

Enacted:	December 16, 1992	Ordinance No. 88
Amended:	August 16, 1995	Ordinance No. 97
	September 4, 1996	Ordinance 100-1996
	March 21, 2001	Ordinance 120-2001
	December 5, 2001	Ordinance 125-2001
	November 6, 2002	Ordinance 129-2002
	November 19, 2003	Ordinance 132-2003
	July 21, 2004	Ordinance 134-2004

THE PEQUEA TOWNSHIP ZONING ORDINANCE – 1992 AS AMENDED

TABLE OF CONTENTS

		<u>PAGE</u>
ARTICLE 1	BACKGROUND PROVISIONS	1
	100. Title	1
	101. Purpose	2
	102. Community Objectives	2
	103. Legislative Intent	3
	104. Application and Scope	4
	105. Interpretation	5
	106. Conflict	5
ARTICLE 2	DEFINITIONS	6
	200. Definitions of Words	6
	201. Definitions	7
ARTICLE 3	ZONING DISTRICTS	71
	300. Types of Zoning Districts	71
	301. Official Zoning Map	71
	302. District Boundaries	72
	303. Amendments	73
ARTICLE 4	FLOODPLAIN DISTRICT	74
	400. Purpose and Intent	74
	401. Abrogation and Greater Restrictions	76
	402. Relationship to Other Articles	76
	403. Lands in District Defined	76
	404. Definitions	77
	405. Permitted Uses	81
	406. Special Exception Uses	82
	407. Variances	91
	408. Prohibited Uses	92
	409. Nonconforming Uses and Structures	96
	410. Design and Performance Standards	98
	411. Zoning Permits	105
	412. Municipal Liability	109

ARTICLE 4-A	STEEP SLOPE CONSERVATION DISTRICT	110
	451. Legislative Intent	110
	452. Boundary Definition of Steep Slope Conservation District	111
	453. Steep Slope Conservation District Overlay Concept	112
	454. Boundary Interpretation and Appeals Procedures	112
	455. Land Use and Development Regulations in the Steep Slope Conservation District	113
	456. Uses Permitted Within the Steep Slope Conservation District	114
ARTICLE 4-B	KARST HAZARD DISTRICT	117
	475. Purpose	117
	476. Application	117
	477. Disclaimer of Liability	117
	478. Delineation of Area Affected	117
	479. Procedures	118
	480. Performance Standards	119
	481. Appeals to Zoning Hearing Board	121
ARTICLE 5	AGRICULTURAL DISTRICT	122
	500. Purpose	122
	501. Intent	123
	502. Permitted Uses	124
	503. Special Exceptions and Conditional Uses	125
	504. Agricultural Area and Height Regulations	128
	505. Compliance With the Agricultural Performance Standards	134
	506. Landscape Requirements	134
	507. Agricultural Nuisance Disclaimer	134
	508. Flag Lots	134
ARTICLE 5-A	MR - MINERAL RECOVERY DISTRICT	136
	550. Permitted Uses	136
	551. Special Exceptions	136
	552. Area and Height Regulations	136
	553. Landscape Requirements	137

		<u>PAGE</u>
ARTICLE 6	R-1 RESIDENTIAL DISTRICT	138
	600. Purpose	138
	601. Permitted Uses	138
	602. Special Exceptions and Conditional Uses	138
	603. Area and Bulk Regulations	139
	604. Landscape Requirements	140
ARTICLE 7	R-2 RESIDENTIAL DISTRICT	141
	700. Purpose	141
	701. Permitted Uses	141
	702. Special Exceptions and Conditional Uses	141
	703. Area and Bulk Regulations	142
	704. Landscape Requirements	145
ARTICLE 8	HISTORIC DISTRICT	146
	800. Purpose	146
	801. Definitions	146
	802. Applicability	147
	803. Use Regulations	148
	804. Architectural Assessment	150
	805. Archaeological Assessment	152
	806. Design Standards	152
	807. Permits	154
ARTICLE 9	COMMERCIAL DISTRICT	156
	900. Purpose	156
	901. Permitted Uses	156
	902. Special Exceptions and Conditional Uses	157
	903. Area and Height Regulations	159
	904. Access Drive Requirements	160
	905. Waste Products and Outdoor Storage	161
	906. Traffic Study	161
	907. Performance Standards	161
	908. Landscaping	161
	909. General Regulations	161
ARTICLE 10	INDUSTRIAL DISTRICT	162
	1000. Purpose	162
	1001. Permitted Uses	162
	1002. Special Exceptions	162
	1003. Application Procedures	164
	1004. General Industrial Standards	164
	1005. Specific Performance Standards	166
	1006. Traffic Study	167
	1007. Area, Height and Bulk Regulations	167
	1008. Additional Regulations	168
	1009. Waste Products and Outdoor Storage	168
ARTICLE 11	MOBILE HOME PARKS	169

	<u>PAGE</u>
1100. Area and Density Regulations	169
1101. Required Mobile Home Space and Mobile Home Stand	170
1102. Service and Accessory Buildings	170
1103. Water Supply	171
1104. Sewage Disposal	171
1105. Storm Drainage, Erosion and Sedimentation and Floodplain Controls	172
1106. Mobile Home Park Streets	172
1107. Off-Street Parking Requirements	173
1108. Pedestrian Walks	174
1109. Ground Cover and Screening	174
1110. Electrical Distribution	175
1111. Solid Waste and Vector Control	175
1112. Permits	175
1113. Submission and Review of Plans	175
1114. Inspection and Certificate of Use and Occupancy	177
1115. Lighting	177
1116. Temporary Living Unit	178
1117. Mobile Home Park Areas for Non-Residential Use	178
1118. Outdoor Living Area	178
1119. Fire Protection	178
ARTICLE 12 (RESERVED)	180
ARTICLE 13 SIGNS	181
1300. Statement of Purpose	181
1301. Reserved	181
1302. Prohibited Signs	181
1303. Illumination	182
1304. Signs in the Agricultural and Mineral Recovery District	183
1305. Panel Type Signs (Billboards)	184
1306. Business Identification Signs	184
1307. General Regulations For All Signs	186
1308. Nonconforming Signs	187
1309. Open Flames	188
1310. Automotive Fuel Dispensing Stations	188
1311. Permitted Temporary Signs in All Districts	189
1312. Space Regulations for Temporary Signs Regardless of Zoning Districts	191
1313. Permitted Permanent Signs in All Districts	193
1314. Space Regulations for Permanent Signs	193
ARTICLE 14 OFF-STREET VEHICLE ACCESS, PARKING, AND LOADING	195

	<u>PAGE</u>
1400. General Intent and Application	195
1401. Required Vehicular Access	195
1402. Driveway Requirements (Single-Family Dwellings and Farms	195
1403. Access Drive Requirements (Non-Single Family Structures or other Buildings)	196
1404. Off-Street Parking Requirements	199
1405. Off-Street Loading Facilities	211
 ARTICLE 15 BUILDING LINES AND ROAD CLASSIFICATIONS	 216
1500. Building Lines and Road Classifications Established	216
1501. Building Lines on Urban Principal Arterial (UPA) Roads	216
1502. Building Lines on Rural Minor Arterial Roads	216
1503. Building Lines on Rural Major Collector Roads	217
1504. Building Lines on Rural Minor Collector Roads	217
1505. Building Lines on Local Access Roads	218
 ARTICLE 16 (RESERVED)	 219
 ARTICLE 17 GENERAL REGULATIONS	 220
1700. General Intent and Application	220
1701. Height	220
1702. Yards	220
1703. Multiple Structures on a Lot	220
1704. Toxic Matter	220
1705. Prohibited Uses in All Districts	221
1706. Corner Lots and Visibility	222
1707. Access to Structures	222
1708. Explosive or Corrosive Substances	222
1709. Design Standards for Lots not Served by Public Utilities	223
1710. General Landscape and Buffer Regulations	224
1711. Traffic Studies	238
1712. Trash, Garbage, Refuse or Junk Accumulation	242
1713. Setback Modifications	242
1714. Lighting and Glare	243
1715. Minimum Habitable Floor Area	243
1716. Detached Private Garages and Other Accessory Buildings	243
1717. Radiation, Radioactive	245
1718. Patios, Paved Terrace, Open Porch, or Deck	245

	<u>PAGE</u>
1719. Vending Machines	245
1720. Fences and Walls	245
1721. Swimming Pools	246
1722. Tennis Courts	247
1723. Satellite Dish Antennas as Accessory Uses	247
1724. Alternative Energy Sources	249
1725. Ornamental Ponds and Wading Pools	250
1726. Man-Made Lakes, Dams and Impoundments	250
1727. Garage/Yard Sales/Auctions	251
1728. Standards for Animals Maintained as Accessory to a Residential Dwelling	251
1729. Liquid or Solid Wastes	252
1730. Tree Clearing and Replacement	252
1731. Electromagnetic Radiation	256
1732. Performance Standards Procedures	256
1733. Non-Residential Activity	267
1734. Storage (Outside)	268
1735. Sale of Agricultural Products	268
1736. Uses Not Provided For	268
1737. Municipal Uses	269
1738. No-Impact Home-Based Businesses	269
1739. Forestry Uses	270
1740. Environmental Impact Assessment	271
1741. Lighting Requirements and Standards	271

	<u>PAGE</u>
ARTICLE 18	278
NON-CONFORMING USES AND BUILDINGS	
1800. Continuation	278
1801. Expansion of Non-Conforming Structures and Uses	278
1802. Damage to Non-Conforming Structures	281
1803. Abandonment of Non-Conforming Uses, Structures, Signs, Billboards and Others	281
1804. Substitution of Non-Conforming Uses	281
1805. Non-Conforming Lots of Record	282
1806. Zoning Permits	282
1807. Expansion or Extension of Side Yards for Dimensionally Non-conforming Dwellings	283
ARTICLE 19	284
SPECIFIC CRITERIA	
1900. Special Exceptions	284
1901. Procedures	284
1902. Plan Required	284
1903. General Standards for Special Exceptions	284
1904. Semi-Detached Buildings in Commercial and Industrial Districts	288
1905. Rest Areas	288
1906. Neighborhood Convenience Center	289
1907. Apartment, Townhouse and Multi-Family Dwellings in R2 Residential District	292
1908. Temporary Farm Employee Housing	292
1909. Animal Waste Storage Facilities	293
1910. Sale of Agricultural Products	293
1911. Agribusiness and Intensive Agricultural Production	294
1912. Solid Waste Disposal Facilities	296
1913. Quarries and Mines	299
1914. Conditional Uses	305
1915. Resource Recovery and Recycling Facilities	307
1916. Adult Related Facilities	310
1917. Heliports/Helistops	311
1918. Amusement Arcades	313
1919. Animal Hospitals, Veterinary Office, and Kennels	314

	<u>PAGE</u>
1920. Riding Club, Riding School and/or Horse Boarding Stable	315
1921. Automobile Filling Station (including Minor Incidental Repairs)	316
1922. Automotive and Other Motor Vehicle Repair Garages	317
1923. Campgrounds	318
1924. Car Wash	319
1925. Cemeteries	320
1926. Banks and Similar Financial Institutions	320
1927. Hunting Facilities or Sportsmen's Clubs	321
1928. Churches and Related Uses	321
1929. Clubhouses for Private Clubs	323
1930. Day Care Facilities	323
1931. Commercial Recreation and Entertainment Facilities	325
1932. Drive-Thru and Fast Food Restaurant	326
1933. Laundromats, Dry Cleaners and Laundries	327
1934. Elder Cottages or Granny Flats	327
1935. Bus Shelters	329
1936. Golf Courses	329
1937. Heavy Equipment Sales, Service and/or Repair Facilities	330
1938. Farm Support Occupations	331
1939. Funeral Homes and Undertaking Establishments (Including Crematoria)	334
1940. Home Improvement and Building Supply Stores	334
1941. Outdoor Storage (Commercial Use)	335
1942. Home Occupations	335
1943. Hospital	337
1944. Reserved	338
1945. Retirement Community	338
1946. Mini Storage Facilities	340
1947. Nightclubs	342
1948. Nursing, Rest or Retirement Home	343
1949. Private Schools	344
1950. Boarding House	345
1951. Public Utilities Service Structures	345
1952. Billboards (Panel Type Signs)	346
1953. Nursery, Greenhouse, and Retail Sales of Garden Stock	347
1954. Apartments in Commercial Districts	348
1955. Truck, Bus or Motor Freight Terminal	349
1956. Conversion-Single Family Detached to Two Family Dwelling	349
1957. Conversion-Residential to Non- Residential	350
1958. Warehousing, Wholesaling, and Storage	

	<u>PAGE</u>
Trade Establishments	351
1959. Bed and Breakfast Establishment	352
1960. Communications Antennas and Equipment	353
1961. Communications Towers and Equipment	356
1962. Shopping Centers and Supermarkets	361
1963. Sawmills	363
1964. Cluster and Open Space Development	364
1965. Retail Stores, Shopping Centers, Supermarkets, and Business Offices in Excess of 10,000 Square Feet of Gross Floor Area	376
1966. Hotels and Motels	378
1967. Restaurants	379
1968. Conference and Resort Centers	379
1969. Clinics and Residential Treatment Facilities	380
1970. Requirements for Non-Agricultural Dwellings in the Agricultural District	381
 ARTICLE 20	
INTERPRETATION, ADMINISTRATION, AND ENFORCEMENT	384
2000. Interpretation	384
2001. Zoning Officer	384
2002. Duties and Responsibilities of Zoning Officer	384
2003. Zoning Permits	386
2004. Certificate of Use and Occupancy	389
 ARTICLE 21	
AMENDMENTS	391
2100. Amendments	391
2101. Procedure for Petition to the Board of Supervisors	391
2102. Amendment Initiated by Township Planning Commission	391
2103. Amendment Initiated by the Board of Supervisors	392
2104. Referral to the Township and County Planning Commissions	392
2105. Public Hearing	392
2106. Action by Board of Supervisors	392
 ARTICLE 22	
ZONING HEARING BOARD	393
2200. Creation and Membership	393
2201. Organization of Zoning Hearing Board	393
2202. Hearings	394
2203. Zoning Hearing Board Functions	395
2204. Time Limitations	398
2205. Appeals	398
2206. Application Requirements and	

		<u>PAGE</u>
	Procedures	398
ARTICLE 23	REMEDIES	401
	2300. Violations	401
	2301. Enforcement Notice	402
	2302. Prosecution of Violation	402
	2303. Penalties	402
	2304. Remedies	403
ARTICLE 24	VALIDITY AND SEVERABILITY	404
ARTICLE 25	REPEALER	404
ARTICLE 26	EFFECTIVE DATE	404
APPENDIX A	PARKING LOT LANDSCAPING FIGURES	
APPENDIX B	SUGGESTED LANDSCAPING SCHEDULES	
APPENDIX C	ENVIRONMENTAL IMPACT ASSESSMENT	
APPENDIX D	EXAMPLES OF ACCEPTABLE LANDSCAPING DESIGN	

ORDINANCE NO. 88

THE PEQUEA TOWNSHIP ZONING ORDINANCE - 1992, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR AGRICULTURAL, RESIDENTIAL, INDUSTRIAL AND COMMERCIAL PURPOSES; REGULATING THE BULK AND SIZE OF BUILDINGS, STRUCTURES AND OTHER USES; ESTABLISHING ZONING DISTRICTS AND REGULATIONS FOR USES WITHIN EACH SUCH DISTRICT; DEFINING TERMS USED IN THE ORDINANCE; ESTABLISHING PERFORMANCE STANDARDS AND REGULATIONS FOR USES; PROVIDING FOR THE APPOINTMENT OF A ZONING OFFICER; PROVIDING FOR THE ADMINISTRATION OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF A ZONING HEARING BOARD AND THE POWERS AND DUTIES OF SUCH BODY; ESTABLISHING REQUIREMENTS FOR PERMITS AND FEES; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

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

ARTICLE 1
BACKGROUND PROVISIONS

Section 100 Title

This Ordinance shall be known and may be cited as "The Pequea Township Zoning Ordinance - 1992", hereinafter referred to as the "Zoning Ordinance". The accompanying map is a composite zoning map for unofficial use only. The official map on file in the office of the Board of Supervisors is hereby declared to be a part of this Ordinance and shall be known and may be cited as the "Pequea Township Official Zoning Map", hereinafter referred to as the "Zoning Map".

Section 101 Purpose

These zoning regulations are enacted for the purpose of promoting the health, safety, morals, and general welfare of the people. They have been made in accordance with a comprehensive plan and are designed to lessen congestion on the streets and highways; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

The Comprehensive Planning process in Pequea Township has shown an overwhelming desire to maintain the Township as a rural community with irreplaceable prime agricultural soils. Agriculture remains a strong cultural influence. Many of the zoning regulations and objectives are designed to protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township, and to prevent adverse effects resulting from encroachment and mixing of residential and other incompatible development with agricultural uses.

A primary purpose of the regulations contained in this Ordinance is to provide stewardship of open space, unique plant and wildlife habitats, and environmentally sensitive areas so that such natural resources may be conserved for future generations of Pequea Township residents.

Section 102 Community Objectives

The community development of objectives which provide the basis for the zoning policy are the community goals and objectives

derived from the Comprehensive Plan of Pequea Township after an extensive survey of Township citizens. These include, but are not limited to, the following:

- A) to preserve the rural character of the Township by promoting and retaining agriculture as the primary use of lands presently farmed and/or designated as having productive agricultural soils. The primary goal for the future development of Pequea Township is the maximum preservation of agricultural land and agricultural activity. Therefore, all uses in zoning districts which abut any Agricultural District or any existing agricultural activity must accept the nuisances and hazards which are a normal adjunct to farming;
- B) to encourage preservation of common open space to provide for recreation and an improved community environment for future generations;
- C) to ensure that land uses are logically and appropriately situated in relation to each other in order to conserve the value of buildings;
- D) to facilitate transportation in the Township and prevent traffic congestion;
- E) to provide for adequate police, fire and other Township services and facilities;
- F) to provide the opportunity for the Township's "fair share" of residential development, directed mainly to areas less suited for agriculture and appropriate areas along major transportation systems which are, or will be, served by public utilities.
- G) to protect environmentally sensitive areas including, but not limited to, the following:
 - 1) natural amenities of the Township;
 - 2) conservation of groundwater and surface water resources to protect both quality and adequate quantity;
 - 3) minimization of soil erosion and sedimentation;
 - 4) maintenance of adequate vegetation and foliage to prevent air and noise pollution, flooding, and erosion;
 - 5) protecting natural vegetation and wildlife habitat;

- 6) preservation of vegetation and land for scenic and aesthetic value;
- 7) minimize the potential for property damage and personal injury caused by run-off, erosion, landslides and flooding caused by nearby development.
- H) to secure safety from pollution, and other dangers, and to provide adequate light, air and convenience of access;
- I) to guide and regulate the orderly growth, development, and redevelopment of the Township, in accordance with a comprehensive plan of long-term objectives, principles, and standards deemed beneficial to the interests and welfare of the people; and
- J) to protect the established rural character and the social and economic well-being of both private and public property.

Section 103 Legislative Intent

On July 1, 1992, in accordance with the authorization in Section 609.2 of the Municipalities Planning Code, the Board of Supervisors adopted Resolution No. 139 and Resolution No. 140. These Resolutions declared that portions of the Pequea Township Zoning Ordinance - 1980, as amended, and the Official Township Zoning Map might be invalid for one of nine listed reasons. The Board of Supervisors, in accordance with the requirements of MPC Section 609.2 reviewed the provisions of the Pequea Township Zoning Ordinance - 1980 and the Official Zoning Map, in conjunction with the Pequea Township Comprehensive Plan, data available from the 1990 Census and information provided by the Lancaster County Planning Commission. In accordance with this and other information, the Township Planning Commission and the Board of Supervisors prepared this Zoning Ordinance. It is the intent of the Board of Supervisors through the enactment of this Zoning Ordinance to reaffirm the validity of those portions of the Pequea Township Zoning Ordinance - 1980 and the Official Zoning Map which are included herein and, to the extent necessary, to cure any invalidity which may have previously existed by the enactment of this Zoning Ordinance.

Section 104 Application and Scope

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. In addition to the foregoing, and not in limitation thereof, any regulations set forth in Article XVII hereof, or any other regulations governing structures or uses, shall apply to any uses or structures that may be referred to herein, regardless of district unless reference is made to the contrary. Unless reference is made to the contrary,

references to lot area, lot width, front yards, side yards, rear yards, and other yard and lot requirements shall be the minimal dimensional requirements for the particular district in which they are referenced. If there are no such requirements for any use, structure or district, the requirements set for similar uses or structures in such districts shall be applicable. The most restrictive requirement in another district shall apply in a district for which no such regulation is provided.

- A) No structure or land shall hereafter be changed in use, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B) No part of a yard, other open space, or landscaping, or off-street parking or loading space required or in connection with any building or structure for the purpose of complying with this Ordinance shall be included as part of a yard, open space, landscaping, or off-street parking or loading space similarly required for any other building or structure.
- C) Except as is otherwise specifically provided herein, no yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D) To the extent permitted by law, all private and governmental entities shall comply with all provisions of this Ordinance. Notwithstanding the foregoing, the provisions of this Ordinance shall not apply to Pequea Township.

Section 105 Interpretation

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

Section 106 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 prescribes 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.

The provisions of this Ordinance do not repeal, abrogate, annul, supersede or interfere with any deed restrictions, restrictive covenants, or other private agreements governing the use or development of property.

**ARTICLE 2
DEFINITIONS**

Section 200 Definitions of Words

Unless otherwise stated, the following words and phrases shall be interpreted and construed throughout this Ordinance to have meaning herein indicated. Terms not herein defined shall have the meaning customarily assigned to them as found in the most recent edition of Webster's New Collegiate Dictionary.

The following rules of construction and interpretation shall be used in this Ordinance:

- A) The word "lot" includes the word "plot" or "parcel".
- B) The term "used or occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied."
- C) The term "building or structure" shall be construed as if followed by words "or part thereof".
- D) Words in the present tense may imply the future tense.
- E) Words used in singular imply the plural, and the plural shall include the singular.
- F) The masculine gender includes the feminine and the neuter genders.
- G) The word "person" includes a partnership, firm, association, corporation, organization, trust, estate, company or any other legally recognized entity as well as an individual and the officers of any corporation and the members of any partnership and shall include both singular and plural.
- H) The word "shall" or "must" is to be interpreted as mandatory; the word "may" is discretionary.
- I) References to codes, districts or Districts, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, districts or Districts, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township of Pequea 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 201 Definitions

A-weighted Sound Level - The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated "Db (A)."

Abandoned - Any property, dwelling, motor vehicle, or item that is apparently and willfully disused, vacant, relinquished, unoccupied, or discarded. In addition to their ordinary and commonly accepted meanings, the terms "junked," "wrecked", "stripped", shall also have similar meanings as "abandoned". An automobile, truck, motorcycle, or similar vehicle shall be deemed to be abandoned if required state registrations are not maintained for two (2) or more consecutive months. A vehicle listed in the previous sentence, or a similar vehicle not deemed abandoned according to the prior sentence may still be deemed abandoned by reason of being "junked", "wrecked", or "stripped".

Access Drive - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving multiple residences or any non-residential use, excluding farms (See also "Driveway" and Article XIV).

Accessory Structure or Building - A detached, subordinated building or structure, the use of which is customarily incidental to that of the principal building or use, which is located on the same lot as occupied by the principal building or use, and which meets all other requirements of this Ordinance.

Accessory Use - A use customarily incidental and subordinate to the principal use of land or principal building located on the same lot with such principal use or principal building which meets all other requirements of this Ordinance.

Adult Related Facilities - A business or club or facility which engages in one (1) or more of the following areas of sales, services or entertainment:

- a) 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 as defined below. This section 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.
- b) Specified Sexual Activities - For the purposes of this Ordinance, this term shall include any of the following:
 - 1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral or 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, zoerasty; or

- 2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - 3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 - 4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 - 5) Masochism, erotic or sexually oriented torture, beating, or infliction of pain; or
 - 6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or
 - 7) Human excretion, urination, menstruation, vaginal or anal irrigation.
- c) Specified Anatomical Areas include: 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 discernible turgid state, even if completely and opaquely covered.
- d) Adult body painting studio - Any establishment or business which provides the service of applying paint or other substance whether transparent or non-transparent to or on the human body when specified anatomical areas (as defined previously) are exposed.
- e) Adult bookstore - Any establishment or place which has a substantial or significant portion of its stock in trade consisting of the following items:
- 1) 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 or display of specified sexual activities or conduct or specified anatomical areas (as defined previously);
 - 2) Instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities (as defined previously) or conduct;

- f) 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 as defined previously.
- g) 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 or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- h) 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 showing of material is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas as defined previously.
- i) Adult Model Studio - Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas (as defined previously) 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.
- j) 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 as defined previously.
- k) 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 or display of specified sexual activities or conduct or specified anatomical areas as defined previously.

- l) 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 or material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas as defined previously. Motion pictures rate "G", "PG", "PG-13" and "R" by the Motion Picture of America are not adult movies for purposes of this definition.
- m) Adult Newsrack - Any coin-operation machine or device which dispense material substantially devoted to the depiction of specified sexual activities or specified anatomical areas as defined previously.
- n) 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 as defined previously.
- o) 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 as described previously, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth to engage in sexual therapy.
- p) 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 (as defined previously) for observation by patrons.
- q) Any other business or establishment or club which offers it patrons services or entertainment or retail good or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, or

displaying "specified sexual activities" or conduct or "specified anatomical areas" as defined previously (see Section 1916).

