, VO and MU) Zones. The use of outdoor play areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. 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); and,
- 431.6. 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 432 FARMERS AND/OR FLEA MARKETS

- 432.A. Within the (GC) 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.C.2. and the following specific criteria:

- 432.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;
- 432.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;
- 432.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 316 of this Ordinance;
- 432.E. Off-street loading shall be provided at the rate similar to that imposed on retail sales as listed in Section 315.M. of this Ordinance. Again, the retail sales area, as described above, shall be used to calculate needed loading space(s);
- 432.F. All outdoor display and sale of merchandise shall commence no earlier than one hour before official sunrise and cease no later than one hour prior to official sunset;
- 432.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 314 of this Ordinance; and,
- 432.H. 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 a working plan for the clean-up of litter.

SECTION 433 FARM OCCUPATIONS

- 433.A. Within the (A, R-1, R-2, VG and GC) Zones, one farm occupation 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.C.2. and the following specific criteria:
- 433.B. The proposed use must be conducted as an accessory use to the principal agricultural use of the property.
- 433.C. No subdivision of the farm occupations shall be permitted.
- 433.D. A farm occupation may only be conducted on farms containing at least twenty (20) acres. For the purposes of this Section 433, a "farm" shall be considered to include an area of land operated as a single economic agricultural enterprise, regardless of the number of contiguous parcels, plots, or tracts comprising such an enterprise.
- 433.E. For the purposes of this Ordinance, farm occupations may involve the following uses:
 - 1. Retail sales of agricultural products principally produced on the farm (with a display area not to exceed 600 square feet);
 - 2. Facilities for the service and repair of farm machinery and equipment, and small engines;
 - 3. Facilities contributing to the agrarian lifestyle characteristic of the residents of the Township. Such facilities include:
 - A. Arts and crafts manufacturing, with a retail sales area not to exceed six hundred (600) square feet;

- B. Blacksmith and tool sharpening shops;
 - C. Carriage, buggy, wagon and related appurtenances manufacturing, sales and service;
 - D. Carpenters;
 - E. Woodworking, furniture, and cabinet making shops;
 - F. Metalworking shops;
 - G. Country housewares, hardware and dry goods stores with a retail sales area not exceeding one thousand (1,000) square feet; and,
 - H. Butcher shops;
 - I. Tailor and shoe shops; and,
 - J. Bake shops with no more than six hundred (600) square feet of retail sales area;
- 433.F. No more than one (1) acre of land shall be devoted to such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. However, any lane serving the farm occupation and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm occupation;
- 433.G. No more than fifty percent (50%) of the lot area devoted to a farm occupation shall be covered by buildings, parking lots or any other impervious surface;
- 433.H. At least one owner of the farm occupation must live on the property on which the use is conducted;
- 433.I. No farm occupation shall be located within three hundred (300) feet of any property used principally for residential purposes (except for dwellings located upon the same parcel as the farm occupation), nor any lands within the (MU, R-1 or R-2) Zones. Such distances shall be measured as a straight line between the closest points of the property containing the farm occupation, and the residentially used or zoned properties.
- 433.J. All farm occupations shall be conducted upon the same lot as an actively farmed parcel;
- 433.K. No more than two (2) nonresidents of the farm parcel shall be employed by the farm occupation;
- 433.L. The use must be conducted within one completely-enclosed building. In no case shall such use occupy more than four thousand (4,000) square feet of gross floor area;
- 433.M. Any out-building used for such farm occupation shall be located behind the principal farm residence on the site or, as an alternative, at least three hundred (300) feet from the street right-of-way;
- 433.N. Any outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties;
- 433.O. Any activities that produce noxious dust, odor, light, or noise, perceptible at the property line are prohibited;
- 433.P. All off-street parking and loading areas shall be contained behind the principal farm residence or, as an alternative, at least three hundred (300) feet from the street right-of-way;
- 433.Q. No manufactured home shall be used for a farm occupation;

- 433.R. The applicant shall submit written evidence from the SEO that the proposed use has an approved means of sewage disposal;
- 433.S. 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.T. 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 Lancaster 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.U. 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 FENCES AND WALLS

- 434.A. Within all 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.
- 434.B. Within the (GC, I-1 and Q) Zones, no fence or wall (except agricultural or tennis court walls or fences, or a retaining walls as noted below in Section 434.D.) shall be erected to a height of more than ten (10) feet in any yard.
- 434.C. No fence or wall shall interfere with the required clear sight triangle as listed in Sections 301.C., 303 and 305.C. of this Ordinance;
- 434.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.
- 434.E. The use of barbed wire and electric fences are expressly prohibited except in the case of agricultural fences used to contain livestock.
- 434.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 435 FISH HATCHERIES AND/OR FISH FARMS

- 435.A. Within the (A) Zone, fish hatcheries and/or fish farms are permitted by right, 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 specifically as follows:
- 435.B. The applicant must furnish evidence of receipt of an approved artificial propagation license from the PA Department of Agriculture, Bureau of Animal Health.
- 435.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 436 FREESTANDING TELECOMMUNICATION AND WIRELESS FACILITIES

- 436.A. Within the (A and I-1) Zones freestanding telecommunication and wireless communications facilities are permitted 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.B. and specifically as follows:
- 436.B. The purpose of this section and the standards established herein is to govern the use, construction, and location of telecommunication and wireless communications facilities in recognition of the nature of commercial communication systems and the Federal Telecommunications Act of 1996. These regulations are intended to:
1. Accommodate the need for telecommunication and wireless communications facilities while regulating their location and number so as to insure the provision for necessary services;
 2. Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color, and finish and by requiring that competing providers of wireless communications services collocate their freestanding telecommunication and wireless communications facilities and related facilities on existing towers;
 3. Ensure the structural integrity of freestanding telecommunication and wireless

communications facilities support structures through compliance with applicable industry standards and regulations; and

4. Promote the health, safety and welfare of the residents and property owners within Upper Leacock Township.
- 436.C. All applicants seeking to construct, erect, relocate, or alter telecommunication or wireless communications facilities shall secure approval from the Township, which shall be conditioned upon their demonstrated compliance with the regulations specified under this Section. As part of this requirement, a site plan shall be prepared and submitted to the Township for review and consideration that demonstrates compliance with the requirements for location, height, design, infrastructure, and site improvements by the applicant considering the telecommunication or wireless communication network.
- 436.D. The following requirements concerning location and height shall apply to freestanding telecommunication and wireless communication facilities.
1. No applicant shall have the right under the provisions of this Section to erect any freestanding telecommunication and wireless communications facilities support structure, also referred to as a "tower" in these regulations, to the maximum height specified within this Ordinance, unless they prove the necessity for such height. The applicant shall demonstrate that the proposed height of the freestanding telecommunication and wireless communications facilities support structure and the antenna be attached thereto is the minimum height required to provide satisfactory service.
 2. Prior to approval of a site plan authorizing the construction and installation of a freestanding telecommunication and wireless communications facilities support structure in a permitted location or Zone, it shall be incumbent upon the applicant to prove that the applicant cannot adequately extend or infill its communications system by the use of equipment such as radomes, repeaters, antennas, and similar equipment installed on existing structures, such as utility poles or their appurtenances, and other available tall structures, hereinafter referred to as an "existing structure."
 3. The conditional use application, whether for a tower or antennas on existing structures, shall be accompanied by a propagation study demonstrating the need for the proposed tower or other communications facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the applicant, the power in watts at which the applicant transmits, the design gain of applicant's antennas, the subscriber equipment sensitivity expressed in dBm, the design dBm of the transmission and receiving equipment, and the results of the drive test and other studies conducted by the applicant in determining the need for the proposed site and installation.
 4. No freestanding telecommunication and wireless communications facilities support structure shall be taller than one hundred twenty (120) feet, as measured from undisturbed ground level, unless the applicant proves that another provider of communications services has agreed to co-locate telecommunication and wireless communications antennas on the applicant's tower or that the tower will be available for such co-location. It shall be incumbent upon the applicant to prove that a greater tower height is necessary to provide satisfactory service for communications than is required by the applicant. In such case, the freestanding telecommunication and wireless communications facilities support structure shall not exceed one hundred fifty (150) feet unless the applicant secures approval of a variance under the provisions of this Ordinance. In no event shall mounted freestanding telecommunication and wireless communications antennas' height on any tower extend more than ten (10) feet above the installed height of the tower.

5. In those areas where freestanding telecommunication and wireless communications antennas and freestanding telecommunication and wireless communications facilities support structures are permitted, either one (1) single-story wireless communications equipment building not exceeding one thousand (1,000) square feet in area or up to five (5) metal boxes placed on a concrete pad not exceeding twenty-five (25) feet by thirty (30) feet in area housing the receiving and transmitting equipment may be located on the permitted site selected for installation and location of the tower for each unrelated company sharing freestanding telecommunication and wireless communications facilities space on the tower.
 6. With the exception of the transmitting and wireless communications equipment necessary to facilitate the tower and freestanding telecommunication and wireless communications antennas, all other uses ancillary to freestanding telecommunication and wireless communications antennas and freestanding telecommunication and wireless communications facilities support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot, and vehicle storage area, shall not be located on any site, unless otherwise permitted by the applicable Zone regulations in which the site is located.
 7. The minimum distances between the base of a freestanding telecommunication and wireless communications facilities support structure and any adjoining property line or street right-of-way line shall equal fifty (50) percent of the proposed freestanding telecommunication and wireless communications facilities support structure height. Where the site on which a tower is proposed to be located is contiguous to an educational use, child day care facility, or residential use, the minimum distance between the base of a freestanding telecommunication and wireless communications facilities support structure and any such adjoining uses shall equal one hundred ten (110) percent of the proposed freestanding telecommunication and wireless communications facilities support structure height, unless it is demonstrated to the reasonable satisfaction of the Board of Supervisors that in the event of tower failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.
 8. Unless otherwise specified within this Ordinance, a proposed freestanding telecommunication or wireless communications facility must be located or separated by a horizontal distance of three thousand (3,000) feet from any other freestanding telecommunication or wireless communications facility except those devoted to accessory residential use.
- 436.E. The following standards shall apply to the structural stability, support, and design of all freestanding telecommunication or wireless communication facilities.
1. The applicant shall demonstrate that the proposed freestanding telecommunication and wireless communications antennas and freestanding telecommunication and wireless communications facilities support structures are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineer, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association, and other established standards identified by the Township Engineer. The applicant shall demonstrate that the proposed telecommunication and wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
 2. 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 is 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.

3. In order to reduce the number of freestanding telecommunication and wireless communications facilities support structures within the Township in the future, the proposed freestanding telecommunication and wireless communications facilities support structure shall be designed to accommodate other potential communications users, including but not limited to, commercial wireless communications companies, local police, and fire and ambulance companies.
4. If the communications facility is fully automated, adequate parking shall be required for all maintenance workers, with a minimum of two (2) spaces provided. If the communications facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the communications facility during the largest shift.
5. Freestanding telecommunication and wireless communications facilities support structures shall be painted silver or another color approved by the Township, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. In furtherance of this provision, the Township may require that:
 - A. Freestanding telecommunication and wireless communications facilities support structures be painted green up to the height of nearby trees; and/or
 - B. Wireless communications equipment buildings that house electrical transmitter equipment be placed underground, unless this is determined to be detrimental to the functioning and physical integrity of such equipment.
6. In making these determinations concerning aesthetics and architectural compatibility, the Township shall consider the following:
 - A. if it will promote the harmonious and orderly development of the Zone involved,
 - B. if it is compatible with the character and type of development existing within the area,
 - C. if the benefits exceed any negative impacts on the aesthetic character of the community,
 - D. if it preserves woodland areas and trees existing at the site to the greatest possible extent, and
 - E. if it encourages sound engineering practices and land development design.

436.F. Unless otherwise permitted by the Board of Supervisors as part of the conditional use application, the following general site improvements, compliance provisions, and procedural obligations shall be required for all telecommunication or wireless communication facilities.

1. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or other governmental agency.
2. Where required, the freestanding telecommunication and wireless communications facilities support structures shall meet all FAA regulations. No freestanding telecommunication and wireless communications facilities support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is so required, it shall be limited to the minimum lumens and number of lights required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities as well as to the Township.
3. The applicant shall describe the anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic safety and noise impacts of such maintenance.
4. In the event that a telecommunication and wireless communications facilities is attached to an existing structure, vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the existing principal use.
5. If the applicant proposes to build a freestanding telecommunication and wireless communications facilities support structure (as opposed to mounting the freestanding telecommunication and wireless communications facilities on an existing structure), the applicant shall prove to the Township that it has contacted the owners of structures of suitable location and height, either other towers or existing tall structures within a three thousand (3,000) foot radius of the site proposed, asked for permission to install the freestanding telecommunication and wireless communications antennas on those structures, and has been denied. The Township may deny an application to construct a new freestanding telecommunication and wireless communications facilities support structure if the applicant has not made a good faith effort to co-locate the telecommunication and wireless communications facilities on an existing structure.
6. If use of the communications facility is abandoned or if the communications facility is not in use for a period of six (6) months or longer, the owner shall demolish and/or remove the communications facility from the site within six (6) months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the communications facility. In the event that the demolition and/or removal referred to above are not performed in a timely manner, the owner shall be subject to the enforcement remedies of this Ordinance or as otherwise provided by law.
7. As part of the conditional use application, the applicant seeking to construct, erect, relocate, or alter a communications facility shall file a written certification that all property owners within a one thousand (1,000) foot radius of the property on which the freestanding telecommunication and wireless communications facilities support structure is proposed to be located have been given written notice by the applicant of the applicant's intent to construct, erect, relocate, or alter a communications facility. The certification shall contain the name, address, and tax parcel number of the property owners so notified.
8. In the event that the wireless communications facilities cause interference with the radio or television reception within the Township for a period of three (3) continuous days, the affected property owner or tenant may notify the applicant of such interference, and the applicant, at the applicant's sole expense, shall thereafter

ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the enforcement remedies of this Ordinance.

9. A security fence shall be required around the antenna support structure and other equipment, unless the freestanding telecommunication and communications facility is mounted on an existing structure.
10. Landscaping shall be required to screen and buffer as much of a newly constructed freestanding telecommunication and wireless communications facilities support structure as possible. The Board of Supervisors may permit a combination of existing vegetation, topography, walls, decorative fences, and other features in lieu of landscaping.

436.G. The following background information and documentation shall be submitted as part of the conditional use application.

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) or, in the case of those companies that own and erect towers for lease to such companies, that it has an existing contract with one (1) or more such companies to locate on the proposed tower (in those zoning Zones or areas where such towers are permitted) and shall provide the Township Secretary with copies of all FCC applications, permits, approvals, licenses, and site inspection records. All such information shall be accompanied by a certification signed by two (2) officers of the applicant that the information being supplied is true and correct to the best of their knowledge, information, and belief. The applicant shall also provide the Township with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
2. The owner of a freestanding telecommunication and wireless communications facilities support structure shall submit to the Township Engineer proof of the annual inspection of the freestanding telecommunication and wireless communications facilities support structure and freestanding telecommunication and wireless communications facilities(s) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, the Board of Supervisors may require removal or repair of the wireless communications facility. In the event that the annual inspection referred to above is not performed in a timely manner, the owner shall be subject to enforcement remedies of this Ordinance or as otherwise provided by law.
3. A soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-E, shall be submitted to the Township Engineer to document and verify the adequacy of the design specifications of the foundation for the freestanding telecommunication and wireless communications facilities support structure and anchors for the guy wires, if used.
4. Prior to the issuance of a permit authorizing construction and erection of a freestanding telecommunication and wireless communications facilities support structure, a structural engineer registered in the Commonwealth of Pennsylvania shall issue a written certification to the Township of its ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the freestanding telecommunication and wireless communications facilities support structure. Where antennas are proposed to be attached to an existing structure, the structural engineer shall certify that both the structure and the antennas and their appurtenances meet minimum industry standards for structural integrity.

5. The conditional use application shall be accompanied by a full site plan for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to the freestanding telecommunication and wireless communications antennas, freestanding telecommunication and wireless communications facilities support structure, building, fencing, buffering, and site access provisions.
6. In January of each year, the owner of any wireless communications facilities shall pay any required registration fees and shall provide the Township with the following information.
 - A. The names and addresses of the owner of the communications facilities and any organizations utilizing the communications facility and telephone numbers of the appropriate contact person in case of emergency.
 - B. The name and address of the property owner on which the communications facility is located.
 - C. The location of the communications facility by geographic coordinates, indicating the latitude and longitude.
 - D. Output frequency of the transmitter.
 - E. The type of modulation, digital format, and class of service.
 - F. Freestanding telecommunication and wireless communications facilities(s) gain.
 - G. The effective radiated power of the freestanding telecommunication and wireless communications antenna(s).
 - H. The number of transmitters, channels, and freestanding telecommunication and wireless communications antenna(s).
 - I. A copy of the owner or operator's FCC authorization.
 - J. The height of the freestanding telecommunication and wireless communications antenna(s).
 - K. Power input to the freestanding telecommunication and wireless communications antenna(s).
 - L. Distance to nearest base station.
 - M. A certification signed by two (2) officers of the applicant that the communications facility is continuing to comply with this Ordinance and all applicable government regulations, including but not limited to output and emission limits established by the FCC.
 - N. A Certificate of Insurance issued to the owner/operators evidencing that there is adequate liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the site and the communications facilities.

436.H. At the discretion of the Township, the provisions of this Section may be adjusted or modified to facilitate the evolving technology of the telecommunication and wireless communication industry. In all such cases, the applicant shall provide technical evidence to the Township that the adjustment or modification will meet the purpose and objectives of this Section. In no

case shall any adjustment or modification of these provisions be contrary to the intent of these regulations, as specifically defined above.

- 436.I. All towers and guide wire anchors shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate;
- 436.J. All ground-mounted satellite dishes that are used to transmit video format data shall be completely enclosed by a minimum eight (8) foot high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended;
- 436.K. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the wind-borne scattering of ice onto adjoining properties and/or roads;
- 436.L. No site shall be located within five hundred (500) feet of:
 - A. any land within the (R-1, R-2, VG, or MU) Zones;
 - B. the nearest property line of any existing residence;
 - C. 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,
 - D. the nearest property line of any lot proposed for residential purposes which has been submitted for preliminary or final subdivision approval;

SECTION 437 FUNERAL HOMES

- 437.A. Within the (GC) 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.C.2. and the following specific criteria and within the (MU) Zone, funeral homes 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.B. and specifically as follows:
- 437.B. Public sewer and water facilities shall be utilized;
- 437.C. Sufficient off-street parking and stacking shall be provided to prevent traffic back-ups onto adjoining roads; and,
- 437.D. No vehicular access to the site shall be from an arterial road.

SECTION 438 GARAGE / YARD / MOVING SALES

- 438.A. Within any Zone, the owner or occupant of a residence may conduct up to three (3) garage/yard/moving sales per year by right 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 specifically as follows:
- 438.B. No garage/yard/moving sale shall be conducted for a period longer than two (2) consecutive days.
- 438.C. Such sales may offer personal possessions for sale; no import or stocking of inventory shall be permitted.

- 438.D. Signage shall be permitted in accordance with Section 323.D.11. of this Ordinance.
- 438.E. In no case shall any aspect of the garage/yard sale be conducted in the street right of way.
- 438.F. The conduct of a garage/yard/moving sale beyond the extent described herein represents a commercial business and shall require appropriate zoning authorization.

SECTION 439 HEALTH, FITNESS, SOCIAL FRATERNAL AND OTHER PRIVATE CLUBS

- 439.A. Within the (GC) Zone, health, fitness, social, fraternal and other private clubs 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.B. and specifically as follows:
- 439.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 club;
- 439.C. Off-street parking shall be provided, as required by the combination of elements comprising the club, including accessory uses in accordance with Section 316.W. of this Ordinance;
- 439.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;
- 439.E. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building;
- 439.F. All lighting of outdoor recreation areas shall be designed and arranged to comply with Section 311 of this Ordinance;
- 439.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 314 of this Ordinance.
- 439.H. A working plan for the cleanup of litter shall be furnished and implemented by the applicant; and,
- 439.I. This use shall expressly exclude adult uses, off-track betting parlors, casinos, nightclubs and outdoor shooting ranges.

SECTION 440 HEAVY EQUIPMENT SALES, LEASING, RENTAL, SERVICE AND/OR REPAIR FACILITIES

- 440.A. Within the (I-1) Zone, heavy equipment sales, leasing, rental, service and/or repair 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.B. and specifically as follows:
- 440.B. Aside from occasional diagnostics, testing and simple repairs, all service and/or repair activities shall be conducted within a completely-enclosed building;
- 440.C. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;

- 440.D. All exterior storage and/or display areas shall be screened from adjoining properties in the (R-1, R-2, VO and MU) Zones. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface;
- 440.E. The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured homes, heavy equipment vehicles, and parts thereof, on the property is prohibited;
- 440.F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining properties in the (R-1, R-2, VO and MU) Zones;
- 440.G. All vehicles shall be repaired and removed promptly from the premises and in no case shall a vehicle be stored on the property for a period exceeding ninety (90) days;
- 440.H. The storage of fuels and lubricant shall be limited to those that are accessory to the principal use; no retail and/or wholesale sales of such materials shall be permitted; and,
- 440.I. 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. The applicant will describe those specific methods used to collect, store and dispose of greases, lubricants, fuels, solvents and other toxic substances associated with the proposed use.

SECTION 441 HEAVY INDUSTRIAL USES

- 441.A. Within the (I-1) Zone, heavy industrial uses, as defined herein, 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.B. and specifically as follows:
- 441.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 311, 314 and 317 of this Ordinance; and,
 - 4. A traffic impact report prepared by a professional traffic engineer, according to Section 320 of this Ordinance.
- 441.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 442 HELICOPTER PADS, PRIVATE

- 442.A. Within the (A and I-1) Zones, helicopter pads, private as an accessory use 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.B. and specifically as follows:
- 442.B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 442.C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;
- 442.D. 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;
- 442.E. No part of the take-off/landing pad shall be located nearer than three hundred feet (300') from any property line; and,
- 442.F. The heliport may include auxiliary facilities, such as fueling and maintenance equipment subject to compliance with Section 515.H. of this Ordinance.

SECTION 443 HOME IMPROVEMENT, EQUIPMENT RENTAL AND BUILDING SUPPLY STORES

- 443.A. Within the (GC) Zone, home improvement, equipment rental 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.C.2. and specifically as follows:
- 443.B. If the subject property contains more than two (2) acres, it shall front along an arterial or collector road;
- 443.C. 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;
- 443.D. Off-street parking shall be provided at the rate of one 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;
- 443.E. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six (6) foot high fence and gate;
- 443.F. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be located within a side and/or rear yard, and shall be screened from adjoining roads and properties;
- 443.G. The applicant shall furnish expert evidence that any exterior amplified public address system and/or exterior lighting has been arranged and designed so as to comply with Sections 311 and 314 of this Ordinance;
- 443.H. 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; and,

- 443.I. For uses with more than one hundred (100) off-street parking spaces, a traffic study shall be prepared by a professional traffic engineer, in accordance with Section 320 of this Ordinance.