Agriculture - The use of land for the tilling of the soil, raising of crops (including fruit trees), forestry and horticulture, including the keeping or raising of cattle, sheep, fowl, riding horses, and other similar animals. Agriculture shall include the sale of crops, dairy and horticultural products produced on the property. The term agriculture does not include riding academies, liveries, boarding stables, commercial forestry, dog kennels, commercial raising of fur-bearing animals, country estates, large residential lots, gentleman farms, or farmettes.

Agribusiness - Businesses involved in the processing of farm products. Such businesses include, but are not limited to, poultry operations, confined livestock, livestock operations and mushroom houses. For the purposes of this Ordinance such term shall not include (a) poultry operations involving buildings, structures or confined areas used or intended to be used for a flock less than ten thousand (10,000) birds and (b) confined livestock operations used or intended to be used for a herd of less than one hundred (100) animals (see Section 1911).

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

Alluvial Soil - Soil formed from the deposit of sediment in flowing water.

Alteration - As applied to building or structure, means any change or rearrangement in any structural part of an existing facility, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another or any renovation in a building which would change its use.

Alternative Tower Structure - Man-made trees, clock towers, electric transmission towers, silos, bell steeples, light poles, flagpoles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Amusement Arcade - A commercial establishment in the Commercial District which provides as a principal use, amusement devices and/or games of skill or chance (see definition next). This definition does not include the use of two (2) or less such devices which may be considered an accessory use (see Section 1918).

Amusement Device - A device, other than an audio or video jukebox, that is used or designed to be used to provide amusement or entertainment to the user for a fee, and shall in-

clude but shall not be limited to pinball machines, video display games, billiard tables, simulated sport machines, biorhythm machines, skeetball, and electronic or water firing ranges.

Animal - Any domestic animal or fowl, any wild animal or any household pet. Any of a kingdom (Animalia) of living beings typically differing from plants in capacity for spontaneous movement and motion in response to stimulation.

Animal Hospital - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include overnight boarding of animals. No outdoor boarding is permitted (see Section 1919).

Animal Husbandry - The care and raising and keeping of livestock (animals such as cattle, horses, sheep) and poultry, and other animals. The raising and keeping of four (4) or fewer household pets shall not constitute animal husbandry.

Animal Waste Storage Facility - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, trench silo, earthen bank, stacking area, and above-ground storage (see Section 1909).

Antenna - Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves (see Sections 1960 and 1961).

Antenna Height - The measurement of the overall vertical length of the antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

Antenna Support Structures - Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

Apartment - A dwelling unit contained in a building, structure or part thereof, leased to an occupant for residential purposes (see Sections 1907 and 1954).

Architect - A professional architect licensed by the Commonwealth of Pennsylvania.

Area - The total horizontal area of a lot lying within the lot lines, provided that no area of land lying within any street right-of-way shall be deemed a portion of any lot area but any easement not in a right-of-way shall be included; see also "Building Area". Area may be expressed in square feet or acres.

Automobile Filling Station - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repair, body and fender work, painting, welding, vehicular sales or rental, nor automatic car washes, nor storage of vehicles not in operating condition (see Section 1921).

Automobile and Other Motor Vehicle (Boat or Recreational Vehicle) Sales - A lot, parcel, tract, building or structure used for the display, sale or rental of more than one (1) new or used motor vehicles, recreational vehicles, boat trailers, motorcycles, or boats in operable condition. Repair work shall be considered as a separate accessory or principal use. The term "Automobile and Other Motor Vehicle Sales" shall not include a mobile home or manufactured home park or a junkyard. Outside storage of and display of motor vehicles, or boats shall be permitted as an accessory use of this principal use.

Automotive and Other Motor Vehicle Repair Garage - A lot, parcel, tract, building or structure where repairs of motor vehicles are conducted. The term "Automobile and Other Motor Vehicle Repair Garages" includes retail sales of gasoline and auto parts and the storage of vehicles being serviced. The term "Automotive and Other Motor Vehicle Repair Garages" includes a lot, parcel, tract, building or structure where repairs, including mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other similar characteristics are performed. For the purposes of this Ordinance, this term shall also include facilities engaged in closely similar repairs of boats and other vehicles as per Section 1922.

Basement - A story of a building or structure having one half (1/2) or more of its height (measured from floor to ceiling) below the average elevation of the finished grade. A basement shall be counted as a story for the purpose of height measurements or determining square footage, only if the vertical distance between the ceiling and the average elevation of the finished grade is more than five (5) feet, or if the basement is used for a business or as a dwelling unit.

Bed and Breakfast Establishment - A single-family detached owner-occupied dwelling where between one (1) and five (5) rooms are rented by the owner to provide temporary lodging for a fee to overnight registered guests on a daily basis for periods not to exceed one (1) week, in which only a breakfast may be served only to those overnight guests and no other person not residing in the dwelling. A bed and breakfast establishment shall not include group quarters or group home as defined herein (see Section 1959).

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

Board of Supervisors (Board) - The Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania.

Boarding, Rooming or Lodging House - A detached building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business by pre-arrangement and for definite periods of time, for more than three (3) and not more than eight (8) individuals that do not constitute a family. Group homes and nursing homes are excluded from this definition (see Section 1950).

Buffer - See "Landscape Buffer".

Building - Any structure, either open or enclosed, having a roof supported by columns, piers or walls, intended for the shelter, housing or enclosure of persons, animals, or property. The term "Building" shall at all times, unless otherwise indicated, be interpreted as including the words "or a part thereof". When attached to a building, a porch or balcony shall constitute a building. In the Floodplain District, "Building" includes gas or liquid storage tanks. The following are types of buildings:

- a) Detached - A building which has no party wall.
- b) Semi-detached - A building which has only one (1) party wall in common.
- c) Attached - A building which has two (2) or more party walls in common.

Building Area - The aggregate area of any and all floor area of enclosed or roofed principal and accessory buildings or structures. Such area shall be computed by using outside building or structure dimensions of the ground floor measured on a horizontal plane.

Building Coverage - The percentage of a lot covered by buildings or structures; the "footprint" of the building or structure.

Building, Farm - Buildings for agricultural uses; namely barns, poultry houses, corn-cribs, silos, and other similar farm structures.

Building Height - The vertical distance measured from the mean level of the finished grade abutting the building at its corners to the highest point of the roof. Chimneys and other similar projections shall not be used in calculating the height of a building (see Section 1701).

Building Length - The horizontal measurement of any continuous

building wall to the outside dimensions.

Building Lot Depth - A distance which is measured from the legally established road right-of-way to the rear lot line.

Building, Principal - A structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

Building or Facility, Public - Municipal, county, school district, state or federal government buildings or facilities designed, maintained or used by the government or designed, maintained or used for public use which is sponsored by such governments, except landfills and waste disposal areas and facilities.

Building Setback Line - A line which designates the minimum distance between any building and the adjacent street right-of-way or property line, whichever is closer. This line shall be measured horizontally from a point or points formed by the intersection of a vertical building wall with the ground (or in the case of a cantilevered building, at the vertical plane which coincides with the most projected surface), to the street right-of-way or property line, whichever is closer. This line shall include patios, sun parlors, and covered porches, whether enclosed or not, but does not include steps.

- a) Front Yard Building Setback Line - The line parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the front yard designated for each district in this Ordinance. Commonly called "required front yard". All yards adjacent to a public or private street right-of-way shall be considered front yards (see also "Reverse Frontage Lot").
- b) Side Yard Building Setback Line - The line parallel to the side lot line and equal to the minimum depth of the side yard designated for each district in this Ordinance. Commonly called "required side yard."
- c) Rear Yard Building Setback Line - The line parallel to the rear lot line and equal to the minimum depth of the rear yard designated for each district in this Ordinance. Commonly called "required rear yard."

Building, Square Footage - The total of all areas measured on a horizontal plane of each level or story exceeding six feet in height within a building, exclusive of uncovered porches, exterior decks or patios, and carports.

Bus Shelter - A structure built and maintained solely for the purpose of protecting individuals from the elements while awaiting regularly scheduled public bus transportation (see Section 1935).

Business - Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for remuneration or gain or the occupancy or use of a building or premise or any portion thereof for the transaction of business or the rendering or receiving of professional services.

Business Office - See Office.

Campground - A lot, tract, or parcel of land upon which campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents (see Section 1923).

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

Car Wash - A building or portion thereof used for the manual or mechanical washing of automobiles and other similar vehicles (see Section 1924).

Carbonate Geologic Areas - Areas underlain by the limestones or dolomites (calcium carbonate and magnesium carbonate) formed by carbonate sedimentation in previous shallow sea waters.

Carport - A roofed-over structure, open on at least two (2) sides for the storage of one (1) or more private motor vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one (1) or more of the walls may be the walls of the principal building to which the carport is accessory.

Cartway - The surface of a highway, road, alley or street available for vehicular traffic.

Cellar - See Basement.

Cemetery - Land used or intended to be used for the burial of the deceased, including columbariums and mausoleums when operated in conjunction with the cemetery and within the boundaries (see Section 1925).

Center Line of Street, Road, or Highway - A line equidistant from and parallel to the street, road, alley, or highway right-of-way lines.

Certificate of Use and Occupancy - A statement or permit signed by a duly authorized Township Officer, setting forth that a building, structure or use legally complies with the Zoning

Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

Change of Use - An alteration of a building, structure or land by change of use, theretofore existing, to a new use group which imposed other special provisions of law governing building construction, equipment, exits, or zoning regulations.

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

Channel Flow - That water which 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, intended, or used for public worship. This definition shall include temples, rectories, chapels, convents, cathedrals, parish houses, synagogues, and church-related educational and/or day care facilities. Use as a residence is not permitted except as a rectory for one (1) family or as a convent or monastery (see Section 1928).

Clear Sight Triangle - An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a pre-determined distance from the intersection of the center lines, measured at four (4) feet in height.

Club, Clubhouse, or Lodge, Private - A building, structure, or part thereof, used to house 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 or fund raising of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This does not include "night clubs". The private "clubs" or "lodges" as defined shall not be an adjunct to, operated by or in connection with a tavern, cafe or other public place (see Section 1929).

Common Facilities - When referring to a development, these facilities are common or community open space, recreational facilities, public sewage facilities, public water supply facilities, storm water management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

Communications Antenna - Any exterior transmitting or receiving device mounted on or in a tower, building or structure and used

in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. The term "communications antenna" does not include a receiving facility for the sole use of an individual consumer and located on the property in which such individual consumer resides or occupies.

Communications Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, monopole towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Comprehensive Plan - The official comprehensive plan for Pequea Township.

Conditional Use - A use which is not appropriate to a particular zoning district as a whole but which may be suitable in certain localities within the district only when specific conditions prescribed for such uses have been complied with. Conditional uses are granted or denied by the Board of Supervisors after receiving recommendations by the Planning Commission as per Section 1914.

Condominium - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

Conference and Resort Center - A facility which provides a range of lodging facilities, meeting rooms, restaurant facilities, and recreational facilities including but not limited to swimming pools, golf courses, health club facilities, and similar amenities for overnight guests or persons who attend meetings during the business day.

Confined Livestock Operations - The keeping or raising of domestic animals including swine, cattle, sheep, goats, and horses which involves continuously restraining such animals in a building, fenced area, or other structure, or series of buildings, fenced areas or other structures.

Conservation Areas - Undeveloped and undisturbed areas, set aside for the preservation and/or continuation of the natural environment, to promote recreational use and retention of open space and undeveloped floodplain areas and to provide areas of wildlife habitat.

Conservation Plan - A plan, in map and narrative form, which

describes, at a minimum, a method to control erosion and sedimentation for an identified parcel of land.

Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

Convenience Center, Neighborhood - See "Neighborhood Convenience Center."

Convenience Store - A retail sales business which specializes in providing household products and foods. Convenience stores shall not include the dispensing of gasoline or other vehicle fuels, unless the appropriate approvals for an automobile filling station (as described herein) have been obtained. Convenience stores may also provide for any of the following as an accessory use:

- a) Rental of video tapes, provided that an adult bookstore is specifically prohibited.
- b) Preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided.
- c) Use of no more than two (2) amusement devices (e.g. pinball machines, video games, and other similar devices).

Cover or Complete Cover - An assemblage of materials that are arranged so as to completely block all ground level views of any part of the article being obscured from view.

Cultural Landscape - The minimum essential setting or context in which an identified historic resource retains its "historic integrity"; "resource" being constituted by either an individual object, a site, or a structure, or by multiple objects, sites, or structures (historic district); historic "setting" includes both natural (trees, streams, slopes, etc.) and man-made features (bridges and walls, outbuildings, such as spring houses, barns, corn-cribs, railroad tracks, cemetery markers, etc.); "historic integrity" being the unadulterated state of the resource which most closely represents a model or legacy of the unique materials and cultures of the past.

Day Care - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

Day Care, Church - A day care facility that is an accessory use to a church (see Section 1928).

Day Care, Commercial - A day care facility that is a primary use

and is licensed by the Commonwealth of Pennsylvania (see Section 1930).

Day Care, Family - A day care facility that is operated as an accessory use to a detached single family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than four (4) different persons during any calendar day (see Section 1930).

DBH - The place of measurement of the caliper or diameter of a tree, i.e. four feet from the surface of the ground; diameter at average breast height.

DCED - The Department of Community and Economic Development of the Commonwealth of Pennsylvania and all agencies successor thereto. A reference to the Department of Community Affairs in this Ordinance shall be considered a reference to DCED.

Decibel (dB) - A unit for measuring the sound pressure level, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (20 micronewtons per square meter).

Decision - Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas.

Deck or Patio - A platform which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure (see Section 1718).

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

a) Density, Net - The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes exclusive of all existing road and utility rights-of-way and all environmentally sensitive areas as defined in this Article.

b) Density, Gross - A number determined by dividing the total number of dwelling units by the base site area (total amount of land in the lot, parcel or tract minus all of that land within the existing or ultimate rights-of-way of existing roads). Density requirement shall be determined in direct proportion to lot sizes, i.e. maximum eight (8) units per acre, four (4) units per one half (1/2) acre, two (2) units per one quarter (1/4) acre.

Depression - A low place of any size surrounded by higher ground and having no natural outlet for surface drainage other than internally. (See also "Depression, Closed" and "Sinkhole").

Depression, Closed - A part of the land surface of a lot, parcel or tract which drains internally, and which generally has sunk to a variable depth and is generally characterized by a downward movement of soil into bedrock voids without breaking the ground surface. (See also "Depression" and "Sinkhole").

DEP - The Pennsylvania Department of Environmental Protection or any agency successor thereto.

DER - The Department of Environmental Resources of the Commonwealth of Pennsylvania or any successor agency.

Detention Pond or Basin - A basin designed, intended or used to retard storm water runoff by temporarily storing the runoff in the basin and releasing it at a pre-determined rate.

Determination - Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the Board of Supervisors or the Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer - Any person, association, partnership or corporation, or his, their or its authorized agent, for whom subdivision or land development plans are being, or have been made, or who proposes to construct or begins construction of a road.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, road building, or utilities.

Disturbance of Vegetative Cover - Removal, destruction or damaging of plants including trees, shrubs and herbaceous growth, by methods including but not limited to cutting, bulldozing, plowing, regrading, digging or intensive use of herbicides (in which selective species are intended to be eradicated or which the intent is to defoliate).

Domestic Pets or Animals - The non-commercial keeping of no more than four (4) adult domestic pets or animals, that are locally available for purchase as pets, as an accessory use to a primary residential use (see Section 1728).

Drainage Facility - A facility or physical improvement intended or designed to accept and/or dispose of storm water runoff.

Drive-In or Drive Thru Service Establishments or Facilities - An establishment or activity where patrons are provided with

professional or personal services for consumption or use outside of the confines of the principal building or in or on vehicles parked upon the premises, regardless of whether seats or similar accommodations are otherwise provided. The term "drive-in service establishments" shall not include private theaters (see Sections 1922 and 1932).

Driveway - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or farm (See also "Access Drive" and Article XIV).

Dwelling - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, motels, boarding, rooming or lodging houses, institutional houses, tourists courts, and the like, which offer 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, inadequate drainage, vibration or other forces. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical and other utility systems.

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

a common outside access and sharing a common yard area which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall be deemed multi-family apartment dwellings.

- d) Single Family Attached Dwelling - A building having one (1) dwelling unit from the ground to roof, two (2) points of independent outside access, at least two (2) other dwelling units built in conjunction therewith and any portion of one (1) or two (2) unpierced party walls adjoining an adjacent dwelling. The term "Single Family Attached Dwelling" shall include row homes and townhouses.

Dwelling Unit - A structure, or portion thereof, building or portion thereof, arranged for the use of one (1) or more individuals living together as a single housekeeping unit.

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.

Easement - A permanent right or privilege of a person or entity, which may or may not run with the land, to use the land of another for a special and precise purpose not inconsistent with but subordinate to a general property right in the owner. In the case of a state or political subdivision, such use shall be for a public or quasipublic purpose or purposes (e.g. utility, drainage or public access).

Elder Cottage (Echo Housing) - An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood or marriage to the occupants of the principal dwelling (see Section 1934).

Emergency - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

Engineer - a licensed professional engineer registered by the Commonwealth of Pennsylvania.

Environmental Advisory Council (EAC) - The Environmental Advisory Council of the Township of Pequea, Lancaster County, Pennsylvania.

Environmentally Sensitive Area - An area containing one (1) or more of the following characteristics which may be more fully defined within Article II: Slopes in excess of twenty percent (20%); floodways, floodplains, or flood prone areas; hydric soils; erodible soils; wetlands; stream corridors; designated aquifer recharge areas for public water supplies; sites identified by the Lancaster County Natural Heritage Project;

springs or bodies of water; location of rare, threatened, or endangered species identified by the Pennsylvania Natural Diversity Inventory; sinkholes and closed depressions, and other significant geologic features; witness trees, specimen trees and trees classified as possible State champions or of bicentennial stature as mapped by the Pequea Township Comprehensive Plan.

EPA - The United States Environmental Protection Agency or any agency successor thereto.

Erodible Soil - Any soil classified by the USDA-SCS as processing a severe erosion hazard which includes the following soil types:

- Manor silt loam, 15 to 25 percent slopes (MaD)
- Manor very stony silt loam, 25 to 60 percent slopes (MbF)
- Pequea silt loam, 15 to 25 percent slopes (PeD)
- Pequea silt loam, 25 to 50 percent slopes (PeE)

Establishment - Any privately-owned place of business carried on for profit, any place of amusement or entertainment to which the public is invited, and any similar place.

FAA - The Federal Aviation Administration or any agency successor thereto.

Family - One (1) or more persons related by blood, marriage, adoption or foster relationship, living together as a single housekeeping unit; or a group of not more than three (3) unrelated persons who are living together in a single dwelling unit and maintaining a common household with a single cooking facility. The term "Family" shall not include the occupants of a clubhouse, hotel, motel, fraternity house, dormitory or boarding or rooming house. A family shall include unrelated persons who reside within a group home as defined herein.

Farm - A lot upon which agriculture is the principal use and upon which may be located a single family dwelling which is occupied by the operators of the farm as an accessory use. A lot where the principal use is a residential dwelling and which contains land of sufficient size for agricultural use but where the land is not utilized for agriculture as the principal use of the lot or where the agricultural land is leased to a person not related to the occupants of the dwelling shall not be considered a farm.

Farmette - A lot greater than five (5) acres in area which is used principally for residential purposes, whether or not any portion of the lot is used as a garden or otherwise planted with crops or uses for agriculture. A lot which is greater than five (5) acres and which contains a residence shall be conclusively presumed to be a farmette if agricultural or horticultural products produced on such lot are not commercially sold.

Farmstead Curtilage - The buildings and adjacent service areas of a farm.

Fault - A surface or zone of bedrock fracture along which there has been movement.

FCC - The Federal Communications Commission or any agency successor thereto.

FEMA - the Federal Emergency Management Agency or any successor thereto.

Fence - A man-made barrier placed or arranged as a line of demarcation between lots or use to enclose a lot, parcel, tract or portion thereof. The term "Fence" does not include barriers of landscaped materials such as trees, bushes or hedges (see Section 1720).

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.

Finished Grade - See Grade, finished.

Flood, Flooded, or Flooding - A partial or complete inundation of normally dry land areas from the overflow of a watercourse or other body of surface water, or from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood, 100-Year - A flood which is likely to be equalled or exceeded once every 100 years [i.e. that has a one (1%) percent chance of being equalled or exceeded in any given 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, Department of Environmental Resources, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

Flood, 500-Year - A flood which is likely to be equalled or exceeded once every five hundred (500) years [i.e. that has a one-fifth (1/5) of one (1%) percent chance of being equalled or exceeded in any given 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, Department of Environmental Resources, or a licensed professional engineer registered by the Commonwealth of Pennsylvania is necessary to define this flood. The 500-year discharge for Conestoga Creek in Pequea Township was exceeded by more than thirty (30%) percent in 1972.

Flood Boundary, 100-Year - The outer boundary of an area of land that is likely to be flooded once every one hundred (100) years [i.e. that has a one (1%) percent 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, the Department of Environmental Resources, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define its boundary.

Flood Boundary, 500-Year - The outer boundary of an area of land that is likely to be flooded once every five hundred (500) years [i.e. that has one-fifth (1/5) of one (1%) percent 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, Department of Environmental Resources, or a licensed professional engineer registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

Flood Elevation, 100-Year - The water surface elevations of the 100-Year Flood.

Flood Elevation, 500 Year - The water surface elevations of the 500-Year Flood.

Flood of Record - The flood which has reached the highest flood elevation above mean sea level at a particular location.

Floodplain - A floodplain may be any one or a combination of:

- a) That land which adjoins a river, stream, pond, lake, or watercourse which is within fifty (50) feet from the banks thereof.
- b) A relatively flat or low land area adjoining a river, stream, pond, lake, or watercourse which is subject to partial or complete inundation during a 500-year design frequency storm.
- c) An area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Prone Areas - Areas within a floodplain, alluvial soil, or areas containing the following soils which are subject to frequent or occasional flooding as identified in the Soil Survey:

Bowmansville silt loam - Bo

Comus silt loam - Cm
Fluvaquents and Udifluvents, loamy - Ff
Holly silt loam - Hg
Linden silt loam - Lg
Lindside silt loam - Ln
Newark silt loam - Nc, Nd
Nolin silt loam - Ne
Rowland silt loam - Rd

Floodproof, Floodproofed, or Floodproofing - Any combination of structural and/or nonstructural provision, additions, changes, or adjustments to structures or contents which are designed or adapted primarily to reduce or eliminate flood damage to those structures or contents.

Floodway - The channel of a stream, river, or other body of water, plus any adjacent floodplain areas, that must be kept free of encroachment in order that the 100-year flood can be carried without increasing flood heights by more than one (1) foot at any point and without creating hazardous velocities.

Floodway Fringe - That portion of the floodplain, outside of the floodway, which could be completely obstructed without increasing the water-surface elevation of the 100-year flood by more than one (1) foot at any point.

Floor Area (Gross) or Space - The aggregate areas of all floor areas in a building or structure. Floor area shall be determined by measuring the horizontal plane from interior wall to interior wall at floor level. Floor area shall include basements used for non-residential purposes. Floor area shall not include residential unfinished basements or private garages as defined in this Ordinance.

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

Frontage - That part of a lot abutting a street right-of-way, commonly referred to in terms of "feet of frontage."

Garage, Community - A building for use as storage space for three (3) or more vehicles for the convenience of the general public in which no business uses such as servicing, repairing, washing or reconditioning of motor vehicles occurs.

Garage, Private - A building, or part thereof, used for the storage of no more than three (3) automobiles or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than three-quarter ton capacity may be stored therein where the

use of such vehicle is not incidental to the use of the premises, but owned and operated by the owner or occupants of the premises. The term "private garage" shall not apply to any business use of a garage including the leasing of more than one (1) vehicle space to a non-occupant of the premises. For "detached private garages" see Section 1716.

Garage Sale - See "Yard Sale".

Garbage - All animal and vegetable waste and all putrescible matter.

Ghost Lakes - Transient surface bodies of water formed in depressions after heavy precipitation.

Golf Course - Any tract designed and improved for the playing of golf, not including any driving ranges, "chip n putt", or miniature golf courses (see Section 1936).

Grade - The natural surface of the ground, lawns, walks or streets adjoining the exterior walls of any building or structure.

Grade, Finished - The completed surface of the ground, lawns, walks or streets adjoining the exterior walls of any building or structure.

Greenbelt - A landscape buffer containing not less than 70% of its areas in trees and shrubs, as calculated based on mature size, of which not less than 70% shall be trees. Greenbelts shall not include structures such as porches, sheds, on-lot sewage disposal systems, play structures, pools, gardens, animal enclosures, parking areas, paved areas, access drives, driveway or other similar elements.

Greenhouse - See "Nursery".

Group Home - A dwelling operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons. Group homes shall be licensed where required by any appropriate governmental agency, and a copy of any required license shall be provided to the Township prior to commencing such use. Group homes shall be subject to the same limitations and regulations as single family dwellings. It is the express intention of the Township to comply with all requirements of the Fair Housing Amendments Act of 1988, 42 U.S.C. §3601 et seq., in the interpretation of this definition.

Ground Cover - Spreading plants including sods and grasses less

than twelve (12) inches in height at maturity which are used for erosion control.