SECTION 444 HOME OCCUPATIONS

- 444.A. Within the (A, R-1, R-2 and VO) Zones, home occupations 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.C.2. and the following specific criteria and within the (MU) Zone, home occupations 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.B. and specifically as follows:
- 444.B. In the (A, R-2, VO and MU) Zones no more than two (2) nonresident employees shall be employed on-site; in the (R-1) Zone all employees must reside on the site. For the purposes of this section employees shall be those regularly engaged on the premises; off-site employees who only occasionally visit the site shall not be limited;
- 444.C. Only one home occupation shall be conducted per dwelling unit, and such home occupation shall be incidental or secondary to the principal residential use;
- 444.D. Sufficient off-street parking, as required by the use that blends with the character of nearby parking within the neighborhood shall be provided;
- 444.E. No storage or display of goods shall be visible from outside of the dwelling and the exterior residential appearance of the dwelling shall be maintained;
- 444.F. The area used for the conduct of a home occupation shall occupy no more than twenty-five percent (25%) of the habitable floor area of the dwelling unit, or five hundred (500) square feet, whichever is less. All home occupation activities shall be conducted within the dwelling building, unless the Zoning Hearing Board in the case of special exceptions, and the Board of Supervisors in the case of conditional uses, determines that the proposed use can be conducted within an existing out-building without creating a nuisance to adjoining properties. However, in the (R-1) Zone, all home occupations must be confined to the principal dwelling building;
- 444.G. No manufacturing, repairing, or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the property line;
- 444.H. No external storage of materials or products shall be permitted. No storage in accessory structures or attached garages shall be permitted;
- 444.I. Retail sales are not permitted as a home occupation, with the following exceptions.
1. The sale of items subordinate to the conduct of the home occupation or items used in the home occupation, such as the sale of beauty supplies used by the proprietor of a beauty salon conducted as a home occupation.
 2. Orders previously made by telephone, by appointment, or at a sales party may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or racks, but a person may pick up an order placed earlier as described above. Parties or other invited or advertised gatherings for the purpose of selling merchandise or taking orders shall not be held more than one (1) time in any thirty (30) day period at the site of the home occupation.

- 444.J. No explosive or highly combustible materials shall be used or stored on the premises;
- 444.K. The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks;
- 444.L. A home occupation shall only generate waste products or material of a quality or quantity normally associated with a residential use; and,
- 444.M. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation. If the property is served by public water or public sewer service, the applicant shall provide confirmation from the service provider(s) that capacity is available to adequately serve the home occupation. If the property is served by on-lot sewage disposal, the applicant shall provide written confirmation from the Sewage Enforcement Officer that the existing on-lot systems are adequate to serve the home occupation.

SECTION 445 HORSE BOARDING STABLES

- 445.A. Within the (A) Zone, horse boarding stables 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.C.2. and specifically as follows:
- 445.B. The minimum lot area shall be ten (10) acres.
- 445.C. Any structure used for the boarding of horses shall be set back a minimum of two hundred (200) feet from all lot lines.
- 445.D. All stables shall be maintained so to minimize odors perceptible at the lot line.
- 445.E. All areas and facilities used for training shall be set back a minimum of one hundred (100) feet from all lot lines.
- 445.F. All outdoor training, show, riding, boarding, and pasture areas shall be enclosed by a fence with a minimum height of four (4) feet. Said fence shall be located a minimum of ten (10) feet from all lot lines. 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;
- 445.G. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 316.W. 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. 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;
- 445.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;

- 445.I. All parking lots and unimproved overflow parking areas shall be set back at least ten feet (10') from adjoining lot lines.
- 445.J. All structures used to house livestock shall be fitted with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure (portable storage shed floors are generally unsuitable for such purposes) and shall be prohibited from placement in the front yard;
- 445.K. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture;
- 445.L. 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,
- 445.M. 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 446 HOSPITALS AND RELATED USES

- 446.A. Within the (GC) Zone, hospitals and 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.B. and specifically as follows:
- 446.B. **MINIMUM LOT AREA** - Five (5) acres;
- 446.C. The subject property shall have frontage along and vehicular access onto an arterial road;
- 446.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 management equipment. A traffic study shall be prepared by a professional traffic engineer, in accordance with Section 320 of this Ordinance;
- 446.E. Emergency entrances shall be located on a building wall which faces away from adjoining residentially-zoned properties, or is separated by at least five hundred (500) feet from residentially-zoned properties;
- 446.F. Public sewer, and public water utilities shall be utilized;
- 446.G. **MATERIALS AND WASTE HANDLING**

All uses shall be required to provide detailed information regarding materials and waste handling, including:

1. Listing of all materials to be both used or produced on the site;
2. Listing of all wastes generated on the site; and,
3. Evidence shall be provided 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 the 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 use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

446.H. Where more than one (1) of the uses enumerated in Section 446.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;

446.I. **PERMITTED USES:**

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, fitness and recreation 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. Municipal uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility);
 - C. Automobile parking lots and parking garages;
 - D. Housing for students, employees and their families in accordance with the standards of the (R-2) Zone;
 - E. Lodging facilities for patients and their families;
 - F. 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 gross floor area of existing buildings within this Zone;
 - G. 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;
 - H. Helistop (See Section 446.J.1.); and,
 - I. Incinerators and autoclaves (See Section 446.J.2.);

446.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 (300) feet 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;

446.K. **MAXIMUM PERMITTED HEIGHT**

The maximum permitted height is ninety (90) feet, provided that an additional two (2) feet of required building setback shall be provided for each one (1) foot of height for that portion of building height exceeding forty-five (45) feet. Furthermore, any building with floor space exceeding forty-five (45) feet in height shall require the applicant to obtain a letter from the Township Emergency Management Coordinator indicating that adequate provision has been made for firefighting and rescue activities;

- 446.L. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency(s) responsible for first-due ambulance service in the Township. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

SECTION 447 KEEPING OF CARRIAGE AND BUGGY HORSES

- 447.A. Within any Zone, the keeping of carriage and buggy horses are permitted by right as a residential accessory 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 specifically as follows:
- 447.B. The keeping of such animals shall be limited to those that are for the sole purpose of providing the primary means of transportation for residents of the property.
- 447.C. A maximum of four (4) such horses or other animals shall be so kept.
- 447.D. The carriage horses shall be kept within a fully enclosed building. The same building may also be used for the sheltering of additional carriage horses belonging to visitors.
- 447.E. All structures used to house livestock shall be fitted with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure (portable storage shed floors are generally unsuitable for such purposes) and shall be prohibited from placement in the front yard.
- 447.F. If a grazing area is provided, it shall be enclosed by a fence designed for containment of the animals. The fence shall be located at least ten (10) feet from all property lines.
- 447.G.. The owner shall submit a plan to the Zoning Officer for the suitable disposal of animal waste.

447.H. The building for the keeping of such horses shall comply with all principal use setbacks.

447.I. The owner of the carriage horses shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

SECTION 448 MAN-MADE LAKES, DAMS, PONDS, AND IMPOUNDMENTS

448.A. Within any Zone, man-made lakes, dams, ponds and impoundments are permitted by right 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 specifically as follows:

448.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 460 of this Ordinance.

448.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;

448.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;

448.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 foot (1') above the water surface elevation occurring during the base flood;

448.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;

448.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,

448.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 449 MANUFACTURED HOME PARKS

449.A. Within the (R-2) 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.B. and specifically as follows:

- 449.B. The minimum parcel size for any manufactured home park development shall be ten (10) acres;
- 449.C. The maximum number of manufactured home units shall be limited to six (6) per gross acre;
- 449.D. No single manufactured home lot shall contain less than four thousand, two hundred (4,200) square feet;
- 449.E. No manufactured home lot shall be within fifty (50) feet of a park boundary, nor within fifty (50) feet of an outside street right-of-way. This area shall constitute the manufactured home park boundary area;
- 449.F. No manufactured home, office or service building shall be located within fifty (50) feet of a park boundary; nor within seven-five (75) feet of an outside street right-of-way; nor within ten (10) feet of the right-of-way of an interior park street, or the paved edge of a common parking area or common walkway; nor within twenty-five (25) feet of an adjacent structure (other than accessory structures) or manufactured home;
- 449.G. Each manufactured home shall have a minimum front yard of thirty (30) feet, rear yard of twenty-five (25) feet, and two sides of ten (10) feet each. In no case shall the distance between any two manufactured homes be less than twenty (20) feet;
- 449.H. A paved on-site walkway of a minimum width of four (4) feet shall be provided to each manufactured home unit from an adjacent street;
- 449.I. There shall be a common walk system four (4) feet wide throughout the development;
- 449.J. All roads in the park shall be private access drives, shall be lighted, and shall be paved with a bituminous or concrete surface at least twenty-four (24) feet wide;
- 449.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;
- 449.L. Each manufactured home space shall contain no more than one (1) manufactured home, nor more than one (1) family;
- 449.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;
- 449.N. Each manufactured home lot 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;
- 449.O. Protective skirting shall be placed around the area between the ground 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;
- 449.P. No 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;
- 449.Q. Individual manufactured home owners may install accessory or storage sheds, extensions and additions to manufactured homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard, and in every case, shall substantially conform in style, quality and color to the existing manufactured homes;

- 449.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 (300) feet walking distance to those units served;
- 449.S. Each manufactured home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the manufactured home it is to support; and,
- 449.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 conditional use application.

SECTION 450 MANURE STORAGE FACILITIES

- 450.A. Within any Zone manure storage facilities that are accessory to an agricultural or horticultural use are permitted by right 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 specifically as follows:
- 450.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;
- 450.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 Lancaster 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;
- 450.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,
- 450.E. Any design changes during construction or subsequent operation will require the obtainment of another zoning permit subject to the applicable regulations of this Section.

SECTION 451 MEDICAL RESIDENTIAL CAMPUSES

- 451.A. Within the (R-2) 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.B. and specifically as follows:
- 451.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;
- 451.C. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques;

- 451.D. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers;
- 451.E. Commercial, medical and recreational uses shall be grouped together and located near the populations being served;
- 451.F. The minimum area devoted to the campus shall be twenty-five (25) contiguous acres;
- 451.G. The site shall front on, and have access to, a collector or arterial road;
- 451.H. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining land within the (R-1, R-2, VO and MU) Zones residentially-zoned land, and fifty (50) feet from all lot lines of the campus property;
- 451.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;
- 451.J. All buildings or structures used solely for residential purposes shall be set back at least fifty (50) feet from all lot lines of the campus property;
- 451.K. The maximum permitted height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for each foot above that portion of building height exceeding thirty-five (35) feet;
- 451.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;
- 451.M. Each off-street parking lot shall provide at least ten percent (10%) of the total parking spaces as those designed for the physically handicapped (see Section 316.I. for design regulations). Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required; and,
- 451.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:
 - A. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped;
 - B. Medical facilities, including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities;
 - C. 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. No outside advertising shall be permitted for such facilities. 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;
 - D. Recreational and social uses, such as athletic facilities, community centers, and

assembly halls, limited to use only by campus residents, employees or visitors.

451.O. The applicant must comply with all State requirements at all times.

SECTION 452 METHADONE TREATMENT FACILITY

452.A. Within the (I-1) Zone, methadone treatment 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.B. and specifically as follows:

452.B. An methadone treatment facilities shall not be permitted to be located within one thousand feet (1,000') of any other methadone treatment facilities;

452.C. No methadone treatment facilities shall be located within one thousand feet (1000') of any land within the (R-1, R-2, VO and MU) Zones;

452.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.

452.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 453 MINING, QUARRYING AND RELATED PROCESSING OPERATIONS

453.A. Within the (Q) Zone, mining, quarrying and related processing operations, including the recycling of related materials 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.B. and specifically as follows:

453.B. GENERAL

Quarries and mineral extraction-related uses including the recycling of related materials operations:

1. may not substantially injure or detract from the lawful existing or permitted use of

neighboring properties;

2. may not adversely affect any public or private water supply source;
3. may not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township;
4. may not create any significant damage to the health, safety, welfare of the Township and its residents and property owners;
5. may not result in the land area subject to quarrying being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation; and,
6. must demonstrate compliance with all applicable State regulations at all times.

453.C. **SITE PLAN REQUIREMENTS**

As a part of each application the applicant shall furnish an accurately surveyed site plan on a scale no less than 1:2400, showing the location of the tract or tracts of land 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 area.
2. The location and names of all streams, roads, railroads and utility lines on or immediately adjacent to the area.
3. The location of all buildings within one thousand (1,000) feet of the outer perimeter of the area affected and the names and addresses of the owners and present occupants.
4. The purpose for which each building is used.
5. The name of the owner of the affected area and the names of adjacent landowners, the municipality and the county.

453.D. **MINIMUM LOT AREA** - Fifty (50) acres;

453.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 surmounted by three strands of barbed wire, 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 323 of this Ordinance;

453.F. SETBACKS

The following table identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:

| Quarry-Related Feature | Existing Residence | Existing Nonresidential Building | Residential Zone | Adjoining Road | Public/ Nonprofit Park | Cemetery or Streambank | Adjoining Property |
|--|--------------------|----------------------------------|------------------|----------------|------------------------|------------------------|--------------------|
| Stockpiles or Spoilpipes | 300 ft. | 300 ft. | 300 ft. | 100 ft. | 100 ft. | 100 ft. | 100 ft. |
| Mineral Processing Equipment (e.g., crushers, sorters, conveyors, dryers, etc.) | 300 ft. | 300 ft. | 300 ft. | 100 ft. | 100 ft. | 100 ft. | 100 ft. |
| Quarry Pit | 300 ft. | 300 ft. | 300 ft. | 100 ft. | 300 ft. | 100 ft. | 100 ft. |
| On-Site Access Roads & Off-Street Parking, Loading & Vehicle Storage and Weighing Facilities | 300 ft. | 300 ft. | 300 ft. | 100 ft. | 100 ft. | 100 ft. | 15 ft. |
| Other Operational Equipment, Structures &/or Improvements | 300 ft. | 300 ft. | 300 ft. | 100 ft. | 100 ft. | 100 ft. | 100 ft. |

453.G. VEHICULAR ACCESS

Vehicular access shall be 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.

1. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

| Speed Limitation on Public Street (mph) | Required Sight Distance (feet) |
|---|--------------------------------|
| 25 | 240 |
| 30 | 275 |
| 35 | 315 |
| 40 | 350 |
| 45 | 426 |
| 50 | 475 |
| 55 | 550 |

2. All access drives serving the site shall have a paved, minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot long, gravel section of access drive should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels;
3. In general, access drives shall intersect public streets at ninety degrees (90°) as site conditions permit, however in no case shall access drives intersect public streets at less than seventy degrees (70°). Said angle shall be measured from the centerline of

the street to the centerline of the access drive.

4. Internal circulation - An adequate internal circulation pattern of streets shall be maintained between excavation and processing areas. The use of public streets shall not be permitted for hauling between extraction and processing.
5. All necessary precautions must be taken to ensure the safety of motorists traveling on any public highway intersected by any internal circulation pattern. These precautions shall include, but not be limited to, the following items:
 - A. Stop signs shall be placed at the intersection of all internal roadways with public highways, halting all internal traffic in any direction before the crossing of the public highway.
 - B. Street signs as permitted by PennDOT on all public highways intersected by internal roadways, at a point 150 feet from the intersection of the public highway and internal roadway, one on either side of the intersection on the public highway indicating the caution should be observed and the trucks will be crossing 150 feet from the signs.
 - C. Caution lights as permitted by PennDOT are to be provided, having at least two blinking lights sufficient to attract the attention of a passing motorist, attached to a sign advising that caution should be observed due to a truck crossing ahead and the signs shall be a distance of 300 feet from the intersection of the public highway and internal roadway or less if necessary so that one sign faces each direction of travel upon the public highway.
 - D. All public roads shall be clean from dust and spillage.

453.H. **TRAFFIC IMPACT**

The applicant shall furnish a traffic study prepared in accordance with Section 320 of this Ordinance;

453.I. **RECLAMATION**

The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219. 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;

453.J. **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 461.F. of this Ordinance and must be permanently maintained; and,

- 453.K **STOCKPILES AND SPOILPILES** - Stockpiles and spoilpiles shall not exceed fifty (50) feet in height above the natural unexcavated grade and the toe of the slope shall not be located closer than 100 feet from any property line or street line.
- 453.L **DRAINAGE** - All drainage from the site of extractive operations shall be controlled by dikes, barriers or drainage structures sufficient to prevent any silt, debris or other loose materials from filling any existing drainage course or encroaching on streets and adjacent properties.
- 453.M **CONTROL OF VIBRATION** - Ground vibration caused by blasting or machinery shall not exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S. §§ 164 to 168, and the rules and regulations adopted thereunder, with the exception that blasting shall not cause peak particle velocity greater than one inch per second, measured at any property line or street line.
- 453.N **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,
- 453.O **PROCESSING RELATED EQUIPMENT** – Any equipment, including but not limited to asphalt and/or concrete batching plants, used in the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals and recycled mineral materials shall be designed and located so as to minimize adverse impact on surrounding land uses and roads. Whenever possible, such equipment shall be located at the lowest practical elevation within the quarry pit that affords reasonable operational flow and confines impacts onto the quarry site.
- 453.P **OPERATIONS AND PERFORMANCE STANDARDS** - The applicant shall submit written expert evidence describing the specific methods and equipment that will be used to ensure that the proposed use will comply with each of the applicable operations and performance standards listed in Section 317 of this Ordinance.
- 453.Q. **OPERATIONS PROGRESS REPORT**

Within ninety (90) days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer, setting forth all of the following:

1. The name and DEP license number of the operation;
2. The location of the operation with reference to the nearest public road;
3. A description of the tract or tracts, 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, berming and screening 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 regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the Pennsylvania Department of Environmental Protection.

SECTION 454 MINI-WAREHOUSES

- 454.A. Within the (GC and I-1) Zones, mini-warehouses 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.B. and specifically as follows:
- 454.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;
- 454.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;
- 454.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, VO and MU) 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;
- 454.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;
- 454.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;
- 454.G. No door openings for any mini-warehouse storage unit shall be constructed facing any property within the (R-1, R-2, VO and MU) Zones;
- 454.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;
- 454.I. The mini-warehouses will be surrounded by a six foot (6') to eight foot (8') high fence; and,

- 454.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 311 of this Ordinance.

SECTION 455 MIXED USES

- 455.A.. Within the (MU) Zone, those uses listed in Section 210.3. of this Ordinance shall be 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.B., the specific criteria listed in Article 4 and specifically to the following:
- 455.B. The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.20. 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 456 NIGHTCLUBS

- 456.A. Within the (GC) Zone, nightclubs are permitted by conditional use, 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.B. and specifically as follows:
- 456.B. No part of the subject property shall be located within two hundred (200) feet of any land within the (R-1, R-2, MU and VO) Zones;
- 456.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, light and/or litter;
- 456.D. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building; and,
- 456.E. An acceptable working plan for the clean-up of litter shall be furnished and implemented by the applicant.

SECTION 457 NONCOMMERCIAL KEEPING OF LIVESTOCK

- 457.A. Within the (A) Zone, the noncommercial keeping of livestock, as defined herein, is permitted by right as an accessory use to a principal residence 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 specifically as follows:

457.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.
- 457.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').
- 457.D. All structures used to house Group 3 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). All structures used to house noncommercial livestock shall be prohibited from placement in the front yard;
- 457.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;
- 457.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,
- 457.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 458 NURSERIES AND GARDEN CENTERS

- 458.A. Within the (A) Zone, nurseries and garden 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.C.2. and specifically as follows:
- 458.B. All nurseries and garden centers shall have vehicular access to an arterial or collector road;
- 458.C. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five percent (25%) of the total gross display and sales area on the subject property. The display, sale or repair of motorized nursery or garden equipment shall not be permitted;

- 458.D. All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line; and,
- 458.E. All improvements (including parking and loading facilities, but not including a freestanding sign) shall be screened from adjoining properties within the (R-1, R-2, VO and MU)Zones; and,

SECTION 459 NURSING, REST OR RETIREMENT HOMES

459.A. Within the (R-2 & GC) Zones, 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.C.2. and the following specific criteria and within the (MU) Zone nursing, rest or retirement homes 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.B. and the following specific criteria:

459.B. MINIMUM LOT AREA

One (1) acre, and further provided that no more than seventeen (17) resident patients or resident guests shall be permitted per acre of lot area;

- 459.C. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 459.D. Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned lands; and,
- 459.E. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons, as prescribed in Section 316.I. of this Ordinance.

SECTION 460 OIL OR GAS WELL SITES, NATURAL GAS COMPRESSOR STATIONS AND /OR NATURAL GAS PROCESSING PLANTS

460.A. Within the (I-1) Zone, oil or gas well sites, natural gas compressor stations and/or natural gas processing plants, (as defined herein) 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.B. and the following specific criteria:

460.B. In addition to that information required under §905.B. of this Ordinance, the applicant shall specifically include:

1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or county for information of Emergency Responders.
4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where

such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all Emergency Responders.

5. A location map and site plan of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site which must at all time allow for the unimpeded normal flow of traffic on public streets.
6. A location map and site plan of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
7. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
8. A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.
9. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
10. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders.
11. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.
12. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
13. A copy of the documents submitted to the PA DEP and a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
14. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.

15. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
- 460.C. Vehicular access to an oil or gas well sites shall be limited to arterial or collector roads as listed in §321 of this Ordinance.
- 460.D. All permanent structures shall comply with applicable height requirements within the respective Zone except that this Section provides for an exemption to the height restrictions for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well provided:
1. the proposed temporary use does not violate §230 of this Ordinance;
 2. the duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well;
 3. the time period of such drilling and exemption shall not exceed 6 months; and,
 4. the operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.
- 460.E. Required Setbacks:
1. Oil or gas well sites shall be located no less than five hundred feet (500') from any land within the (R-1, R-2, MU and VO) Zones;
 2. Natural gas compressor stations or natural gas processing plants shall be located no less than five hundred feet (500') from any land within the (R-1, R-2, MU and VO) Zones;
 3. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from each property line, public or private street, or building not related to the drilling operation;
 4. The drilling pad for the oil or gas well site and natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the Zone in which the oil or gas well site is located; and,
 5. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places, or the Pennsylvania Register of Historic Places.
- 460.F. Screening and Fencing:
1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned 24-hour on-site supervision and security are provided;
 2. Upon completion of drilling or re-drilling, security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to completely enclose and secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site;

3. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point which shall be no less than 12 feet wide. All gates shall be locked at times when the site is unattended;
4. Emergency responders shall be given means to access locked gates for the oil or gas well site in case of an emergency;
5. Warning signs shall be placed at intervals of no less than one (1) sign per each hundred (100) lineal feet of fence/gate on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. 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 §323 of this Ordinance;
6. In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other non-invasive or non-noxious vegetation; and,
7. Except as noted in §460.E. of this Ordinance, any lot adjoining land within an (R-1, R-2, MU and VO) Zone shall maintain a fifty (50') foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the (R-1, R-2, MU and VO) Zone parcels. Such areas shall be used for a landscape screen in accordance with §322 of this Ordinance.

460.G. Lighting:

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings and shall comply with §311 of this Ordinance; and,
2. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

460.H. Noise:

1. The noise generated during the oil and gas operations or by the natural gas compressor station or the natural gas processing plant shall not exceed 55 dBA except by more than:
 - a. 5 decibels during drilling activities,
 - b. 10 decibels during hydraulic fracturing operations.
 - c. 5 decibels for a gas compressor station or a natural gas processing plant.
 - d. The above allowable increases shall not occur for more than 10 minutes within any one-hour period.

460.I. Drilling in the Floodplain Overlay Zone:

1. No drilling shall be allowed in the Floodplain Overlay Zone as defined in §510 of this Ordinance; and,

2. Variances granted to the above §460.I.1. shall only be permitted upon demonstration of compliance with §510.G. and §804.D. of this Ordinance and shall only be permitted if:
 - A. no other area provides access to the oil or gas deposit. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the Floodplain Overlay Zone;
 - B. an adequate Emergency Evacuation Plan shall have been produced by the applicant and filed with the Township and the Lancaster Emergency Management Agency;
 - C. no storage of chemicals listed in §510.H.1.S.3. of this Ordinance shall be permitted within the Floodplain Overlay Zone;
 - D. only necessary and needed structures will be permitted within the Floodplain Overlay Zone;
 - E. all structures within the Floodplain Overlay Zone shall be designed in accordance with §510.J. of this Ordinance; and,
 - F. an Engineer registered in Pennsylvania and qualified to present such documentation shall document that structures will not cause additional flooding on adjacent, upstream and/or downstream properties.

SECTION 461 ORNAMENTAL PONDS AND WADING POOLS

- 461.A. Within any Zone ornamental ponds and wading pools are accessory uses permitted by right, 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 specifically as follows:
- 461.B. Such uses shall comply with all side and rear yard accessory use setbacks, and principal front yard setbacks;
- 461.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;
- 461.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 447 of this Ordinance;
- 461.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,
- 461.F. No such pond(s) shall be used for the commercial hatching of fish or other species.

SECTION 462 OTHER INDUSTRIAL USES

- 462.A. Within the (I-1) Zone, other industrial uses not listed in Sections 220.2, 220.3 or 221 that, are not provided for elsewhere within those municipalities of the Conestoga Valley Region and that, in the opinion of the Board of Supervisors, are similar to and will generate impacts like those uses permitted within the I-1) Zone 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.B. the following specific criteria:

- 462.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 byproducts. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 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., noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances; and,
 4. A traffic study prepared in accordance with Section 320 of this Ordinance.
- 462.C. In consideration of the preceding information, the Board of Supervisors must determine that the proposed use is similar in character and will generate impacts like those permitted within the (I-1) Zone and would not be better accommodated in any other Industrial Zone available within the Conestoga Valley Region.

SECTION 463 OUTDOOR FURNACES

- 463.A. Within the (A and Q) Zones, outdoor furnaces are permitted as accessory uses 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 the following specific criteria:
- 463.B. Outdoor furnaces which utilize any fuel or combustible material other than clean wood, natural gas, propane, domestic heating oil, or electricity are prohibited. Any natural gas, propane and/or domestic heating oil shall comply with all applicable sulfur limits and may be used as a starter or supplemental fuel for dual-fired outdoor furnaces. For the purposes of this definition clean 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.
- 463.C. The installation and use of Phase 2 outdoor furnaces is permitted subject to the following criteria:
1. No outdoor furnace shall be located upon a property that has a minimum lot area of less than one (1) acre.
 2. No more than one (1) outdoor furnace shall be permitted per principal use.
 3. No outdoor furnace shall be located within the front yard.
 4. No outdoor furnace shall be located within two hundred feet (200') of any front lot line, one-hundred feet (100') of any side or rear property line or the closest principal use located on the subject property or five hundred feet (500') from:

- a. any land within the (R-1, R-2, R-3, MHP, VO and MR) Zones;
 - b. the nearest property line of any existing residence;
 - c. 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,
 - d. The nearest property line of any lot proposed for residential purposes for which has been submitted a plan for preliminary or final subdivision approval.
 - 5. No outdoor furnace shall be operated between May 1 and September 30 of each calendar year.
 - 6. Except for limitations and requirements that may impose greater restriction as listed in this Section, the design, installation, 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.
- 463.D. Should an applicant design and construct his/her own outdoor furnace without manufacturer specifications, the applicant shall be required to obtain a 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.C.2. and the following specific criteria:
- 1. The applicant must submit written evidence demonstrating that the unit has been certified by the United States Environmental Protection Agency as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTUs) of output and
 - 2. The proposed use meets all applicable regulations contained within this Section 463 of the Zoning Ordinance.
 - 3. 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 463.B. of this Ordinance.
 - 4. 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.
- 463.E. 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 310 of this Ordinance.
- 463.F. 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.
- 463.G. 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. All outdoor furnaces shall be equipped with a properly functioning spark arrestor.

SECTION 464 OUTDOOR RECREATION FACILITIES

- 464.A. Within the (A) Zone, outdoor recreation facilities associated with an adjoining public and/or nonprofit school, and/or church and related use located in a (R-1, R-2, Vo and/or MU) Zone is a permitted accessory 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 the following specific criteria:
- 464.B. All such recreation facilities shall be physically connected with the adjoining public and/or nonprofit school, and/or church and related use;
- 464.C. All such recreation facilities shall be located and designed so that safe and convenient pedestrian access to the adjoining principal use is provided without the need to cross a street at, above and/or below grade;
- 464.D. Specific uses permitted include the following outdoor facilities and similar facilities so long as no permanent buildings are used:
- Athletic fields including baseball, softball, football, soccer, field hockey, lacrosse
 - and rugby;
 - Athletic courts including basketball, tennis and volleyball;
 - Trails and paths; and
 - Track and field improvements (including all weather track surface).
 - Support facilities for seating.
- 464.E. One building for comfort stations, athletic equipment storage, and concessions shall be permitted as accessory to the outdoor recreation facilities, provided, that the total building footprint shall not exceed 2,500 square feet. Such building shall not exceed one story unless the building is designed and constructed to be compatible in appearance with agricultural buildings, such as a barn or bank barn.
- 464.F. No lighting of the recreation facilities shall be permitted brighter than that necessary for security purposes except during recreation events. During recreation events, lighting of the recreation event shall not exceed the recommended illumination for such an event as set forth by the Illuminating Engineering Society of North America, or, its successor. Lighting for recreation events shall not extend beyond 11:00 p.m . Light fixtures for recreation events shall be setback a minimum of one hundred (100) feet from street right of way lines and adjacent residential uses and residential Districts. All such lighting shall be designed and installed so as not to cast direct light onto adjoining roads and properties and comply with Section 311 of this Ordinance;
- 464.G. A private access drive for access to the recreation facilities and to the adjoining public and/or nonprofit school, and/or church and related use in the adjoining (R-1, R-2, Vo and/or MU) Zone from streets adjoining the recreation facilities in the Agricultural Zone shall also be permitted. Such access drive shall be designed in accordance with Section 602.18 of the SLDO and shall have no more than one intersection with a public street.
- 464.H. Off-street parking spaces provided shall not exceed the minimum number required for the uses provided according to the schedule listed in Section 316.W. of this Ordinance. All such off-street parking spaces shall be designed and constructed using a permeable paved or gravel surface that will adequately withstand the intended use in a stable and dust-free manner;

- 464.I. All recreation facilities, internal access drives and off-street parking spaces shall be setback a minimum of fifty (50) feet from any adjoining property and/or street;
- 464.J. The area devoted to this use shall be contiguous and shall not exceed forty (40) acres; and,
- 464.K. The maximum lot coverage shall not exceed ten percent (10%) of the area devoted to this use, or four (4) acres, whichever is less.

SECTION 465 OUTDOOR RESIDENTIAL ATHLETIC COURTS

- 465.A. Within any Zone, outdoor athletic residential courts are an accessory use to a residence permitted by right 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 the following specific criteria:
- 465.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,
- 465.C. Any lighting fixtures shall comply with Section 311 of this Ordinance.

SECTION 466 OUTDOOR SEATING AREAS

- 466.A. Within the (GC) Zone, outdoor seating areas for patrons of restaurants, taverns and nightclubs 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.B. and the following specific criteria:
- 466.B. Such seating is situated and designed so not to be adversely impacted by potential nearby agricultural activities, nor to adversely impact nearby residences and complies with all setback requirements imposed upon buildings within the (GC) Zone;
- 466.C. Such seating is accessory to the principal interior seating accommodations;
- 466.D. During use, such seating is continuously supervised by an employee or owner of the use;
- 466.E. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties;
- 466.F. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating; and,
- 466.G. Such seating shall be removed during seasons when not in use.

SECTION 467 POWER GENERATION FACILITIES

- 467.A. Within the (I-1) Zone, power generation facilities as a principal use 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.B. and specifically as follows:
- 467.B. All power generation facilities that rely upon “municipal and residual wastes,” as defined by the PA DEP, shall be operated by the Lancaster County Solid Waste Management Authority;

- 467.C. Any processing and/or treatment of materials (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;
- 467.D. No materials or 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, VO and MU) Zones;
- 467.E. Any external area used for the unloading, transfer, storage, or deposition of material or 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;
- 467.F. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 467.G. The use shall be screened from all adjoining land within the (R-1, R-2, VO and MU) Zones;
- 467.H. All uses shall provide sufficiently-long stacking lanes into the facility, so that waiting vehicles will not back-up onto public roads;
- 467.I. 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;
- 467.J. Access to the site shall be limited to those posted times when an attendant is on duty. 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;
- 467.K. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 467.L. The unloading, processing, treatment, transfer, and disposal of material/waste shall be continuously supervised by a qualified facility operator;
- 467.M. 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;
- 467.N. All storage of material or 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;
- 467.O. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 467.P. All structures shall be set back at least a distance equal to their height;
- 467.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.
- 467.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;

467.S. The applicant shall provide a qualified traffic impact report in accordance with Section 320 of this Ordinance; and,

467.T. 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 or materials during transport to and from the site, and potential hazards regarding firefighting of waste or materials upon the site.

467.U. Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the I-1 Zone.

467.V. Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems comply with all applicable setbacks of the zone in which it is located.

467.W. Solar energy panels shall be designed and located in order to minimize reflective glare towards any adjoining use and/or road.

467.X. The following provisions shall specifically apply to geothermal systems:

1. Only closed loop geothermal systems shall be permitted. Any anti-freeze fluid circulated through the pipes shall be a biodegradable mixture such as food grade propylene glycol
2. Prior to installation, all installation specifications and drawings for the geothermal system must be certified by a registered engineer within the Commonwealth of PA as conforming to the installation standards of the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application;

3. The vertical geothermal system well (or wells) installation will be made only by a Pennsylvania-licensed well driller;
4. No geothermal system sub-surface loops will be located closer than one hundred feet (100') from any existing or planned drinking water wells, twenty-five feet (25') from any existing or planned on-lot sewage disposal systems or twenty feet (20') from any and any property lines;
5. The vertical loop in a geothermal system well (or wells) shall be pressure-grouted bottom to top with a bentonite-based or cement-based material of 0.0000001 centimeter per second or lower permeability;
6. The applicant shall maintain the geothermal system in a safe condition and good repair at all times. Whenever a geothermal system endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the geothermal system is located that such geothermal system shall be made safe or removed. The disposal of geothermal systems shall comply with all applicable Township, county, state, and federal regulations;
7. With respect to each geothermal system well installation, the Pennsylvania-licensed well driller and/ or system installer shall provide to the Township, before activation of the system copies of:
 - (a) Accurate written records and a written geologic log;
 - (b) Accurate records with respect to grouting for each such well;
 - (c) "As-built" plans and related documentation for each such system and well location in relation to property lines, street rights-of-way and drinking wells within two hundred (200) feet;
 - (d) Written documentation of the geothermal system testing and certification; and
 - (e) A written "plan" for the operation of the geothermal system proposed by the applicant and approved by the system installer which, among other matters, provides that:
 - i. Any geothermal system leaks or releases will be reported by the applicant (and subsequent owner) to the Township Zoning Officer within twenty-four (24) hours of the discovery of same, and the applicant (and subsequent owner) covenants and agrees to take appropriate action to minimize any fluid release to the ground and to promptly repair any system leaks; and
 - ii. In the event of the proposed discontinuance of the use of the geothermal system, a system closure plan will be prepared and submitted to the Township for its approval by the landowner prior to the conveyance by the landowner of the land to any third party.
8. In the event of the proposed discontinuance of the use of the geothermal system, a system closure plan will be prepared and submitted to the Township for its approval by the landowner prior to the conveyance by the landowner of the land to any third party.

467.Y. Above-ground power generation systems shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white or gray. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

467.Z. On-site electrical transmission and power lines connected to or associated with the energy

system that are not contained within a building shall be located underground.

467.AA. Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

467.BB. The applicant shall provide written evidence that the proposed power generation systems shall comply with the noise standards listed in Section 314 of this Ordinance.

467.CC. The applicant shall make reasonable efforts to minimize shadow flicker to adjoining residences.

467.DD. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternative energy system.

467.EE. The applicant shall provide written evidence from the Chief of the "first-due" fire company that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.

467.FF. The design of the power generation systems shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction Code and be subject to all applicable permit requirements thereof as well as all other applicable laws, codes and regulations.

467.GG. In addition to those materials required in §901.B. of this Ordinance for a zoning permit, applicants for power generation facilities shall be required to submit:

1. a narrative describing the system and its principal components including, but not limited to related ancillary facilities;
2. information about its potential energy generating capacity and anticipated generation; and,
3. a site plan depicting the system and its principal components including, but not limited to related ancillary facilities as they relate to property lines, required setbacks, adjoining roads, utility rights-of-way and lines, and on-site buildings and structures. Such information shall be depicted upon the site plan even if it is located underground.

467.HH. The applicant shall submit a written plan for the removal of the power generation system once it is no longer operational in accordance with the following:

1. The applicant / owner shall, at its expense, complete decommissioning of the power generation system within (12) twelve months after the end of the useful life of the system. The system will presume to be at the end of its useful life if no energy is generated for a continuous period of twelve (12) months.
2. The removal of the above-ground power generation system components shall be completed within twelve (12) months of decommissioning of the system. All disturbed earth shall be re-stored, graded and re-seeded unless a zoning permit has been issued for another use to take its place.
3. The landowner or facility operator shall post and maintain decommissioning funds in an amount equal to accomplish such decommissioning. The decommissioning funds shall be posted and maintained with a bonding company or a lending institution approved by the Township.

4. An independent and certified professional engineer may be retained by the Township to inspect the decommissioning of the power generation system. All such inspection fees shall be paid by the landowner.
 5. Decommissioning 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 by the Township.
 6. If the applicant / owner fails to complete decommissioning during the prescribed period of twelve (12) months, the Township may take such measures as necessary to complete decommissioning in accordance with the laws of the Township and the Commonwealth of Pennsylvania.
 7. The Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the removal plan.
- 467.II. The applicant shall, at all times, maintain on file with the Township Zoning Officer, the current name and contact information of the party responsible for the operation and maintenance of the power generation system.

SECTION 468 PRINCIPAL WASTE HANDLING, RECYCLING, PROCESSING, TRANSFER AND DISPOSAL FACILITIES

- 468.A. Within the (I-1) Zone, principal waste handling, recycling, processing, transfer and disposal 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.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, MU and VO) 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, MU and VO) 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;
- 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 study, as described in Section 320 of this Ordinance; and,
- 468.T. Any use where diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 5 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 PUBLIC, PRIVATE AND COMMERCIAL SCHOOLS & TRAINING CENTERS

- 469.A. Within the (VG, GC and I-1) Zones, public, private and commercial schools and training centers are permitted by right 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 specifically as follows:
- 469.B. All buildings shall be set back at least one hundred (100) feet from any adjoining land within the (R-1, R-1, VO and MU) Zones;
- 469.C. No part of a private school property shall be located within one thousand (1,000) feet of a property containing an adult-related facility or methadone treatment facility (both as defined herein), five hundred (500) feet from a warehousing and wholesale trade establishments nor three hundred (300) feet of a property containing an automobile filling station;
- 469.D. If education is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot 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);
- 469.E. Enrollment shall be defined as the largest number of students on the site at any one time during a seven-day period; and,
- 469.F. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

SECTION 470 RECYCLING FACILITIES FOR PAPER, GLASS, PLASTIC, AND METAL PRODUCTS

- 470.A. Within the (I-1) Zone, recycling facilities for paper, glass, plastic, and metal products is 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.B. and specifically as follows:
- 470.B. All operations, including collection, shall be conducted within a completely-enclosed building;
- 470.C. There shall be no outdoor storage of materials used, or generated, by the operation;
- 470.D. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust, and litter; and,

- 470.E. The applicant will assure regular maintenance of the site to assure the immediate collection of stray debris.

SECTION 471 RESIDENTIAL SWIMMING POOLS

- 471.A. Within all Zones swimming pools are permitted accessory uses to a principal residence 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 specifically as follows:
- 471.B. Swimming pools shall not be located within the front yard and shall be setback at least ten (10) feet from any side or rear lots line as measured from the water's edge.
- 471.C. 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.
- 471.D. The required fence shall have a minimum height of four (4) feet. No openings shall be permitted between the various fence components or between the fence and the ground that would allow the passage of a four (4) inch diameter object through such opening.
- 471.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.
- 471.F. Where a 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 an area of at least ten feet (10') wide around the perimeter of the pool is level and no less than four feet (4') lower than the pool walls and the pool has relies solely upon a retractable ladder for access into the pool.
- 471.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.
- 471.H. Only portable swimming pools shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent.
- 471.I. The pumping of pool water in such a manner as to cause it to spill onto an adjoining street or property is prohibited.

SECTION 472 ROADSIDE STANDS

- 472.A. Within the (A, R-1, R-2, VG and Q) Zones 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 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 specifically as follows:
- 472.B. Roadside stands shall not exceed two hundred fifty (250) square feet of total retail sales area;
- 472.C. Roadside stands must be located at least thirty feet (30') from the right-of-way line and must have at least two (2) off-street parking spaces;
- 472.D. A maximum of two (2) temporary signs will be permitted in accordance with Section 323.D.11. of this Ordinance;

- 472.E. Any structure must be located at least fifty feet (50') from any side or rear property line;
- 472.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;
- 472.G. No more than one (1) roadside stand per property shall be permitted; and,
- 472.H. Prior to establishment of a roadside stand, a zoning permit must be obtained.

SECTION 473 ROUTINE REPAIR AND SERVICING OF PERSONAL MOTOR VEHICLES

- 473.A. Within all Zones the routine repair and servicing of personal motor vehicles is permitted by right as an accessory use to a principal residential 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 specifically as follows:
- 473.B. All vehicles shall be maintained with proper licensure;
- 473.C. All work shall be performed on the vehicle owner's (lessee's) property of residence or by a resident of the property working on a vehicle owned by the resident family;
- 473.D. Unless the work is to be performed within a completely enclosed building, work shall be limited to the following:
1. Servicing and replacement of spark plugs, batteries, distributors, and distributor parts;
 2. Repair and replacement of tires and wheels, excluding recapping or re-grooving;
 3. 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;
 4. Repair and replacement of audio systems, amplifiers, and speakers;
 5. Cleaning and flushing of radiators only when flushed into a water-tight container;
 6. Repair and replacement of fuel pump, oil pump and line repairs;
 7. Minor servicing and adjustment of carburetors and injectors;
 8. Minor motor adjustments not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor;
 9. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating; and,
 10. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants;
- 473.E. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of; and,
- 473.F. No vehicle shall be stored in a "jacked-up" position, or on blocks for more than seventy-two (72) continuous hours.

SECTION 474 RURAL OCCUPATIONS

- 474.A. Within the (A) Zone, rural occupations 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.C.2. and specifically as follows:
- 474.B. Only one (1) rural occupation may be conducted as an accessory use 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;
- 474.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 section; or
 2. The building is limited to one (1) story in height or twenty (20) feet, whichever is lesser, is located in the rear yard of the principal residence, and is set back at least fifty (50) feet from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings;
- 474.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;
- 474.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;
- 474.F. All off-street parking and loading spaces shall be screened from adjoining roads and properties;
- 474.G. No outdoor storage or display shall be permitted. All vehicles, machinery and equipment associated with the rural occupation must be kept within a completely-enclosed structure at all times, 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;
- 474.H. Signage shall be permitted in accordance with Section 323.D.1. of this Ordinance;
- 474.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 testimony regarding the expected numbers of vehicle trips associated with the proposed use;
- 474.J. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence; however, in no case shall the driveway be closer than fifteen (15) feet from any side or rear lot line. No additional roadway connections shall be permitted;
- 474.K. The maximum number of employees who do not reside on the site shall be equal to two (2) full-time positions. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation; off-site employees who only occasionally visit the site shall not be limited;
- 474.L. Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m. No rural occupation shall be conducted on Sundays;
- 474.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;

- 474.N. Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation;
- 474.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;
- 474.P. Evidence shall be provided 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 the 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 farm operation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section; and,
- 474.Q. No subdivision of the rural occupation is permitted and no land development approval is required.

SECTION 475 SALES OF COMPOST, MULCH, WOODCHIPS AND COAL

- 475.A. Within the (I-1) Zone, the sale of compost, mulch, woodchips and coal is 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.B. and specifically as follows:
- 475.B. The site must have vehicular access to an arterial road.
- 475.C. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 475.D. All loading/unloading, storage and processing of materials shall be located at least two hundred (200) feet from any property line and five hundred feet from any (R-1, R-2, MU or VG) Zone;
- 475.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. In addition, the design of such use must require all vehicles to exit the site in a forward direction.
- 475.F. All access drives onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section shall be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- 475.G. All areas of the site used for the loading/unloading, storage and processing of materials shall be fitted with a durable impervious ground cover which is designed to collect and recycle any leachate.
- 475.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. The applicant must describe leachate disposal methods to be used.

- 475.I. All vehicle and processor repair and maintenance activities shall be conducted within a completely-enclosed building.