Hazardous Material - Materials which are classified by the Environmental Protection Agency, the Pennsylvania Department of Environmental Resources, or the Township as having have the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers, located in flood prone areas.

Hazardous Waste - Any substance classified by the Environmental Protection Agency, the DER, or the Township as having the potential to damage health or impair safety including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

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

"Hazardous waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended, in the definition appearing in 35 P.S. §6018.103.

Hazardous Waste Facility - Any structure, group of structures, above ground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

Health and Recreation or Fitness Clubs - See "Clubs, Private or Commercial Recreation and Entertainment Facilities".

Hedgerow - A line of plants that may occur naturally where seeds

collect and are left undisturbed, such as along fence lines, property lines, or between fields, or that is specially planted and cultivated to act as a windbreak or wildlife habitat.

Height - See "Building Height".

Heliport or Helistop - A lot, parcel or tract of land, water or a structural surface which is designed, intended or used primarily for the landing and taking off of helicopters and any appurtenant areas which are designed, intended or used for helicopter support facilities, including but not limited to maintenance, fueling, parking, storage hangers, passenger terminals (see Section 1917).

Highway - See Road and Street.

Historic - See Cultural Landscape.

Historic Property - A district, site, building, structure or object that is on or eligible for inclusion on the National Register of Historic Places, is recognized by the Pennsylvania Historical and Museum Commission as being historically significant, is recognized by the Historic Preservation Trust of Lancaster County as being historically significant, is identified in Our Preset Past prepared by the Historic Preservation Trust of Lancaster County, or contains a structure meeting the definition of the term "historic structure" in Section 404 of this Ordinance. Any lot which contains an historic property shall also be considered an historic property.

Historic Site - Any area, building or natural feature which has been designated by statute, ordinance or departmental or executive declaration of any governmental body as possessing historic significance.

Home Occupation - A nonresidential use or activity conducted by persons residing in a residential dwelling and its premises that is clearly subordinate and accessory to the residential use of the premises and which is customarily carried on by occupants of a dwelling. A home occupation may be, but is not limited to, a professional or nonprofessional office or a commercial enterprise. A home occupation does not include a "No-Impact Home-Based Business" or a "Day Care", "Day Care, Church", "Day Care, Commercial", or "Day Care, Family", as defined by this Ordinance.

Horticulture - The growing of fruits, vegetables, flowers, ornamental plants, or trees for a profit.

Hospital - A building or part thereof used for the medical, psychiatric, obstetrical or surgical care on a 24-hour basis. The term "Hospital" shall include facilities used for medical research and training for health care professions, general

hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities which provide in-patient care. The term "Hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania (see Section 1943).

Hotel - A facility which provides lodging to transient guests for compensation, which contains more than five (5) guest rooms with less than twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through a lobby. A hotel may also include a dining room and a kitchen operated by the same management as an accessory use. An establishment which rents rooms for a period in excess of thirty (30) days shall be considered a boarding, rooming or lodging house.

Hunting Facility - See Sportmen's Club (see Section 1927).

Hydric Soils - A soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils include soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation and soils that are sufficiently wet because of artificial measures. In addition, hydric soils shall be considered any soils included on the hydric soils list published by the United States Department of Agriculture Natural Resources Conservation Service for the Commonwealth of Pennsylvania.

Impervious Surface - A surface that does not absorb rain, including all buildings, parking areas, driveways, roads, sidewalks, storage areas and areas of concrete and nonporous asphalt and other such areas as shall be determined to be nonporous by the Township Engineer.

Important Natural Habitat - Any land area characterized by any or all of the following:

- a) Wetlands as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service;
- b) Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered;
- c) PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2; and,
- d) Sites identified by the Lancaster County Natural Heritage

Project.

Improvement - See "Substantial Improvement".

Impulsive Sound - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop forge impacts, punch presses, and the discharge of firearms.

Individual On-Lot Sewage System - Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

Inn - A detached facility where between one (1) and five (5) rooms are rented to provide temporary lodging for a fee to registered overnight guests on a daily basis not to exceed two (2) weeks, in which meals may be served only to those overnight guests. An inn shall not include a group home as defined herein.

Intensive Agricultural Production - The intensive or accelerated raising of poultry, animal or agricultural produce and/or by-products of the same for commercial sale including, including but not limited to mushrooms. The commercial keeping of more than two (2) animal units per acre of land shall be classified as intensive agricultural production (see Section 1911). For purposes of this Ordinance one (1) animal unit shall be equivalent of:

Four (4) hogs;
Three hundred (300) chickens;
One (1) animal weighing between two hundred (200) and one thousand (1,000) pounds;
Three (3) animals weighing less than two hundred (200) pounds each.

Intensive Agricultural Production Facility - A farm building, mushroom house, kennel, structure and/or facility specially designed, constructed and/or operated for the intensive and accelerated raising of poultry, animal or agricultural produce and/or by-products of the same for commercial sale including, but not limited to, an environmentally controlled house or other confined housing for poultry, animals, mushrooms, and/or by-products, which structure is five thousand (5,000) square feet or larger (see Section 1911).

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

Junk - Any worn, cast off, discarded or stored material

including unlicensed vehicles, machinery, and equipment ready for destruction or which has been collected for salvage, or conversion of some use.

Junk Yard - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, glass, motors, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of one (1) or more unlicensed, wrecked, abandoned, junked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junk yard." [A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration.] Any lot, parcel, tract, building, structure or part thereof, which is used to collect, store or transfer any garbage, municipal, residential or solid waste as defined by the DER, toxic or hazardous substances shall not be considered a junk yard.

Karst - A type of topography that is formed over limestone, dolomite or gypsum by bedrock solution, and that can be characterized by closed depressions or sinkholes, solution channels, caves, or underground drainage.

Kennel - Any lot on which three (3) or more non-farm animals exceeding six (6) months of age are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels (see Section 1919).

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 nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential 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) Development in accordance with Section 503 of the Municipalities Planning Code.

Landowner - See "Owner".

Landscape Architect - a professional landscape architect licensed by the Commonwealth of Pennsylvania.

Landscape Area - The non-impervious area of a lot which contains plant matter, trees, and/or vegetative ground cover.

Landscape Buffer - A continuous strip of land, either landscaped or living greenspace, clear of all buildings, structures, parking areas, outdoor storage areas and detention ponds, on-lot sewage disposal systems, and clear of any use other than open space, and which contains vegetative material of sufficient height and density to substantially conceal from view year-round the structures and uses on the lot on which the landscape buffer is located. A landscape buffer may include a street or driveway or access drive connecting an access point with the interior side of the landscape buffer by the most direct route. A landscape buffer shall not include any recreation area or private street (except as above) or an existing or future public street right-of-way.

Landscaping - Landscaping shall include grass and other plantings such as trees, shrubs, and bushes, and/or vegetative ground cover.

Large Animal - Any wild or domestic animal of the bovine, equine, swine, or sheep family.

LCCD - The Lancaster County Conservation District or any entity successor thereto.

Life Care Center - Same as Retirement Community (see Section 1945).

Line, Building Setback - See Building Setback Line.

Line, Front Lot - Front lot line shall mean the line separating such lot from any street or other public way. If more than one (1) such lot line exists, all shall be deemed front lot lines.

Line, Lot - A line forming the front, rear or sides of a lot. Any lot line which abuts a street or other public way shall be measured from the right-of-way. A property line.

Line, Property - A recorded boundary of a plot. Any property line which abuts a street or other public way shall be measured from the right-of way. A lot line. An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by

different persons, a demarcation or a line of separation of properties, and also, for any two or more buildings sharing common grounds, the line drawn midway between any two (2) said buildings. All areas devoted to public right-of-way shall be deemed to be across the property line.

Line, Rear Lot - Any lot line which is parallel to or within 45 degrees of parallel to the front lot line. In the event that a lot has no street frontage or is a lot of an odd shape, the lot line farthest from any street shall be considered the rear lot line, provided, however, that no rear lot line shall have a horizontal linear dimension less than 25 feet.

Line, Side Lot - Any lot line which is not a front or rear lot line.

Lineament - Any line on an aerial photograph that indicates mineral bandings, veins, faults, joints, or rock boundaries.

Loading Space - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

Lodge - See Club, Private (see Section 1929).

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 Agricultural District, a lot is a piece, parcel or plot of land occupied or to be occupied by one (1) or more principal buildings and accessory buildings, including the open spaces required under this Ordinance, or to be used for agriculture or held as open space. A "lot" may or may not coincide with a lot of record and includes one (1) or more adjacent pieces, parcels, or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot Area - See "Area".

Lot, Corner - A lot at the point of intersection of and abutting two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. Corner lots shall have two (2) front yards adjacent to the streets. The remaining yards shall be side yards.

Lot Coverage - A percentage of the lot area which may be covered with an impervious surface.

Lot Depth - The horizontal distance that begins at the street

right-of-way line at the midpoint between the side lot lines and that ends at the closest portion of the rear property line. On corner and reverse frontage lots, the lot depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

Lot, Flag - A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.

Lot, Interior - A lot other than a corner lot, the sides of which do not abut a street.

Lot, Through - An interior lot having frontage on two parallel or approximately parallel streets. Through lots shall have two front yards and two side yards.

Lot Width - The distance measured between the side lot lines at the required or proposed building setback line. When there is only one (1) side lot line, as in the case of single family semi-detached or some single family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. For interior single family attached dwellings, lot width shall be measured between the center lines of party walls. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line.

Main Building - See Building, Principal.

Manufactured Home or House - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used on a permanent foundation. Each manufactured home shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. In the Floodplain District, the term includes park trailers, travel trailers and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

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

Manure Storage Facilities - See "Animal Waste Storage Facilities" and Section 1728.

Maximum Flood Elevation - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain District.

Mean Sea Level - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

Medical or Dental Center; Medical or Dental Office; Medical or Dental Clinic - A building or part thereof used for medical, psychiatric, obstetrical, dental or surgical care. The term "Medical Center" shall include facilities similar to general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals and any other such facility which provides care, whether or not on a 24-hour basis, but does not provide services or care for overnight stays. Home offices of health care professionals shall be considered home occupations and shall not be included in this definition.

Minerals - Limestone, dolomite, gravel, rock, stone, vermiculite, clay, and similar materials.

Minimize - To reduce to the smallest amount possible. "Minimize" shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to "minimize" shall include but not be limited to the requirement that the placement of dwellings and other structures and the location of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to disturb the least amount of land possible under the circumstances consistent with the otherwise permitted development.

Mining - The extraction of minerals from the earth, from waste or stockpiles, or from pits or banks which require the removal of over-burden, strata, or material overlying above or between minerals, or by otherwise exposing or retrieving materials found on the lands. Such activities shall include strip, drift, auger and open-pit mining, quarrying, leaching and box cutting, but shall not include activities carried out beneath the surface of the earth by means of shafts, tunnels, or other subterranean mining openings (see Article V - A and Section 1913).

Mini-storage Facilities - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted (see Section 1946).

Minor Repair - The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or

portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers are not considered mobile homes under this definition. Mobile homes placed in mobile home parks shall meet the requirements for Mobile Home Parks listed in Article XI of this Ordinance. Mobile homes placed on individual lots shall be considered "dwellings" and be bound by the requirements there-imposed.

Mobile Home Lot - See "Mobile Home Space".

Mobile Home Park - A parcel or contiguous parcels of land which have been so designated and improved to contain two (2) or more mobile home lots or spaces for the placement thereon of mobile homes for non-transient use.

Mobile Home Space - A parcel of land in an approved mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Stand or Pad - That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

Motel - A facility which provides lodging to transient guests for compensation, which contains more than five (5) guest rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through a lobby. A motel may also include a dining room and a kitchen operated by the same management as an accessory use. An establishment which rents rooms for a period in excess of thirty (30) days shall be considered a boarding, rooming or lodging house.

Municipal Use - Any use owned and/or operated by the Township.

Municipal Waste - Municipal waste as defined in the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988, as may be amended and supplemented.

Municipal Waste Planning, Recycling and Waste Reduction Act - The Act of July 28, 1988, P.L. 556, No. 101, 53 P.S. §4000.101 et seq., as the same may be amended and supplemented.

Municipalities Planning Code (MPC) - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 et seq.

Native to the Area - Species historically endemic to the area.

Natural Feature - A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those which, if disturbed, may cause hazards or stress to life, property or the natural environment.

Neighborhood Convenience Center - A unified grouping in one (1) building of retail stores and shops which primarily serve the regular everyday needs of and for the convenience of people residing in a five hundred (500) unit or larger R2 District development (see Section 1906). This is distinct from a "convenience store."

New Construction - Structures for which the start of construction commenced on or after the effective date of this Ordinance.

Nightclub - Any building use for on-site consumption of alcoholic or non-alcoholic beverages where live entertainment can be offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer and wine as an accessory use. "Nightclub" includes an "under 21" club which features entertainment (see Section 1947).

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, pick-up, 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 inventory 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 twenty-five (25%) percent of the habitable floor area.
8. The business may not involve any illegal activities.

Noise - Any sound which annoys or disturbs humans or which causes or tends or may tend to cause an adverse psychological or physiological effect on humans.

Noise Disturbance - Any sound which (1) endangers or injures the safety or health of humans or animals, or (2) annoys or disturbs a reasonable person of normal sensitivities, or (3) endangers or injures personal or real property, or (4) is in excess of the sound levels by zoning districts established in Section 1732.

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

Nonconforming Lot - A lot of which the area or dimension was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning

district in which it is located by reasons of such adoption or amendment.

Nonconforming Sign - See "Sign, Nonconforming" and "Nonconforming Building or Structure".

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

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

Non-Residential - Any use other than single or multi-family dwellings. Any institutional use in which persons may reside, such as a dormitory, prison, nursing home or hospital, shall also be considered a non-residential use (see Section 1733).

Nursery School - See "Day Care".

Nursery (Greenhouse) - A lot, parcel, tract, building, structure or part thereof used for the raising and distribution of trees, shrubs, flowers, house plants and other similar plants (see Section 1953).

Nursing, Rest or Retirement Home - Facilities designed under one (1) roof to provide housing, boarding, and dining for the elderly or infirm with some level of nursing care on a 24-hour basis for five (5) or more persons. This is distinctly differentiated from "Retirement Community" (see Section 1948).

Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, stockpile, structure, or other matter in, along, across, or projecting into any channel, watercourse, flood-prone area, or floodplain, 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 that is placed where the flow of water might carry the same downstream to cause damage to life or property.

Occupancy - Use of a building or lot for a specified purpose.

Office - A place where the primary use is conducting the affairs

of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use. The term "office" shall not include retail or industrial uses.

Official Plan - As it pertains to sewage systems, a comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the DER in accordance with the Pennsylvania Sewage Facilities Act and with applicable DER regulations.

Official Zoning Map - The map adopted by this Ordinance pursuant to Article III.

Off-Premise - See "Premises".

Off-Street Parking Area, Private - An area on private property designed and used for the parking or storage of one (1) or more passenger vehicles as an accessory use. Private off-street parking areas shall include private garages, carports and improved accessory parking spaces (see Article XIV).

Off-Street Parking Area, Public - An open space, other than a street or other public right-of-way, designed, maintained and used by the general public for the parking of vehicles.

On-Lot Sewage System - See Individual On-Lot Sewage System.

Open House - An event conducted as part of an attempt to sell or lease a property, whereby the property is open for public inspection. Open houses must always include the on-site supervision by the property owner or his/her agent. Other regulations are contained in Sections 1311 and 1312.

Open Space - A space unoccupied by buildings or paved surfaces and open to the sky or to living vegetation, which may be on the same lot with the building.

Open Space Area, Required - An area or areas of land and/or water, set aside to preserve open space and to protect natural features and cultural landscapes. The required open space area shall be part of the Common Open Space and shall be free of paved areas and structures other than historic sites, and permanently restricted for common enjoyment and recreational use by residents of a development or the general public. Required open space area shall not include any setback area or greenbelt.

Open Space, Common or Public - A parcel or parcels of land, an

area of water, or a combination of land and water, within a subdivision or land development designed and intended for the use of all residents of the development (common open space) or the general public (public open space), not including streets, off-street parking areas, setbacks, greenbelts, or areas at other than ground level. Common or public open space shall be substantially free of structures but may contain such improvements as are appropriate for the recreational use by the residents or the general public as permitted in Section 1964, subdivision and land development regulations, or other provisions of this Zoning Ordinance.

Operator - Any person owning, operating, managing, or conducting any establishment. Whenever used in any clause prescribing penalty, the word "operator" shall include the members, partners, officers, and managers of any firm, association, partnership, or corporation.

Ordinance - See "Zoning Ordinance".

Owner - Any person who, alone or jointly or severally with other persons, has legal title to any premises. This includes any person who has charge, care or control over any premises as (a) agent, officer, fiduciary, or employee of the owners; (b) the committee, conservator, or legal guardian of an owner who is incompetent, a minor otherwise under a disability; (c) trustee, elected or appointed, or a person required by law to act as a trustee, other than trustee under a deed of trust to secure the payment of money; or (d) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner or his or her estate. This does not include a lessee, sublessee or other person who merely has the right to occupy or possess a premises.

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Parent Tract - When used in determining the permissible number of lots which may be subdivided or dwellings erected in the Agricultural District, all contiguous land held in single and separate ownership, regardless of whether

- a) such land is divided into one or more lots, parcels, purparts or tracts;
- b) such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or

- c) such land is bisected by public or private streets or rights-of-way,

which was held by the landowner or his predecessor in title on October 10, 1988, or, if such land was not classified as Agricultural District on October 10, 1988, which was held by the landowner or his predecessor in title on the date such land was first classified as Agricultural District after October 10, 1988.

Parking Lot - An accessory use in which any required or additional parking spaces are provided subject to the requirements listed in Article XIV of this Ordinance.

Parking, Interior - Parking rows which are not located on the external boundary of the development.

Parking, Peripheral - Parking rows consisting of individual parking spaces which abut the external boundary of a development.

Parking Row, Double - Two (2) parallel rows of spaces for the parking of motor vehicles arranged so that when parked, the front end of each motor vehicle faces the front end of another motor vehicle as illustrated in Figure 2 in Appendix A.

Parking Row, Single - A single row of spaces for the parking of motor vehicles as illustrated in Figure 1 in Appendix A.

Parking Space - An off-street area designed or used for the parking of one (1) motor vehicle, exclusive of passageways, driveways and accessways appurtenant thereto. It shall have useable access to a street or alley (see Article XIV).

Park, Private - A recreational facility owned or operated by a non-public agency and/or conducted as a private gainful business.

Parks, Public and/or Non-Profit - Those facilities designed and used for recreational purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) area operated on a non-profit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses and amusement arcades.

Patio - See "Deck" and also Section 1718.

PennDOT - The Pennsylvania Department of Transportation.

Permit, Temporary Use - A certificate issued by a designated Township official for the conduct of a use for a limited time period indicating the duration of the permit and indicating that

all special requirements governing such use and all other applicable zoning requirements have been met.

Permit, Zoning - A certificate issued by a designated Township official stating that the purpose for which a building or land is to be used is in conformity with all requirements of the Zoning Ordinance for the zoning district in which the use is situated.

Permitted Use - A use of a lot, parcel, tract, building, structure, sign or part thereof which is permitted as of right in a particular zoning district.

Personal Service Establishments - Commercial establishments primarily providing services, which do not involve retail sales or professional advisory services. The term "personal service establishments" shall include those oriented to serving personal needs, such as barber and beauty shops, shoe repair shops, household appliance repair shops, drycleaning and laundry pickups, shoe shine parlors and other similar establishments.

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.

Place of Worship - See "Church".

Plan - A drawing submitted as part of the required application for a Zoning Permit, prepared and sealed by a registered professional engineer, architect, landscape architect or surveyor unless the "plan" is for another purpose.

Planning Commission - The Planning Commission of Pequea Township.

Planning Module for Land Development - A revision to, or an exception to a revision to, the Township's Official Sewage Facilities Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

Planting - The covering of open space with vegetative matter such as grass, trees, shrubs, and bushes.

Poultry - Domestic fowl including but not limited to chickens, turkeys, ducks, and geese.

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 building 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 part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

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

Prime Agricultural Land - Land used for agricultural purposes that contain soils of the first, second or third class as defined by the United States Department of Agriculture, Natural Resource and Conservation Services County Soil Survey.

Principal Building - See Building, Principal.

Principal Use - The main or principal use of property or structures.

Private Club - See Club, Private.

Property Line - See Line, Property.

Professional Occupation - An occupation for gain or support conducted by a member of the medical, dental, veterinary or legal professions.

Public - Owned, operated, or controlled by a governmental agency (Federal, State, County or Local, including a corporation created by law for the performance of certain specialized

governmental functions).

Public Building - See Building, Public.

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

Public Meeting - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

Public Place - Any public street, highway, road, alley, park, playground, vacant lot, public building or ground, railway station, bus terminal or similar place.

Public Road - A public right-of-way including a street, road, lane, alley, court or public space which has been dedicated or deeded to the public or public use and which affords principal means of access to abutting property.

Public Sewer - Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots, and the treatment and/or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site and which shall comply with all applicable regulations of the DER, the Public Utility Commission, and the Township, as applicable.

Public Space - A plot or area of land outside the building, dedicated or devoted to public use by legal mapping or any other lawful procedure.

Public Uses - Includes public and semi-public uses of welfare and educational nature, such as schools, parks, fire stations, municipal buildings and municipal garages, and etc.

Public Utility - A use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority, or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy, telephone or other communication service, excluding the facilities of any public utility to the extent such facilities are subject to the jurisdiction, power and authority of the Pennsylvania Public Utility Commission under the Public Utility Code, 66 Pa. C.S. §101 et seq. It is the intent of the Township to regulate public utility facilities only to the extent permitted by the Municipalities Planning Code, the Public Utility Code, and applicable case law interpreting these statutes (see Section

1951).

Public Water - A public or private utility system designed to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the DER, the Public Utility Commission or the Township, as applicable.

Quarrying - See "Mining".

Radioactive Material - Any natural or artificially produced substance which emits radiation spontaneously (see Sections 1717 and 1731).

Recreational or Entertainment Facility - A building or open air facility housing an activity open to the public for the purpose of public recreation or entertainment, including but not limited to bowling alleys, theatres, drive-in motion picture facilities, swimming pools, health or exercise clubs, museums, etc. Recreation or entertainment facilities shall not include adult-related uses, amusement arcades, nightclubs or golf courses as defined herein.

Recreation Land, Active - Land dedicated to the Township or other entity approved by the Township for the use of the Township's residents which is suitable for active uses such as playing fields. The term "active recreation land" shall not include areas within the five hundred (500) year floodplain, power line or pipeline rights-of-way, quarries, road rights-of-way, buffers, storm water management facilities, areas characterized by wetlands, hydric soils, slopes in excess of five (5%) percent or woodlands.

Recreation, Private or Commercial - Leisure time activities that are only open to members, guests, or some specific groups or that are principally operated for commercial purposes (see Section 1931).

Recreational Vehicle or Unit - A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles include travel trailers, truck-mounted campers, motor homes, folding tent campers and automobiles, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all-terrain vehicles, go-cart, boat trailers, and other vehicles not suitable for daily conventional family transportation on Township roads, streets and highways.

Recycling Facility - A recycling facility as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act.

Refuse - All waste substances including garbage as well as combustible and non-combustible wastes.

Repair Facilities - See Section 1922.

Residential Development - A subdivision or land development as those terms are defined in the MPC, whether initially or cumulatively, of a tract under single and separate ownership, for the purpose of erecting residential dwelling units.

Residual Waste - All waste defined as residual waste in the Solid Waste Management Act of July 7, 1980, as amended, said definition appearing in 35 P.S. §6018.103.

Resource Recovery Facility - A resource recovery facility as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act.

Rest Area - Open areas intended for the purpose of providing either leisure activities, public conveniences, and/or for increasing the aesthetic value of a tract; limited to the following facilities: public benches, public walk areas, public toilets, landscaping, flagpoles, statues and sculptures, fountains, memorials, and the like (see Section 1905).

Rest Home - See "Nursing Home".

Restaurant - Any establishment at which food or drink is sold for consumption on the premises. The term "restaurant" shall not include any snack or community playground, play field, park or swimming pool operated by a governmental agency or municipal agency for the convenience of the patrons of those facilities. A restaurant serves prepared food primarily on nondisposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five (5%) percent of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

Restaurant, Drive-thru or Fast Food - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site (see Section 1932).

Retail Store/Sales - A single business enterprise or grouping thereof, with less than fifty thousand (50,000) square feet under roof, which primarily engages in the display and retail sales of consumer goods such as wearing apparel, antiques, books, beverages, confections, drugs, dry goods, flowers, food stuffs, gifts, garden supplies, hardware supplies, household goods, jewelry, paint, periodicals, etc. (see Section 901). This term shall not include adult-related facilities as defined herein.

Retirement Community - A planned community for senior citizens which will provide care, supervision, living accommodations, and

recreation. The entire community shall be retained in single ownership. The community may include, for exclusive use of residents and their guests, related accessory facilities such as administrative offices, complete health care facilities, dining facilities, social rooms, craft and hobby shops, gift shops and overnight guest rooms (see Section 1945).

Retirement Home - See "Nursing Home".

Reverse Frontage Lot - A parcel designed such that individual residential uses abut a street on both the front and the rear, with vehicular access from only one (1) street. A lot will only be deemed a reverse frontage lot if access is from a lesser classification of street (if the classifications of each are different).