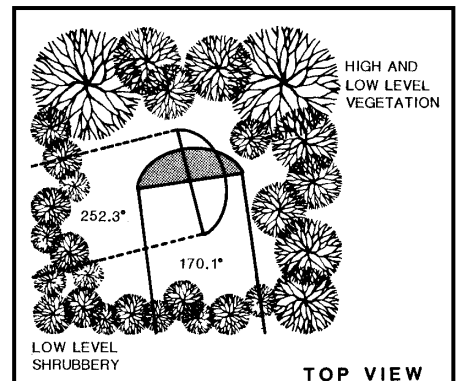
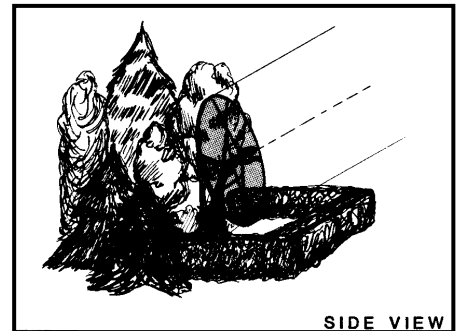
SECTION 476 SATELLITE DISH ANTENNAS

- 476.A. Within any Zone, roof or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter are permitted by right as accessory uses. Residential properties shall contain no more than two (2) such devices;

- 476.B. Within the (A, R-1, R-2, VO, VG and MU) 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 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 specifically as follows:

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;

476.C. Within the (A, R-1, R-2, VO, VG and MU) Zones, 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.C.2. 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.

476.D. In any (GC, I-1 and Q) Zone, satellite dish antennas are permitted by right 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 specifically as follows:

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 477 SAWMILLS

- 477.A. Within the (I-1) Zone, sawmills 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.B. and specifically as follows:
- 477.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, VO or MU) Zone;
- 477.C. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not back-up onto public roads;
- 477.D. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted.
- 477.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,
- 477.F. The applicant must demonstrate compliance with Section 314 of this Ordinance.

SECTION 478 SEPTAGE AND SPENT MUSHROOM COMPOST SEPTAGE PROCESSING AND/OR COMMERCIAL MUSHROOM OPERATIONS

- 478.A. Within the (I-1) Zone, septage and spent mushroom compost processing and/or commercial mushroom operations 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.B. and specifically as follows:
- 478.B. Any processing, loading, storage and packaging operations must be conducted within a completely-enclosed building that is leak- and vector-proof;
- 478.C. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations:
- 478.D. The use shall be screened from all roads and adjoining properties;
- 478.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;
- 478.F. All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway should be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels;
- 478.G. The unloading, processing and transfer, of septage and/or spent mushroom compost shall be continuously supervised by a qualified facility operator;
- 478.H. Leachate from the septage and/or spent mushroom compost shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the

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

- 478.I. The applicant shall submit an analysis of raw water needs (groundwater or surfacewater) 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.
- 478.J. In addition, 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. The water feasibility shall be reviewed by the municipal engineer.
- 478.K. 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 municipality.
- 478.L. A water feasibility study shall include the following information:
- calculations of the projected water needs;
 - a geologic map of the area with a radius of at least one mile from the site;
 - the location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution;
 - based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - 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,
 - a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 478.M. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip;
- 478.N. 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,
- 478.O. Any structure used for the storage, loading, processing and/or packaging of septage and/or spent mushroom compost shall be set back at least one hundred (100) feet from all property lines, and five hundred (500) feet from any (R-1, R-2, VG, MU or VG) Zone. In addition, any ventilation outlets must be oriented away from any land within an adjoining residential Zone.

SECTION 479 SHOPPING CENTERS

- 479.A. Within the (GC) Zone, shopping 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.B. and specifically as follows. Within the (VC) Zone shopping centers with up to a maximum of 50,000 square feet of gross floor area 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.B. and specifically as follows:

- 479.B. Shopping centers may contain any of those uses permitted under the definition contained within Section 113 of this Ordinance. The initial approval of the shopping center shall require conditional use 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. In reviewing such pad sites, the Township will consider the worst case scenario of building site envelope and potential uses when evaluating the conditional use application with regard to applicable regulations including but not limited to setbacks, lot coverage, off-street parking and loading, screening and landscaping, and access drives and etc. Any subsequent substitution of use within the shopping center upon such pad sites shall be permitted by right so long as the proposed use was identified as a potential use in the original conditional use application, is permitted by right within the respective Zone and does not require amendment of the site plan approved by the original conditional use. 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 conditional use approval under Section 905.B. of this Ordinance;
- 479.C. Both public sewer and public water utilities shall be required;
- 479.D. The subject property shall front on an arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines along the same side of the street and at least 100 feet from any side and/or rear property line. Drive-through lanes for any use contained within the shopping center shall connect only to internal access drives and parking lots;
- 479.E. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian and horse-and-buggy linkages. Such linkages shall be located to provide safe and convenient access to the shopping center from the nearby areas, even if they are not yet developed. In addition, the applicant shall provide one (1) shaded, tie-up space for a horse and buggy for each five thousand (5,000) square feet of gross floor area;
- 479.F. Shopping centers of more than 75,000 square feet of gross floor areas 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 shade tree;
- 479.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;
- 479.H. A traffic study shall be submitted by the applicant in accordance with Section 320 of this Ordinance;
- 479.I. 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 322.C.3. of this Ordinance | Minimum Required Off-Street Loading Spaces |
|---|--|--|--|
| Shopping center, as defined herein, with up to 75,000 square feet of gross floor area. | 4.5* | 5% of any off-street parking lot that is constructed at grade and is open to the sky above. | 1 per 25,000 square feet, or fraction thereof, of gross floor area |
| Shopping center, as defined herein, with between 75,000 & 150,000 square feet of gross floor area. | 5.0* | 10% of any off-street parking lot that is constructed at grade and is open to the sky above. | 1 per 20,000 square feet, or fraction thereof, of gross floor area |
| Shopping center, as defined herein, with over 150,000 square feet of gross floor area. | 5.5* | 15% of any off-street parking lot that is constructed at grade and is open to the sky above. | 8 plus 1 per 50,000 square feet, or fraction thereof, of gross floor area over 150,000 square feet |
| * At least two percent (2%) of the required off-street parking spaces shall be designed and designated for park-and-ride use in accordance with Section 479.J. of this Ordinance. | | | |

- 479.J. Shopping centers of more than 75,000 square feet of gross floor area must integrate a designated location for a minimum of two percent (2%) of the required off-street parking spaces for park-and-ride use that are 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 and maintained in accordance with Section 316 of this Ordinance.
- 479.K. The applicant shall submit written expert evidence that demonstrates compliance with the requirements of Sections 311 and 318 of this Ordinance;
- 479.L. 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 322 of this Ordinance and applicable requirements of the SLDO. Such plans shall include but not be limited to details depicting:
1. Landscape buffers and screens used to protect adjoining properties within the (R-1, R-2, VO and MU) Zones and adjoining 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.
- 479.M. The applicant shall submit a sign plan and elevation drawings that demonstrates compliance with all applicable regulations of Section 323 of this Ordinance. Such plan shall incorporate uniform sign elements that address proper sign size, placement and lighting. Once approved as part of the conditional use 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 conditional use approval.
- 479.N. Within the (GC) Zone all shopping centers must demonstrate compliance with Section 212.G. of this Ordinance.
- 479.O. All shopping centers must be served by adequate fire suppression equipment in accordance with state and local regulations. An applicant proposing one or more buildings and/or structures containing habitable floor area more than thirty-five feet (35') above grade, shall be required to submit written evidence from the local fire company within the primary call

coverage area for the site as to the adequacy of available fire-fighting and rescue vehicles and equipment to serve the proposed use. Unless adequate vehicles and equipment are available, no habitable floor area shall be located above a height of thirty-five feet (35')."

479.P. The proposed use shall comply with the regulations contained within the following table:

Section 479.P. - SHOPPING CENTER DESIGN REQUIREMENTS

| Use | Minimum Required Lot Area | Minimum Required Lot Width | Required Minimum Yard Setbacks | | | | Minimum Required Setback from Residential Zone | Maximum Permitted Impervious Lot Coverage | Maximum Permitted Building Height |
|--|---------------------------|--------------------------------------|--|--|--|---|--|---|---------------------------------------|
| | | | Front, as Measured from Street R.O.W. | One Side | Both Sides | Rear | | | |
| Shopping center, as defined herein, with up to 75,000 square feet of gross floor area. | 2 acres | 250 ft. at the building setback line | 35 ft. for buildings & structures (except permitted signs) 20 feet for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard. | 25 ft. for buildings & structures (except permitted signs); 15 ft. for off-street parking & loading spaces & dumpsters | 50 ft. for buildings & structures (except permitted signs); 30 ft. for off-street parking & loading spaces & dumpsters | 25 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters | 50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters. See Note A below | 75% | 35 feet |
| Shopping center, as defined herein, with between 75,000 & 150,000 square feet of gross floor area. | 5 acres | 400 ft. at the building setback line | 50 ft. for buildings, off-street parking & structures (except permitted signs); no off-street loading, nor dumpsters are permitted within the front yard. | 35 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 70 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 75 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters. See Note A below | 70% | See Section 212.G. of this Ordinance. |
| Shopping center, as defined herein, with over 150,000 square feet of gross floor area. | 7 acres | 500 ft. at the building setback line | 100 ft. for buildings, off-street parking & structures (except permitted signs); no off-street loading, nor dumpsters are permitted within the front yard. | 50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 100 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 100 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters. See Note A below | 65% | |

Note A - 500 ft. for uses (e.g. buildings, structures, access drives, off-street parking and loading, outdoor storage, dumpsters and etc.) that operate between the hours of midnight and 6:00AM;

**SECTION 480 SLAUGHTERING, PROCESSING, RENDERING, AND
PACKAGING OF FOOD PRODUCTS AND THEIR BY-
PRODUCTS**

- 480.A. Within the (I-1) Zone, facilities for the slaughtering, processing, rendering, and packaging of food products and their by-products 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.B. and specifically as follows:
- 480.B. **MINIMUM LOT AREA** - Five (5) acres;
- 480.C. The subject site shall have access to a major collector or arterial road;
- 480.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;
- 480.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;
- 480.F. The applicant shall furnish a 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;
- 480.G. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line;
- 480.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;
- 480.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;
- 480.J. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;
- 480.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 adjoining land within a (R-1, R-1, VO or MU) Zone;
- 480.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;
- 480.M. The applicant shall furnish written evidence that PA DEP-approved systems for wastewater disposal and water supply will be utilized;
- 480.N. 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;

480.O. 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;

480.P. Where on-site water is proposed to be used, a professional test of water potability shall be required, as well as a retesting every six months thereafter, the results of which shall be regularly submitted to the USDA;

480.Q. **AQUIFER TESTING**

Prior to the installation of an on-site well, an aquifer test shall be performed which shall be the basis for a governing body determination on the appropriateness of the use of groundwater for the proposed use. The aquifer test shall be conducted under the supervision of a qualified geologist or professional engineer, using testing procedures set forth herein. The geologist or engineer shall be responsible for notifying the Township five (5) working days prior to the start of the test. Two (2) observation wells which have hydraulic continuity with the pumped well are required. Data shall be collected and evaluated as follows:

1. Prior to the test:

- A. Collection of geologic data of the area to be tested, including well logs, if available;
- B. History of water level fluctuations in the area when available;
- C. The location, relative elevations and static water levels in the pumped well and the observation well or wells; and,
- D. The expected discharge of the pumped well;

2. During the test:

- A. A well water yield test shall be conducted for a minimum of twelve (12) hours at a fixed rate of water removal of the quantity of water per minute projected to be required by the proposed use. It is recommended, but not required, that a pump be installed to measure well water yield, because of its greater accuracy over bailing methods. Well water yield shall not be measured until 24–48 hours after drilling and any installation of a pump, to allow the water level to recover and to ensure greater accuracy in reported well water yields. A data sheet shall be prepared showing the following for the pumped well:
 - i. The date;
 - ii. Clock time;
 - iii. Elapsed time since water removal started/stopped;
 - iv. Depth to water below land surface before and after water removal;
 - v. Drawdown or recovery in feet and inches; and,
 - vi. Specific capacity of the well;
- B. The well shall be shown to be capable of supplying potable water at a minimum sustainable rate of that projected to be needed by the proposed use, either with or without the use of a storage system;

3. Following the test:
 - A. In accordance with recognized principles of well hydraulics, the geologist or engineer shall prepare graphs to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage, as well as the rate of pumping, time and drawdown are required, as well as other data which may be considered necessary to satisfy the test objectives;
 - B. The geologist or engineer will summarize the test and its significance and make recommendations as to the suitability of the well for the intended use, considering any history of drought or seasonal low water yields in the area. The final report of the supervising person shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area; and,
 - C. The Board of Supervisors will evaluate the foregoing data and recommendations and make a determination on the appropriateness of the use of groundwater for the proposed facility, based on the ability of the well to provide a minimum sustainable flow of needed water without adversely impacting existing wells in the area and without foreclosing the option of other water-using industry locating in the vicinity.
- 480.R. 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;
- 480.S. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- 480.T. 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;
- 480.U. 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 major collector or arterial roads;
- 480.V. All access drives shall be designed and constructed in compliance with Section 301 of this Ordinance;
- 480.W. All access drives onto the site shall have a paved minimum thirty-five foot (35') wide cartway for a distance of at least two hundred feet (200') from the street right-of-way. 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; and,
- 480.X. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer, in accordance with Section 320 of this Ordinance.

SECTION 481 TWO-FAMILY CONVERSIONS

- 481.A. Within the (MU) Zone, two-family conversions 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.B. and the following specific criteria, and within the (A, R-2, VG and GC) Zones, two-family 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 804.2.C. and the following specific criteria:
- 481.B. Only those portions of single-family detached dwellings that were legally existing on May 1, 1970, may be converted into two-family and/or multi-family dwellings;
- 481.C. The applicant shall furnish evidence of an approved means of sewage disposal;
- 481.D. No modifications to the external appearance of the building (except those required for safety), which would alter its residential character, shall be permitted;
- 481.E. All dwelling units shall have direct means of escape to the exterior at ground level and be equipped with one operable fire detection device;
- 481.F. Signage shall be permitted in accordance with Section 323.D.11. of this Ordinance;
- 481.G. No dwelling unit shall contain less than six hundred (600) square feet of habitable floor area and each unit shall require four thousand, five hundred (4,500) square feet of lot area;
- 481.H. A minimum of two (2) off-street parking spaces shall be provided for each unit of a two-family conversion; and,
- 481.I. Sections 210.H.4. and 211.H.4. shall not apply to two-family conversions.

SECTION 482 WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS

- 482.A. Within the (I-1) Zone, warehousing and wholesale trade establishments 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.B. and the following specific criteria:
- 482.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., noise, smoke, dust,

litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances; and,

4. A traffic study shall be prepared by a professional traffic engineer in accordance with Section 320 of this Ordinance.
- 482.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 during daytime peak use periods within 30 days of application by a certified independent air testing firm. Uses not in compliance with National Ambient Air Quality Standard (NAAQS) 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 Township a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the use 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 conditional use, owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm from locations every 200 feet around the perimeter of the warehouse and at a distance of 75 feet from the terminal building during daytime peak use periods.
- 482.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.
- 482.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,
- 482.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 as listed in Section 320 of this Ordinance.
- 482.G. The subject property shall be located no closer than five hundred feet (500') from any (R-1, R-2, VO or MU) Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 482.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;
- 482.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;
- 482.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;
- 482.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;

- 482.L. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited;
- 482.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;
- 482.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 314 of this Ordinance;
- 482.O. The applicant shall demonstrate compliance with Section 311 of this Ordinance;
- 482.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,
- 482.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 483 WIND AND/OR SOLAR FARMS

- 483.A. Within the (I-1 & Q) Zones, wind and/or solar farms 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.B. and the following specific criteria:
- 483.B. The applicant shall prepare and submit a narrative and mapping describing the proposed wind and/or solar farm, including:
 - 1. an overview of the project;
 - 2. the project location;
 - 3. the approximate generating capacity of the wind and/or solar farm;
 - 4. the approximate number, representative types and height or range of heights of wind turbines and/or solar panels to be constructed, including their generating capacity, dimensions and respective manufacturers;
 - 5. wind turbine system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed;
 - 6. a completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties as well as any adjacent street rights-of-way. The glare study shall include analyses sufficient to demonstrate:
 - A. the angle of the solar collector system panels, arrays, cells, etc. at the location;
 - B. a diagram showing the maximum and minimum angles of reflective glare from the solar collector system panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and,

- C. a mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
- 7. a description of accessory facilities;
- 8. 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 and/or solar farm;
- 9. a listing and map of the properties on which the proposed wind and solar farm will be located, and the properties adjacent to where the wind and/or solar farm will be located; and,
- 10. a site plan showing the planned location of each wind turbine and/or solar panel, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind and/or solar farm to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, towers and foundations, guy wires, and layout of all structures within the geographical boundaries of any applicable setback.

483.C. The applicant shall demonstrate with credible expert evidence that:

- 1. to the extent applicable, the wind and/or solar farm shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142 and the Township Building Code;
- 2. the design of the wind and/or solar farm shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers;
- 3. the public utility company has been informed of the applicant's intent to install an interconnected generator and also approval of such connection. Off-grid systems shall be exempt from this requirement;
- 4. each of the proposed wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic over-speed 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 over-speed protection;
- 5. all electrical components of the wind and/or solar farm shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards;
- 6. 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 and have a flat finish;

7. 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;
8. wind turbines shall not be installed in any location where they would interfere with existing fixed broadcast, re-transmission, or reception antennas. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation;
9. wind turbines and any supporting structure shall be enclosed by a six (6) foot fence with locking gate or the base of the wind turbine and any supporting structure shall not be climbable for a minimum height of twelve (12) feet. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons;
10. wind turbines shall be located and designed to minimize shadow flicker to adjoining properties;
11. wind turbines shall not cause ground vibrations perceptible beyond the property line of the site;
12. wind turbines shall not cause ice to be thrown or shredded beyond the property line of the site;
13. wind turbines and/or solar panels shall not display advertising, other than an incidental insignia of the turbine/panel manufacturer. In no case shall such identification exceed 200 square inches per panel or turbine;
14. on-site transmission and power lines between wind turbines and/or solar panels shall, to the maximum extent practicable, be placed underground;
15. a clearly visible warning sign concerning voltage must be placed at the base of all at-grade transformers and substations.
16. 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 a working plan for the regular inspection of such guy wires and replacement of any needed flags, reflectors, or tape;
17. wind turbines and/or solar panels shall be designed and constructed to be non-climbable up to fifteen (15) feet above ground surface.
18. all access doors to wind turbines and/or solar panels and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
19. wind turbines shall be setback the following distances as measured from the center of the wind turbine base to the nearest point of the respective feature listed below:

| Feature | Minimum setback |
|---|------------------------------|
| Occupied building on site | Turbine height plus ten feet |
| Above ground utility line right-of-way | Turbine height plus ten feet |
| Adjoining property | 1.5 times turbine height |
| Adjoining road right-of-way | 1.5 times turbine height |

20. the minimum height of a wind turbine shall be such that there shall be maintained a minimum of fifteen (15) feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
 21. the maximum height of a wind turbine shall be fifty (50) feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
 22. solar energy panels shall be designed and located in order to minimize reflective glare and/or heat towards any adjoining use and/or road.
 23. 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 and/or solar 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.
 24. the applicant shall provide a copy of the project summary and site plan as required in §483.B. of this Ordinance to the Township Fire Official. The applicant shall prepare and coordinate the implementation of an emergency response plan for the wind and/or solar farm acceptable to the Township Fire Official.
- 483.D. Audible sound from a wind and/or solar farm shall comply with the noise standards listed in §220-48.A. of this Ordinance. A manufacturer's certificate of specification may be used to demonstrate compliance with this standard.
- 483.E. The surface area of a ground-mounted solar energy system, regardless of the mounted angle of any solar panels, shall be considered part of and calculated in the lot coverage of the lot on which the system is located. The surface area of a ground-mounted solar energy system shall not exceed thirty percent (30%) of maximum lot coverage of the lot. For panels that self-adjust, the lot coverage of each solar panel shall be calculated at that angle with the greatest horizontal exposure.
- 483.F. 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 and/or solar farm on any adjoining property.

- 483.G. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate. Certificates of insurance coverage shall be made available to the Township each year that the wind and/or solar farm operates.
- 483.H. All owners of a wind and/or solar farm shall maintain the facility in a safe condition and good repair at all times. Whenever any system becomes structurally unsafe or endangers the safety of the structure or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the system is located that such system shall be made safe or removed. The disposal of such systems shall comply with all applicable Township, county, state, and federal regulations.
- 483.I. The applicant shall be responsible for the decommissioning of the wind and/or solar farm in accordance with the following requirements:
1. The applicant shall, at his/her expense, complete decommissioning of the wind and/or solar farm, or individual wind turbines, within (12) twelve months after the end of the useful life of the wind and/or solar farm or individual wind turbines or solar panels. The wind and/or solar farm or individual wind turbines or solar panels 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. Decommissioning shall include removal of wind turbines and solar panels, 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 decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning 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 decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than twenty five percent (25%) of decommissioning costs. The decommissioning 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. Decommissioning 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 decommissioning within the period prescribed by §483.I.1. of this Ordinance, then the landowner shall have six (6) months to complete decommissioning.

8. If neither the applicant, nor the landowner complete decommissioning within the periods prescribed by §483.I.1. or §483.I.7. of this Ordinance, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township in accordance with §483.B.8. 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 decommissioning plan.
 9. The escrow agent shall release the decommissioning funds when the applicant has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
- 483.J. All owners of property upon which a wind and/or solar farm is installed shall be required to acknowledge in writing to the Township that the approval of the wind and/or solar farm shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
1. the right to remain free of shadows and/or obstructions to solar or wind energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or,
 2. the right to prohibit the development on, or growth of any trees or vegetation on, such property.

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.