Right-Of-Way - Land set aside or designated for public or private streets, roadways, sidewalks, curbs, and the installation of public utilities. The term "Right-Of-Way" shall include the ultimate or future right-of-way. A right-of-way is also a corridor of publicly owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to roads, streets, highways, and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way.

Right-Of-Way Line, Existing - The line separating a lot from the area designated for a street or utility purpose.

Right-Of-Way Line, Future or Ultimate - The line separating a lot from the area designated for the eventual expansion of street or utility rights-of-way (see "Street Right-of-Way Line").

Road - Any road, street, avenue, boulevard, highway, freeway, parkway, lane, alley, viaduct, and any other way used or intended to be used by vehicular traffic, whether public or private. This definition shall include all roads, whether privately maintained, whether actually maintained by Pequea Township or the state of Pennsylvania as part of its road system, or whether shown on a subdivision and land development plan to be offered or dedicated to Pequea Township in the future as part of its road system.

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, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, televisions receivers only or TVROs, and satellite microwave

antennas. A satellite dish antenna which is used for transmission as well as reception shall be considered a communications antenna and shall meet all requirements for communications antennas.

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

- a) Commercial School - A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the Penn Manor School District.
- b) Private School - An educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs, and artistic, dance, baton-twirling, and musical training. Private educational institutions 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 herein.
- c) Nursery School - See "Day Care".
- d) Public School - A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the Penn Manor School District.
- e) 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. Truck driving;
 2. Engine repairs;
 3. Building constructions and general contracting;
 4. Woodworking;
 5. Masonry;
 6. Plumbing;
 7. Electrical contracting; and,
 8. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 1736 and 2203.

Screen, Landscape - See Landscape Buffer.

Screen, Screened or Screening - A continuous strip of land, either landscaped or living green space, clear of all buildings, structures (other than fences), on-lot sewage disposal systems, parking areas, access drives, driveways, outdoor storage areas, detention basins, and any use other than open space. The word "screen" refers to a landscape screen unless an architectural or

fence screen is specifically required by another Section of this Ordinance. Unless an architectural or fence screen is specifically required by another Section of this Ordinance, a screen shall contain vegetative material of sufficient height and density to substantially conceal from view year-around the structures and uses on the lot on which the screen is located. The terms "to screen" and "screened" shall be interpreted to require the installation and preservation of a screen meeting the requirements of this definition.

Setback - The distance between a use, building or structure and a lot boundary or right-of-way line, whichever is less.

Setback Line - See "Building Setback Line".

Sewage Enforcement Officer (SEO) - The Sewage Enforcement Officer of the Township.

Shallow Depth to Bedrock - Any area comprised of soils which are classified by Table 12 of the Soil Survey of Lancaster County, prepared in 1985 and as may be amended by the USDA-SCS, as having severe or moderate limitations for septic tank absorption fields due to shallow depth to bedrock. These areas include the following soil types:

Bedington - BdA, BdB, BdC
Blairton - Bm
Brecknock - BrB, BrC, BSB
Clymer - ClB
Duffield - DbA, DbB
Glenelg - GbB, GbC
Hagerstown - HaA, HaB, HbC
Lansdale - LaB, LaC
Pequea - PeC
Ungers - UaB, UaC, UbB

Shrub - A woody perennial planting differing from a perennial herb by its more woody stem and from a tree by its low stature and habit in branching from the base.

Shopping Center - A group of retail stores planned and designed for the site on which it is built, functioning as a single entity or unit, with shared off-street parking provided on the property as an integral part of the unit (see Section 1962).

Sight Triangle - See Clear Sight Triangle.

Sign - Any structure, building, wall or other outdoor surface, or any device or part thereof which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or other representations used for visual communication, announcement, identification, direction, or advertisement of use of land. The word "sign" includes the word "billboard" but does

not include the United States flag pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs. This definition does not include products displayed in the window displays of commercial establishments. It does, however, include any single or multi-faced sign affixed to the windows or glass doors or otherwise internally mounted such that it can be seen and understood from vehicular ways and/or parking areas, except any sign mounted within a building which obviously is primarily intended to be seen from within the building (see Article XIII).

- a) Sign, Advertising - A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the property on which the sign is located. An advertising sign shall include a commercial billboard.
- b) Sign, Area Of - The face of a sign including all lettering, wording, designs and symbols, together with background, whether open or enclosed on which they are displayed, including the frame, but not including any supporting framework or bracing. Where a sign consists of individual letters, numbers, characters, or symbols attached to a building wall, window, or door, the area of the signs shall be considered that of the smallest rectangle or other regular geometric shape which encompasses all elements of the sign such as letters, figures, symbols, designs, or other display. When a double-faced sign is erected in such a manner that both sides are not visible from the same vantage point, then only one face shall be used to compute the sign area. When a single sign structure has more than one (1) face with the same message, and no two (2) 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 vantage point. In the case of a cylindrical sign, one half of the total surface area shall be used to compute the area.
- c) Sign Billboard - See Sign, Panel Type.
- d) Sign, Building Facade - A sign located anywhere upon the entire vertical surface of a building facing the public way or most nearly parallel to the public way, including doors, parapets, and windows (no roof area included).
- e) Sign, Business Identification - A sign which directs attention to a business, profession, industry or similar activity conducted upon the property on which the sign is located, not to include home occupation signs.
- f) Sign, Changeable Copy - A sign on which message copy can be changed through use of attachable letters, numerals, or graphics, or by switching of lamps. A changeable copy sign

shall not be considered to be an animated sign unless switching lamps are utilized.

- g) Sign, Free Standing - A permanent sign erected on a foundation or supported by a structure or pole specifically designed to support the sign and which is not attached to a building.
- h) Sign, Governmental - A sign erected or placed by a governmental agency in furtherance of the public health, welfare, safety, and morals, providing public information or fulfilling official notice requirements and not for advertising purposes.
- i) Sign Height - The height of a sign shall be measured from the ground level at the time of the adoption of this ordinance to the highest point of the sign or sign structure unless otherwise defined in Article XIII. No sign shall ever be higher than the height limitation of the district in which it is located. The height of free standing signs is stated in Sections 1312 and 1314. Any sign attached to a wall may not extend above the wall.
- j) Sign, Identification - A sign used to display and identify only the name of the individual, facility, organization, agency, institution or development occupying the property upon which it is displayed, not to include a business identification sign.
- k) Sign, Incidental - An informational sign less than two (2) feet square in size, which carries a message such as "enter", "telephone", "rest rooms", "no parking", "warning", or similar information.
- l) Sign, Inflatable - A sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.
- m) Sign, Nonconforming - A sign lawfully existing at the effective date of the Ordinance which does not completely conform to the sign regulations applicable in the zoning district in which it is located.
- n) Sign, Obsolete - A sign which was, but has become no longer useful for its original purpose.
- o) Sign, Panel Type (Billboard) - A sign which directs attention to products, services or businesses conducted, sold or offered only elsewhere than upon the premises where the sign is displayed.
- p) Sign, Permanent - Any sign or sign structure which is

permanently affixed or installed, and is intended for long-term use.

- q) Sign, Political - A sign which indicates the name, cause or affiliation of a person seeking public office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.
- r) Sign, Public Right-Of-Way - That land area over which the Township or State have rights either through ownership or easement, to use the public street and utility purposes.
- s) Sign, Real Estate - Any temporary sign having not more than two (2) sides which, in whole or in part, announces the sale or lease of property, excluding subdivision identification signs.
- t) Sign, Subdivision - Any sign announcing the development of a new subdivision of land, and the sale or lease of the lots contained therein.
- u) Sign, Temporary - A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, intended for a limited period of display; including decorative displays for holidays or public demonstrations, and also moveable or portable signs on wheels or designed in such a manner as to be easily moved from one location to another.
- v) Sign, Vehicle - A sign affixed or painted on a vehicle, trailer, or similar device. Any such sign located on a premises for a period of three (3) or more days in any (6) six month period shall be considered a permanent sign.
- w) Sign, Wall - A sign attached to or erected against the wall of a building, with the exposed face of the sign in a plane parallel to said wall.

Single and Separate Ownership - A lot the owners of which are not identical with the owners of any lot adjoining the rear or either side of said lot.

Sinkhole - A localized sinking of land surface to a variable depth generally characterized by a roughly circular outline and a downward movement of soil into solution channels or bedrock voids (generally in a limestone region). See also "Depression" and "Depression, Closed".

Site Disturbance - Any activity which involves removal of vegetation or which causes land to be exposed to danger of erosion, including clearing, grading, filling, plowing, or earthmoving.

Small Animal - Any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, or chinchilla; and any wild or domestic fowl such as a chicken, turkey, duck, or pigeon (excepting homing pigeons).

Soil Survey - The latest published version of the United States Department of Agriculture's soil survey for Lancaster County, Pennsylvania.

Solid Waste - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement or hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

Solid Waste Disposal - The incineration, deposition, injection, dumping, spilling, leaking or placing of solid wastes into or on the land or water in a manner that the solid waste or constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the municipality.

Solid Waste Disposal Area or Facility - A lot, parcel or tract of land including but not limited to a sanitary landfill where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse (see Section 1912). Such use shall not include the disposal or processing of biological excrement, hazardous or radioactive materials. A trash or solid waste transfer facility is a type of solid waste disposal facility (see "Solid Waste Transfer Area").

Solid Waste Management Act - The act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. §6018.101 et seq., as may be amended and supplemented.

Solid Waste Transfer Area or Facility - A place where solid waste is disposed, brought, sorted, stored for less than four (4) days and transferred from one (1) vehicle to another vehicle or to a rail car for the purpose of transport to a permanent solid waste disposal area or facility (see "Solid Waste Disposal Area or Facility").

Sound - An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.

Sound Level - The weighted sound pressure level obtained by the

use of a sound level meter and frequency weighting network, such as A, B, C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound Level Meter - An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and any applicable weighing network used to measure sound pressure levels which meets or exceeds the requirement for a Type I or Type II sound level meter as specified in ANSI Specifications S1.4-1971. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

Special Exception - A use that may be allowed after the granting of a modification of the provisions of this Ordinance by the Zoning Hearing Board, as authorized in specific instances listed, and under the terms, procedures and conditions prescribed herein (see Article XIX).

Specimen Tree - A unique, rare or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance or any other characteristic.

Spring - A place where water flows naturally from a rock or soil upon the land of into a body of surface water or stream.

Sportsmen's Club - A nonprofit private facility for member use only which may include hunting, target practice, shooting competitions or related activity and which shall not include vending stands, merchandising or a commercial activity except in connection with fundraising for the association. A sportsmen's club shall not be operated in connection with a tavern, restaurant or other public place (see Section 1927).

Steep Slope - As defined in Article IV - A.

Storage Yards and Buildings - A building or yard used for the storing of goods and materials (see Section 1734).

Storm Water Runoff - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Street - See Road. Also the word "street" may be used interchangeably with the word "highway" and shall have the same meaning as "highway" as defined in The Vehicle Code.

Street Centerline - The horizontal line paralleling the street that bisects the street right-of-way into two (2) equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center

of the cartway.

Street (Right-Of-Way) Line - The dividing line between the edge of the street and the lot. The street line shall be the same as the legal right-of-way line provided that where a future right-of-way width for a road or street has been officially established, then the street right-of-way shall be the side line of the future right-of-way so established. See "Right-Of-Way Line".

Structure - Any manmade object having any ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures shall not include such things as sandboxes, swingsets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements. See also "Accessory Structure" and "Building, Principal".

Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two 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.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the fair market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the fair market value of the structure before the start of construction of the improvement. This term includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

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

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

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.

Supermarket - A retail market selling foods and household merchandise which contains 10,000 square feet or more of floor area. If the building within which the supermarket is located contains other uses, including but not limited to a branch bank, a discount retail merchandise store, or other facilities, additional regulations for those uses will also be applicable.

Supervisors - The Board of Supervisors of the Township.

Swimming Pool - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction (see Section 1721).

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

Township - Pequea Township, Lancaster County, Pennsylvania.

Township Engineer - The engineer appointed by the Board of Supervisors.

Township Planning Commission - The Planning Commission of Pequea Township, Lancaster County, Pennsylvania.

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

- a) The unit is of such size or weight as not to require a special highway movement permit from the DER when self-propelled, or when hauled by a standard motor vehicle on a highway.
- b) The unit is mounted or designed to be mounted on wheels.
- c) The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck.
- d) The unit contains, or was designed to contain, temporary storage of water and sewage, and
- e) The unit contains some identification by the manufacturer as a travel trailer.

Tree - Any woody perennial plant usually having one main stem or trunk and a crown, and growing to a height of ten (10) feet or more at maturity.

Tree, Canopy - Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown which attains a height of at least thirty (30) feet at maturity.

Tree Damage - The infliction of damage to a tree which is of such severity as to show evidence within a period of two (2) growing seasons of irreparable harm leading to the ultimate death of the tree. Examples of said serious damage include, but are not limited to: damage inflicted to the root system by machinery, storage of materials, and soil compaction; changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive thinning; paving with concrete, asphalt, or other impervious material within such proximity as to be harmful to the tree.

Tree, Evergreen - Any self-supporting woody plant with one (1) well-defined trunk, a conical shape and needle-like or scale-like foliage retained year-round which attains a height of at least twenty-five (25) feet at maturity.

Tree, Existing - Any self-supporting woody plant with one (1) well-defined trunk six (6) inches in diameter or greater measured at twelve (12) inches above the ground.

Tree, Non-Canopy - Any self-supporting woody plant with one (1) or more trunks which attains a height of less than fifteen (15) feet at maturity.

Tree, Protected - Any existing tree around which a barricade is placed during construction. The barricade shall be placed at the dripline or with a minimum radius of seven (7) feet, whichever is greater.

Tree Removal - The cutting down of a tree or the transplanting of a tree to a site other than that under development.

Two-Family Conversions - The conversion of an existing single-family detached dwelling to contain two (2) separate dwelling units (see Section 1956).

USDA - The United States Department of Agriculture or any successor agency.

Use - Includes the phrases "arranged", "designed" and "intended to be used" and shall mean a specific purpose for which land, buildings, or structures are designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation which may be conducted at a given location.

Use, Accessory - See "Accessory Use".

Use and Occupancy Permit - See "Certificate of Use and

Occupancy".

Use, Principal - See "Principal Use".

Utility - Equipment or facilities utilized for producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity or steam for the production of light, heat or power to or for the public for compensation; diverting, developing pumping, ponding and distributing or furnishing water to or for the public for compensation; transporting passengers or property as a common carrier; equipment or facilities for use as a canal, turnpike, tunnel, bridge, wharf, and the like for the public for compensation; transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products, materials for refrigeration of oxygen or nitrogen or other fluid substance by pipeline or conduit for the public for compensation; conveying or transmitting messages or communications by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation; and sewage, collection treatment or disposal for the public for compensation, excluding the facilities of any public utility to the extent such facilities are subject to the jurisdiction, power and authority of the Pennsylvania Public Utility Commission under the Public Utility Code, 66 Pa. C.S. §101 et seq. It is the intent of the Township to regulate public utility facilities only to the extent permitted by the Municipalities Planning Code, the Public Utility Code, and applicable case law interpreting these statutes (see Section 1951).

Variance - A modification of the terms of this Ordinance granted by the Zoning Hearing Board after hearing under the terms of this Ordinance (see Section 2203).

Vehicle - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

Vehicle Code - The Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, as amended, effective July 1, 1977.

Vehicular Dwelling - A transient dwelling, containing less than four hundred (400) square feet of gross floor area, including automotive drawn trailers or trailer coaches, which are designed primarily for vehicular mobility. See also "Travel Trailer" and "Recreational Vehicle".

Veterinarian's Office or Facilities - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted (see Section 1919).

View - The relative ability to see a given object from a designated location.

- a) Unobstructed - The ability to see most or all of the object; specifically, where more than eighty (80%) percent of the object is visible.
- b) Filtered - The ability to see some of the object; specifically, where twenty to eighty (20-80%) percent of the object is visible.
- c) Hidden - The ability to see little or none of the object; specifically, where less than twenty (20%) percent of the object is visible.

Viewshed - That portion of the landscape which can be readily viewed by the observer from one (1) or more vantage points. The extent of area that can be viewed is commonly delineated by land form, vegetation and/or distance.

Wall - A manmade structure which permanently or temporarily prohibits travel between properties or portions of properties or between the street or public right-of-way and a property (see Section 1720).

Warehouse and Wholesale Trade - A building or group of buildings primarily used for the storage, transfer and distribution of products and materials (see Section 1958).

Waste Storage Facilities, Animal - See "Animal Waste Storage Facilities".

Water Supply, Private - An on-lot water supply system generally providing for an adequate supply of potable water for one (1) building or a group of buildings on a single lot and in compliance with the DER Regulations or the Township regulations, whichever is more stringent.

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.

Waters of this Commonwealth - Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Wetlands - All areas meeting the criteria for wetlands as

specified by the United States Army Corps of Engineers, 1987 Manual, and/or the current regulations of DEP and/or the Lancaster County Natural Heritage Inventory and/or the Township, whichever is the most stringent. Wetlands are areas that are inundated or saturated by surface water 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 but not limited to swamps, marshes, bogs and similar communities.

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.

Wild Animal - Any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

Wind Energy Conversion System (WECS) - Any device which converts wind energy to mechanical or electrical energy (see Section 1724).

Window - An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

Witness Tree - Any tree estimated to be one hundred fifty (150) years old or older.

Wooded Area - Any area having more than one (1) viable tree (at least six (6) inches in diameter measured one (1) foot above the ground) per one thousand five hundred (1,500) square feet of lot area.

Woodlands - Areas characterized by dense and extensive tree cover growing closely together so that the drip lines touch or overlap, and in which there is more than one (1) viable tree of a diameter of six (6) inches or greater per one thousand five hundred (1,500) square feet of lot area. This definition includes groves of flowering or sub-canopy trees, such as dogwood trees, and young forests where the immature branches may not yet be interlocking. To determine if an area has a minimum of one (1) viable tree of six (6) inches or greater caliper per one thousand five hundred (1,500) square feet, the total area of land in question (in square feet) shall be divided by one thousand five hundred (1,500). If the result is equal to or less than the number of viable trees of the diameter of six (6) inches or greater, and meets the other stated characteristics,

the area in question is considered woodland.

Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the average elevation of the final grade upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as specified in this Ordinance (see also "Building Setback Line" and Section 1702).

- a) Yard, Front - The yard area between the front yard building of a building setback line or front main wall of a building and any street right-of-way, measured perpendicular to the property line.
- b) Yard, Rear - The yard area between the rear of a building or, if no building has been constructed, the rear yard building setback line and the closer of any property line, measured perpendicular to the property line.
- c) Yard, Side - The yard area between the side lot line and the nearest side of a building or, if no building has been constructed, the nearest side yard building setback line of the lot, measured perpendicular to the property line. A corner lot shall have two front and two side yards.

Yard Sale - A sale conducted on the premises by the owner or resident of the premises for the purpose of selling excess family possessions over no more than a two (2) day period and not to exceed twice yearly (see Section 1727).

Zoning - The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

Zoning Districts - The land use districts established by the Zoning Ordinance of Pequea Township (see Article III).

Zoning Hearing Board (ZHB) - The Zoning Hearing Board of Pequea Township.

Zoning Map - The official zoning map of Pequea Township (see "Official Zoning Map").

Zoning Officer - The administrative officer charged with the duty of administering and enforcing the provision of the Zoning Ordinance in accordance with its literal terms.

Zoning Ordinance - Pequea Township Zoning Ordinance, as amended. The term "Ordinance" shall refer to the Pequea Township Zoning Ordinance unless otherwise specified.

ARTICLE 3

ZONING DISTRICTS

Section 300 Types of Zoning Districts

For the purpose of this Ordinance, Pequea Township is hereby divided into the following districts [(O) = overlay district]:

<u>ARTICLE</u>	<u>DISTRICT</u>	
F	Floodplain (O)	4
S	Steep Slope Conservation (O)	4-A
K	Karst Hazard (O)	4-B
A	Agricultural	5
MR	Mineral Recovery	5-A
R1	Residential	6
R2	Residential	7
H	Historic (O)	8
C	Commercial	9
I	Industrial	10

Section 301 Official Zoning Map

The boundaries of the zoning districts shall be as shown on the Official Zoning Map which is on file in the Office of the Township. Said Official Zoning Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein. The Floodplain, Steep Slope Conservation, Karst Hazard, and Historic District shall be overlay districts and shall be considered a part of the said Official Zoning Map, and the location of such overlay zoning districts shall be determined as set forth in Articles 4, 4-A, 4-B and 8 of this Ordinance.

The Official Zoning Map shall be so labeled, and identified by the signature of the Chairman of the Board of Supervisors and attested by the Secretary of the Township, and bear the seal of the Township under the following words: "This is to certify that the following _____ sheets comprise the Official Zoning Map of Pequea Township, Lancaster County, Pennsylvania, adopted this _____ day of _____, 1992".

Should any challenge be made to the procedural validity of the process used by the Township to enact the Official Zoning Map which is incorporated into this Ordinance, and should such procedure be determined to be invalid by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of the text of this Ordinance, it

being the intent of the Board of Supervisors that the remainder of the text of this Ordinance shall be and shall remain in full force and effect. The foregoing severability provision is intended to be applied to its fullest extent in order that the remainder of this Ordinance shall not be affected by any procedural defects relating to the Official Zoning Map. In addition, should the procedure used to enact the Official Zoning Map be determined to be invalid by a court of competent jurisdiction, then the Official Zoning Map enacted by the Board of Supervisors by Ordinance No. 84, enacted August 22, 1990, shall be considered to be the Official Zoning Map under this Zoning Ordinance. If, as a result of such challenge the Zoning Map adopted by Ordinance No. 84 shall be considered the Official Zoning Map under this Ordinance, all lands designated as R-240 Residential District and R-180 Residential District on the Zoning Map adopted by Ordinance No. 84 shall be considered to be R-1 Residential District under this Ordinance, and all lands designated as R-150 Residential District on the Zoning Map adopted by Ordinance No. 84 shall be considered to be R-2 Residential District under this Ordinance. It is the express intent of the Board of Supervisors that if this severability clause is used and the Zoning Map adopted by Ordinance No. 84 becomes the Official Zoning Map under this Ordinance, the redesignation of the names of the residential districts shown on the Zoning Map adopted by Ordinance No. 84 shall be considered a textual change to rename the various residential districts established by Ordinance No. 84, and any changes to the regulations applying to such residential districts made in the text of this Zoning Ordinance shall not be considered to be a change in the zoning classification of the lands.

Section 302 District Boundaries

- A) Boundaries which appear to follow the centerline of streets, highways, or alleys, or extensions thereof, or parallel or perpendicular to such centerlines, shall be construed as such.
- B) Boundaries which appear to follow lot lines or extensions thereof, or parallel or perpendicular to such lot lines shall be construed as such.
- C) Boundaries which appear to follow Township boundary lines or limits shall be construed as following such boundary lines or limits.
- D) Boundaries indicated as approximately following the centerline of streams or other bodies of water shall be construed to follow such centerlines.
- E) Distances specifically indicated shall be so construed. Distances not specifically indicated shall be determined by the scale of the map.

- F) Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not indicated by provisions of this Section, the Zoning Officer, subject to appeal to the Zoning Hearing Board, shall interpret the district boundaries.

Section 303 Amendments to the Official Zoning Map

If, in accordance with Article 21 and all other provisions of the Zoning Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly by the Zoning Officer or some other competent person designated by the Board of Supervisors. This change shall be accompanied by an entry on the Official Zoning Map stating the date of the amendment and the ordinance number which amends the Official Zoning Map.

ARTICLE 4
F - FLOODPLAIN DISTRICT

Section 400 Purpose and Intent

- A) General. The Floodplain District includes the areas of Pequea Township which are subject to periodic inundation by floodwaters. This inundation may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, or impairment of the tax base, health, safety, and general welfare.

In the interest of public health, safety, and welfare, the regulations of the Floodplain District 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 as to constitute a harmonious and appropriate part of the physical development of the Township, and to guide incompatible development into more appropriate zoning districts.

- B) Specific Intent. In advancing these principles and the general purposes of this Ordinance, the specific intent of this District includes the following:

- 1) To combine with present regulations, certain restrictions necessary for the regulation of land uses within the floodplains for the general health, safety, and welfare of the community.
- 2) To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
- 3) To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
- 4) To control development which, acting alone or in combination with similar development will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closings, disruptions of transportation routes, and interference with utility services, as well as other factors that result in loss of wages, sales, and production and generally adversely affect the economic well being of the community.

- 5) To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creation of future flood blighted areas on floodplains.
- 6) To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
- 7) To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
- 8) To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
- 9) To encourage the utilization of appropriate construction practices which will minimize flood damage in the future.
- 10) To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
- 11) To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- 12) To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- 13) To provide areas for the natural deposition of sediment.
- 14) To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased

potential for flooding.

Section 401 Abrogation and Greater Restrictions

This Article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, the existing provisions of any other applicable ordinance 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.

Section 402 Relationship to Other Articles

The provisions of this Article create an overlay zoning district which is applicable within floodplains in all other zoning districts established in this Ordinance. To the extent the provisions of this Article are applicable and more restrictive, they shall supersede conflicting provisions within all other Articles of this Ordinance and all other ordinances of Pequea Township. However, all other provisions of all other Articles of this Ordinance and all other ordinances of the Township shall remain in full force.

Section 403 Lands in District Defined

The Floodplain District is hereby defined to include all of the following lands within Pequea Township:

- A) All those areas identified as being subject to the 500-Year flood in the most recent edition of the Flood Insurance Study and accompanying the Flood Insurance Rate Map prepared or to be prepared for Pequea Township, Lancaster County, Pennsylvania by FEMA. Floodplain areas identified in the Flood Insurance Study (FIS) where no elevation or floodway information has been provided, such information that may be available from other Federal, State, or other acceptable source should be used.
- B) All flood prone areas as defined in Article 2 of this Ordinance.
- C) All land which has been flooded by floods of record.
- D) All land identified as Zone A in the FIS and accompanying FIS Rate Maps. This includes also all land adjacent to the Conestoga Creek and Pequea Creek.
- E) All additional land delineated under this Subsection E. Where the complete and definitive information necessary

to delineate the boundary of the Floodplain District 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 District as defined in Section 402 of this Article. Such studies and surveys shall be signed, sealed, and certified by an engineer. Such studies and surveys shall use accepted hydrologic and hydraulic engineering techniques and shall be submitted by the Zoning Officer to the Township Engineer and the USDA Soil Conservation Service, who shall have 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 the Township.

- F) All land within the 500-Year flood boundaries of all watercourses, including but not limited to all land which is so identified by the United States Geological Survey or the United States Army Corps of Engineers.

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person document the need for such revision. Prior to any change, the Township shall obtain approval from the FEMA Federal Insurance Administration.

Should a dispute concerning any boundary of the Floodplain District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. All changes to the boundaries of the Floodplain District which affect areas identified in this Section 403 are subject to the review and approval of the FEMA Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

Section 404 Definitions

For the purpose of this Article, the following terms shall have the meaning set forth in this Section. All terms not specifically defined in this Section shall have the meaning set forth in Article 2 or, if not defined in Article 2, shall be interpreted in accordance with law.

Basement: Any area of the building having its floor below ground level on all sides.

Building: A combination of materials to form a permanent structure having walls and a roof. All manufactured homes and trailers to be used for human habitation shall be considered a building for the purposes of this Article.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Floodplain - A floodplain may be any one or a combination of:

- a) That land which adjoins a river, stream, pond, lake, or watercourse which is within fifty (50) feet from the banks thereof.
- b) A relatively flat or low land area adjoining a river, stream, pond, lake, or watercourse which is subject to partial or complete inundation during a 500-year design frequency storm.
- c) An area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

Historic Structure: Any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (iii) 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
- (iv) 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.
- (v) Listed individually in Our Present Past 1985 prepared by the Historic Preservation Trust of Lancaster County or any supplement to such publication issued by the Historic Preservation Trust of Lancaster County or otherwise classified as an historic structure under Article 8 of this Ordinance.

Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the five hundred (500) year flood.

Lowest Floor: The lowest floor of the lowest fully enclosed area, including basements. 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 elevation design requirements of this Ordinance.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term includes "manufactured homes" and trailers, travel trailers, recreational and similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

Mobile Home Park - A parcel or contiguous parcels of land which have been so designated and improved to contain two (2) or more mobile home lots or spaces for the placement thereon of mobile homes, as defined in this Section to include "manufactured homes" and travel trailers, recreational and similar vehicles, for non-transient use.

New Construction: For the purposes of the floodplain regulations, structures for which the start of construction commenced on or after the effective date of the Pequea Township Zoning Ordinance - 1992 and includes any subsequent improvements thereto.

Recreational Vehicle: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Flood Elevation: The five hundred (500) year flood elevation plus a freeboard safety factor of two (2) feet.

Substantial Damage: Damage from any cause sustained by a structure or by 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 damage occurred.

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

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

Section 405 Permitted Uses

The following uses and no others are permitted in the Floodplain

District, 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, as amended, the Rules and Regulations of the DEP, and all other applicable provisions of this Zoning Ordinance, and any other applicable local, state or federal regulations:

- A) Agriculture, horticulture, and forestry, all excluding any 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 related structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
- C) Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, picnic groves, lawns, gardens, 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 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, excluding any plants appearing on the latest edition of the United States List of Endangered and Threatened Plant Species maintained by the United States Fish and Wildlife Service.
- E) Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboretums, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
- F) Orchards.
- 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 LCCD, and subject to the provisions of Section 410(B)(3) of this Article.
- H) One or two-strand fences, so long as all strands run in a horizontal direction.
- I) Picnic tables, park benches, fireplaces and grills, and playground equipment, all anchored to prevent floatation.

- J) Farm ponds which are constructed in accordance with a Conservation Plan reviewed by the LCCD and which do not create any increase in flooding, and subject to the provisions of Section 410(B)(3) of this Article.
- K) Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered non-conforming structures and lawfully existing and registered non-conforming uses within structures.
- L) Marker buoys.

Section 406 Special Exception Uses

- A) The following uses in the Floodplain District may be permitted only when the Zoning Hearing Board grants a special exception as provided for herein and in Article 19, 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, as amended, the Rules and Regulations of the DEP, and all other provisions of this Ordinance; and any other local, state or federal regulations. Accessory uses customarily incidental to any permitted uses require a special exception.
 - 1) Parking lots, loading areas, driveways, if they are water-permeably surfaced, and if they do not promote any of the listed problems of Section 408(M) of this Article and its subparagraphs, except that parking lots are designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
 - 2) Water oriented uses and structures such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.
 - 3) Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the conditions and restrictions set forth in Sections 410(G) and 1951 of this Ordinance which regulations, in this instance, shall be mandatory.
 - 4) Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
 - 5) Water monitoring devices.
 - 6) Culverts, bridges, and approaches to public and private

culverts and bridges which meet all of the following conditions:

- a) Review and/or approval by the Lancaster County Planning Commission, if required.
 - b) Approval by the Susquehanna River Basin Commission, if required.
 - c) Approval by the DEP, if required.
 - d) Approval by the United States Army Corps of Engineers, if required.
 - e) Approval by PennDOT, if required.
 - f) If approval by PennDOT is not required, the proposed use must still meet all the appropriate minimum design standards of PennDOT.
 - g) The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation of the one hundred (100) year flood below and through it without any upstream or downstream increase in water surface elevation.
- 7) Campgrounds (excluding campsites and overnight camping) subject to Section 1923.
 - 8) Rest areas subject to Section 1905.
 - 9) Signs permitted in this district, other than governmental signs, must be approved by special exception.

B) Standards and Criteria for Special Exceptions. In addition to the provisions of Article 19, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- 1) That danger to life and property due to increased flood heights, velocities, or frequency caused by encroachments, is minimized.
- 2) That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.
- 3) That a possibility of disease, contamination, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
- 4) That the susceptibility of any proposed use and its contents to flood damage, the effect of such damage on the individual owners, and the need for the effect of floodproofing, are minimized.
- 5) That any proposed use provides a needed service to the local community.
- 6) That any proposed use needs a waterfront or floodplain location.
- 7) That there are no available alternate locations not subject to flooding for the proposed use in the Township or surrounding area.
- 8) That the proposed use is compatible with existing development.
- 9) That the proposed use is consistent with any floodplain management program for the area.
- 10) That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
- 11) That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonability, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.

- 12) That the proposed activity will not unduly alter natural water flow or water temperature.
- 13) That archeological or historic sites and structures, endangered or threatened species of animals or plants, unique geographic features, wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed or threatened.
- 14) That the natural, scenic, and aesthetic values at the proposed site will be conserved.
- 15) That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. 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 by the applicant.
- 16) That the granting of the special exception will not result in any of the following:
 - a) Increases in flood heights.
 - b) Additional threats to public safety.
 - c) Public expense (unless a municipal facility).
 - d) Creation of nuisances.
 - e) Fraud or victimization of the public.
 - f) Conflict with any laws or ordinances.
- 17) That the permit application is complete as per Sections 406(C), 411(C) and 411(E).

C) Special Exception Application Procedures.

- 1) All applications for special exceptions as designated in the Section 406 of this Ordinance, shall be in writing, on forms furnished by the Zoning Officer, and shall contain the following information:
 - a) Name and address of the owner of the land on which the proposed use is to occur.
 - b) Name and address of contractor.
 - c) Name and address of the applicant if different

than the property owner.

- d) Site location of the proposed use.
 - e) Brief description of the proposed use and estimated cost of construction.
 - f) Base Zoning District of property.
 - g) Tax Map Parcel Number of property.
 - h) Certificate of ownership of land and acknowledgement of application signed and notarized.
 - i) All information required under Section 2203(D) of this Ordinance, unless more stringent requirements are found here.
- 2) All applications shall be submitted to include the original forms and five (5) copies and shall be accompanied by at least five (5) copies of each of the following documents:
- a) Certification from an engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage to two (2) feet above the five hundred (500) year flood.
 - b) A statement, certified by an engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
 - c) A statement, certified by an engineer or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows.
 - d) A statement, certified by an engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the five hundred (500) year flood elevation and the effects

such materials and debris may have on one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows.

- e) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.
- f) A document, certified by an engineer or architect, which states that the proposed construction has been adequately designed to withstand two (2) feet above the five hundred (500) year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development to comply with Section 410(D). The specific elevation (in relation to mean sea level) to which the structure was floodproofed shall be indicated for each structure.
- g) Detailed information needs to determine compliance with Section 408 including:
 - i) The amount, location and purpose of any materials or substances referred to in Section 408 which is intended to be used, produced, stored or otherwise maintained on site.
 - ii) For any proposed structure regulated under Section 408 a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above-mentioned materials or substances to include two (2) feet above a five hundred (500) year flood.
- h) Where any excavation or grading is proposed, a plan meeting the requirements of the LCCD to implement and maintain erosion and sedimentation control.
- i) Where the application proposes an alteration or relocation of a watercourse which will affect or impact another municipality, copies of letters forwarding the application to such municipality, DCED and FEMA by certified mail, return receipt requested, and return receipt cards demonstrating that the municipality, DCED and FEMA have received such letters. The letters shall be sent at least

two weeks prior to the date the application is submitted to the Township.

- 3) A plan of the entire site, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing at least the following information:
 - a) North arrow, scale and date.
 - b) A location map showing the vicinity in which the proposed activity or development is to be located within the municipality.
 - c) Topography based upon the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of two (2) feet.
 - d) All property and lot lines including dimensions and the size of the site expressed in acres or square feet.
 - e) The location of all existing streets, drives, and other access ways and parking areas with information concerning widths, pavement types and construction and elevations.
 - f) The location of any existing bodies of water or watercourse, wetlands, buildings, structures and other public or private facilities including railroad tracks and facilities and any other natural or manmade features affecting, or affected by the proposed activity or development.
 - g) The location of the identified Floodplain District area boundary line, floodway line if available, information and spot elevations concerning the one hundred (100) year flood elevations and five hundred (500) year flood elevations and two (2) feet above these elevations and information concerning the flow of water including the direction and velocities. The applicant shall present documentation to demonstrate how the applicant determined the location of the identified Floodplain District, the elevations of the one hundred (100) year flood and the five (500) hundred year flood, and all other information on such plan.
 - h) Soil types, high-water tables and boundaries as designated by the U.S.D.A. Soil Conservation Service Maps. Photos of existing land uses and vegetation

on upstream and downstream.

- i) A general plan of the entire site accurately showing the location of all proposed buildings, elevations and contours of the ground, fill, and storage elevations in relation to the location of the channel, structures including sizes and spatial arrangement and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:
 - i) All such proposals are consistent with the need to minimize flood damage.
 - ii) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - iii) Adequate drainage is provided so as to reduce flood hazards.
 - j) A profile showing the slope of the bottom of the channel and flow line of the watercourse.
- 4) Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale showing the following:
- a) Detailed architectural or engineering drawings including building, floor plans, sections, and exterior building elevations as appropriate. Specification of building construction and materials, filling, dredging, grading, channel improvement, and storage of materials.
 - b) The proposed lowest floor (including basement) elevations of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - c) Complete information concerning flood depths, pressures, velocities, impact and uplift force and other factors associated with a one hundred (100) year flood and a five hundred (500) year flood.
 - d) Detailed information concerning any proposed floodproofing measures.
 - e) Cross-section drawings for: all proposed buildings, streets, drives and other access ways and parking

areas showing all rights-of-way and pavement widths and channel of the watercourse, and elevations of land areas adjoining each side of the channel and high water information.

- f) Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades.
- g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

- 5) A document, certified by a registered professional engineer or architect, stating the elevations, in relation to mean sea level, of the lowest floor including basements (but excluding pilings or columns) of the completed new or substantially improved structure, or the elevation in relation to mean sea level, to which the new or substantially improved structure was floodproofed and if the floodproofed structure has a basement.

D. The Zoning Officer shall, within five (5) days after the filing of a complete and properly prepared application for a special exception, refer the said application and supporting documents to the following:

- 1) One (1) copy of the application and one (1) copy of all supporting data to the Township Board or Supervisors.
- 2) One (1) copy of the application and one (1) copy of all supporting data to the Township Planning Commission.
- 3) One (1) copy of the application and one (1) copy of all supporting data to the Township Engineer.
- 4) One (1) copy of the application and one (1) copy of all supporting data to the LCCD.
- 5) One (1) copy of this application and one (1) copy of all supporting data to the Township Zoning Hearing Board.

E) Conditions of Approval. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The burden of proof shall be on the applicant.

F) Fees for Special Exceptions. Any fees assessed an

application for a special exception, whether for a hearing, a flood study, or any other purpose, shall not exceed those costs directly associated with the particular application.

Section 407 Variances

Variances from the provisions of this Article are discouraged. Where, however, a variance is required to be granted under applicable law, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Ordinance and the Municipalities Planning Code. In all variance proceedings the burden of proof shall be on the applicant.

- A) Unless required by law, no variance shall be granted to authorize a use not permitted in the Floodplain District, and no variance shall be granted for any development, structure, use, or activity within the Floodplain District which would cause any increase in one hundred (100) year flood elevations.
- B) Variances shall only be granted upon:
 - 1) A showing of good and sufficient cause.
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.
 - 4) A determination that the grant of a variance will not jeopardize the flood insurance program of Pequea Township.
- C) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D) Whenever a variance is granted, the Zoning Hearing Board shall notify the application in writing that:
 - 1) The granting of a variance may result in increased premium rates for flood insurance.
 - 2) Such variance may increase the risks to property.

- E) A complete record of all variance request and actions, including justification for granted variances, shall be maintained by the Zoning Hearing Board.
- F) All structures shall be constructed to resist two (2) feet above the five hundred (500) year flood.
- G) The applicant shall be required to submit that information necessary to demonstrate the need for and appropriateness of any variances. Such information shall include all items listed in Section 406(C) and elsewhere in this Ordinance.
- H) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.
- I) Upon receipt of any approval of a variance by the Zoning Hearing Board for a hospital, nursing home, jail, prison, new mobile home, or substantial improvement to an existing mobile home park, the Zoning Officer shall file a written notification, together with the application and all pertinent information, with the DCED, by registered or certified mail, within five (5) working days after the date of approval.
- J) The Township shall maintain a complete list of all variances granted from provisions of this Article and shall report such variances to the FEMA Federal Insurance Administration as required by law.

Section 408 Prohibited Uses

The following are prohibited in the Floodplain District:

- 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 405 and 406 of this Article.
- C) Sanitary landfills, waste processing facilities, recycling centers, quarries, dumps, junk and salvage yards, and outdoor storage or treatment of vehicles and/or materials; racing tracts and drag strips of all types.
- D) Placing, depositing and dumping 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 specified in Sections 405 and 406 of this

Article; provided, however, that no grading, filling, or depositing is permitted that would cause any rise in flood heights or frequency.

- E) Removal of topsoil, excluding nursery activities as allowed in Sections 405 and 406 of this Article, and excluding such grading or filling necessary to accomplish and carry out those uses which are permitted in Sections 405 and 406 of this Article 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 405 and 406 of this Article.
- 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, may pollute the watercourse or be injurious to human, animal or plant life.
- J) Cemeteries for humans or animals, and dead animals or other rendering plants.
- K) Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters or maximum flood elevation without human intervention while remaining safely confined.
- L) The floodproofing of new residential structures.
- M) Any development, structure, or use which may, whether alone or in combination with others, except where specifically authorized elsewhere in this Article:
 - 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 District.
 - 6) Degrade the water carrying capacity of any watercourse, channel, or floodplain.
 - 7) Increase the rate of local runoff, erosion, or sedimentation.
 - 8) Degrade the quality of surface water or the quality or quantity of ground water.
 - 9) Be susceptible to flotation and subsequent movement which may cause damage to other property.
 - 10) Create unhealthful ponding or other sanitary conditions.
 - 11) Not be in harmony with the intent and purpose of this Article as set forth in Section 400 of this Article.
- N) Feedlots, including but not limited to piggeries for feeding of garbage.
- O) The construction, expansion, or enlargement of any structure or building associated with the following uses:
- 1) Hospitals.
 - 2) Nursing homes.
 - 3) Jails.
 - 4) Prisons.
 - 5) Mobile home parks.
 - 6) Schools.
 - 7) Manufactured homes or substantial improvements to them.
- P) Extraction of sand, gravel or other minerals.
- Q) Floodplain land to be used to meet more than fifty (50%) percent of minimum yard and/or lot area requirements.
- R) Any new structure or building, or any expansion or addition to an existing structure or building which constitutes a substantial improvement that will be used for the production or storage of any of the following potential dangerous materials or substances, or which will be used for the housing of any activity requiring the maintenance of a supply of more than five (5) gallons or other comparable volumes any of the following dangerous materials or substances or will involve the production, storage or use of any amount of

radioactive substances:

- 1) Acetone
 - 2) Ammonia
 - 3) Benzene
 - 4) Calcium carbide
 - 5) Carbon disulfide
 - 6) Celluloid
 - 7) Chlorine
 - 8) Hydrochloric acid
 - 9) Hydrocyanic acid
 - 10) Magnesium
 - 11) Nitric acid and oxides of nitrogen
 - 12) Petroleum products (gasoline, fuel oil, etc.)
 - 13) Phosphorus
 - 14) Potassium
 - 15) Sodium
 - 16) Sulphur and sulphur products
 - 17) Pesticides (including insecticides, fungicides, and rodenticides)
 - 18) Radioactive substances, insofar as such substances are not otherwise regulated.
 - 19) Other potentially dangerous materials or substances.
- S) Fences except one or two stranded running horizontally.
- T) Sewage treatment plants and systems, and water supply facilities.
- U) Emergency facilities such as fire stations, ambulance services and emergency management offices.
- V) Sod farming.
- W) Cutting or removal of living trees except where the area is specifically devoted to registered forestry use, in which case, cutting or removal of living trees shall be on a selective basis with appropriate restoration practiced. At no time will clear cutting be allowed.
- X) Airports, heliports and shooting ranges.
- Y) Shopping malls and areas.
- Z) Carrousels, roller coasters, merry-go-rounds, ferris wheels and similar amusement features, except in connection with a carnival or circus having a special permit issued by the appropriate Township authority.
- AA) Any occupation, trade, or process which may be in any way

dangerous, noxious, or injurious to the health or be offensive to the inhabitants of the neighborhood.

Section 409 Nonconforming Uses and Structures

- A) Continuation. All uses or structures in the Floodplain District lawfully existing on the effective date of this Article which are not in conformity with the provisions of this Article 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 Article. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Pequea Township health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

- B) Abandonment. Nonconforming uses or structures which have been discontinued or vacated for twelve consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be re-established, repaired, or re-occupied. The Township 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.

- C) 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. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood. Nothing shall be done which would otherwise violate any provisions of this Article. 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 Articles of this Ordinance, nor in any way which causes it to occupy more space within the Floodplain District than was occupied by itself on the effective date of this Article.

- D) Replacement and Rebuilding.
 - 1) 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 (50%) percent 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 the requirements of this Article, shall not exceed that of the original use or structure which was damaged or destroyed. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its fair market value shall be elevated and/or flood-proofed to the greatest extent possible. Nothing shall be done which would otherwise violate any of the provisions of this Article.

- 2) A nonconforming use of structure which has been damaged or destroyed by any means, including floods, to the extent of fifty (50%) percent or more 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 Article, all other Articles of this Ordinance and all other ordinances of the Township. Any substantial improvement to an existing structure shall meet construction criteria for new structures (see Section 410).
 - 3) The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.
- E) 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 410 for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks or considered an historic structure as defined in this Article, and the provisions of Sections 406(B-F) of this Article shall be applied in such a case.

Section 410 Design and Performance Standards

- A) Applicability. Unless otherwise specified in this Article, the standards and criteria included in this Section are to be used, together with the provisions of all other Articles and all other ordinances in force in the Township by the Zoning Officer and Zoning Hearing Board in their administration of this Article.

B) Regulations and Reviews by Other Agencies.

- 1) Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Pequea Township or its agencies, officials, or employees.
- 2) Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of plans, special exceptions, variances, or permits by the Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approval before the use is allowed to commence.
- 3) No regulations of the Commonwealth governing watercourses are amended or replaced by this Article. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the DEP, South Central Regional Office Water Quality Manager, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit, application and municipal notification shall be forwarded to the FEMA Federal Insurance Administration and to DCED.

C) Placement and Construction of Authorized Uses and Structures.

- 1) All uses and structures shall be designed, constructed, and placed so far 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 or higher as those of nearby structures. Within any floodway area, no new construction or development or use, activity, or encroachment shall be permitted that would cause any increase in the one hundred (100) year flood elevation and no new construction or development shall be allowed until the applicant demonstrates that he has obtained a permit for such construction or development from DEP. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse.
- 2) 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 and shall meet all Paragraphs of this Section 410(C). See also Sections 410(J), (K), and (L).

- 3) All new or replacement drains 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.
- 4) All new construction and substantial improvements of permanent non-residential structures either 1) have the lowest floor (including basement) elevated to two (2) feet above the five hundred (500) year flood elevation as defined by this Ordinance, or 2) together with attendant utility and sanitary facilities, be floodproofed so that a minimum of up to two (2) feet above the five hundred (500) year flood elevation as defined by this Ordinance the structure shall remain completely or essentially dry during any flood up to that height, with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- 5) All authorized substantial improvements or additions to existing residential structures shall be elevated. Any portion of the structure not elevated to two (2) feet above the five hundred (500) year flood elevation as defined by this Ordinance shall be floodproofed. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50%) percent or more of its fair market value before such modification, alteration, reconstruction or improvement shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- 6) All authorized new residential structures and substantial improvements shall have the lowest floor (including basement) elevated to two (2) feet above the five hundred (500) year flood elevation as defined by this Ordinance.
- 7) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- D) Floodproofing. Where floodproofing is authorized by this Article it shall be done according to the standards and provisions for floodproofing classes W-1 or W-2, as contained in Floodproofing Regulations published by the Office of the Chief of Engineers, U.S. Army, publication EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Article. Where reference is made in Floodproofing Regulations to the "RFD" (Regulatory Flood Datum) it shall be interpreted to mean two (2) feet above the five hundred (500) year flood elevation as defined by this Article. The floodproofing of new residential structures is specifically prohibited. All plans and specifications for floodproofing shall be accompanied by a statement certified by an engineer or architect which states that the proposed design and methods of construction are in conformance with Section 406(C)2.
- E) Anchoring. All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain District 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. Buildings and structures shall be anchored in accordance with accepted engineering practices.
- F) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner which is consistent with the following:
- 1) The system shall insure proper drainage along streets and provide positive drainage away from buildings.
 - 2) The system shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- G) Public Utility Facilities and Structures. Public utility facilities and structures (except buildings) shall comply

with the following standards in the interest of achieving the purpose and intent of this Article:

- 1) 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 shall be designed and be placed outside the floodplain district and eliminate discharges from the facilities into floodwaters and prevent backup of sewage. All gas lines should have a system of shut-off valves for service to the Floodplain District to allow positive control flood emergencies.
- 2) Electrical distribution line and supporting structures shall be installed so as to essentially 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 distribution and transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by an engineer as meeting all the following standards:
 - a) Above ground lines and supporting structures shall enter the Floodplain District only to cross a watercourse, shall cross the watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Ordinance, shall make the minimum number of crossings necessary, and shall be designed and installed so as to essentially 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 District shall be the minimum number necessary to carry the lines across the Floodplain District. Supporting structures shall be designed

and installed so as to be able to withstand the maximum volume, velocity, and force to floodwaters which can be expected at the point where they are located for a five hundred (500) year flood.

- d) Facilities and services in the Floodplain District shall be designed so that flood damage within the District does not disrupt service outside the District.

H) Agricultural Standards.

- 1) A filter strip or riparian forest buffer is required between any watercourse and any tilled land. Such strip or buffer shall be a minimum of one hundred (100) feet in width measured from the top of the bank of the watercourse channel inland. When the top of the bank is not clearly defined, the filter strip or riparian forest buffer shall extend inland one hundred twenty-five (125) feet from the centerline of the watercourse. The filter strip or buffer shall be planted and maintained in grass, or other growth approved by the LCCD.
- 2) Within the Floodplain District, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.
- 3) Livestock shall not be confined to pastures or other enclosures located entirely within the Floodplain District.
- 4) Within the Floodplain District, feedlots are prohibited.

I) Fill.

- 1) The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- 2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheads.
- 3) Fill shall consist of soil and/or small rock materials only.
- 4) Sanitary landfills shall not be permitted.