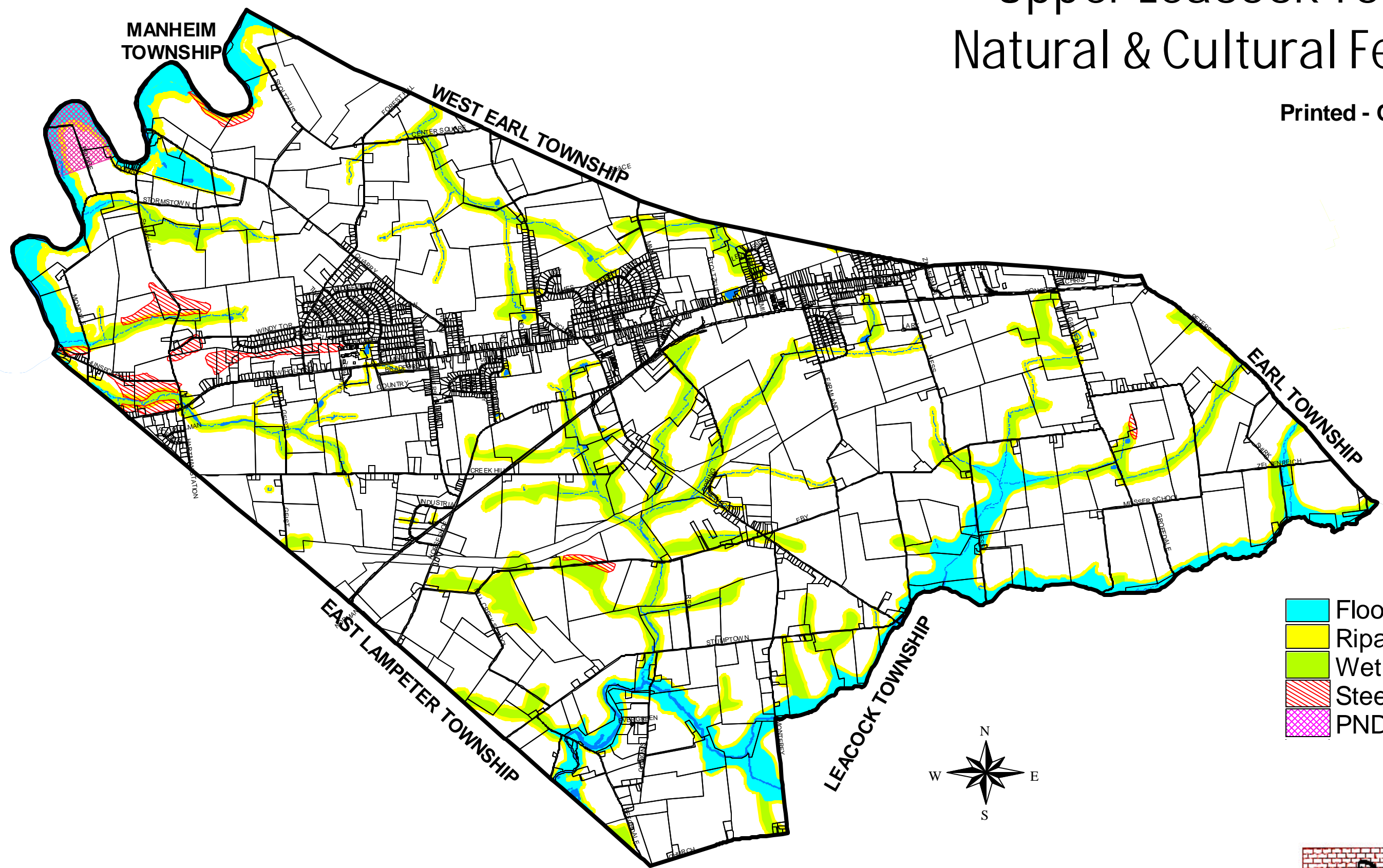
Section 502 Feature Identification Procedures

502.A. FEATURE IDENTIFICATION

1. All applications for zoning permits or subdivision and/or land developments 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 and on-site verification. It is noted that the Township has preliminarily identified specific natural and cultural features as depicted upon the Upper Leacock Township Natural and Cultural 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. Finally, should the applicant request under Section 305 of the SLDO, the Township may grant one or more waivers under any section of this Article during the subdivision or land development process.
2. Deviations from the requirements of this Section 502.A. that are proposed during the subdivision / land development process shall be reviewed as a waiver according to Section 305 of the SLDO; and,

Upper Leacock Township Natural & Cultural Features

Printed - October, 2010



- Floodplains
- Riparian Buffers
- Wetlands
- Steep Slopes
- PNDI Habitats

3000 0 3000 6000 Feet



3. Deviations from the requirements of this Section 502.A. that are proposed during the zoning permit process that do not involve subdivision / land development review shall be reviewed as a variance according to Section 804.D. of this Zoning Ordinance.

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 zoning permit applications as described in Section 503.B., such natural and cultural features 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 natural and cultural features 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 natural and cultural features 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.E. 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 preliminary application requirements as listed in the SLDO. Such materials shall be reviewed and approved by the Board of Supervisors, after review and recommendation 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 of Supervisors may approve the application with conditions imposed that directly overcome the application's deficiencies.

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 zoning permits 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 development site (as defined herein) 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

1. 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 with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature and shall be signed and sealed, where applicable. Such Management Report shall include the following minimum requirements.
 - A. 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.
 - B. 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.
 - C. 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.
 - D. Description of ownership and maintenance responsibilities and methods to enforce compliance with the requirements of this Article.

Section 510 Floodplain Overlay Zone

510.A. PURPOSE, INTENT AND STATUTORY AUTHORITY

1. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of Upper Leacock Township does hereby order as follows.
2. The Floodplain Overlay Zone includes the areas of Upper Leacock Township which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
3. In the interest of public health, safety, and welfare, the regulations of the Floodplain Overlay Zone are designed and intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized and to guide incompatible development into more appropriate zoning districts.

4. In advancing these principles and the general purposes of this Zoning Ordinance and the Comprehensive Plan, and as a supplement to Section 102 of this Zoning Ordinance, the specific intent of this district includes the following:
 - A. To regulate uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
 - B. To restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding;
 - C. To require all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage;
 - D. To protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

510.B. LANDS IN ZONE DEFINED

1. Any areas of Upper Leacock Township, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated April 19, 2005 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Upper Leacock Township and declared to be a part of this ordinance.
2. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
3. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
4. Where the complete and definitive information necessary to delineate the boundary of the Floodplain Overlay Zone is not available to the Zoning Officer in his consideration of an application for a permit, he shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the Floodplain Overlay Zone as defined in Section 510.B. of this Ordinance. Such studies and surveys shall be signed, sealed, and certified by a licensed, professional engineer or surveyor registered by the Commonwealth of Pennsylvania to perform such studied and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualifications of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer, to the Township Engineer, and the United States Department of Agriculture's Soil Conservation Service, who shall have thirty (30) days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of Upper Leacock Township.

510.C. BOUNDARY DISPUTES - CHANGES

1. Should any person dispute the initial boundary determination of the Floodplain Overlay Zone made by the Zoning Officer, an appeal will lie to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay all those costs associated with the hearing according to Section 804.F. of this Ordinance.
2. All changes to the boundaries of the Floodplain Overlay Zone which affect areas identified in Section 510.B. of this Ordinance are subject to the review and approval of the Director of the Federal Emergency Management Agency (FEMA) for compliance with the Rules and Regulations of the National Flood Insurance Program.

510.D. RELATIONSHIP TO OTHER SECTIONS AND ORDINANCES

1. The provisions of this Section create an overlay zone which is applicable within floodplains in all other zones established by this Zoning Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other Sections of this Zoning Ordinance and all other ordinances of Upper Leacock Township. However, all other provisions of all other Sections of this Zoning Ordinance and all other ordinances of Upper Leacock Township shall remain in full force.
2. This Section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

510.E. USES PERMITTED BY RIGHT

1. The following uses and no others are permitted in the Floodplain Overlay Zone, and they are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Section and other applicable provisions of the Zoning Ordinance.
 - A. Agriculture, horticulture, and forestry, all excluding any fill or structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
 - B. Erosion and sedimentation control measures, facilities, and structures, provided no unhealthful ponding or other unsanitary conditions shall occur.
 - C. Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding camp sites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/ or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any fill or structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
 - D. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice.
 - E. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arbor-

etums, excluding any fill or structures and excluding any grading or filling which would cause any increase in flood heights or frequency.

- F. Open space and front, side, or rear yard required by other Sections of this Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this Section, as set forth in Section 510.A. of this Ordinance, together with the requirements of any other pertinent municipal regulations, are complied with.
- G. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Lancaster Conservation District, and subject to the provisions of Section 510.J.2.C. of this Ordinance.
- H. One or two strand fences.
- I. Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- J. Blinds for the shooting or observation of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission for the taking of migratory waterfowl and the three weeks immediately preceding and three weeks immediately following that open season. Blinds must be removed during all other times of the year.
- K. Circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
- L. Farm ponds which are constructed in accordance with a Conservation Plan reviewed by the Lancaster Conservation District and which do not create any increase in flooding and subject to the provisions of Section 510.J.2.C. of this Ordinance.
- M. Floodproofing and flood hazard reduction structures to protect only lawfully existing nonconforming structures and lawfully existing nonconforming uses within structures.
- N. Public Utility Facilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by municipal zoning ordinances, subject to the provisions of Section 510.J.7. of this Ordinance.
- O. Marker buoys.

510.F. SPECIAL EXCEPTION USES

1. The following uses in the Floodplain Overlay Zone are permitted only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Section 804.C., when permitted by the underlying zoning district as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Zoning Ordinance.

- A. One-story tool or implement sheds, not exceeding six hundred (600) square feet in size provided that the shed has openings that permit the ready flow of water parallel to the channel flow both in and out of the shed, and provided that no such sheds are permitted in the floodway.
- B. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions of Section 510.H.1.O. of this Ordinance, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
- C. Water-oriented uses such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.
- D. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - 1. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwater. All gas lines shall have a system of shut-off valves for service to the Floodplain Overlay Zone to allow positive control during flood emergencies.
 - 2. Electrical transmission lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Above ground electrical transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
 - A. Above ground lines and supporting structures shall enter the Floodplain Overlay Zone only to cross a watercourse, shall cross the watercourse and the Floodplain Overlay Zone using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Ordinance, shall make minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - B. Above ground lines shall be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum flood elevation.
 - C. Supporting structures for above ground lines within the Floodplain Overlay Zone shall be the minimum number necessary to carry the lines across the Floodplain Overlay Zone. Supporting structures shall be designed and installed so as to be able to

withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.

- D. Facilities and service in the Floodplain Overlay Zone shall be designed so that flood damage within the Floodplain Overlay Zone does not disrupt service outside the Floodplain Overlay Zone.
 - E. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
 - F. Water monitoring devices.
 - G. Culverts, bridges, and approaches to public and private culverts and bridges provided the same meet all the following conditions:
 - 1. Review and/or approval of the Lancaster County Planning Commission, if required.
 - 2. Approval by the Susquehanna River Basin Commission, if required.
 - 3. Approval by the Pennsylvania Department of Environmental Protection, if required.
 - 4. Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
 - 5. If approval by PennDOT is not required, the proposed use must still meet all of the appropriate maximum design standards of PennDOT.
 - 6. Approval by the United States Corps of Engineers, if required.
 - 7. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.
 - H. Extraction of sand, gravel, and other mineral resources, excluding topsoil, and subject to Section 453 of this Ordinance.
 - I. Other uses similar to the above, provided the use will not reduce the cross-sectional area of the floodplain.
2. Standards and Criteria for Special Exceptions: In addition to the provisions of 804.C. of this Ordinance, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with.
- A. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
 - B. That no or a minimum of floodwaters or materials will be swept onto other lands or downstream to cause injury to others.
 - C. That the possibility of disease, contamination, and unsanitary conditions is minimized.

- D. The proposed facility needs a waterfront or floodplain location.
 - E. That available alternative locations not subject to flooding for the proposed use do not exist.
 - F. That the proposed use is compatible with existing and anticipated development.
 - G. That the proposed use is consistent with the Upper Leacock Township Comprehensive Plan and any floodplain management program for the area.
 - H. The safety of access to the property in times of flood for ordinary and emergency vehicles will be assured.
 - I. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of floodwaters expected at the site are not inconsistent with the proposed use.
 - J. That the proposed activity will not unduly alter natural water flow or water temperature.
 - K. That archeological or historic sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
 - L. That the natural, scenic, and aesthetic values at the proposed site will be conserved.
 - M. That a minimal amount of danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, will occur. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
 - N. That the grant of the special exception shall not cause:
 - 1. Increases in flood heights.
 - 2. Additional threats to public safety.
 - 3. Extraordinary public expense.
 - 4. Creation of nuisances.
 - 5. Conflict with local laws or ordinance.
3. In demonstrating compliance with the provisions of this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- A. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
 - B. A typical valley cross section showing the channel of the watercourse, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - C. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all

proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

- D. A profile showing the slope of the bottom of the channel or flow line of the watercourse.
 - E. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.
- 4. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the Zoning Hearing Board may call upon any experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
 - 5. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
 - 6. Fees for Special Exceptions: Any fees assessed an applicant for a special exception, whether for a hearing or any other purpose, shall not exceed those costs directly associated with the particular application.

510.G. VARIANCES WITHIN THE FLOODPLAIN OVERLAY ZONE

- 1. Variances from the provisions of this Section are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968. In all variance proceedings the burden of proof shall be on the applicant.
- 2. No variance shall be granted for any development, structure, use, or activity within the Floodplain Overlay Zone which would cause any increase in flood levels during the 100-year flood as defined by this Section. No variance will be granted that will permit those uses specifically listed in Sections 510.H.1.J., 510.H.1.K. and 510.H.1.S. of this Ordinance.
- 3. Variances shall only be granted upon:
 - A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with any other application laws, ordinances, or regulations.
 - D. That the grant of a variance will not jeopardize the flood insurance program of Upper Leacock Township.
- 4. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - A. The granting of the variance may result in increased premium rates for flood insurance.
 - B. Such variance may increase the risks to life and property.
6. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.

510.H. PROHIBITED USES

1. The following uses are prohibited in the Floodplain Overlay Zone;
 - A. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
 - B. All structures, with the exception of those specifically allowed in Sections 510.E. and 510.F. of this Ordinance.
 - C. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
 - D. Placing, depositing, and dumping of any spoil, fill, or solid waste except such grading, filling or depositing necessary to accomplish and carry out the permitted uses, and uses by special exception in Sections 510.E. and 510.F. of this Ordinance; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
 - E. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 510.E. and 510.F. of this Ordinance, and except such removal of topsoil as is necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 510.E. and 510.F. of this Ordinance; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
 - F. Damming or relocation of any watercourse, except as provided for in Sections 510.E. and 510.F. of this Ordinance.
 - G. Any parts of any on-site sewage disposal systems.
 - H. Swimming pools.
 - I. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
 - J. Manufactured home parks and/or the parking or storage of recreational vehicles;
 - K. Hospitals, nursing homes and jails;
 - L. Cemeteries for humans or animals.

- M. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
- N. The floodproofing of new residential structures, as an exception from the elevation requirement.
- O. Any development, structure, or use which may, whether alone or in combination with others:
 - 1. Endanger human life;
 - 2. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters;
 - 3. Increase the surface elevation of floods, or the frequency of floods;
 - 4. Catch or collect debris carried by floodwaters;
 - 5. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain Overlay Zone;
 - 6. Degrade the water carrying capacity of any watercourse, channel, or floodplain;
 - 7. Degrade the quality of surface water or the quality or quantity of ground water;
 - 8. Be susceptible to flotation and subsequent movement which would cause damage to other property;
 - 9. Not be in harmony with the intent and purpose of this Section, as set forth in Section 510.A. of this Ordinance.
- P. Feedlots.
- Q. Fully enclosed space and partially enclosed space below the lowest floor.
- R. Manufactured homes.
- S. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
 - 1. will be used for the production or storage of any of the following materials and substances that are considered dangerous to human life; or,
 - 2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, or any of the following materials and substances that are considered dangerous to human life; or,
 - 3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

510.I. NONCONFORMING USES AND STRUCTURES IN THE FLOODPLAIN OVERLAY ZONE

1. Continuation. All uses or structures in the Floodplain Overlay Zone lawfully existing on the effective date of this Ordinance which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Upper Leacock Township sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
2. Abandonment. Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Upper Leacock Township Supervisors may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Upper Leacock Township Board of Supervisors shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. Expansion and Modification. A nonconforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Sections of the Upper Leacock Township Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain Overlay Zone than was occupied by it on the effective date of this Ordinance.

4. Replacement and Rebuilding. A nonconforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Section shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Ordinance.
5. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent (50%) of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Section, all other Sections of the Zoning Ordinance of Upper Leacock Township, and all other ordinances of Upper Leacock Township. The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Section, while respecting and maintaining the purposes and intents of this Ordinance.
6. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use of structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.
7. Historic Structures. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this section and Section 510.K. for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks, and the provisions of Sections 510.F.2., 510.F.3., 510.F.4., 510.F.5., and 510.F.6. of this Ordinance shall be applied in such a case.
8. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.
9. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent of less than fifty (50%) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

510.J. DESIGN AND PERFORMANCE STANDARDS

1. Applicability. Unless otherwise specified in this Section, the standards and criteria included in this section are to be used, together with the provisions of all other Sections and all other ordinances in force in Upper Leacock Township by the Zoning Officer and Zoning Hearing Board in their administration of this Ordinance.
2. Regulations and reviews by Other Agencies.
 - A. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies, including State and Federal Agencies, before any approvals of plans, special exceptions, variances, or permits may be granted by Upper Leacock Township or its agencies, officials or employees.

- B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Upper Leacock Township, any approval of plans, special exceptions, variances, or permits by Upper Leacock Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approvals.
 - C. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams, Safety Obstructions and Storm Water Management Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit, application and municipality notifications shall be forwarded to the Federal Emergency Management Agency and to the Pennsylvania Department of Community and Economic Development.
 - D. Uniform Construction Code Coordination
 - 1. The Standards and Specifications contained in 34PA Code (Chapters 401-405), and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.
 - 2. International Building Code (IBC) 2009 or the latest edition adopted by the Commonwealth of Pennsylvania: Secs. 801, 1202, 1403, 1603, 1612, 3402 and Appendix G.
 - 3. International Residential Building Code (IRC) 2009 or the latest edition adopted by the Commonwealth of Pennsylvania: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.
3. Placement and Construction of Authorized Uses and Structures.
- A. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures.
 - B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage.
 - C. All new or replacement drains, water supply facilities, or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwaters.
 - D. All new construction and substantial improvements of permanent nonresidential structures shall either (1) have the lowest floor (including basement) elevated to one and one half (1½) feet above the 100-year flood elevation as defined by Section 510.B. of this Ordinance, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the 100-year flood elevation as defined by Section 510.B. of this Ordinance the structure is watertight, with walls

substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- E. All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structures not elevated to one foot above the 100-year flood elevation as defined by Section 510.B. of this Ordinance shall be floodproofed.
- F. All authorized new residential structures shall have the lowest flood (including basement) elevated to one foot above the 100-year flood elevation as defined by Section 510.B. of this Ordinance.
- G. Within and Floodway Area (FW), the following provisions apply:
 - 1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection's Regional Office.
- 4. Floodproofing. Where floodproofing is authorized by this Section it shall be done according to the standards and provisions for floodproofing classes W-1, W-2, W-3, or W-4, as contained in *Flood-proofing Regulations* published by the office of the Chief of Engineers, U.S. Army, Publication EP 1165 2 314 (June 1972, as amended March 1992) where such standards and provisions do not conflict with other provisions of this Ordinance. Where reference is made in *Flood-proofing Regulations* to the "RFD" (Regulator Flood Datum) it shall be interpreted to mean the 100-year flood elevation as defined by this Ordinance. The floodproofing of new residential structures is specifically prohibited.
- 5. Anchoring. All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain Overlay Zone shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- 6. Surface Drainage. Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
- 7. Public Utility Facilities and Structures. Public utility facilities and structures (except buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the following standards in the interest of achieving the purposes and intent of this Ordinance.
 - A. Public utility facilities and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines should have a system of shut-off valves for service to the Floodplain Overlay Zone to allow positive control during flood emergencies.

- B. Public utility electrical transmission lines and supporting structures should be installed so as to minimize or eliminate flood damage and be installed underground below the existing natural surface grade within the floodplain. Above ground electrical transmission lines should be designed to meet the following standards:
1. Above ground lines and supporting structures should enter the Floodplain Overlay Zone only to cross a watercourse, should cross the watercourse and the Floodplain Overlay Zone using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Ordinance, should make the minimum number of crossings necessary, and should be designed and installed so as to minimize or eliminate flood damage.
 2. Above ground lines should be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum flood elevation.
 3. Supporting structures for above ground lines within the Floodplain Overlay Zone should be the minimum number necessary to carry the lines across the Floodplain Overlay Zone. Supporting structures should be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 4. Facilities and service to the Floodplain Overlay Zone should be designed so that flood damage within the Floodplain Overlay Zone does not disrupt service outside the Floodplain Overlay Zone.

8. Agricultural Standards

- A. A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of fifteen (15) feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.
- B. Within the Floodplain Overlay Zone, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.
- C. Livestock shall not be confined in pastures or other enclosures located entirely within the Floodplain Overlay Zone.
- D. Within the Floodplain Overlay Zone, feedlots are prohibited.

9. Special Requirements for Manufactured Homes

- A. All replacements for existing nonconforming manufactured homes, and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Manufactured Homes Including Manufactured Home Park Requirements (NFPA No. 501A-1974)(ANSI A119.3-1975) for Manufactured Homes in Hurricane Districts or other appropriate standards, such as the following:
 1. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate

locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

2. Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
 3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- B. All replacements for existing nonconforming manufactured homes and any additions thereto shall also be elevated in accordance with the following requirements:
1. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be at least one and one half ($1\frac{1}{2}$) feet above the 100-year flood elevation.
 2. Adequate surface drainage is provided.
 3. Adequate access for a hauler is provided.
 4. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Secretary for manufactured home parks and manufactured home subdivisions where appropriate.

10. Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in the Floodplain Overlay Zone where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

510.K. ZONING PERMITS

1. Irrespective of the provisions of Section 901 of this Ordinance, within the Floodplain Overlay Zone, zoning permits shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, renovation, extension, repair or other improvement of uses or structures, regardless of value, including the placement of manufactured homes and activities such as mining, dredging, filling, grading, logging, paving, excavation, or drilling operations. Zoning permits shall not be required for normal maintenance.
2. Every zoning permit application for work or uses within the Floodplain Overlay Zone shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Section and Ordinance.

3. The following information is specifically required to accompany all zoning permit applications involving structures within the Floodplain Overlay Zone:
 - A. Name and address of applicant.
 - B. Name and address of the owner of land on which proposed construction is to occur.
 - C. Name and address of the contractor.
 - D. Site location including address.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
 - G. A plan of the site showing the exact size and location of the proposed construction, as well as, any existing buildings or structures.
 - H. The elevation (in relation to mean sea level as per the North American Vertical Datum 1988) of the lowest floor (including basement).
 - I. If the structure has been floodproofed, the elevation (in relation to mean sea level as per the North American Vertical Datum 1988) to which the structure was floodproofed.
4. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Section 510.J.4. of this Ordinance and are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the 100-year flood as defined by Section 510.B. of this Ordinance, and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed.
5. A copy of all plans and applications for proposed construction or other improvements within the Floodplain Overlay Zone to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment.