- 5) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes is submitted to and approved by the Township Engineer.
- 6) Fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
- 7) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
- 8) Fill shall extend out a minimum of fifteen (15) feet beyond the base of all walls or structures.
- 9) Section 410(D) shall be followed without exception.

J) Floors, Walls, and Ceilings.

- 1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- 2) All finished flooring used at or below the Regulatory Flood Elevation shall be made of materials which are dimensionally stable and resistant to water damage resulting from submersion for, at least, a forty-eight (48) hour period.
- 3) All carpeting or carpet cushions employed as a finished flooring surface at or below the Regulatory Flood Elevation shall be made of materials which are resistant to water damage resulting from submersion for, at least a five (5) day period.
- 4) Plywood uses at or below the Regulatory Flood Elevation shall be of a "marine" grade and of a water-resistant or waterproof variety.
- 5) Basement ceiling in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.
- 6) Walls and ceilings at or below the five hundred (500) year flood elevation plus two (2) feet shall be designed and constructed of "water-resistant" materials that will withstand inundation.
- 7) Windows, doors and other components at below the five hundred (500) year flood elevation plus two (2) feet shall be made of metal or other water-resistant material.

K) Building Water, Sanitary Sewer, Fuel, Equipment and Other Systems.

- 1) Water heaters, furnaces and other critical mechanical installation shall be permitted only at elevations of two (2) feet or more above the level of the five hundred (500) year flood.
- 2) No part of any on-site sewage disposal system shall be constructed within the Floodplain District.
- 3) Sanitary sewer facilities and systems located adjacent to the floodplain shall be designed to prevent the discharge of untreated sewage into flood waters. No sanitary sewer

facilities or systems shall be located in the floodplain.

- 4) All new or replacement water and sanitary sewer facilities shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
- 5) All gas and oil supply systems and all other utilities shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

L) Paints and Adhesives.

- 1) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" quality and shall have a bonding strength that is unaffected by inundation.
- 2) Doors and all wood trim and wood components at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water resistant" paint or other material.
- 3) Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" quality and capable of surviving inundation.

Section 411 Zoning Permits

- A) Irrespective of the provisions of Article 19 of this Ordinance, within the Floodplain District, zoning permits shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, extension, repair, or other improvement of land uses or structures, regardless of value, including activities such as dredging, filling, grading, logging, paving, excavation, or drilling operations. Zoning permits shall not be required for normal maintenance.
- B) Every zoning permit application for work or uses within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Article and this Ordinance. In addition, the applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
 - (i) 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; (ii) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage is provided so as to reduce exposure to flood hazards. Applicants shall also file the minimum information required by this Section plus any other pertinent information as may be required to enable the Zoning Officer to make the above determination.

C) The following information is specifically required to accompany all zoning permit applications involving structures with the Floodplain District if a special exception [see Section 406(C)]:

- 1) The elevation (in relation to mean sea level) of the lowest floor (including basement).
- 2) Whether or not the structure includes a basement.
- 3) If the structure has been or is to be floodproofed, the elevation (in relation to mean sea level) to which the structure was or is to be floodproofed.

D) Permit Application Procedures.

- 1) All applications for Zoning Permits shall be in writing, on forms furnished by the Zoning Officer and shall contain the following information:
 - a) Name and address of the owner of the land on which the proposed use is to occur.
 - b) Name and address of the applicant if different than the property owner.
 - c) Name and address of contractor.
 - d) Site location of the proposed use.
 - e) Brief description of the proposed use and estimated cost.
 - f) List of other permits required.
 - g) Plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
 - h) All other information and certifications required by

Section 406(c).

- 2) All applications shall be submitted to include the original form and four (4) copies and shall be accompanied by the following documents:
 - a) Five (5) copies of a site plan showing all existing structures and existing proposed uses.
 - b) Five (5) copies of a notarized statement of the intended use.
- 3) The Zoning Officer shall, within five (5) days after the filing of a complete and properly prepared application, refer the said application and supporting documents to the following:
 - a) One (1) copy of the application and one (1) copy of all supporting data to the Township Board of Supervisors.
 - b) One (1) copy of the application and one (1) copy of all supporting data to the Township Engineer.
 - c) One (1) copy of the application and one (1) copy of all supporting data to the LCCD.
- 4) A zoning permit for a permitted use in the Floodplain District shall be issued or denied by the Zoning Officer subject to the review of the Board of Supervisors within such period as may be required by applicable laws. The Zoning Officer shall issue a zoning permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- 5) Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for permit to determine if all other necessary government permits such as those required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachments Act; the U.S. Clean Water Act and The Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.
- 6) No encroachments, alteration or improvement of any kind shall be made to any water course until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required

permits or approvals have been first obtained from the DEP, Bureau of Dams and Waterway Management. In addition, the FEMA Federal Insurance Administrator and DCED, Governor's Center for Local Government Services, shall be notified by the Township prior to any alteration or relocation of any watercourse.

- E) Issuance of zoning permits for uses authorized as special exceptions in the Floodplain District.
- 1) The Zoning Officer shall issue a special exception zoning permit only after he has received a written order or approval from the Zoning Hearing Board. Said order will be the Zoning Officer's assurance that the Zoning Hearing Board has determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - 2) Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for permit to determine if all other necessary government permits such as those required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachments Act; the U.S. Clean Water Act and The Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.
 - 3) Notification to DCED:
 - a) Before ordering the issuance of the permit, the Township shall allow the DCED thirty (30) days after receipt of the notification by the Department to review the application and decision made by the Township.
 - b) If the Township does not receive any communication from the DCED during the thirty (30) day review period, it may issue a permit to the applicant.
 - c) If the DCED should recommend disapproval of an application, it shall notify the Township and the applicant in writing of the reasons for the recommendation and the Township shall not issue the permit.
 - 4) No encroachments, alteration or improvement of any kind shall be made to any water course until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required

permits or approvals have been first obtained from the DEP, Bureau of Dams and Waterway Management. In addition, the FEMA Federal Insurance Administrator and DCED, Governor's Center for Local Government Services, shall be notified by the Township prior to any alteration or relocation of any watercourse.

- 5) A zoning permit for special exceptions shall be issued or denied by the Zoning Officer, within such period as may be required by applicable laws.
- 6) A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment.

Section 412 Municipal Liability

The lawful granting of a permit or the making of any other administrative decision under this Article shall not constitute a representation, guarantee, or warranty of any kind by Pequea 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 a result of reliance on this Article. There is also no assurance that lands not included in the Floodplain District are now or ever will be free from flooding or flood damage.

ARTICLE 4-A
STEEP SLOPE CONSERVATION DISTRICT

Section 451 Legislative Intent

The Board of Supervisors intends through the enactment of this Article 4-A, to conserve and protect those areas having slopes as defined herein from inappropriate development as well as to permit and encourage the use of said areas for open space purposes in order to constitute a harmonious aspect of the continuing physical development of the Township. In implementing these principles and general purposes of this Ordinance and the Pequea Township Comprehensive Plan, the following specific objectives are intended to be accomplished by this Article:

- A) To combine with other zoning requirements, as an overlay zoning district, certain restrictions for steep slope areas to promote the general health, safety and welfare of the residents of the Township.
- B) To prevent inappropriate development of steep slope areas in order to avoid potential dangers for human usage caused by erosion, stream siltation, and soil failure leading to structural collapse or damage and/or unsanitary conditions and associated hazards.
- C) To minimize danger to public health and safety by promoting safe and sanitary drainage.
- D) To relate the intensity of development to the steepness of terrain in order to minimize grading, removal of vegetation, runoff and erosion, and to help ensure the utilization of land in accordance with its natural capabilities to support development.
- E) To permit only those uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover, by restricting the grading of steep slope areas.
- F) To promote the ecological balance among those natural systems elements (such as wildlife, vegetation and aquatic life) that could be grossly affected by inappropriate development of steep slope areas.
- G) To prevent development that would cause excessive erosion and a resultant reduction in the water-carrying capacity of the watercourses which flow through or around the Township with the consequences of increased flood crests and flood hazards within the Township and to both upstream and downstream municipalities.

- H) To minimize the potential harmful effects to individuals and adjacent landowners in the Township and/or other municipalities caused by inappropriate grading and development on steep slopes.
- I) To protect those individuals who choose, despite the dangers, to develop or occupy land with steep slopes; to protect residents from property damage and personal injury due to runoff, erosion, or landslides attributable to a nearby development on steeply sloped land.
- J) To protect the entire Township from inappropriate development of steep slope areas which could have an effect upon subsequent expenditures for public works and disaster relief and, thus, adversely affect the economic well-being of the Township.
- K) To promote the provisions of safe and reliable access ways, parking areas and utility systems serving development on or around steep slope areas where more sensitive grading and floodplain is essential.

Section 452 Boundary Definition of Steep Slope Conservation District

The Steep Slope Conservation District shall be defined and established as those areas of the Township having slopes of ten (10%) percent or greater as determined from topographic studies or evaluation. The slope shall be determined prior to excavation, grading, or other movement of soil or rock. Any lot which contains land which lies within the Steep Slope Conservation District (i.e. with slopes of 10% or greater) shall be subject to the regulations of the Steep Slope Conservation District except as provided in this Section.

All lots within the Steep Slope Conservation District with average slopes, as determined herein, of less than ten (10%) percent will not be subject to the provisions of this Article, unless the requested use, including a twenty-five (25) feet wide setback surrounding any structure, would be on any portion of the lot with a slope exceeding ten (10%) percent or any off-street parking for the required use is to be located on any portion of the lot with a slope in excess of six (6%) percent [see §§455(F) and 1404(C) (4)].

- A) The provisions of the Steep Slope Conservation Overlay District shall apply to those areas exceeding ten (10%) percent slope and an area extending fifty (50) feet in depth surrounding such slopes.
- B) Areas of steep slopes shall be calculated prior to any earth disturbance or grading.

Section 453 Steep Slope Conservation District Overlay Concept

The Steep Slope Conservation District shall be deemed to be an overlay zoning district on any zoning district now or hereafter enacted to regulate the use of land in the Township.

- A) The Steep Slope Conservation District shall have no effect on the permitted uses or regulations in the underlying zoning district, except where the development intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, is in conflict with the permitted uses or regulations set forth in this Section.
- B) In those areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District shall supersede any less stringent requirements of the underlying zoning district.
- C) Should the zoning classification of any parcel or any part thereof on which the Steep Slope Conservation District is an overlay be changed, such change in the classification shall have no effect on the boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries was included as part of the proceedings from which the change originated.

Section 454 Boundary Interpretation and Appeals Procedures

An initial determination as to whether the Steep Slope Conservation District regulations apply to a given parcel shall be made by the Zoning Officer. An applicant for any permit for property within the Steep Slope Conservation District or in property which the Zoning Officer reasonably believes may be located within the Steep Slope Conservation District shall submit a plan upon the request of the Zoning Officer showing the slope of said property. Any party aggrieved by the decision of the Zoning Officer, either because of an interpretation of the location of the Steep Slope Conservation District boundary or because the criteria used in delineating the boundary, as set forth in Section 452 herein, are incorrect because of changes due to natural or other causes, may appeal such decision to the Zoning Hearing Board as provided in Article XXII of this Ordinance.

Section 455 Land Use and Development Regulations in the Steep Slope Conservation District

For any lot which contains land included in the Steep Slope Conservation District, the following land use and development regulations shall apply.

- A) The average slope of the entire lot shall be determined according to the formula:

$$S = (0.0023/A) \times I \times L$$

Where S is the average slope in percent; I is the contour interval in feet; L is the combined length in contour lines in feet; A is the area in acres of the parcel being considered.

- B) Any lot which shall have an average slope of at least ten (10%) percent but not more than fifteen (15%) percent shall have a maximum impervious surface area of twenty (20%) of the lot area, of which no more than one-half, or ten (10%) percent of the lot area, shall consist of buildings.
- C) Any lot which shall have an average slope of at least fifteen (15%) percent but not more than twenty-five (25%) percent shall have a minimum lot area of one (1) acre and shall have a maximum impervious surface area of ten (10%) percent of the lot area of which no more than one-half, or five (5%) percent of the lot area, shall consist of buildings.
- D) All freestanding structures, buildings and substantial improvements (with the exception of utilities where no other location is feasible) are prohibited on slopes of twenty-five (25%) percent or greater. Never shall more than five (5%) percent of the area be regraded or vegetation cover disturbed by the exceptions, if they are granted.
- E) All swimming pools, junkyards, sanitary landfills, outdoor storage of vehicles or materials, parking lots or parking areas, sidewalks, manmade watercourses or impoundments, athletic playing fields, and stormwater control facilities and other structures that might be a risk or considered unsuitable by the Township are prohibited on slopes of fifteen (15%) percent or greater.
- F) Driveways and roadways shall not exceed a slope of ten (10%) percent within twenty-five (25) feet of the street right-of-way lines. Parking areas shall not be in excess of six (6%) percent. Access drives shall not be in excess of four (4%) percent within seventy-five (75) feet of the intersecting street centerline.
- G) Applicants for permits required by this Ordinance shall present evidence of approval of any required erosion and sedimentation plan or any required stormwater management plan prior to the issuance of any permit.

Section 456 Uses Permitted Within the Steep Slope Conservation District

- A) Any lot which contains land within the Steep Slope Conservation Overlay District may be developed in accordance with the regulations of the underlying zoning district if the applicant proposes no disturbance of any area of the lot within the Steep Slope Conservation Overlay District. If the applicant proposes any disturbance of land within the Steep

Slope Conservation Overlay District, the applicant may, by special exception, develop the lot for a use permitted within the underlying zoning district provided, however, such use is not prohibited by this Article 4-A. An applicant for a special exception to develop land located within the Steep Slope Conservation Overlay District shall demonstrate compliance with the requirements of this Section and all requirements of this Article 4-A.

- B) Any application requesting a special exception for a use permitted herein shall be accompanied by a plan certified by a registered professional engineer, a registered surveyor or a registered landscape architect. In addition to any information required for an application for a special exception set forth in Article XXII, Zoning Hearing Board, such plan shall show:
- 1) The location of the proposed use with respect to the areas of the lot determined to have slopes in excess of ten (10%) percent.
 - 2) The location of the proposed use with respect to existing development within the property.
 - 3) Nature of the proposed use.
 - 4) Topographical surveys showing the contours of the property in two (2) feet intervals. The plans shall also indicate a reference benchmark used.
 - 5) Typical tract cross-sections at a scale of not more than one (1) inch equals one hundred (100) feet and typical tract cross-sections at a vertical and horizontal scale. There shall be a minimum of one cross-section for the first five (5) acres or less of lot or tract area and one cross-section for each five (5) acres or portion thereof thereafter.
 - 6) Calculations to determine the average slope of the lot in accordance with this Article.
 - 7) Surface view of construction, grading or fill elevations.
 - 8) Size, location and arrangement of all proposed and existing structures on the site, as well as specifications for building construction and materials and storage of materials.
 - 9) Location, elevation and specifications for water supply, sanitary sewer facilities, other utility facilities, and streets including the entrance drive. If a permit is required for the installation, relocation or change of any utility facility, driveway or public facility, the applicant shall present evidence that such permit has

been obtained prior to commencement of any earth disturbance activities.

- 10) A soils engineering report regarding site characteristics of the subject property to include the nature, types, distribution and suitability of subsurface soils for load bearing, stability and compaction; extent, description, and location of exposed rock; erodability of surface soil; engineering and conservation techniques to be used to prevent erosion and alleviate environmental problems created by the proposed development activities; permeability and available water infiltration capacity; depth to bedrock and seasonal high water table; the means of accommodating storm water runoff; proposed modifications to the existing topography and vegetative cover; and the location, type and intensity of vegetative cover on the subject property.
 - 11) A geophysical-hydrologic report investigating conditions of the subject property's underlying geologic formation and the hydrological characteristics of the proposed development. Such report shall demonstrate that any adverse impacts of the proposed development can be addressed in such a manner as to prevent hazards to life and property and to maintain amenable site features for storm water management, soil erosion and sedimentation control, vegetative cover and exposed rock stability.
- C) The applicant for any special exception shall request the review and recommendations of the Lancaster County Conservation District at least forty-five (45) days prior to the hearing before the Zoning Hearing Board. The applicant shall present a copy of the review of the Lancaster County Conservation District or proof that applicant has made a request for a review at least forty-five (45) day prior to the date of the hearing.
 - D) The applicant for any special exception shall request the review and recommendations of the Township Planning Commission at least forty-five (45) days prior to the hearing before the Zoning Hearing Board. The applicant shall present a copy of the review of the Township Planning Commission or proof that applicant has made a request for a review at least forty-five (45) day prior to the date of the hearing.
 - E) The applicant shall demonstrate compliance with any applicable storm water management ordinance or regulations pertaining to the proposed development, including but not limited to storm water management regulations contained in any applicable subdivision and land development ordinance.

**ARTICLE 4-B
KARST HAZARD DISTRICT**

Section 475 Purpose

The purpose of this district is to recognize the potential for damage to public and private improvements, human injury or death, and the disruption of vital public services which may arise by the potential for sinkholes and/or subsidence within areas of carbonate geology. A further purpose of this district is to minimize the potential for such sinkhole and/or subsidence occurrence and to protect the ground water resource.

Section 476 Application

The Karst Hazard District operates as an overlay district to the districts otherwise found in this Ordinance. Should the regulations of this overlay district and other applicable regulations conflict, the most stringent regulations shall apply.

Section 477 Disclaimer of Liability

Whereas the exact occurrence of sinkholes and/or subsidence is not predictable, the administration of these regulations shall create no liability on behalf of the Township, the Township employees, or Township agencies as to damages which may be associated with the formation of sinkholes or subsidence. That is, compliance with these regulations represents no warranty, finding, guarantee, or assurance that a sinkhole and/or subsidence will not occur on any approved property. The Township, its elected and appointed officials, agents, consultants and employees assume no liability for any financial or other damages which may result from sinkhole activity.

Section 478 Delineation of Area Affected

The Karst Hazard District is as portrayed on the Karst Hazard Indicator Map and also includes the area designated as "OEC" on the map which is the "Conestoga Formation" on the geological map of Pequea Township found in the Comprehensive Plan of the Township. The areas affected are the carbonate, sinkhole, and other karst hazard related features shown on these maps and all areas within one hundred (100) feet of such areas. The sinkholes, quarries and close depressions delineated on the Karst Hazard Indicator Map were taken from: (1) Sinkhole Occurrence Map prepared by Kochanov, W. E., Sinkholes & Karst-Related Features of Lancaster County, Pennsylvania, Pennsylvania Geological Survey, Fourth Series, Open File Report 9001.

Should dispute arise as to the boundary of the district or the location of any of the karst features shown on the map, the applicant may present information to the Zoning Officer in

support of his or her position. This information shall be prepared by a recognized professional with competence in the field. The Zoning Officer shall make a decision on the proper extent of the karst hazard based on the information present, with the assistance of any technical review deemed appropriate.

Section 479 Procedures

Whenever an application for a building permit, variance, conditional use or special exception is made, the Zoning Officer shall determine from the Karst Hazard Indicator Map whether or not karst features are likely to be present and shall so notify the applicant. The applicant must provide the Township with a map at a scale of 1 inch = 100 feet that shows the karst features listed in Section 479(B).

- A) Whenever notified by the Zoning Officer that karst features are likely to be present, or when the applicant knows these features are present, the applicant shall engage a qualified engineer or scientist to review the existing aerial photos, soils, geological and related data available to him as it may pertain to the subject property and to make a site inspection of the property.

- B) A site inspection by the applicant's engineer or qualified scientist, using all available data and with such assistance as is needed, shall determine the presence or absence of karst surface features on the site, and locate the same if present on a site plan at a scale no smaller than one (1) inch = one hundred (100) feet. In particular, the following features shall be located, if present, on the site:
 - 1) Closed depressions.
 - 2) Open sinkholes.
 - 3) Seasonal high water table indicators.
 - 4) Unplowed areas in plowed fields.
 - 5) Surface drainage into ground.
 - 6) "Ghost lakes" after rainfall.
 - 7) Lineaments, faults and fracture traces.
 - 8) Limonite excavations and quarries.
 - 9) Contacts between geologic formations.
 - 10) Any karst feature shown on the Karst Features Indicator Map.

- C) Based upon the site inspection, the applicant's engineer

shall determine what further testing should be done by the applicant to ensure compliance with the performance standards set forth in Section 480. Testing methodology shall be reasonable under the circumstances, including 1) the scale of the proposed development; and 2) the hazards revealed by examination of available data and site inspection.

- D) The applicant shall cause the additional testing, if any, to be effected and shall submit test results to the Township and the Township Engineer.
- E) The Township Engineer shall report to the Zoning Officer, and Planning Commission, with a copy to the applicant, his opinion concerning the adequacy of the report submitted based upon the scale of the development and the hazards revealed by the report, and shall make recommendations to the Planning Commission based upon the report submitted concerning the layout of utility lines, roads, and building location. The Township Engineer may require the applicant to perform such additional testing as may be appropriate.

Section 480 Performance Standards

- A) All applicants for zoning permits, variances, conditional uses and special exception uses shall comply with the requirements of the Karst Hazard Overlay District.
- B) No storm water detention or retention basin or similar facility shall be placed within one hundred (100) feet of any closed depression or other karst feature [see Section 479(B)]. No storm water detention or retention basin or facility shall be located within fifty (50) feet from any surface or identified subsurface pinnacles.
- C) No stormwater swale in excess of ten (10) cubic feet per second for the ten (10) year flood may be constructed within one hundred (100) feet of the features listed in Section 479(B).
- D) No storm sewer pipe shall be constructed within one hundred (100) feet of the features listed in Section 479(B) unless it is concrete pipe utilizing O-ring joints. The latter may not be allowed within seventy-five (75) feet of the features listed in Section 479(B).
- E) No principal or accessory building, no structure, and no impervious surface shall be located closer than seventy-five (75) feet from the edge of the features listed in Section 479(B) unless a detailed geotechnical solution to the subsidence, pollution, and safety problems of the karst feature has been presented by a competent professional in carbonate terrain and accepted by the Township after evaluation by the Township engineer at the applicant's expense.

- F) No septic system or drain field, no swimming pool, no solid waste disposal, or recycling area, no solid waste transfer area or facility, no oil, gasoline, salt or toxic liquid fuel or chemical storage area, no quarrying, no sewage treatment plant, no auto salvage yard, junk yards, dumps, and no blasting for quarrying or well enhancement activities shall occur within one hundred (100) feet of the features listed in Section 479(B) unless a detailed geotechnical solution to the subsidence, pollution, and safety problems of the karst feature has been presented by a competent professional in carbonate terrain and accepted by the Township after evaluation by the Township Engineer at the applicant's expense.
- G) Soil conservation plans filed with the County Soil Conservation Service shall detail safeguards to protect karst features from runoff changes.
- H) All underground utility lines located in the Karst Hazard Overlay District shall be so constructed as to not permit the flow of water along the utility line trench, and shall be imperviously diked at thirty (30) foot intervals.
- I) On-site wells shall not be created within one hundred (100) feet of the features listed in Section 479(B) or within one hundred (100) feet of any existing subsurface sewage disposal drain field or within one hundred (100) feet of any location where such a drain field may reasonably be located on adjacent premises.
- J) The use of fill containing any material which would represent a potential contamination hazard is prohibited within two hundred (200) feet of features in Section 479(B).
- K) No person shall place or cause to be placed any substances or objects, other than those approved by the Township, in any sinkhole at any time.

Section 481 Appeals to Zoning Hearing Board

Where the Zoning Officer's determination of the extent to which a lot or lots lie within the Karst Hazard District is appealed to the Zoning Hearing Board, as provided in this Ordinance, the appellant shall bear the burden of establishing, through actual field surveys or otherwise, that such conditions do not exist on the land in question.

**ARTICLE 5
AGRICULTURAL DISTRICT**

Section 500 Purpose

The agricultural soil in Pequea Township is a non-replaceable natural resource which is important to preserve for the benefit of Pequea Township, Lancaster County, the Commonwealth of Pennsylvania, and the entire country. This is true because:

- A) Agriculture remains as a strong cultural influence to the citizens of Pequea Township and Lancaster County.
- B) Agriculture, agricultural support business, and processing of agricultural products are a major contributor to the economy and job market of Pequea Township and Lancaster County.
- C) The aesthetic value and the inherent cultures of the agricultural community serve as major attractions necessary for the continuation of the local tourist industry.
- D) The soils and climate of Lancaster County enable its farmers to produce the largest value of agricultural goods of any non-irrigated county in the nation.
- E) Agricultural production in Lancaster County exceeds production of any other county in the Commonwealth in nearly every category.
- F) Approximately two thirds of the land in Pequea Township is utilized for agricultural purposes. The majority of soils in Pequea Township are prime agricultural soils.
- G) The Commonwealth of Pennsylvania has acknowledged the importance of preserving prime soils by establishing programs for conservation easements, and by the requirement within the Municipalities Planning Code, Section 604 (3) which states "... The provisions of zoning ordinances shall be designed to preserve prime agriculture and farmland considering topography, soil type and classification, and present use."