510.L. MUNICIPAL LIABILITY

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

Section 511 Riparian Buffers

511.A. PURPOSE

1. In order for Pennsylvania to meet the aggressive goals of the Chesapeake Bay Tributary Strategy, communities located within this drainage area will need to implement Best Management Practices (BMPs) to address point and non-point pollution sources; riparian buffers are one of the BMPs that will help the region meet these goals;

2. The PA Department of Environmental Protection (DEP) is moving forward with the implementation of the Chesapeake Bay Tributary Strategy which established aggressive goals for reductions in the amount of sediments and nutrients such as nitrogen and phosphorus;
3. Local streams contribute to the Susquehanna River drainage area and the Chesapeake Bay;
4. The potential exists for DEP to establish total maximum daily load (TMDL) regulations in order to prevent further increased sediment and nutrient loadings to our waterways;
5. These signs point to the need for a more coordinated effort at the local municipal level to protect our streams and waterways;
6. If local measures such as riparian buffers are not evaluated and implemented to reduce loadings to our streams, the community's healthy economy and environmental well-being could be permanently threatened;
7. Upper Leacock Township has evaluated and taken the opportunity to pursue the following riparian buffer measures that will help to ensure the future health of valuable water resources. The implementation of riparian buffers is an important step in cooperative water management efforts that will help to:
 - A. create and/or restore wooded buffers along important watercourses and surface water bodies upon the Township's landscape;
 - B. promote beneficial vegetation to reduce harmful erosion;
 - C. reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically-proven processes including filtration, deposition, absorption, plant uptake, and de-nitrification, and by stabilizing concentrated flows;
 - D. improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic plants and animals;
 - E. offer year-round nourishment and habitat for animal wildlife both with and adjoining the water feature;
 - F. reduce surface water temperature;
 - G. offer interconnected linear paths for habitat migration and close-to-home passive open spaces amid the developing landscape;
 - H. regulate land use, siting, and engineering to be consistent with accepted conservation practices;
 - I. ensure that land use impacts are within the carrying capacity of existing natural resources;
 - J. work with floodplain, steep slope, wetland and other municipal ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and important riparian features; and,
 - K. assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent

amendments thereto, as administered by the Pennsylvania Department of Environment Protection and the Lancaster County Conservation District.

511.B. LEGISLATIVE INTENT

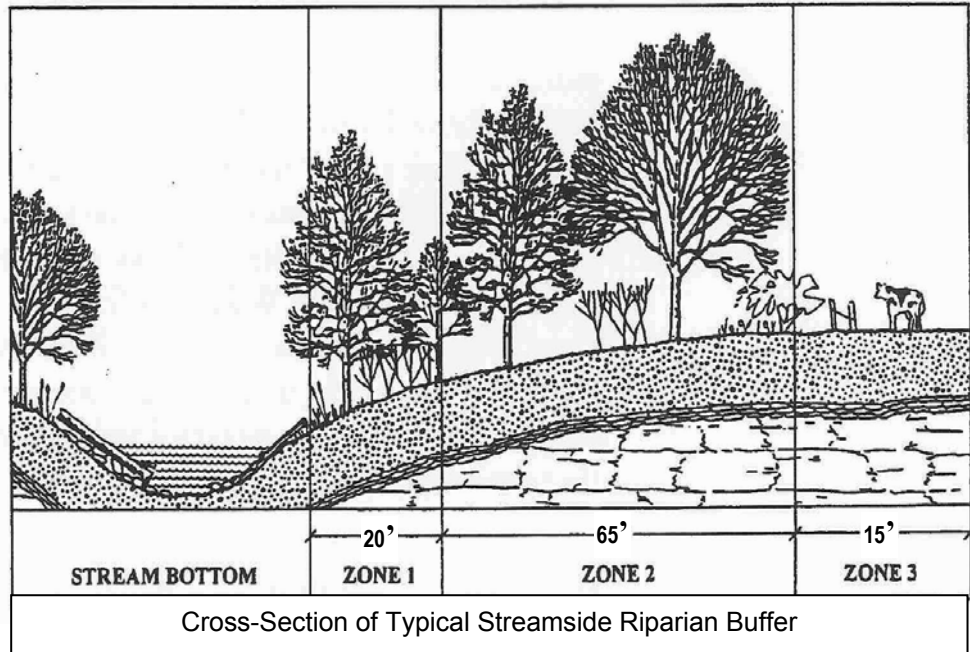
1. Under the authority of Chapter I, Section 27 of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, other Commonwealth and federal statutes, and in recognition of the fact that natural features contribute to the welfare of its residents, these riparian buffer regulations have been enacted to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian corridors.
2. Upper Leacock Township's adoption of these regulations **does not** grant public access to private property. Any grant of public access remains the prerogative of each individual property owner.
3. Riparian buffer management and protection remains the sole responsibility of each individual property owner.
4. In some cases, developers and/or landowners can agree to provide for public access across riparian buffers subject to Township approval. Similarly, riparian buffer management and protection can be delegated to someone or some agency other than the landowner or developer, subject to Township approval in accordance with the SLDO.

511.C. APPLICABILITY

Any application for subdivision and/or land development for property adjoining or within one hundred feet (100') of 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.

511.D. RIPARIAN BUFFER DELINEATION

1. Except as noted in §511.D.2. of this Ordinance, the applicant shall clearly depict upon the natural and cultural features site plan 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 and twenty (20'), 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. sixty-five feet (65'), 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 fifteen feet (15') inland therefrom. Where a pasture is proposed just beyond the above-described Zone 2, no Zone 3 is required.



2. As an alternative to that required in the above Section 511.D.1., the applicant shall provide and clearly depict upon a site plan the proposed riparian buffer along with written verification from a qualified expert that the proposed riparian buffer design adheres to Title 25 PA Code, Chapter 102, Section 102.14. The Township may accept this proposed alternative if it determines with direction from the Township Engineer, that the alternate design equally satisfies the objectives for such buffer at the proposed location as described in §511.A. of this Ordinance.

511.E. 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 native species as listed in Section 511.E.2. that satisfies the following design objectives. The applicant shall submit expert evidence that the existing and/or proposed vegetation is of sufficient size and density so as to satisfy such 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 list. Plants not included on this list may be permitted by the Township when evidence is provided from qualified sources certifying their suitability for substitution. Selected species shall be 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. Any non-native, noxious and/or invasive plant species ,as defined in Section 113 of this Ordinance, shall be removed and destroyed.

| SELECTIVE NATIVE BUFFER PLANTS LIST Source: Morris Arboretum of the University of Pennsylvania Botanic Name / Common Name | |
|--|---|
| <u>FERNS</u> Osmunda cinnamomea / Cinnamon fern Osmunda claytoniana / Interrupted fern Onoclea sensibilis / Sensitive fern <u>GRASSES & SEDGES</u> Andropogon gerardii / Big blue stem Carex scoparia / Broom sedge Cyperus strigosus / False nut sedge Carex lurida / Lurid sedge Elymus riparius / Riverbank wild rye Carex vulpinoidea / Sedge Juncus effusus / Soft rush Panicum virgatum / Switch grass Carex stricta / Tussock sedge Elymus virginicus / Virginia wild rye Scirpus cyperinus / Wool grass | <u>FLOWERING PERENNIALS</u> Penstemon digitalis / Beard-tongue Gentiana andrewsii / Bottle gentian Verbena hastata / Blue vervain Sisyrinchium angustifolium / Blue-eyed grass Eupatorium perfoliatum / Boneset Lobelia cardinalis / Cardinal flower Rudbeckia laciniata / Cut-leaf coneflower Veronica noveboracensis / Ironweed Arisaema triphyllum / Jack-in-the-pulpit Eupatorium fistulosum / Joe-pye weed Aster novae-angliae / New England aster Mitchella repens / Partridgeberry Aster puniceus / Purple stemmed aster Solidago gigantea / Smooth goldenrod Asclepias incarnate / Swamp milkweed Thalictrum pubescens / Tall meadowrue Verbesina alternifolia / Wingstem Geranium maculatum / Wood geranium |

| SELECTIVE NATIVE BUFFER PLANTS LIST Source: PA Natural Resources and Conservation Service (NRCS) Common (Botanic Name) | |
|---|--|
| <u>SHRUBS</u> Black Chokeberry (<i>Aronia melanocarpa</i>) High-Bush Blueberry (<i>Vaccinium corymbosum</i>) High-Bush Cranberry (<i>Viburnum trilobum</i>) Spicebush (<i>Lindera benzoin</i>) ¹ Elderberry (<i>Sambucus canadensis</i>) Silky Dogwood (<i>Cornus amomum</i>) Grey Dogwood (<i>Cornus racemosa</i>) ¹ Serviceberry (<i>Amelanchier Canadensis</i>) Maple-Leaf Viburnum (<i>Viburnum acerifolium</i>) American Hazelnut (<i>Corylus americana</i>) ¹ Choke Cherry (<i>Prunus virginiana</i>) Staghorn Sumac (<i>Rhus typhina</i>) Winterberry (<i>Ilex verticillata</i>) Arrowwood (<i>Viburnum dentatum</i>) Blackhaw Viburnum (<i>Viburnum prunifolium</i>) Nannyberry (<i>Viburnum lentago</i>) ¹ Buttonbush (<i>Cephalanthus occidentalis</i>) Red Chokeberry (<i>Aronia arbutifolia</i>) Red-Osier Dogwood (<i>Cornus stolonifera</i>) Silky Willow (<i>Salix sericea</i>) | <u>TREES²</u> Shagbark Hickory (<i>Carya ovata</i>) White Oak (<i>Quercus alba</i>) Red Oak (<i>Quercus rubra</i>) Bur Oak (<i>Quercus macrocarpa</i>) Hackberry (<i>Celtis occidentalis</i>) Butternut (<i>Juglans cinerea</i>) Black Cherry (<i>Prunus serotina</i>) American Crabapple (<i>Malus coronaria</i>) Black Gum (Tupelo) (<i>Nyssa sylvatica</i>) Scarlet Oak (<i>Quercus coccinea</i>) Chestnut Oak (<i>Quercus prinus</i>) Black Willow (<i>Salix nigra</i>) Persimmon (<i>Diospyros virginiana</i>) Yellow Birch (<i>Betula alleghaniensis</i>) Hop-Hornbeam (<i>Ostrya virginiana</i>) Flowering Dogwood (<i>Cornus florida</i>) Basswood (<i>Tilia americana</i>) American Elm (<i>Ulmus americana</i>) Red (Slippery) Elm (<i>Ulmus rubra</i>) Silver Maple (<i>Acer saccharinum</i>) |

| SELECTIVE NATIVE BUFFER PLANTS LIST Source: PA Natural Resources and Conservation Service (NRCS) Common (<i>Botanic Name</i>) | |
|--|---|
| Speckled Alder (<i>Alnus rugosa</i>) Pussy Willow (<i>Salix discolor</i>) Ninebark (<i>Physocarpus opulifolius</i>) ¹ Mountain Laurel (<i>Kalmia latifolia</i>) Witch-hazel (<i>Hamamelis virginiana</i>) <u>TREES²</u> Swamp White Oak (<i>Quercus bicolor</i>) Pin Oak (<i>Quercus palustris</i>) Eastern Redbud (<i>Cercis canadensis</i>) Red maple (<i>Acer rubrum</i>) Quaking Aspen (<i>Populus tremuloides</i>) <u>TREES²</u> Sassafras (<i>Sassafras albidum</i>) Pignut Hickory (<i>Carya glabra</i>) Black Walnut (<i>Juglans nigra</i>) American Beech (<i>Fagus grandifolia</i>) Red Mulberry (<i>Morus rubra</i>) Bitternut Hickory (<i>Carya cordiformis</i>) | Sugar Maple (<i>Acer saccharum</i>) Grey birch (<i>Betula populifolia</i>) Honey Locust (<i>Gleditsia triacanthos</i>) Black Locust (<i>Robinia pseudoacacia</i>) Black (Sweet) Birch (<i>Betula lenta</i>) Sycamore (<i>Platanus occidentalis</i>) Sweet Gum (<i>Liquidambar styracflua</i>) Tulip Poplar River Birch (<i>Betula nigra</i>) Paw Paw (<i>Asimina triloba</i>) Hawthorn (<i>Crataegus viridis</i>) Sweet bay Magnolia (<i>Magnolia virginiana</i>) <u>TREES²</u> <u>TREES²</u> American Wild Plum (<i>Prunus americana</i>) American Basswood (<i>Tilia americana</i>) Eastern White Pine (<i>Pinus strobus</i>) Eastern (Canadian) Hemlock (<i>Tsuga canadensis</i>) Eastern Red Cedar (<i>Juniperus virginiana</i>) White Spruce (<i>Picea glauca</i>) |
| ¹ These shrubs can be toxic to livestock and horses during certain stages. ² No more than five percent (5%) of the number of trees shall be evergreen species. | |

511.F. **RIPARIAN BUFFER MAINTENANCE**

1. Except for noxious and/or invasive plant species as defined in Section 113 of this Ordinance which shall be removed and destroyed on a regular basis, 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.F.
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 Upper Leacock Township as the grantee and ensures perpetual maintenance of such buffer zones as specified in this Section 511.F. 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. Except as authorized under the PA CREP, 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. Except as authorized under the PA CREP, the natural undercover 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 storm-water flows into Zone 2 and avoid channelization.

511.G. RIPARIAN BUFFER USE

- 1. PERMITTED USES - No use shall be permitted that interferes with the natural maturation of the buffer plantings required by Section 511.E. of this Ordinance, 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 LCCD;
 - B. Public roads and improvements thereto that existed on the effective date of this Ordinance;
 - C. Corridor crossings for roads and railroads provided that such crossings are accomplished upon the least possible land area and installed in such a manner that is most compatible with the required buffer plantings as described in Section 511.E. of this Ordinance;
 - D. Bridges, with the appropriate federal and/or state permits, should be used in place of culverts when crossings would require a seventy-two (72) inch or greater diameter pipe. When culverts are installed they should consist of slab, arch or box culverts and not corrugated metal pipe. Culverts should be designed to retain the natural stream channel bottom to ensure the passage of water during low flow or dry weather periods
 - E. 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.E. of this Ordinance;
 - F. 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 cross Zones 1, 2 and 3 provided that such paths are accomplished upon the least possible land area and disruption of the adjoining riparian buffer is minimized. Pedestrian paths can parallel through Zones 2 and 3. All pedestrian paths shall be provided with stable pervious surfaces; and,
 - G. Streambank improvement projects that have been approved by the LCCD and/or the PA DEP.
 - H. Removal of 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.

- I. Wildlife sanctuaries, nature preserves, forest preserves and fishing areas.
 - J. Low-impact best management practice stormwater management facilities that in the opinion of the Township Engineer are consistent with the purpose of the Riparian Buffer as listed in §511.A. of this Ordinance.
 - K. Timber harvesting uses as regulated by Section 516 of this Ordinance provided that any existing riparian buffer is undisturbed to the extent possible and the activities are in accordance with a soil erosion and sedimentation pollution control plan approved by the LCCD.
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 Section 511.G.1. of this Ordinance:
- A. Except as permitted in the above Section 511.G.1., any use that interferes with the natural maturation of the buffer plantings required in Section 511.E. of this Ordinance;
 - B. Except as permitted in the above Section 511.G.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. 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 LCCD, the local office of the PA Pennsylvania Natural resources and Conservation Service and/or as permitted under the Pennsylvania Conservation Resource Enhancement Program (CREP); and,
 - E. Areas devoted to the on-site absorption of sewage effluent and/or agricultural fertilizers including but not limited to manure.

511.H. EMERGENCY TREE CUTTING

- 1. At any time, a landowner may cut-down any tree within the Riparian Buffer that, because of its condition, location or any other factor, poses an immediate threat to the public health and safety. However, any trees removed shall be replaced in accordance with the requirements of the following §511.I. of this Ordinance. Examples of appropriate emergency tree cutting include, but are not limited to:
 - A. Partially uprooted trees that are likely to topple onto nearby structures, properties, roads and/or sidewalks;
 - B. Damaged trees with split trunks due to lightning strike or wind or ice loads;

- C. Trees that block emergency vehicle access during times of natural disaster, civil defense or rescue;
- D. Trees that have been partially damaged or fallen that threaten to cause an immediate rise in floodwaters;
- E. Trees that have been certified by a qualified forester to be afflicted with a contagious disease, blight or infection or damage from natural causes, from which the tree is unlikely to recover;
- F. Trees that have been certified by a qualified forester to be dead; and,
- G. Trees that have been certified by a qualified forester to be an invasive species.

511.I. TREE REPLACEMENT STANDARDS

1. Any person, partnership, corporation, and/or property owner who or which removes or destroys trees required by this §511 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 seven hundred fifty (750) square feet of area of tree removal as determined by the Township Zoning Officer or as suggested by a qualified forester to accomplish the purposes of this Riparian Buffers as listed in §511.A. of this Ordinance.
2. Any person, partnership, corporation, and/or property owner who or which removes any tree(s) in accordance with the previous §511.H. of this Ordinance shall be responsible for replacement of said trees. This replacement shall be done on a tree-for-tree basis or as suggested by a qualified forester to accomplish the purposes of this Riparian Buffers as listed in §511.A. of this Ordinance.
3. 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. Replacement trees shall be selected from the selective native buffer plants list in §511.E.2. of this Ordinance. 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 trees shall be balled and burlapped and not less than two (2) inches in caliper measured at breast height. 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.
4. Replacement trees shall be placed in accordance with the standards of §511.E.2. of this Ordinance as long as such location does not violate any other provision of this Ordinance or laws of the State.
5. Replacement trees cannot be used as credits to meet other planting requirements of this Ordinance to street tree plantings, landscape buffer, 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 §322 of this Ordinance.
6. Replacement trees shall be planted within ninety (90) days of initial tree removal or, if because of the season, at the soonest time suggested by a qualified forester.

511.J. NONCONFORMING USES WITHIN THE RIPARIAN BUFFER OVERLAY ZONE

Irrespective of any standard contained within Article 7 of this Ordinance, non-conforming structures or uses within the Riparian Buffers that are not permitted under §511.G.1. of this Ordinance may be continued but shall not be expanded or extended.

511.K. PENNSYLVANIA CONSERVATION RESOURCE ENHANCEMENT PROGRAM (CREP)

It is the express intent of this §511 of this Ordinance to facilitate landowner participation within the Pennsylvania Conservation Resource Enhancement Program (CREP). Any requirement, except for required buffer delineation, of this §511 of this Ordinance that is inconsistent with an approved CREP management plan shall not apply, but only to the extent that it is inconsistent with the CREP.

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 at a width of fifty (50) feet from the outside edge of that identified wetland as described in the above Section 512.C.1.

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.E. and 513.G.1. and permitted by Section 513.G. of this Ordinance, such area shall be permanently protected from disturbance and/or development.

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. 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.E. 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.F. 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:

1. Thirty percent (30%) of the aggregate areas of existing natural slopes of fifteen percent (15%) to twenty-five percent (25%); and/or,
2. Fifteen percent (15%) of the aggregate areas of existing natural slopes greater than twenty-five percent (25%).
3. The above limits listed in Sections 513.F.1. and 513.F.2. shall not apply to contiguous areas of steep slope disturbance involving less than five hundred (500) square feet.

513.G. 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 on the effective date of this Ordinance.

1. Improved Lots – For lots that contained a principal structure, any future area of disturbance proposed shall require issuance of a zoning permit, but the limitations of Sections 513.F.1. and 513.F.2. shall not apply.
2. Unimproved Lots - For lots without a principal structure, any future area of disturbance proposed shall require issuance of a zoning permit in accordance with the provisions set forth in this Section 513 of this Ordinance.

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 as 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. 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:

1. A written description of the feature's local, regional, state, and national importance shall be furnished.
2. Written evidence from the Pennsylvania Natural Diversity Inventory that indicates:

- A. 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.
- B. 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:
 - i. 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;
 - ii. For PA-state listed birds and mammals, the Pennsylvania Game Commission, Bureau of Land Management, 2001 Elmerton Ave., Harrisburg, PA 17110-9797;
 - iii. 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,
 - iv. 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.
- C. 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.2.B. of this Ordinance.
- D. 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 Reserved For Future Use

Section 516 Forestry Uses

516.A. FORESTRY PERMITTED IN ALL ZONES

In accordance with State law, forestry (as defined herein) uses are permitted, by right, in every Zone, subject to the following standards:

516.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.
 - C. Forest Stewardship Plan – Upon application for a zoning permit to conduct timber harvesting, the applicant shall provide written notice that he or she has contacted the State Bureau of Forestry for information about the State Forest Stewardship Program. Such notice shall inform the Township of the applicant's decision whether or not they intend to participate in the program. Should the applicant decide to participate in the program, all applications for timber harvesting shall include written approval of a Forest Stewardship Plan by the PA DCNR, Bureau of Forestry.
 - D. 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.).
- E. 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 516.B.1., provided that all information required by these sections is included or attached.
- F. 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.

516.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.

516.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 |
| Scenic roads as listed in Section 320 of this Ordinance | 100 feet |
| Adjoining property | 50 feet |
| Streams or other watercourse | 25 feet* |
| Designated Trails | 25 feet |
| Springs, vernal ponds, seeps, Natural or artificial swale or drainage ditches | 25 feet |
| *Timber harvesting uses are permitted provided that any existing riparian buffer is undisturbed to the extent possible and the activities are in accordance with a soil erosion and sedimentation pollution control plan approved by the LCCD. | |

- 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, as determined by the Fire Chiefs Association of Upper Leacock Township, 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.

516.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.

516.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 517 Wellhead Protection Overlay Zone – Reserved for Future Use

Section 518 Historic Site Protection

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.

3. To provide for conversion alternatives generally unavailable to uses other than historic sites as a means of encouraging their preservation and use.

518.B. APPLICABILITY

1. This Section imposes a conditional use review procedure for the proposed demolition and/or conversion 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 conditional use approval and a zoning permit for such demolition.
2. Prior to the application for conditional use approval to demolish an historic structure, the applicant shall be required to (1) request to meet with the local historic preservation agency (HPA) to gain their ideas about potential preservation options for the building/structure, (2) request that the HPA provide a written review of the proposed demolition and (3) provide evidence no less than ninety (90) days has elapsed since the meeting with the HPA if no written report has been provided by the HPA. No conditional use approval or zoning permit for the demolition of an historic structure shall be issued unless the preceding requirements have been satisfied. To inform the staff of the HPA about the structure, the applicant shall be required to produce all of the available following materials at the time of their meeting:
 - 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.
3. In applying to the Township for conditional use 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 HPA 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 conditional use application for the demolition of an historic structure, the Board of Supervisors must find 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.B. of this Ordinance and will consider the following:

- A. The findings of the HPA in its review of the proposed demolition.
- B. Should the Board of Supervisors determine that the historic structure retains significant historic value and can be practically adapted to meet the needs of the applicant, the conditional use shall be denied.
- C. Should the Board of Supervisors determine that the historic structure retains significant historic value and can be preserved through some other practical means, the conditional use shall be denied.
- D. Should the Board of Supervisors determine that the historic structure fails to retain significant historic value, the conditional use shall be approved authorizing the demolition.
- E. Should the Board of Supervisors determine that the historic structure cannot be practically adapted to meet the needs of the applicant, the conditional use shall be approved authorizing the demolition.
- F. Should the Board of Supervisors determine that the historic structure cannot be preserved by any practical means, the conditional use shall be approved authorizing the demolition.

518.D. HISTORIC SITE CONVERSION

- 1. Notwithstanding the uses permitted by right, special exception and/or conditional use within each respective zone listed elsewhere within this Zoning Ordinance, an historic site (as defined herein) may, by conditional use, be adapted for any use listed in the following Section 518.D.2. of this Ordinance. Approval of conversion of an historic site is hereby conditioned upon the ongoing status of the use as an “historic site” as defined herein. If upon the advice of the Historic Preservation Trust of Lancaster County, or the HPA, the subject property no longer qualifies for designation as an “historic site”, all approvals obtained under this Section 518.D. shall be revoked.
- 2. Permitted Conversions for an Historic Site by Conditional Use, subject to the specific criteria listed in Section 518.D.3. of this Ordinance and any specific regulations listed with the following respective uses.
 - A. Bed and Breakfasts subject to the applicable criteria listed in Section 411 of this Ordinance.
 - B. Boarding houses subject to the applicable criteria listed in Section 414 of this Ordinance.
 - C. Caterers, bakers and confectioners subject to the applicable requirements of (VG) General Village Zone listed in Section 211 of this Ordinance.
 - D. Churches and related uses subject to the applicable requirements of (VG) General Village Zone listed in Sections 211 and 417 of this Ordinance.
 - E. Commercial day care facilities subject to the applicable criteria listed in Section 420 of this Ordinance.
 - F. Duplexes, townhouses and multi-family dwellings subject to the applicable requirements of the (R-2) Medium Density Residential Zone listed in Section 202 of this Ordinance.

- G. Funeral homes subject to the applicable requirements of Section 437 of this Ordinance.
- H. Medical, dental, vision and counseling clinics subject to the applicable requirements of (VG) General Village Zone listed in Section 211 of this Ordinance.
- I. Museums subject to the applicable requirements of (VG) General Village Zone listed in Section 211 of this Ordinance.
- J. Nursing, rest or retirement homes subject to the applicable requirements of Section 459 of this Ordinance.
- K. Offices subject to the applicable requirements of (VG) General Village Zone listed in Section 211 of this Ordinance.
- L. Restaurants, excluding drive thru and/or fast food restaurants, but permitting the use of an outdoor seating area upon in which table service and clean-up is continuously provided during operation, subject to the applicable requirements of the (VG) General Village Zone listed in Section 211 of this Ordinance.
 - 1. Such seating is situated and designed so as not to be adversely impacted by potential nearby agricultural activities, nor to adversely impact nearby residences;
 - 2. Such seating is accessory to the principal interior seating accommodations;
 - 3. During use, such seating is continuously supervised by an employee or owner of the restaurant;
 - 4. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties;
 - 5. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating; and,
 - 6. Such seating is removed during seasons when not in use.
- M. Retail sale and/or rental of goods (excluding adult uses) subject to the applicable requirements of the (VG) General Village Zone listed in Section 211 of this Ordinance.
- N. Retail services (excluding adult uses) but including: barber/beauty salons; music, dance, art or photographic studios and repair of clocks and small appliances subject to the applicable requirements of the (VG) General Village Zone listed in Section 211 of this Ordinance.
- O. Two-family conversions subject to the applicable requirements of Section 479 of this Ordinance.
- P. Accessory uses customarily incidental to the above principal uses subject to the applicable regulations listed with each respective principal use.

3. In approving of a conditional use application for the conversion of an historic site, the Board of Supervisors must find that:
 - A. the proposed use will enable the preservation, restoration or rehabilitation of the historic site. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic site 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 HPA according to Section 518.C.2. of this Ordinance and present the HPA's written findings as part of the conditional use application for this use.
 - B. the proposed use is compatible with the surrounding area. In determining compatibility, the Board of Supervisors 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 Board of Supervisors 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.
 - C. the proposed use is consistent with the purpose of the underlying zone and it satisfies all applicable requirements of the underlying zone unless superseded by specific requirements tied to the respective use. The Board of Supervisors may 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.
 - D. All proposed off-street parking, off-street loading and waste storage containers shall be screened from adjoining roads, residences and residentially-zoned properties.
 - E. Notwithstanding other regulations contained elsewhere within this Ordinance no more than one (1) sign shall be permitted containing up to a maximum twelve (12) square feet and is located at least ten (10) feet from each lot line.

Article 6

Transferable Development Rights

SECTION 601 LEGISLATIVE INTENT

- 601.A. 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.
- 601.B. This technique enables the permanent preservation of key farming locations that may become susceptible to increased and speculative development pressure with the future construction and opening of the PA Route 23 Bypass.
- 601.C. This Section helps to protect and preserve the Township's valuable and productive farmlands and rural character while accommodating a sorely needed transportation improvement that will benefit Township residents and Lancaster County.
- 601.D. 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 Upper Leacock Township that are planned for, and have required infrastructure necessary to support, community growth and development.

SECTION 602 TDR SENDING ZONES

- 602.A. This Article issues transferable development rights (TDRs) to eligible landowners within the TDR Sending Zones as depicted upon the Official Zoning Map based upon the sizes of their properties. These Zones contain some of the Township's most valuable concentrations of prime and productive farmlands and active farming operations that, because of the construction of the PA Route 23 Bypass, could become threatened by future development pressures. Specifically, these areas include lands that:
1. are within the Agricultural Zone;
 2. are not subject to a permanent preservation easement by the Lancaster County Agricultural Preserve Board, the Lancaster Farmland Trust, or any other bona fide organization devoted to the conservation of agricultural and/or natural resources;
 3. are located within a 1000 foot radius of a proposed at-grade intersection with the PA Route 23 Bypass and one of its service drives;
 4. possess proposed frontage either along the PA Route 23 Bypass or one the roads that directly adjoin the PA Route 23 Bypass at several at-grade intersections; and,
 5. contain at least one (1) acre.
- 602.B. Landowners within these TDR Sending Zones may sell, donate and/or bequeath, all, or a portion of their assigned TDRs to landowners and developers who are looking to develop property elsewhere within the Township's TDR Receiving Zones (Industrial Zone) or to any other party. 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 deed restriction language and TDR Easements that will protect the respective area within a rural or agricultural state, depending upon the character of the property and its surroundings.

602.C. Except as noted below in Section 602.C.6., properties within the TDR Sending Zones are granted transferable development rights that shall run with the land unless severed in accordance with the requirements of Section 606 of this Ordinance. Such transferable development rights shall be granted in accordance with the following:

1. Every parcel within the TDR Sending Zone that contains at least one (1) acre, is issued one (1) transferable development right for each one (1) gross acre contained therein that can be voluntarily transferred.
2. No transferable development rights are issued to parcels containing less than one (1) acre;
3. No additional transferable development rights are issued for fractions of lot area above each one-acre interval;
4. Should a parcel of one (1) or more acres which was not classified as part of the TDR Sending Zone on the effective date of this Article be subsequently rezoned to the TDR Sending Zone, that parcel, too, will be issued one (1) transferable development right for each one (1) gross acre contained therein on the effective date of the rezoning;
5. Adjoining parcels under the same ownership shall be considered to be combined for the purposes of the granting of transferable development rights under this Section;
6. Transferable development rights are not granted to:
 - A. 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,
 - 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, subject to the eligibility standards listed in this Section 602.C. of this Ordinance.
7. Transferable development rights granted under this Section are separate and distinct from those granted within Section 200.M. 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 606 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.M. of the Agricultural Zone of this Ordinance.

SECTION 603 TDR RECEIVING ZONES

This Article establishes the Township's TDR Receiving Zones to include the I-1 Light Industrial Zone on the effective date of this Ordinance. This Zone contains and is planned for additional industrial expansion with access to needed infrastructure. Within these receiving zones, the successful transfer of each development right shall enable the applicant to develop two-thousand (2,000) square feet of lot coverage up to a maximum permitted lot coverage of eighty percent (80%). All lot coverage bonuses granted for the acquisition of TDRs

from the Sending Zone and their application to proposed developments shall occur during the land development review process. All developments that make use of increased permitted lot coverages must comply with all applicable provisions of this Ordinance. All TDR transactions (donations or sales) are completely voluntary.

SECTION 604 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 606 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 606 of this Ordinance.

SECTION 605 VALUE OF TRANSFERABLE DEVELOPMENT RIGHTS

The monetary value of transferable development rights is completely determined between the seller and buyer.

SECTION 606 PROCESS TO SEVER TRANSFERABLE DEVELOPMENT RIGHTS FROM THE SENDING ZONE

Transferable development rights issued under Section 602 of this Ordinance may be sold and/or donated to any party, subject to the following:

606.A. 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:

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.

606.B. If the proposed severance entails less than an entire parcel, the portion of the parcel from which the TDRs 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 TDRs applicable to the entire parcel;
2. the number of TDRs applicable to the identified portion of the parcel from which the TDRs are to be transferred; and,
3. the number of TDRs which remain available to the remaining portion of the parcel;

606.C. A title search of the subject tract from which the TDRs 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;

- 606.D. A copy of the proposed Deed of Transferable Development Rights;
- 606.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 the following uses all of which are subject to the applicable requirements of Section 200 (agricultural Zone) of this Ordinance:
1. Agriculture and horticulture;
 2. Parks and playgrounds available for general public use;
 3. Public utilities;
 4. Accessory uses customarily incidental to the above permitted uses.
- 606.F. A copy of two (2) proposed TDR Easements, one of which shall designate Upper Leacock Township as the grantee, the other which shall designate a bona fide conservation organization (public or private) as the grantee and shall designate Upper Leacock 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:
1. Permanently restricts use of the subject property for any purpose other than those listed for each respective zoning Zone in the above Section 606.E.;
 2. Provides for the suitable ownership, maintenance and stewardship of the subject property given its current use and land use context;
 3. Provides for protection of the subject property's important natural and cultural features as guided by the requirements of Article 5 of this Ordinance;
 4. 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; and,
 5. Specifically grants all future owners of any portion of the Sending Zone property and any owners of any of the Receiving Zone property to which the TDRs have been attached, separate and independent enforcement rights.
- 606.G. **REVIEW, ENDORSEMENT, RECORDING AND APPROVAL OF SEVERANCE:**
1. Upon complete submission as required above, the Zoning Officer shall determine the number of TDRs 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 TDRs 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 TDRs 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.G. of this Ordinance; and,
 2. Upon receipt of written approval by the Zoning Officer, as provided in Section 606.G.1., 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 Lancaster 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.

3. If the TDRs are to be severed from less than the entire parcel, the plan prepared in accordance with Section 606.B. above shall be attached to and recorded with the TDR Easement. All owners of the tract from which TDRs are severed shall execute the TDR Easement. All lienholders of the tract from which TDRs are severed shall execute a joinder and/or consent to the TDR Easement.
4. Final approval for any subdivision or land development plan utilizing TDRs shall not be granted prior to the recording of the above-described restrictions with the Lancaster County Recorder of Deeds.

606.H. **USE OF PROPERTY AFTER SEVERANCE OF TRANSFERABLE DEVELOPMENT RIGHTS IS APPROVED**

1. The owner severing TDRs from the Sending Zone shall be bound by the Deed Restriction language and by TDR Easement and all other applicable sections of this Ordinance.
2. Land from which TDRs 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, the TDR Easement and all other applicable sections of this Ordinance.

SECTION 607 PROCESS TO APPLY TRANSFERABLE DEVELOPMENT RIGHTS TO PROPERTY WITHIN THE RECEIVING ZONES

When TDRs have been acquired by the transferee for the purposes of assignment to lands within the Receiving Zone, the following shall apply:

607.A. **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 606.A., the transferee shall submit:

1. For uses permitted by right, a preliminary subdivision or land development plan, prepared in accordance with the latest version of the Upper Leacock Township Subdivision and Land Development Ordinance. The preliminary plan must indicate:
 - A. that TDRs are to be used;
 - B. the base permitted lot coverage within the (I-1) Zone;
 - C. the proposed lot coverage (I-1) Zone; and,
 - D. the number of TDRs to be applied to the site;
2. For uses permitted by special exception or conditional use, a site plan, prepared in accordance with Sections 804.C.4. or 905.D., respectively of this Ordinance that includes the applicable requirements as listed in Section 607.A.1.A.-D. listed above.
3. An agreement of severance for the TDRs between (1) the owner of the tract to which TDRs have been granted, or the owner of TDRs which have been previously severed from a tract in the Sending Zone, as evidenced by a recorded Deed of Transferrable Development Rights, and (2) the owner of the tract proposed to be developed with the transferred TDRs.

The agreement may be contingent upon approval of a final subdivision or land development plan of the tract to which the TDRs are to be severed.

4. If the use of TDRs which were previously severed from a tract in the Sending Zone is proposed, a title search of such previously severed TDRs.
5. 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.

607.B. REVIEW, APPROVAL AND RECORDING OF TRANSFERABLE DEVELOPMENT RIGHTS APPLIED TO LANDS WITHIN THE RECEIVING ZONE

1. In addition to those procedures presented in Section 606 of this Ordinance, this Section 607.B. shall apply to proposed developments that rely upon transferred TDRs to increase permitted lot coverage within the (I-1) Zone;
2. No final plan for any subdivision or land development which utilizes TDRs 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 Transferable Development Rights Easements with the customary recording information of the Office of the Recorder of Deeds in and for Lancaster County clearly endorsed thereon. In lieu of presentation of proof of recording the Transferable Development Rights Easements, the Deed Restriction language and the Deed of Transferable Development Rights, the fully executed Transferable Development Rights 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.

607.C. EFFECT OF ASSIGNMENT OF TDRS WITHIN THE RECEIVING ZONES

For each TDR that is approved for severance according to Section 606, the transferee is entitled to an increase of two-thousand (2,000) square feet of lot coverage up to a maximum permitted lot coverage of eighty percent (80%). All lot coverage bonuses granted for the acquisition of TDRs from the Sending Zone and their application to proposed developments shall occur during the land development review process. All developments that make use of increased permitted lot coverages must comply with all applicable provisions of this Ordinance. All TDR transactions (donations or sales) are completely voluntary.

SECTION 608 PUBLIC ACQUISITION OF TRANSFERABLE DEVELOPMENT RIGHTS

Upper Leacock Township and/or Lancaster County may purchase TDRs and may accept ownership of TDRs through transfer by gift. All such TDRs may be resold or retired by the Township and/or County. Any such purchase or gift shall be accompanied by a Transferable Development Rights Easement and Deed Restriction language, as specified in Sections 606.E. and 606.F. of this Ordinance, respectively.

SECTION 609 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 TDRs shall be apportioned to a tract in the Sending Zone, the manner in which TDRs may be attached to land within the Receiving Zone, the locations of the Sending Zone and the Receiving Zones and the procedure by which TDRs can be severed. The Township further expressly reserves the right to terminate its TDRs program at any time. No landowner or owner of TDRs 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 TDRs or the abolition of the TDRs program. If the TDRs program is abolished by the Township, no developer may attach TDRs to any tract in the Receiving Zone after the effective date of the ordinance abolishing the TDRs 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, signs and the storage of junk on residential properties are subject to amortization as described in Sections 708 and 709 of this Ordinance, respectively.

SECTION 701 ABANDONMENT

All non-conforming signs (except billboards), the storage of junk upon residential property and other non-conforming uses of open 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 twenty-four (24) 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 EXTENSION OF A NONCONFORMING USE OF LAND

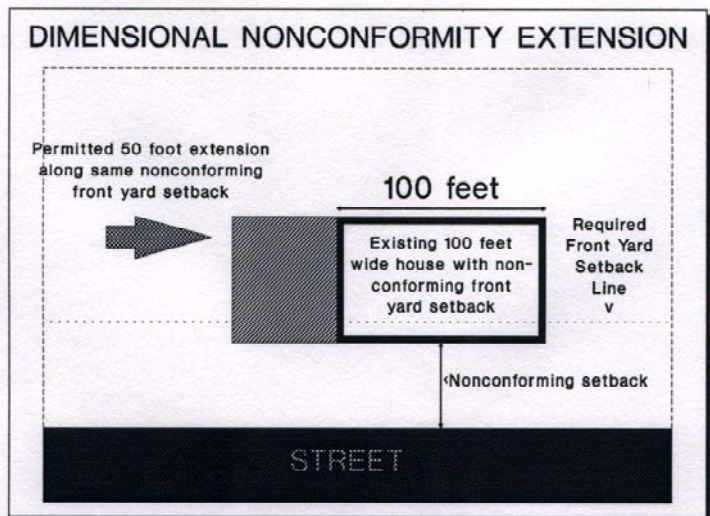
Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension 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.A. Any nonconforming use may be expanded or altered through the approval of a 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.C.2. and specifically as follows:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity;
2. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the gross floor area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created;

3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;
 4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;
 5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;
 6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;
 7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
 8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Overlay District; and,
 9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Overlay Zone shall be permitted when either elevated above the base flood elevation or floodproofed in accordance with the requirements described in Section 510.J. of this Ordinance. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,
- 703.B. 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.C. of this Ordinance, no extension or enlargement of a dimensional nonconformity shall be permitted.
- 703.C. 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%), or one hundred feet (100'), whichever is less, 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.D. 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.A. 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, as 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.B. If a nonconforming 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 nonconforming aspects of the conforming use, if the Board determines that the proposed use is at least equally compatible with the surrounding area, as 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

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 district 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 NONCONFORMING SIGNS

Any sign that legally existed as of the effective date of this Ordinance that does not comply with the provisions listed in Section 323 of this Ordinance, shall be considered a nonconforming sign. All nonconforming signs may continue for a period up to five (5) years from the effective date of this Ordinance. After the five (5) year continuance period, all nonconforming signs shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Section 323 of this Ordinance. Any improvements, repairs, reconstructions, or any other alterations made to the nonconforming sign during the five (5) year continuance period shall not waive the requirements for elimination of the nonconforming signs at the end of the continuance period. This section shall not apply to any legally-existing nonconforming billboards.

SECTION 709**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 710**USE OF NONCONFORMING LOTS OF RECORD**

Subject to the provisions of Section 508(4) of the Act, in any District 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.D. of this Ordinance.

SECTION 711 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.D. 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 Zoning Hearing 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 Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing 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 Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing 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.A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

803.B. 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.C. 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.D. 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.E. 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.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 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 Zoning Hearing Board for that purpose;

- 803.G. 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.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;
- 803.I. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 803.J. 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.K. 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.L. 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.D. 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 Zoning Hearing 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.M. 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.N. **TIME LIMITATIONS ON ZONING HEARING BOARD'S DECISION**

1. For uses that do not require subsequent subdivision and/or land development approval:

- A. 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;
- B. 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,
- C. 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.

2. For uses that require subsequent subdivision and/or land development approval:

- A. 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. Upon the submission of an application demonstrating good cause, the Zoning Hearing Board may extend either the twelve (12) months or five (5) year period and state the reasons in writing; and,
- B. 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,

- C. 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.
3. As an alternative to the preceding requirements of Section 803.N.1. and 803.N.2., 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.N.1.-2. 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.A. **SUBSTANTIVE CHALLENGES TO THE VALIDITY OF THE ZONING ORDINANCE**, except those brought before the governing body pursuant to Section 904.F. of this Ordinance.

- 1. 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:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - B. 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;
 - C. 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;
 - D. 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;

- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare; and,
 - F. 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.
2. 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;
 3. 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,
 4. Public notice of the hearing shall be provided as specified in Section 904.B.2. of this Ordinance;

804.B. Reserved for future use;

804.C. **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.

1. Filing Requirements - In addition to the required permit information (See Section 901) each special exception application shall include the following:
 - A. Ground floor plans and elevations of proposed structures;
 - B. Names and address 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;
2. General Criteria - Each applicant must demonstrate, by credible evidence, 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 special exception 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 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;
 - F. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 510 of this Ordinance;
 - G. The proposed use demonstrates a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance;
 - H. 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,
 - I. The proposed use will not substantially impair the integrity of the Comprehensive Plan;
- 3. 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,
 - 4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 804.C.1. 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.N. of this Ordinance.

804.D. **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:

1. 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;
2. 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;
3. That such unnecessary hardship has not been created by the applicant;
4. 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;
5. 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;
6. That variances within the Floodplain Zone shall require compliance with those regulations contained in Section 510 of this Ordinance;
7. The proposal shall comply with the requirements of Article 5 of this Ordinance as may be applicable;
8. In granting any variance, the Zoning Hearing 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,
9. 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.
10. Time Limitation – An approved variance shall be bound by the time limitations listed in Section 803.N. of this Ordinance.

804.E. **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.F. **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.G. **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.H. **APPEALS FROM THE ZONING OFFICER'S DETERMINATION** under Section 916.2 (and any subsequent amendments) of the Act; and,
- 804.I. **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

Appeals under Sections 804.E., 804.F., 804.G., 804.H., and 804.I. and proceedings to challenge this Ordinance under Sections 804.A. and 804.B. 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.D. and for special exception under Section 804.C. 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, 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.

Section 809 Mediation Option

809.A. 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.B. 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:

1. Funding mediation;
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
3. Completing mediation, including time limits for such completion.
4. 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;

5. Identifying all parties and affording them the opportunity to participate;
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
 7. 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.C. 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

The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Township Manager, 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. The Zoning Officer shall also serve as the Floodplain Administrator;

900.A. DUTIES & RESPONSIBILITIES

The duties and the responsibilities of the Zoning Officer shall be:

1. **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.
2. **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. Records relating to the National Flood Insurance Program must be kept in perpetuity. 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.
3. **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.