- H) Both Pequea Township and Lancaster County have determined by Comprehensive Plans that there is more than sufficient land available in the Township, and the County, for residential, commercial, and industrial needs without infringing upon the agricultural areas which are proposed for continued agricultural use.
- I) The comprehensive planning process in Pequea Township has shown an overwhelming desire to maintain the Township as a rural community. This has been indicated by the Board of Supervisors, Planning Commission, Citizens Advisory Group, Environmental Advisory Council and the general public.
- J) The Commonwealth of Pennsylvania has established, by provisions in the Municipalities Planning Code, the conservation easement program (Act 149 of 1988, as amended), the Agricultural Security Law (Act 43 of 1981, as amended), the Clean and Green Law (Act 319 of 1983, as amended), publications of various Departments of the Commonwealth and Executive Order No. 1994-3, that it is the policy of the Commonwealth to preserve agricultural land.

Section 501 Intent

In the interest of public health, safety, and welfare, the Agricultural District is further designed and intended to accomplish the following:

- A) Protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township.
- B) Permit only those land uses and activities which are agricultural in nature or incidental thereto.
- C) Encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for any purpose other than agriculture by limiting uses within the Agricultural District, limiting some uses permitted within the Agricultural District to certain soil classifications, and insuring that farms remain of sufficient size to be profitable for farming by limiting the number of lots which may be created, limiting the maximum size of residential lots, and imposing a minimum lot size on farms to be created which is sufficient to insure viability.
- D) Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development, with agricultural uses. For the farmer, such mixing would cause increased traffic on the roads used to move farm machinery and livestock; additional litter, which is a nuisance to crop farming and a danger to livestock; damage and loss of crops

and livestock from theft, mischief, or trespass; and complaints about odors, noise, dust, barbed wire or electric fencing, night operations, and other items which are normal often uncontrollable aspects of farming. For the residential or commercial occupant, farm operations can cause a nuisance and health and safety hazards as well as the possible contamination of well water by agricultural chemicals, fertilizers, and animal waste.

- E) Assure the ready availability of agricultural products to the residents of the Township and region.
- F) Direct development which is incompatible with agriculture into other areas of the Township to foster conditions favorable to the continuation of agriculture.
- G) Provide maximum protection to existing and future agricultural enterprises as a natural and national economic resource.
- H) To implement the requirement of Section 604(3) of the Municipalities Planning Code that zoning ordinances *shall* be designed to preserve prime agricultural land.

Section 502 Permitted Uses

Land and buildings in an Agricultural District shall be used only for the following purposes:

- A) Farm, provided that any use falling within the definition of agribusiness or intensive agricultural production under Article 2 of this Ordinance shall be considered a special exception use as set forth in Section 503 of this Ordinance.
- B) Temporary portable structures for the retail sale of agricultural products such as vegetables, fruits and eggs, provided that such use and structure is in compliance with the provisions set forth in Section 1735.
- C) Nurseries and greenhouses unless retail sales. If retail sales, these may be permitted by special exception (see Section 1953).
- D) Conservation areas.
- E) Accessory buildings and uses clearly incidental to the principal use of the above permitted uses when located on the same lot and do not include any activity conducted as a non-agriculturally related business.
- F) Processing of farm products produced on the farm.
- G) Beekeeping.

H) Animal waste storage facilities (see Section 1909).

Section 503 Special Exceptions

A) Special Exception Uses on All Soil Classifications. The following uses may be permitted by special exception when granted by the Zoning Hearing Board, on soils with any of the eight (8) Agricultural Land Capability Classifications as defined by the United States Department of Agriculture, and in accordance with Article 19.

- 1) Intensive Agricultural Production Facility, subject to the conditions set forth in Section 1911.
- 2) Agribusiness, subject to the conditions set forth in Section 1911.
- 3) Temporary Farm Employee Housing, subject to the conditions set forth in Section 1908.
- 4) Farm support occupations subject to the conditions set forth in Section 1938.
- 5) Elder Cottages subject to the conditions set forth in Section 1934.
- 6) Permanent structures for the retail sale of farm products such as vegetables, fruits and eggs, subject to the conditions set forth in Section 1910.
- 7) Conversion of single-family detached to two family dwelling subject to the conditions set forth in Section 1956.
- 8) Home occupations subject to the conditions set forth in Section 1942.
- 9) Bed and Breakfasts subject to the conditions set forth in Section 1959.
- 10) Other principal uses under Section 1736 determined by the Zoning Hearing Board to be of the same general character and not more detrimental than those permitted uses.
- 11) Bus shelters subject to the conditions set forth in Section 1935.
- 12) Retail sales from greenhouses and nurseries located in the Township subject to conditions set forth in Section 1953.
- 13) Subdivision of one or more lots (including but not limited to a subdivision to create a "farm" and a sub-

division to change a lot line or a "lot add-on"), regardless of the proposed use of such lot or lots, from or the erection of dwellings or other principal non-agricultural buildings on a parent tract which is twenty-five (25) or greater acres. An applicant for such a special exception shall demonstrate compliance with all requirements of Section 504 and Article 19 of this Ordinance. If the subdivision is to create a lot which may be developed with a dwelling or if the applicant proposes the erection of a dwelling on a parent tract, the applicant shall also demonstrate compliance with Section 1970 of this Ordinance.

- 14) One subdivision of land from a parent tract to increase the lot size of an adjoining residential lot located in the Agricultural District, which shall not count against the quota of lots which may be subdivided from or principal non-agricultural uses which may be established on a parent tract established in Section 504(B) subject to the following criteria:
- a) The residential lot shall not exceed the maximum lot area for single family dwellings set forth in Section 504(A)(1) after the land is added, and the parent tract shall meet the minimum lot area after land is removed.
 - b) The area to be added to the residential lot shall not exceed one half (0.5) acre.
 - c) The new property line for the residential lot shall follow any natural boundary line such as streams, ridges, streets, hedge rows, tree lines, culverts or similar features.
 - d) If the new property line will not follow a natural boundary as set forth in subparagraph (b) above, the new lot line shall be parallel to the existing property line of the residential lot.
 - e) The area to be added to the residential lot shall not be for the purpose of installation of sewage facilities. Sewage disposal systems that cannot be accommodated on the residential lot shall be addressed by means of easements on the adjacent parent tract.
 - f) Both the residential lot to which the land is added and the parent tract from which the land is removed shall comply with all setback, yard, coverage and other regulations after the transfer of the land.
 - g) No structures other than structures accessory to an existing residential dwelling shall be erected on the land which is added to the residential lot.

- h) The owner or his predecessors in title of the parent tract has not previously transferred land using this exemption from the quota established by Section 504(B)(1).
 - 15) One single family detached dwelling on a lot of record held in single and separate ownership which is not presently improved with a single family detached dwelling or other principal non-agricultural building subject to the requirements for Sections 504 and 1970 of this Ordinance.
- B) Special Exception Uses on Non-Prime Agricultural Soil Classifications. The following uses may be permitted by special exception only on soils with Agricultural Land Capability Classification of IV, V, VI, VII, and VIII, as defined by the United States Department of Agriculture.
- 1) Publicly or privately owned facilities not associated with residential use, including hunting facilities, golf courses, campgrounds, riding clubs, riding schools, horse boarding stables, and sportsman's clubs; providing that:
 - a) The use and its design are compatible with the natural character of the area.
 - b) Each building or structure shall be clearly incidental to the permitted outdoor use.
 - c) Any club or lodge building and its services shall be for the use of members and the guests only.
 - d) No commercial activity shall be permitted except for charging of admission, the sale of refreshments or such other purpose as is clearly incidental to the permitted outdoor activity.
 - e) Each permitted use shall be screened or separated from a public street and from adjoining property by a landscape buffer and screen not less than one hundred (100) feet in depth. Each permitted use shall also comply with all requirements of §1710.
 - f) Each incidental commercial use shall be located or screened so that it shall not be visible from a public road or street.
 - g) There shall be no overhead lighting other than in campgrounds which shall be incidental to the safety of overnight campers.
 - h) Hours of operation shall be no sooner than one half (1/2) hour before sunrise, or later than one half (1/2)

hour after sunset, except campgrounds which may allow only registered campers on the facility during evening hours.

- i) Applicable specific areas of Article 19 are complied with.
- 2) Animal hospitals, veterinary offices and kennels subject to the conditions set forth in Section 1919.
- 3) Fire and ambulance houses, municipal buildings and uses and similar public buildings.
- 4) Public utility service structures subject to the conditions set forth in Section 1951.
- 5) Subdivision of one lot from or erection of one dwelling on a parent tract greater than two (2) acres and less than twenty-five (25) acres, subject to all requirements of Sections 504 and 1970 of this Ordinance.

Section 504 Agricultural Area and Height Regulations

A) Area Limitations and Requirements. The minimum and maximum lot sizes for uses within the Agricultural District shall be as follows:

- 1) Single family dwellings. Minimum lot size of one (1) acre and maximum lot size of two (2) acres. If DEP regulations require an area greater than two acres for the dispersal of nitrogen-nitrates, the land area necessary for this dispersal shall not be permitted to be a part of the lot. The owner of the parent tract from which such lot is created shall record all necessary documentation to grant a plume easement over adjoining land on the parent tract to provide for the necessary dispersal of the nitrogen-nitrates.
- 2) Farms. The minimum lot size for any farm existing on the effective date of this Section (September 9, 1996) shall be ten (10) acres. The minimum lot size for any farm created after the effective date of this Section shall be fifty (50) acres.
- 3) Public utility service structures. No minimum lot size.
- 4) All other principal uses. Minimum lot size of one (1) acre.

B) Subdivision and Land Development Limitations. It is the intent of the Supervisors to preserve and protect agriculture and to preserve prime agricultural soils through limitations on subdivision and land development.

- 1) Number of lots, dwellings or other principal non-agricultural buildings permitted. For each parent tract there shall be permitted by special exception the subdivision of one (1) lot (which shall specifically include, but not be limited to, a subdivision to create a farm or farms and a subdivision to change lot lines or a "lot add-on" subdivision which removes land from the parent tract to add the land to another lot) or the erection of one (1) single family dwelling or other principal non-agricultural building on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Section 504(A)(1) above, for each twenty-five (25) acres held on October 10, 1988, or if the parent tract was not classified as Agricultural District on October 10, 1988, on the date when such land was first included in the Agricultural District after October 10, 1988. A tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Parent Tract Size to be in Acres	Number of Lots Permitted Subdivided or Dwellings or Principal Non- Agricultural Buildings Permitted to be Erected
At least 2 but less than 25	1
At least 25 but less than 50	2
At least 50 but less than 75	3
At least 75 but less than 100	4
At least 100 but less than 125	5
At least 125 but less than 150	6
At least 150 but less than 175	7
At least 175 but less than 200	8
At least 200 but less than 225	9
At least 225 but less than 250	10

- a) For those parent tracts equal to or greater than two (2) acres but less than twenty-five (25) acres, one new lot may be subdivided or one single-family dwelling or other principal non-agricultural building may be erected by special exception provided that such new lot contains soils predominantly within the agricultural land capability classifications of IV, V, VI, VII, or VIII as defined by the USDA or such dwelling shall be constructed upon such soil types and be surrounded predominantly by such soil types and be immediately adjacent to an existing public road. No further subdivision or erection of additional single-family dwellings or other principal non-agricultural buildings shall be permitted. Any plan for the

subdivision of any such lot or the erection of any such dwelling or other principal non-agricultural building shall contain a note stating that further subdivision of the parent tract or the erection of additional dwellings or other non-agricultural principal buildings is prohibited. The deed for any lot so created shall contain a similar notation.

- b) For those parent tracts which contain at least twenty-five (25) acres, the table set forth above shall be followed to determine the number of lots which may be created or the number of dwellings or other principal non-agricultural buildings which may be erected. A special exception shall be required to authorize the subdivision of each such lot or the erection of each such dwelling or other principal non-agricultural building. Whenever possible, each lot shall be created to contain and each dwelling or other non-agricultural building shall be erected on soils with the agricultural land capability classifications of IV, V, VI, VII, or VIII as defined by the USDA. The burden shall be upon the applicant to demonstrate that development on such soils is not possible. If subdivision of a lot with such soils or the location of a dwelling or other principal non-agricultural building upon such soils is not possible, the lot or dwelling or other principal non-agricultural building shall be so located as to be directly adjacent to an existing public road.
- c) The number of lots which may be created or single family dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.
- d) Any land development, the purpose of which is to permit the erection of a permanent single family dwelling on a parent tract which has been previously improved with a dwelling which also will remain upon the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of agricultural tracts for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.

- e) No subdivision shall be permitted which shall increase the lot size of a lot of record used or to be used for residential purposes in excess of the maximum lot size as set forth herein. Any lot which is less than ten (10) acres in size shall be presumed to be used for residential purposes.
 - f) If a parent tract is to be subdivided to create a new lot for a farm, the remainder of the parent tract and the new lot to be created for the new farm each must contain a minimum of fifty (50) acres. The applicant shall have the burden to present substantial evidence to the Zoning Hearing Board to support the applicant's position that the principal use of the new lot will be a farm.
 - g) In addition to any other requirements of this Ordinance, any proposal to subdivide a parent tract to create a new lot which is greater than two (2) acres but less than fifty (50) acres or which will result in the remainder of the parent tract being in excess of two (2) acres but less than fifty (50) acres shall not be permitted unless the applicant for such special exception shall demonstrate (i) that the lot size and the use to be conducted upon such lot or remainder of the parent tract is authorized within the Agricultural District and, if such use is authorized by special exception such special exception shall have been obtained, or (ii) that the proposed subdivision uses all remaining rights to subdivide lots or erect additional dwellings or other principal non-agricultural buildings on the parent tract and no configuration which would limit the creation of the lot to less than two acres while retaining a parent tract of at least fifty (50) acres is possible. Notwithstanding the foregoing, a landowner of a parent tract shall be permitted to subdivide the number of residential lots with a maximum lot size of two acres authorized by Section 504(B)(1) even if such subdivision or subdivisions will result in the remainder of the parent tract being less than fifty (50) acres.
- 2) Exemptions from special exception requirements and limitation on subdivision of land. The following types of subdivisions shall not be required to obtain a special exception under Section 503 and shall not be counted against the subdivision/land development quota established by Section 504(B)(1):
- a) A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the parent

tract from which the land is taken and the parent tract to which the land is added will be fifty (50) acres or greater after such subdivision.

b) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.

3) Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/ land development quota established by Section 504(B)(1):

a) A subdivision, the sole purpose of which is to transfer not more than one half (0.5) acres of land to increase the size of an existing residential lot in accordance with the criteria in Section 503(A)(14) of this Ordinance.

4) Requirements for plans and deeds relating to lands within the Agricultural District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of land in the Agricultural District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on October 10, 1988, or on the date when such land was first included in the Agricultural District, whichever is later. The right of further subdivision or erection of single family dwellings or other principal non-agricultural buildings, or an statement that no further subdivision or erection of single family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created lot. If the designation of the right of further subdivision or erection of additional single family dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or erection of additional single family dwellings or other principal non-agricultural buildings.

C) Minimum Lot Width. One hundred fifty (150) feet.

D) Minimum Lot Depth. Two hundred (200) feet.

E) Yard Requirements. Unless otherwise provided in this Ordinance, all buildings shall be set back from the right-of-way line of public roads and from all lot lines the following

minimum distances:

- 1) Front Yard. The distance set forth in Article 15 between the center line or right-of-way line, whichever is applicable, of a public road and the building line.
 - 2) Side Yard. There shall be two (2) side yards each having a minimum width of twenty (20) feet.
 - 3) Rear Yard. The rear yard shall have a minimum depth of sixty (60) feet; provided, however, that if the rear yard abuts a public right-of-way, the rear yard setback shall be governed by the limitations on front yard setback, if greater.
- F) Impervious Surface Area. Impervious surfaces shall cover no more than twenty five (25%) percent of the area of the lot for a single family detached dwelling or five (5%) percent of the area of the lot for farms or fifteen (15%) percent of the area of the lot for other uses.
- G) Height Regulations. No building may exceed thirty-five (35) feet in height except as provided in Article 17 of this Ordinance.

**Section 505
Performance Standards**

Compliance With the Agricultural

Compliance with applicable provisions of Section 1732 is required.

Section 506

Landscape Requirements.

All lots within this district containing any use other than agriculture or one single family residence shall be provided with landscape buffers and walking areas, etc. in accordance with regulations contained in Article 17, General Regulations and Section 1710.

Section 507

Agricultural Nuisance Disclaimer

Lands within the Agricultural District 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 and soil amendments. 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 used in a prudent manner.

Section 508

Flag Lots

Flag lots shall be permitted by special exception within the Agricultural District subject to the limitations on the creation of lots set forth in Sections 503 and 504 of this Ordinance and subject to the following additional design standards:

- A) The area within the flag pole providing access to the flag lot shall not be included to determine whether the lot complies with the minimum lot area requirements. However, the area of the flag pole shall be calculated in determining whether the lot exceeds the maximum lot area for residential lots. If two flag lots share a single flag pole, one half of the area of the flag pole shall be included within the area of each lot for the purpose of determining whether the lot exceeds the maximum lot area for residential lots.
- B) The flag pole shall have a minimum width of twenty (20) feet. If the land within the flag lot is large enough to be further subdivided into a second residential lot, the minimum width of the flag pole shall be twenty-four (24) feet. If the plan creating the lot and the deed for such lot contain a restriction prohibiting subdivision of the lot, the flagpole shall have a minimum width of twenty (20) feet.
- C) Not more than two (2) flag lots of any ownership may have adjoining driveway entrances to a public street.
- D) The stacking of flag lots to form more than two (2) tiers of lots is prohibited.
- E) Flag lots shall not be created which are not developable or not accessible through the flag pole due to topographic or other natural features.
- F) Flag poles shall not exceed the maximum length of cul-de-sac streets as set forth in the applicable subdivision and land development ordinance.
- G) For the purpose of establishing the minimum required setbacks, all yards shall be considered rear yards. For lots created under this Section only, lot width shall be measured at any building setback line.
- H) Flag lots, including the flag pole, may be created only on soils of soil class IV, V, VI, VII or VIII as defined by the USDA with the exception of a subdivision to create a lot for an existing dwelling and its accessory uses.

**ARTICLE 5-A
MR-MINERAL RECOVERY DISTRICT**

Section 550 **Permitted Uses**

Land and buildings in the MR-Mineral Recovery District shall be used only for the following purposes:

- 1) Any use permitted as of right in the Agricultural District.

Section 551 **Special Exceptions**

A) The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article 19:

- 1) Any use permitted by special exception in the Agricultural District other than communications antennas mounted on a tower, building or other structure.
- 2) Solid waste disposal facility in accordance with the provisions of Section 1912.
- 3) Quarrying and mining in accordance with the provisions of Section 1913.
- 4) Recycling and resource recovery facilities in accordance with the provisions of Section 1915.

Section 552 **Area and Height Regulations**

- A) The lot area, lot width, lot depth, yard, coverage, and height requirements for uses permitted as of right or by special exception in the Agricultural District which are permitted as of right or by special exception in the Mineral Recovery District shall be in accordance with Section 504.
- B) The lot area, lot width, lot depth, yard, coverage, and height requirements for solid waste disposal, mining, and recycling and resource recovery facilities shall be as set forth in Sections 1912, 1913, and 1915, respectively.

Section 553

Landscape Requirements.

Uses listed in Sections 551(A)(2), 551(A)(3) and 551(A)(4) in this District shall comply with the provisions of Section 1710, General Landscape and Buffer Regulations. Other uses requiring landscape regulations shall be as in the Agricultural District requirements.

ARTICLE 6
R-1 RESIDENTIAL DISTRICT

Section 600 Purpose

To provide low density housing in areas determined appropriate due to existing and adjacent land use and to provide extension of residential areas into the most appropriate sections in relation to the feasibility of the expansion of public water and sewer and to exclude uses not compatible with such development.

Section 601 Permitted Uses

Land and buildings in the R-1 Residential District shall be used for the following purposes. Additionally, all uses within this District shall comply with the General Provisions contained in Article 17.

- A) Agriculture, horticulture, forestry and animal husbandry (except agribusiness or intense agricultural production), as provided in Section 1732.
- B) Single family detached dwelling.
- C) Temporary portable structures for the retail sale of agricultural products in compliance with the provisions set forth in Section 1735.
- D) Accessory buildings in compliance with Section 1716 and uses clearly incidental to the principal use of the above permitted uses when located on the same lot and do not include any activity conducted as a business.
- E) Conservation areas.

Section 602 Special Exceptions

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article 19:

- A) Public Schools. A traffic study is required.
- B) Churches and cemeteries as provided in Sections 1928 and 1925.
- C) Fire and ambulance houses and similar public buildings.
- D) Home occupations as provided in Section 1942.
- E) Permanent Structures for the retail sale of farm products such as vegetables, fruits and eggs, subject to the conditions set for in Section 1910.

- F) Public utility service structures as provided in Section 1951.
- G) Bus shelters as provided in Section 1935.
- H) Nursing, rest or retirement homes as provided in Section 1948.
- I) Family day care facilities as provided in Section 1930.
- J) Nurseries and greenhouses as provided in Section 1953.
- K) Conversion of single family detached dwellings to two family dwellings as provided in Section 1956.
- L) Bed and Breakfasts as provided in Section 1959.
- M) Rest areas as provided in Section 1905.
- N) Elder cottages as provided in Section 1934.
- O) Cluster and open space development as provided in Section 1964.
- P) Clubhouses for private clubs (see §1929) not associated with residential use provided that all provisions contained in Section 503(B)(1) and all applicable provisions of Article 19 are met. These facilities may be located on any soil classification in the R-1 Residential District.

Section 603 Area and Bulk Regulations (For Cluster Development, see Section 1964).

- A) Minimum Lot Area Regulations. The following minimum area regulations shall apply to all properties receiving both public water and public sewer service within the R-1 Residential District:
 - 1) The minimum lot area shall be 24,000 square feet.
 - 2) Each lot shall contain a minimum landscape area of fifty (50%) percent of the lot.
 - 3) In the event that any development within this District is proposed which will not be immediately connected to a public sanitary sewer system and public water system, minimum lot area and yard requirements shall meet standards of 1709.
- B) Bulk Regulations. The following regulations shall apply to all properties receiving public sewer and public water within the R-1 District:

- 1) The minimum lot width shall be one hundred twenty (120) feet.
- 2) The minimum lot depth shall be one hundred fifty (150) feet.
- 3) Unless otherwise provided in this Ordinance, all buildings shall be set back from the right-of-way line of public roads and from all lot lines the following minimum distances:
 - a) Front Yard: The distance set forth in Article 15 between the centerline or right-of-way line, whichever applicable, of a public road and the building line.
 - b) Side Yard: There shall be two (2) side yards each having a minimum of fifteen (15) feet.
 - c) Rear yard: The rear yard shall have a minimum depth of fifty (50) feet; provided, however, that if the rear yard abuts a public right-of-way, the rear yard setback shall be governed by the limitations on the front yard setback, if greater.
- 4) Impervious surface area shall cover no more than twenty-five (25%) of the surface area of the lot for a single family detached dwelling, five (5%) percent if a farm, and twenty-five (25%) for all other uses.
- 5) No building may exceed thirty-five (35) feet in height except as provided in Article 17 of this Ordinance.

Section 604 Landscape Requirements

All proposed land developments and subdivisions within this District proposing four (4) or more residential lots or units, or any non-residential uses other than agriculture or animal husbandry shall comply with the applicable landscaping regulations contained in Article 17, General Regulations.

ARTICLE 7
R-2 RESIDENTIAL DISTRICT

Section 700 Purpose

To provide a variety of housing types, consistent with the potential availability of adequate transportation and public utilities; while maintaining sufficient open area to blend with the general rural agricultural character of the Township; and to exclude uses not compatible with such development.

Section 701 Permitted Uses

Land and buildings in the R-2 Residential District shall be used for the following purposes. Additionally, all uses within this District shall comply with the General Provisions contained in Article 17.

- A) Single family detached dwellings.
- B) Agriculture, horticulture, forestry and animal husbandry (except agribusiness or intense agricultural production), as provided in Section 1732.
- C) Temporary portable structures for the retail sale of agricultural products such as vegetables, fruits and eggs, provided that such use and structure is in compliance with the provisions set forth in Section 1735.
- D) Accessory buildings in compliance with Section 1716 and uses clearly incidental to the principal use of the above permitted uses when located on the same lot and do not include any activity conducted as a business.
- E) Conservation areas.

Section 702 Special Exceptions

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article 19:

- A) Fire and ambulance houses, municipal buildings and uses and similar public buildings.
- B) Home occupations as provided in Section 1942.
- C) Apartment, townhouse, and multi-family dwellings subject to Section 1907.
- D) Neighborhood convenience centers as provided in Section 1906.
- E) Churches as provided in Section 1928.

- F) Public schools. A traffic study is required.
- G) Mobile Home Parks as provided in Article 11.
- H) Conversion of single family detached dwellings to two family dwellings as provided in Section 1956.
- I) Family day care center as provided in Section 1930.
- J) Retirement community as provided in Section 1951.
- K) Public utility services structures as provided in Section 1951.
- L) Cluster and open space development as provided in Section 1964.
- M) Rest Areas as provided in Section 1905.
- N) Bus shelters as provided in Section 1935.
- O) Elder cottage as provided in Section 1934.
- P) Permanent structures for retail sale of farm products such as vegetables, fruits and eggs, subject to the conditions set forth in Section 1910.