4. **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.
5. **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.
6. **Maintain Up-to-Date Ordinance** - To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto;
7. **Floodplain Overlay Zone Variance Reporting** - Upon the granting by the Zoning Hearing Board of a variance pertaining to the Floodplain Overlay Zone, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
 - A. The granting of the variance may result in increased premium rates for flood insurance;
 - B. Such variances may increase the risks to life and property, pursuant to Section 510.G.5.B. of this Ordinance.
8. **Floodplain Overlay 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 the Floodplain Overlay Zone, to send written notice of the approval by registered mail to the Pennsylvania Department of Community and Economic Development.
9. **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).
10. **Preliminary Opinion** - To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.
11. **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. 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.
12. **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.B. **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.C. **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:

1. 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.
2. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. 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.E. of this Ordinance.
 - F. 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.D. **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.E. **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.A. **GENERAL REQUIREMENTS FOR ZONING PERMITS:**

1. **Actions Requiring Zoning Permits** - A zoning permit shall be required prior to:
 - A. a change in use of land or structure,
 - B. 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;
 - C. 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;
 - D. 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;
 - E. the erection or alteration of any signs specified in Section 323 of this Ordinance as requiring a zoning permit;
 - F. the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins; and/or,
 - G. the conduct of any forestry use in accordance with Section 516 of this Ordinance;
 - H. any proposed construction and/or other development within the Floodplain Overlay Zone (Section 510 of this Ordinance); and,
 - I. For uses other than a single-family dwelling or agricultural:
 1. The installation of a new outdoor lighting system;
 2. 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,

3. The replacement of an outdoor light fixture that existed on the effective date of this Ordinance.
2. **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.
3. **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.
4. **Permit Review Deadline** - Such zoning permits shall be issued or rejected within ninety (90) days from date of application.
5. **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.
6. **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.
7. **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.
8. **Permit Referral** - The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
9. **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.
10. **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.
11. **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.E. 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.

12. **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.
13. **Expiration of Permit** - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional year upon the request by the applicant who can demonstrate good cause for the extension.
14. **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.
15. **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.
16. **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.
17. **Availability of Zoning Permit** - The Zoning Officer shall maintain a copy of all active Zoning Permits for inspection.
18. **Compliance with Applicable State and Federal Requirements** - No Zoning Permit shall be issued unless evidence has been submitted that the applicant has complied with all applicable laws, rules, and regulations of the State and Federal governments. Issuance of a zoning permit by the Zoning Officer shall in no way be interpreted to suggest that the applicant has demonstrated compliance with all applicable laws, rules, and regulations of the State and Federal governments and/or the need to do so.
19. **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:
 - 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 permit.

901.B. **APPLICATION FOR ALL ZONING PERMITS**

1. 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:
 - A. The actual dimensions and shape of the lot to be built-upon;
 - B. The exact size and location on the lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto;
 - C. The number of dwelling units or other units of occupancy (eg. commercial, industrial, institutional, agricultural, accessory uses and etc.) if any, to be provided;
 - D. 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;
 - E. The height of all structures, buildings, and/or signs;
 - F. Distances of buildings and structures from lot lines and street right-of-way lines;
 - G. Off-street parking and loading areas and access thereto, including grades and proposed surfacing;
 - H. Outdoor areas devoted to storage of goods, materials and/or wastes;
 - I. 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;
 - J. Alteration or development of any improved or unimproved real estate;
 - K. Lot coverage;
 - L. Site lighting plans, including lighting of signs in accordance with the requirements of Section 311.H. of this Ordinance;
 - M. Gross floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses;
 - N. Recreation areas;
 - O. Screens, buffer yards, landscaping, erosion control filter strips and riparian buffers;
 - P. Means of pedestrian access;
 - Q. Written approvals for needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans;
 - R. Information relating to any zoning approvals obtained from the Zoning Hearing Board or the Board of Supervisors;

- S. Proof of approval from the PA Department of Labor and Industry, when required by such agency;
 - T. Copies of any applicable subdivision/land development plan;
 - U. Workers Compensation Certificates;
 - V. Information necessary to demonstrate compliance with the Township Stormwater Management Ordinance (SWMO), as applicable;
 - W. Property address posting as required in Section 323.H. of this Ordinance; and,
 - X. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
2. If any proposed construction or development is located entirely or partially within any the Floodplain Overlay Zone, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine:
- A. the accurate location of the floodplain and floodway;
 - B. the elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements; and
 - C. the elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated.
 - D. that all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - E. that all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - F. that adequate drainage is provided so as to reduce exposure to flood hazards;
 - G. that structures will be anchored to prevent floatation, collapse, or lateral movement;
 - H. that building materials are flood-resistant;
 - I. that appropriate practices that minimize flood damage have been used; and
 - J. that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
3. 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:
- A. 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 Lancaster 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;
 - B. Applications for permits involving nonagricultural use where any of the

following conditions apply shall require submission of a letter from the Lancaster County Conservation District that the proposed use has an approved Erosion and Sediment Pollution Control Plan:

1. earth disturbance will occur on one (1) acre or more;
2. the site possesses slopes exceeding ten percent (10%); and,
3. the site contains or abuts a body of water or watercourse; and,
4. 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,

C. Applications for permits that do not involve uses or activities subject to the above Sections 901.B.3.A. and 901.B.3.B., 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 517 of this Ordinance.
5. Applications involving disturbance proposed on steep slopes, shall require the submission to demonstrate compliance with Section 513 of this Ordinance.
6. When required, a natural and cultural features site plan and report in accordance with Article 5 of this Ordinance.

901.C. **APPLICATION FOR ZONING PERMIT FOR USES IN THE MIXED USE, GENERAL VILLAGE, GENERAL COMMERCIAL, LIGHT INDUSTRIAL AND QUARRY ZONES**

In addition to the preceding requirements for all zoning permits, uses proposed within the Mixed Use, General Village, General Commercial, Light Industrial and Quarry Zones shall provide the following information:

1. 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.
2. 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.
3. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
4. 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.
5. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
6. The proposed number of shifts to be worked and the maximum number of employees on each shift.

7. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their gross floor area, and estimated number of employees.

Section 902 Zoning Certificate of Use and Occupancy

902.A. 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.B. 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.C. 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.D. ACTION UPON APPLICATION

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:

1. the work is in conformity and compliance with the work listed in the issued Zoning Permit;
2. the work is in conformity and compliance with and all other pertinent local laws; and,
3. 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.E. 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.E. **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.F. **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:

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 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.G. **PERFORMANCE STANDARDS**

For uses that involve activities that are subject to operations and performance standards listed in Sections 311, 314 and 317 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.A. 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.B. 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.C. 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.A. **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 any zoning amendment other than curative amendments submitted under Section

904.B. **HEARING AND ENACTMENT PROCEDURES FOR ZONING AMENDMENTS**

1. **Public Hearing** - Before voting on the enactment of the 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 and electronic and/or mailed notice (as defined herein and listed below) has been given.
2. **Public Notice** - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
 - A. 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.
 - B. For Zoning Map amendments, public notice shall also include the Township posting of a sign or signs at one or more conspicuous locations 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 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.
 - C. 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.
 - D. 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, mailed notice and electronic notice before proceeding to vote on the amendment.
3. **Electronic and/or Mailed Notice** - In addition to the public notice requirements defined

herein, an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within a municipality, may request that the municipality provide written or electronic notice of a public hearing which may affect such tract or parcel of land.

- A. Mailed notice shall be required only if an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality has made a written request that the notice be mailed and has supplied the municipality with a stamped, self - addressed envelope prior to a public hearing.
- B. Electronic notice shall be required only if an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality has made a written request that notice be sent electronically and has supplied the municipality with an electronic address prior to a public hearing and only if that municipality maintains the capability of generating an electronic notice. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality making the request and supplying an electronic address may at any time notify the municipality that the owner of the tract or parcel of land located within the municipality, or the owner of the mineral rights in the tract or parcel of land within the municipality no longer will accept electronic notice, and in that event the municipality may no longer provide electronic notice.
- C. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested a mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. The municipality shall not be responsible or liable if the owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes in the owner's mailing address.
- D. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested electronic notice shall be solely responsible for the accuracy and functioning of the electronic address provided to the municipality. The municipality shall not be responsible or owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes to the owner's electronic address.
- E. A municipality shall deposit a mailed notice in the United States mail or provide electronic notice not more than 30 and not less than seven days prior to the scheduled date of the hearing as shown on the notice.
- F. For each public hearing, the municipal secretary or zoning officer shall prepare, sign and maintain a list of all mailed notices, mailing dates, electronic notices and electronic notice dates. The signed list shall constitute a presumption that the notice was given.
- G. The mailed notice shall be deemed received by an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality on the date deposited in the United States mail.
- H. The electronic notice shall be deemed received by an owner of a tract or

parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality on the date the municipality electronically notifies the owner.

- I. Failure of an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality to receive a requested mailed notice or electronic notice shall not be deemed to invalidate any action or proceedings under the Act.
4. **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.B.2.
5. **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.
6. **Conestoga Valley Region Referrals** - All proposed amendments shall be submitted to the Planning Commission of East Lampeter Township for review at least thirty (30) days prior to the hearing on the proposed amendment(s). The Board of Supervisors of East Lampeter Township shall have the right to submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment(s), to the Board of Supervisors no later than the date of the public hearing. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendment(s).
7. **Lancaster County Planning Commission Referrals** - All proposed amendments shall be submitted to the Lancaster 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 Lancaster County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.
8. **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.
9. **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 Lancaster County Planning Commission.
10. **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 refiled as part of the permanent records of the

Township.

904.C. **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.D. **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.B.;

904.E. **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.F. **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. 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 Lancaster County Planning Commissions, as provided for in Section 904.B., and public notice of the hearing shall be provided as defined herein.

1. 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;
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
 - B. 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;
 - C. 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;
 - D. 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,

- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - F. For challenges alleging the exclusion of one or more land uses within the Township, the Board shall consider the availability of uses permitted within the zoning ordinances throughout the Conestoga Valley Region pursuant to Section 916.1.(h) of the Act.
- 2. The governing body shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 - 3. If the governing body fails to act on the landowner's request within the time limits referred to in Section 904.F.2., a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
 - 4. 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.
 - 5. The challenge shall be deemed denied when:
 - A. The governing body fails to commence the hearing within sixty (60) days;
 - B. The governing body notifies the landowner that it will not adopt the curative amendment;
 - C. The governing body adopts another curative amendment which is unacceptable to the landowner; or
 - D. 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.
 - 6. 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.A., 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.
 - 7. 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.G. **CURATIVE AMENDMENT BY THE BOARD OF SUPERVISORS**

1. 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:
 - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
 1. references to specific uses which are either not permitted or not permitted in sufficient quantity.
 2. references to a class of use or uses which require revision; or,
 3. references to the entire Ordinance which requires revisions.
 - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. 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.
3. 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 804.1., 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 unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. 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.A. **FILING OF CONDITIONAL USE**

For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses 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.

905.B. **GENERAL CRITERIA**

Each applicant must demonstrate 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 conditional use 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. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.
6. 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.
7. For development within the Floodplain Overlay Zone, that the application complies with those requirements listed in Section 510 of this Ordinance;
8. The proposed use demonstrates a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance.
9. 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,

10. The proposed use will not substantially impair the integrity of the Conestoga Valley Region Comprehensive Plan;

905.C. **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.D. **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.E. **HEARING PROCEDURES:**

1. 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;
2. 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;
3. 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;
4. 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;

5. 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;
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 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;
7. 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;
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;
9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
10. 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;
11. 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;
12. 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;

13. 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,
14. 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.F. **TIME LIMITATION:**

1. For uses that do not require subsequent subdivision and/or land development approval:
 - A. 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;
 - B. 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 two (2) year 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,
 - C. 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.

2. For uses that require subsequent subdivision and/or land development approval:
 - A. 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. Upon the submission of an application demonstrating good cause, the Board of Supervisors may extend either the twelve (12) months or five (5) year period and state the reasons in writing;
 - B. 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,
 - C. 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.
3. As an alternative to the preceding requirements of Section 905.F.1. and 905.F.2., 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.F.1.-2. 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.A. 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.B. 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:

1. Funding mediation;

2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
3. Completing mediation, including time limits for such completion.
4. 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;
5. Identifying all parties and affording them the opportunity to participate;
6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
7. 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.C. 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

907.A. Submission Constitutes Public Record (Waiver of Copyright)

1. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township pursuant to this Ordinance constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, and are therefore subject to review and reproduction upon request in accordance with that Law and applicable Township ordinances and resolutions.
2. To the extent that any such documents or information are not deemed public records and are subject to protection pursuant to Federal or State copyright laws, or Common Law copyright protection, the applicant and all of its agents, employees and consultants, by filing documents with the Township pursuant to this Ordinance, shall be deemed to have waived all copyright protection as relates to review, analysis, criticism, or approval of the application by the Township and all of its agents, servants, employees, officials, and consultants, and the public at large.
3. The applicant hereby agrees to indemnify and hold harmless the Township and all of its agents, servants, employees, officials, and consultants of any and all claims related to violations of the copyright.

907.B. Applicant's Duty of Good Faith

1. Upon the filing of an application for review under this Ordinance, the applicant shall exercise good faith and promptly address or otherwise respond substantively to the review comments and requirements of the Township and its staff and consultants.
2. It is the duty of the applicant to move the application to completion in a prompt, timely, and diligent manner so as to enable formal action by the respective agency or agent of the Township, as the case may be, and to comply with all conditions of approval imposed by such agencies or agents.
3. The Township is not obligated to accept an applicant's offer of a time extension for

application review or grant a continuance of any hearing, meeting or review.

907.C. Unsworn Falsification to Authorities - All statements, whether written or oral, to the Township in the course of the review of the application under this Ordinance shall be true and correct to the best of the knowledge, information and belief of the applicant or its agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to "Unsworn Falsification to Authorities.

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.

Section 909 Repealer

909.A. Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

909.B. In the event the Act is amended subsequent to the effective date of this Ordinance, any provision contained within this Ordinance that is inconsistent therewith is, at that time, expressly repealed and the amended language within the Act is expressly incorporated herein.

Section 910 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Upper Leacock Township, County of Lancaster, and Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 17th day of September, 2015.

BOARD OF SUPERVISORS OF UPPER LEACOCK TOWNSHIP

ATTEST:

By:



Chairman

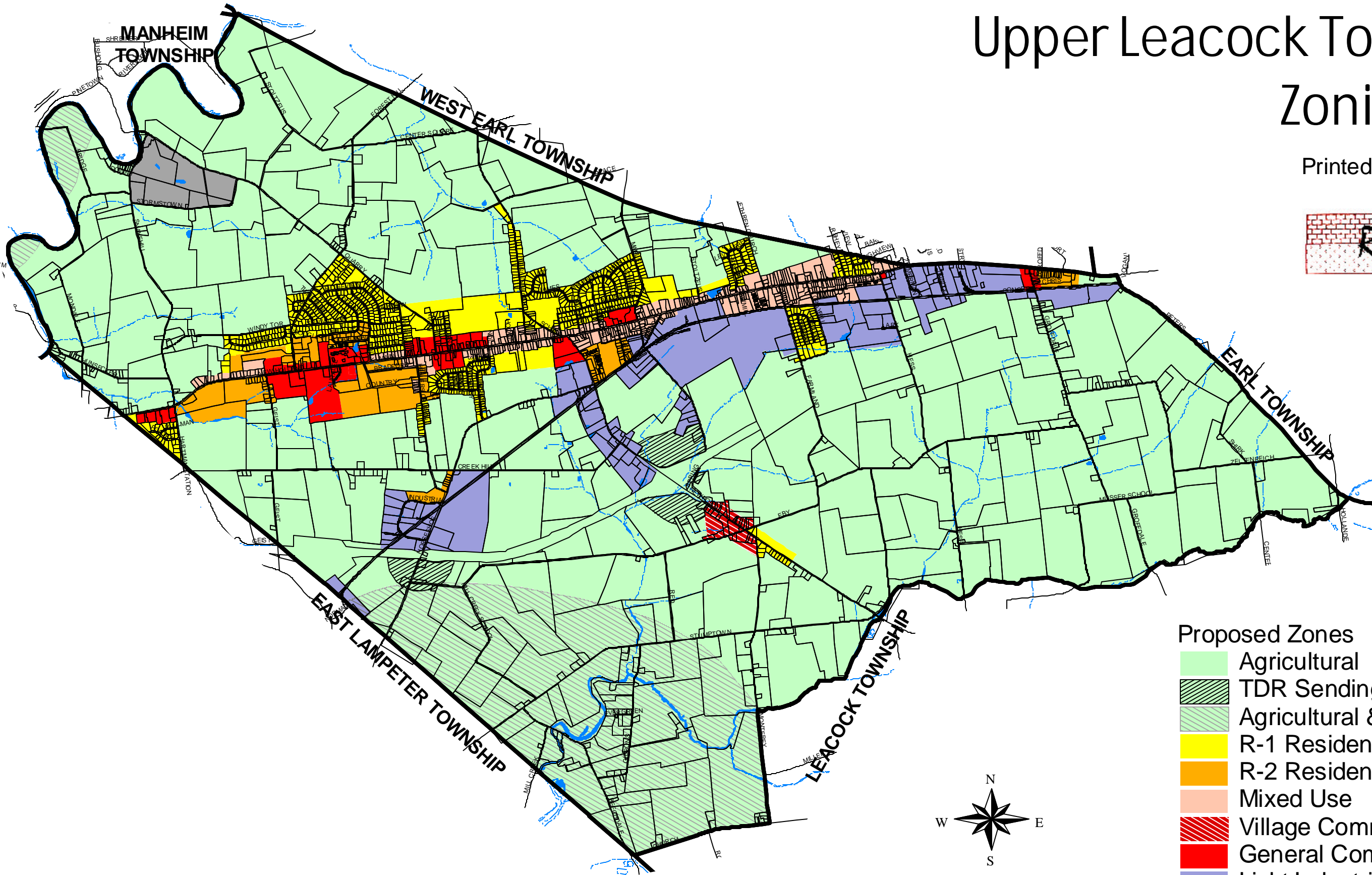


Secretary

(SEAL)

Upper Leacock Township Zoning Map

Printed: June 24, 2015



- Proposed Zones
- Agricultural
 - TDR Sending
 - Agricultural & Airport Safety
 - R-1 Residential
 - R-2 Residential
 - Mixed Use
 - Village Commercial
 - General Commercial
 - Light Industrial
 - Light Industrial & Airport Safety
 - Quarry

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 Lancaster, 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 Lancaster, 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 Lancaster, 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 Lancaster, 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 easement 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:

Insert signature for witness for owner of Lot 1

Insert signature of owner of Lot 1

Insert signature for witness for owner of Lot 2

Insert signature of owner of Lot 2

Insert signature for witness for owner of Lot 3

Insert signature of owner of Lot 3

Insert signature for witness for owner of Lot 4

Insert signature of owner of Lot 4

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)
)
COUNTY OF LANCASTER)

LOT 1

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)
)
COUNTY OF LANCASTER)

LOT 2

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)
)
COUNTY OF LANCASTER)

LOT 3

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)
)
COUNTY OF LANCASTER)

LOT 4

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

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 Upper Leacock, 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 Lancaster, with a mailing address of, and a business address at, 36 Hillcrest Avenue, PO Box 325, Leola, PA 17540 (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 Upper Leacock Township, pursuant to Article 6 of the Official Upper Leacock Township Zoning Ordinance, and section number and recorded at Book ____, Page ____, in the Recorder of Deeds Office of Lancaster County, Pennsylvania, restricts future development from being constructed, occupied, or maintained on property hereinafter described situate in the Agricultural Zone, Upper Leacock Township, Lancaster 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. Upper Leacock Township, Lancaster County, Pennsylvania, Insert No. of TDRs originally attached to property situate in the Insert the name of the receiving Zoning District. Upper Leacock Township, Lancaster County, Pennsylvania, described as:

INSERT PROPERTY DESCRIPTION FOR SENDING PARCEL INCLUDING STREET ADDRESS AND LANCASTER COUNTY PARCEL IDENTIFICATION NUMBER.

BEING the same property that Grantor acquired by deed bearing date the ____ day of _____, 20____, and recorded in the Lancaster 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 Upper Leacock 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 3

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 Upper Leacock, 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 Lancaster, with a mailing address of, and a business address at, 36 Hillcrest Avenue, PO Box 325, Leola, PA 17540 (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 Lancaster 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 Upper Leacock, 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 Upper Leacock 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 Lancaster 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 UPPER LEACOCK

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 LANCASTER)

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My commission expires:

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LANCASTER)

Witness my hand and notarial seal.

My commission expires:

[CORPORATE ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF LANCASTER

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 LANCASTER)

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 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 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 Upper Leacock Township, Lancaster County, Pennsylvania.

AND

as a third party grantee, the TOWNSHIP OF UPPER LEACOCK, 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 Lancaster, with a mailing address of, and a business address at, 36 Hillcrest Avenue, PO Box 325, Leola, PA 17540 (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 Lancaster 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 Upper Leacock 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 Lancaster 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

By: TOWNSHIP OF UPPER LEACOCK

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.

[PARTNERSHIP ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LANCASTER)

On this ____ day of _____, 20____, before me, a notary public, the undersigned officer, personally appeared _____, who acknowledged themselves to be all of the partners of _____, a general partnership, and that as such partners, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by themselves as such partners.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LANCASTER)

Witness my hand and notarial seal.

My commission expires:

[CORPORATE ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF LANCASTER

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 LANCASTER)

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 5

APPLICATION FOR SEVERANCE OF TRANSFERABLE DEVELOPMENT RIGHTS FROM A DESIGNATED SENDING ZONE

Upper Leacock 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 Upper Leacock 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: _____

Lancaster 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 Upper Leacock Township's receiving area for TDRs (i.e. I-1) Zone Please list name, address and phone number in space below:

Name _____ Address _____ Phone _____

_____ To Upper Leacock 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 516 of the Zoning Ordinance; and,
- c. Structures and facilities of Upper Leacock 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 Upper Leacock Township as the grantee, the other which shall designate a bona fide conservation organization (public or private) as the grantee and shall designate Upper Leacock 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 6

APPLICATION FOR USE OF TRANSFERRED DEVELOPMENT RIGHTS WITHIN A DESIGNATED RECEIVING ZONE

Upper Leacock 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 Upper Leacock 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: _____

Lancaster 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 Upper Leacock Township's Sending Zone for TDRs.

_____ From Upper Leacock 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: |
| _____ | I-1 | Two thousand (2000) square feet of permitted lot coverage above the base lot coverage of seventy percent (70%) up to a maximum of eighty percent (80%) 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 Zone:

Agricultural Zone:

- a. Agriculture and horticulture;
- b. Forestry uses subject to the requirements of Section 517 of the Zoning Ordinance; and,
- c. Structures and facilities of Upper Leacock 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 Upper Leacock Township as the grantee, the other which shall designate a bona fide conservation organization (public or private) as the grantee and shall designate Upper Leacock 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 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 Upper Leacock 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 (I-1) Zone;
 - c. the proposed density of the site for receiving areas within the (I-1) 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.C.1. or 905.A., 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 (I-1) Zone.