Section 703 Area and Bulk Regulations (For Cluster Development, see Section 1964)

- A) Minimum Lot Area Regulations. The following minimum lot area regulations shall apply to all properties with public water and public sewer service within the R-2 Residential District:
 - 1) Single family detached dwellings shall have a minimum lot size of 15,000 square feet.
 - 2) Semi-detached dwellings shall have a minimum lot size of 8,400 square feet.
 - 3) The minimum lot area for a building containing multiple-family dwellings (apartments) shall be two (2) acres and must be served by public sewer and public water. Multiple-family dwellings are permitted at a density of up to six (6) units per acre. In no case shall any building exceed one hundred fifty (150) feet along its longest dimension.
 - 4) Single family attached dwellings shall have a minimum lot size of 3,000 square feet provided, however, that the density of said units shall not exceed six (6) units per acre.

- 5) In the event that any development within this District is proposed which will not be immediately connected to a public sanitary sewer system and public water system, minimum lot area and yard requirements shall meet standards of 1709.
- B) Bulk Regulations. The following regulations shall apply to properties receiving public sewer and public water within the R-2 Residential District:
- 1) Minimum lot widths shall be as follows:

Single family detached:	70 feet
Semi-detached dwellings:	65 feet
Apartments:	200 feet
Single family attached:	24 feet
 - 2) All lots shall have a minimum of depth of one hundred and twenty-five (125) feet.
 - 3) Unless otherwise provided in this Ordinance, all buildings shall be set back from the right-of-way line of public roads and from all lot lines the following minimum distances:
 - a) Front yard. The distance set forth in Article 15 between the centerline or right-of-way line, whichever applicable, of a public road and the building line.
 - b) Side yard.
 - i) Single family detached dwellings shall have two (2) side yards each having a minimum width of fifteen (15) feet.
 - ii) Semi-detached dwellings shall have one (1) side yard having a minimum of twenty (20) feet.
 - iii) Apartment buildings shall have two (2) side yards each having a minimum width of fifty (50) feet.
 - iv) Single family attached dwellings shall have no more than six (6) dwellings attached in any one consecutive row of dwellings. Each end unit shall provide a twenty-five (25) foot side yard.
 - c) Rear yard. Rear yards shall be a minimum of thirty five (35) feet except for apartments where it shall be fifty (50) feet.
 - d) Building separation. In those instances where several multiple-family dwelling buildings and/or single family attached groupings are located on the

same lot, the following separation distances will be provided between each building:

i) Front to front, rear 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.

ii) A minimum yard space of thirty-five (35) 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.

iii) A minimum yard space of thirty-five (35) feet is required between end walls and front or rear faces of buildings.

4) Maximum Lot Coverage. Total impervious surfaces shall not exceed the following percentages of lot area:

Single Family:	30%	
Semi-detached:	35%	
Apartments:		45%
Single Family Attached:	40%	
Farms:	5%	
All Other Uses:	45%	

5) Agricultural Setback Requirement. No dwelling unit shall be located within one hundred (100) feet of any land within the Agricultural District.

6) Height Requirements. No building may exceed thirty-five (35) feet in height or three (3) stories whichever is the lessor except as provided in Article 17 of this Ordinance. Accessory buildings and structures shall be not more than fifteen (15) feet high. Roof lines and elevations of side walls and facades of attached dwellings shall be staggered and broken at least every fifty (50) feet or every two (2) dwelling units by no less than twenty-four (24) inches.

7) Perimeter Setback Requirement. All apartment and single family attached dwellings shall be set back a minimum of thirty-five (35) feet from any perimeter boundary of the development site or the width of the landscape buffer or greenbelt, whichever is greater.

8) Minimum Landscape Area. Each lot shall contain a minimum

landscape area of forty (40%) percent of the area of the lot. If cluster and open space development is proposed, minimum landscape area shall comply with Section 1964.

Section 704 Landscape Requirements

All proposed land developments and subdivisions within this District proposing four (4) or more residential lots or units, or any non-residential uses other than agricultural shall comply with the applicable landscaping regulations contained in Article 17, General Regulations.

**ARTICLE 8
HISTORIC DISTRICT**

**Section 800
Purpose**

Pequea Township's historic sites, buildings, outbuildings, structures and archaeological sites and resources represent a physical link between the present and the past and form a context in which residents can appreciate the growth and evolution of the Township. Therefore, in addition to the community development objectives expressed in Section 102 of this Ordinance, the purposes of this Article include the following:

- A) To promote the general welfare by protecting the integrity of the Township's historic resources as required by Section 604(1) of the Pennsylvania Municipalities Planning Code.
- B) To recognize the importance of the Township's historic resources as part of our heritage.
- C) To expand opportunities for the continued use or adaptive reuse of historic resources for economically productive activities.
- D) To increase the economic advantages of preserving and retaining historic resources.
- E) To establish a procedure whereby relevant information about historic resources can be preserved in the event that demolition or destruction is necessary.
- F) To mitigate the adverse consequences imposed by the incompatible development of property near historic resources.

**Section 801
Definitions**

In this Article 8, the following words and phrases shall have the meanings indicated herein or, if such terms are defined in the Pennsylvania History Code, shall have the meanings set forth in Section 103 of the History Code, 47 Pa. C.S. §103.

Archaeological site - An area of land which contains evidence of previous prehistoric or historic human habitation or stratified deposits of animal or plant remains or manmade artifacts or human burials.

Building - An enclosure which shelters human activities, including but not limited to a dwelling, church, factory or mill.

Historic resource - A building, structure, outbuilding, object, district, place, site, or area significant in the history, architecture, maritime heritage, archaeology or culture of the Town-

ship, County, Commonwealth, or United States.

Outbuilding - An enclosure which is accessory to a building which shelters human activities, including but not limited to a barn, outhouse, smokehouse, or summer kitchen.

Site - An area of land, including but not limited to a lot.

Structure - A man-made object which does not shelter humans or animals, including but not limited to bridges or lime kilns.

Section 802

Applicability

The provisions of this Article shall be applied to the sites and activities identified as within the Historic District as follows:

- A) Overlay designation. The sites listed below shall be deemed to constitute an overlay district on the Township Zoning Map:
- 1) Historic resources listed on the National Register of Historic Places, as it may be amended, and the lots on which they are located.
 - 2) Historic resources listed on any register of historic places compiled or maintained by the Commonwealth or any of its agencies, as it may be amended, and the lots on which they are located.
 - 3) Historic resources listed in "Our Present Past (1985)" prepared by the Historic Preservation Trust of Lancaster County, as it may be amended, and the lots on which they are located.
 - 4) Any lot immediately adjacent to or immediately across a street from any historic resource in Pequea Township identified in Sections 802(A)(1) - (3) above.
- B) Actions which require adherence to this Article. The provisions of this Article shall apply to sites listed in Section 802(A) which involve any of the following:
- 1) The subdivision or land development of any lot containing an historic resource.
 - 2) The construction, reconstruction, enlargement or demolition of any building, outbuilding or structure identified in Sections 802(A)(1) - (3) above.
 - 3) The change of use of any building, outbuilding, structure or site which has the effect of significantly increasing traffic or the intensity of use of the building, outbuilding, structure or site.

- 4) The clear cutting of vegetation or the stripping of the earth's surface.
 - 5) Installation of or change to signs.
 - 6) Exterior renovations to any building, outbuilding or structure which alter exposed horizontal elevations facing any public roadway or other site listed in Section 802(A).
- C) Relationship to other regulations. The provisions of this Article shall supersede any regulation in this Ordinance otherwise pertaining to the site. Except as modified by this Article, the remaining provisions of this Ordinance and any other ordinance or regulation shall not be affected and shall remain in full force and effect.

Section 803
Use Regulations

In addition to the uses permitted by the underlying zoning district, the following uses are authorized on lots containing historic resources as identified in Section 802(A)(1) - (3) according to the table below. The uses authorized by this Section must be located within an historic building or outbuilding as identified in Section 802(A)(1) - (3) and cannot be located within a new building, outbuilding or structure.

- A) Permissible Uses. The following uses are permitted by right, by special exception, or are prohibited in certain districts as follows, provided the historic building or outbuilding identified in accordance with Section 802(A)(1) - (3) is rehabilitated and is the location of the use:

Uses
Zoning Districts

Specific Use	A+, MR	R-1	R-2	C	I
Single family dwelling	R	R	R	R	SE
Multi-family dwelling	SE*	SE*	SE*	R	SE
Home Occupation	SE	SE	SE	R	R
Bed and Breakfast	SE	SE	SE	R	SE
Office	SE	SE	SE	R	R
Inn	SE	SE	SE	SE	R
Restaurant	N	N	N	SE	SE
Retail	N	N	N	SE	R

R: Permitted as a "by right" use SE: Permitted as a "Special Exception" use

N: Not permitted

+: Number of principal non-agricultural uses or lots governed by §504

*: Not to exceed two dwellings per structure

B) Specific criteria for special exception uses. Any use authorized by this Section by special exception shall comply with the specific standards and criteria applicable to that use in Article 19. This shall include Sections 1942, Home Occupations; 1956, Conversion-Single Family Detached to Two Family Dwelling; 1959, Bed and Breakfast Establishment; 1962, Retail Stores, Shopping Centers, and Business Offices in Excess of 4,000 Square Feet but Less than 10,001 Square Feet of Gross Floor Area; and 1967, Restaurants. In addition, Inns shall comply with all of the regulations set forth in Section 1959, Bed and Breakfast Establishment, except Subsections (J) and (O).

C) Special Exception General Criteria. In hearing all requests for special exceptions under the provisions of this Article, the Zoning Hearing Board shall review each of the following criteria as they shall apply to the application. An applicant for a special exception shall also demonstrate compliance with all applicable provisions of Article 19 of this Ordinance. In approving special exceptions, the Zoning Hearing Board may attach such reasonable conditions, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance.

1) Applicants shall submit an Architectural Assessment as required in Section 804 and/or an Archaeological Assessment as required under Section 805, as applicable.

- 2) All construction shall conform to the requirements in Section 806.
- 3) The proposed land use or activity shall not substantially alter the exterior character of the structure or the character of the neighborhood.
- 4) The proposed use or activity shall be consistent with the purposes of the Ordinance and this Article.
- 5) Adequate utilities shall be available to serve the proposed use. When public utilities are available, they shall be utilized.
- 6) In order to provide for the efficient or adaptive reuse use of a building, outbuilding or structure listed in Section 802(A), the applicant may request that the Zoning Hearing Board adjust lot size, yard setback, height, bulk, parking or any other standards to the extent necessary to permit the efficient use or reuse of existing buildings, outbuildings or structures. Such adjustment shall be the minimum necessary to permit the efficient use of the building, outbuilding or structure, and shall be compatible with the architectural character of the building, outbuilding or structure and site and protect environmentally sensitive areas. These adjustments shall not necessarily be construed as variances unless requested by an applicant. However, no adjustments to the minimum requirements of the Floodplain District shall be made under this paragraph which have the effect of expanding or intensifying a use within a floodplain.
- 7) The Zoning Hearing board may require the use of screening or buffering.

Section 804

Architectural Assessment

Prior to the issuance of any zoning or building permit for any activity listed in Section 802(B) which involves an historic resource identified in accordance with Section 802(A), the applicant shall submit a statement prepared by an architect, landscape architect, or professional planner (which architect or planner shall have extensive experience with historic resources), which shall include the information listed below. This statement shall be submitted to the Zoning Officer, who shall review the statement and determine, within ten days of submission, whether all information as required in this Section has been submitted and whether the proposal conforms with the provisions of this Section. After such determination, the Zoning Officer shall process the application as otherwise required in this Ordinance. The architect or planner shall include the following information in his or her statement:

- A) A topographic map of the parcel, identifying the historic resource and depicting the proposed use.
- B) A written description of the site's historic features and significance.
- C) Renderings of all proposed building, outbuildings and structures and alterations of existing building, outbuildings and structures, and descriptions of any architectural treatments that are intended to complement any historic architectural styles represented by the building, outbuilding or structure. All such construction shall conform to the requirements of the design standards listed in Section 806.
- D) A plan for all required landscaping.
- E) In the event of a request for a demolition permit, the applicant shall submit the following:
 - 1) Photographs of all elevations of the building, outbuilding or structure proposed to be demolished.
 - 2) A plot plan of the lot, including the areas surrounding the building, outbuilding or structure proposed to be demolished and all accessory structures.
 - 3) A written description of the materials and methods used in the construction of the building, outbuilding or structure proposed to be demolished.
 - 4) Measurements of all outside dimensions of the building, outbuilding or structure proposed to be demolished.
 - 5) A statement, supported by adequate documentation from a professional architect or planner who specializes in historic resources, that the building, outbuilding or structure cannot be economically used or reasonably adapted for any of the uses allowed under Section 803(A), and that renovation expenses would not yield a resultant property value at least equal to the total investment.

Section 805
Archaeological Assessment

All activities listed in Section 802(B) which involve lands identified by the Pennsylvania Historical and Museum Commission (PAHMC) as containing a known or possible archaeological site and which propose to disturb possible locations of archaeological resources, shall require the preparation of a statement by a professional archaeologist which includes the information listed below. This statement shall be submitted to the Zoning Officer, who shall review the statement and determine, within ten business days of submission, whether all information as required in this Section has been submitted and whether the proposal conforms with

the provisions of this Section. After such determination, the Zoning Officer shall process the application as otherwise required in this Ordinance.

- A) A Phase I survey of archaeological resources conducted on the site and its findings. The survey shall be conducted in accordance with all PAHMC recommendations and procedures for Phase I surveys.
- B) If construction shall occur on the site, the applicant shall provide a detailed plan and description of the methods which shall be used to prevent the disturbance of archaeologically-significant areas during the following construction, to prevent grading of archaeologically-significant areas, and a discussion of any provisions used to orient activities away from archaeologically-significant areas.
- C) A plan for the ultimate disposition of any architecturally-significant artifacts to be found on the site.

Section 806

Design Standards

The following design standards shall apply to all activities listed in Section 802(B).

- A) Enlargement. Additions and enlargements to any building, outbuilding or structure shall be limited to the areas that do not involve any elevation facing any public street or facing any other historic resource listed in Section 802(A) and cannot add more square footage than the following percentage of the inside on the first floor of the existing historic building, outbuilding or structure:

Single-family dwelling, multi-family dwelling and home occupations	25%
Inns and bed and breakfast establishments	50%
Office, retail or restaurant	50% or 1,000 square feet, whichever is lesser

B) Compatible materials. Alterations or additions shall utilize materials which are substantially similar to or compatible with materials used in the other portions of the building, outbuilding or structure. The use of materials which are clearly out of context with the original building, outbuilding or structure shall be avoided.

C) Compatible architectural styles. New construction shall complement the style of the building, outbuilding or structure. The following criteria shall be particularly analyzed:

- 1) Proportion of Buildings' Front Facades - The relationship between the width of the front of the building or outbuilding and the height of the front of the building or outbuilding.
- 2) Proportion of Openings Within the Building - The relationship of width to height of the windows and doors.
- 3) 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.
- 4) 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.
- 5) Rhythm of Entrance and/or Porch Projections - Moving past a series of buildings, one experiences a rhythm of entrances or projections at an intimate scale.
- 6) Relationship of Materials - Within an area, the predominant materials may be brick, stone, stucco, wood siding, or other material.
- 7) 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.
- 8) Walls of Continuity - Physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these form

continuous, cohesive walls of enclosures along the street.

- 9) Relationship of Landscaping - There may be a predominance of a quality and quantity of landscaping although emphasis herein shall be with the amounts of continuity of landscaping.
 - 10) Paving Materials - There may be a predominance in the use of brick pavements, cobblestones, granite blocks, or others.
 - 11) 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 or outbuilding facade.
 - 12) 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 related to open space. The major elements of scale may be brick or stone units, window or door openings, porches, and balconies, etc.
 - 13) 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 patina colored by time. Blending colors of trim is also a factor.
 - 14) Relationship of Roof Shapes - Buildings and outbuildings should have compatible roof shapes such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
- D) Signs. Signs shall not be internally lighted. Signs should be constructed from materials that are compatible with the character of the site, such as wood.

Section 807 Permits

- A) All applicants for special exception uses, variances or for zoning permits for any property identified in Section 802(A) of this Ordinance shall submit an architectural assessment prepared in accordance with Section 804 or an archaeological assessment prepared in accordance with Section 805, as applicable, with the application for a special exception, variance, or zoning permit.
- B) The applicant shall request the Historic Preservation Trust of Lancaster County and the Township Planning Commission to submit an evaluation of the proposal for effect on historic resources of the site. The applicant shall submit documenta-

tion that the evaluation has been requested not later than the date the application has been submitted to the Township.

- C) If the study required by Section 807(A) is submitted in conjunction with an application for approval of a special exception or variance, the Zoning Hearing Board shall review the study submitted in conjunction with the application for the special exception or variance. The Zoning Hearing Board may use the study to impose reasonable conditions upon the granting of any special exception or variance. If the study is submitted to the Zoning Officer in connection with an application for a zoning permit, the Zoning Officer shall review the study to insure that it addresses all of the standards and criteria set forth in this Section. The purpose of the study shall be to require the applicant for the zoning permit to consider the effect of the proposed use upon the historic or archeological significance of the site.

**ARTICLE 9
COMMERCIAL DISTRICT**

**Section 900
Purpose**

This District is designed to provide for the commercial needs of the community in areas which shall provide for off street parking spaces, and safe circulation of pedestrian and motor vehicle traffic. New residential development shall be excluded from this district to reserve adequate areas for commercial development and to protect residents from an undesirable environment.

**Section 901
Permitted Uses**

Land and buildings in the Commercial District shall be used only for the following purposes:

- A) Retail stores, shops, convenience stores and business offices containing fewer than 4,000 square feet of gross floor area.
- B) Professional, business, and personal service establishments (for exceptions see §902).
- C) Automobile and other motor vehicle sales.
- D) Consumer product repair services (for exceptions see §902).
- E) Specialty shops for custom work and articles normally to be sold at retail on the premises such as baking, confectionery, dressmaking, and printing.
- F) Agriculture and horticulture (see §1732).
- G) Temporary portable structures for the retail sale of agricultural products in compliance with Section 1735.
- H) Conservation areas.
- I) Accessory buildings and uses clearly incidental to the principal use of the above permitted uses when located on the same lot.

Section 902 Special Exceptions

The Zoning Hearing Board may permit the following uses by special exception in accordance with Article 19.

- A) Adult related business (see §1916).

- B) Amusement arcade (see §1918).
- C) Apartments uses in connection with a permitted commercial use (see §1954).
- D) Banks (see §1926).
- E) Billboards (see §1952).
- F) Bus shelters (see §1935).
- G) Car wash (see §1924).
- H) Clinics and residential facilities for the treatment and/or rehabilitation of persons who have psychological or mental disorders (including but not limited to substance abuse), head trauma, spinal cord trauma and similar illness or injuries not requiring hospitalization (see §1969).
- I) Clubhouses for private clubs not associated with residential use, provided that the regulations found in Section 503(B)(1) and Article XIX shall be met. Such establishments may be located upon any soil classification in the Commercial District (see §1929).
- J) Conference and resort centers (see §1968).
- K) Conversion: residential to non-residential (see §1957).
- L) Day care (commercial) (see §1930).
- M) Fire and ambulance houses and similar public buildings.
- N) Funeral homes and undertaking establishments (see §1939).
- O) Greenhouses or nursery (see §1953).
- P) Heliports (see §1917).
- Q) Home improvement stores (see §1940).
- R) Home occupations (see §1942).
- S) Hospitals (see §1943).
- T) Hotels and motels (see §1966).
- U) Laundromats, dry cleaners, and laundries (see §1933).
- V) Ministorage facilities (see §1946).
- W) Motor vehicle fuel stations (auto filling stations) (see §1921).

- X) Nightclubs (see §1947).
- Y) Outdoor storage (see §1941).
- Z) Parking lot serving two or more establishments [see also §1404(R)].
- AA) Permanent structures for the retail sale of farm products such as vegetables, fruits and eggs (see §1910).
- AB) Public utility service structures (see §1951).
- AC) Recreation and entertainment facilities (see §1931).
- AD) Repair facilities (see §1922).
- AE) Rest areas (see §1905).
- AF) Restaurants other than drive-in or drive-thru or fast food restaurants (see §1967).
- AG) Restaurant, drive-in, drive-thru or fast food (see §1932).
- AH) Retail stores, shopping centers, and business offices in excess of 4,000 square feet of gross floor area and less than 10,001 square feet of gross floor area (see §1962).
- AI) Retail stores, shopping centers, supermarkets, and business offices in excess of 10,000 square feet of gross floor area (see §1965).
- AJ) Communications antennas mounted on or in a public utility transmission tower, building or other structure existing on the effective date of this Section (December 10, 2001) and accessory communications equipment buildings subject to the conditions set forth in Section 1960.
- AK) Schools, private (see §1949).
- AL) Semi-detached buildings (see §1904).
- AM) Wholesale office and showroom. Those stipulated in Section 1958 are not permitted in the Commercial District.
- AN) The Zoning Hearing Board may permit other uses and their accessory uses or buildings which, in its opinion, are of the same general character as any of the above in accordance with Section 1736, provided that none of the following shall be permitted:
 - 1) Any process of manufacturing, assembly or treatment which is not clearly incidental to a retail business conducted

on the premises or which constitutes a nuisance by reason of odor, noise, dust or smoke, even if incidental to a retail business conducted on the premises.

- 2) Fuel, lumber or coal yards, building material storage yards, contractors' equipment and storage yards, and commercial warehouses (see §1958).

Section 903

Area and Height Regulations

- A) Minimum Lot Area. The minimum lot size shall be one (1) acre unless both public sewer and public water are present. If provided with public sewer and public water, one half (1/2) acre minimum size is required.
- B) Minimum Lot Width. One hundred and fifty (150) feet.
- C) Yard Requirements. Yards may be used for the purpose of meeting off-street parking and loading requirements, except that no parking or loading shall be permitted closer than ten (10) feet to any property line or street right-of-way line in the case of a shopping center. Also landscape requirements must be met (see §908). Yards of the following minimum sizes shall be provided:
 - 1) Front Yard. The distance set forth in Article XV between the centerline or right-of-way line, whichever applicable, of a public road and the building line.
 - 2) Side and Rear Yards. All buildings shall be located a minimum of fifteen (15) feet from all other lot lines except where the lot borders a residential or agricultural district, the minimum side and/or rear yard shall be fifty (50) feet.
- D) Height Regulations. No building may exceed thirty-five (35) feet in height or three (3) stories whichever is less.
- E) Lot Coverage. Total impervious surface areas shall not exceed sixty (60%) percent.
 - 1) The maximum area of the lot covered by buildings shall be fifty (50%) percent.
 - 2) The maximum paved area shall be fifty (50%) percent per lot.
- F) Fire Control. On site storage of at least one (1) gallon per square foot of floor space, if no public water.
- G) Hazardous or flammable materials stored or used on site

shall be reported to the Township office and both Township fire companies and updated at least annually in October and as new hazardous or flammable material is brought onsite.

- H) In the event that any development within this District is proposed which will not be immediately connected to a public sanitary sewer system and public water system, minimum lot area and yard requirements shall meet standards of 1709.

Section 904

Access Drive Requirements

Each separate use or group of attached buildings and/or uses permitted as a single integrated plan, shall not have more than two (2) access drives thirty (30) feet in width, or one (1) access drive forty-eight (48) feet in width plus divisor, per one thousand (1,000) feet of frontage or part thereof which is connected to any one (1) public road or highway. The access drive width shall be measured at the right-of-way line.

When the property has greater than three hundred (300) feet of frontage along any one (1) public road or highway, the Zoning Hearing Board may permit additional access drives or alternative designs as a special exception [see §1403(A)].

Section 905

Waste Products and Outdoor Storage

- A) Outdoor storage is permitted only by special exception (see §1941).
- B) Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from adjoining roads and properties and setback a minimum of fifty (50) feet from any adjoining residentially used or zoned properties. All water receptacles shall be completely closed.

Section 906

Traffic Study

A traffic study is required for special exception uses (see Section 1711) set forth in Sections 902(A), (B), (G)-(J), (L), (P), (Q), (S)-(U), (W)-(Z), (AC), (AF)-(AI).

Section 907

Performance Standards

See Commercial Performance Standards and Section 1732.

Section 908

Landscaping

- A) Each lot shall contain a minimum landscape area of forty (40%) percent of the lot.
- B) Landscaping shall be provided in accordance with the requirements contained in Article 17, General Regulations and Section 1732.

Section 909
General Regulations

All uses within this district shall comply with Article 17.

**ARTICLE 10
INDUSTRIAL DISTRICT**

**Section 1000
Purpose**

To continue industrial use of the areas currently zoned for this purpose, and to allow expansion of industrial uses in those areas which usually do not contain prime farm soils and soils of state-wide importance; are not located in proximity to current or future planned residential areas; and to areas which are or will be serviced with roads appropriate to handle industrial traffic. It is further intended that approved industrial operations will be compatible with surrounding land uses.

**Section 1001
Permitted Uses**

Land and buildings in the Industrial District shall be used for the following purposes:

- A) Agriculture and Horticulture (see Section 1732).
- B) Business offices associated with the industrial use of the tract.
- C) Municipal buildings and uses.
- D) Accessory buildings and uses clearly incidental to the principle use of the above permitted uses when located on the same lot.
- E) Conservation areas.

**Section 1002
Special Exceptions**

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article 19.

- A) Laboratories for scientific or industrial research and development (shall comply with Section 1958).
- B) Fire and ambulance houses and similar public buildings.
- C) Municipal or private parking lot serving two (2) or more industrial locations [see also Section 1404(R)].
- D) Heavy equipment sales, service or repair (see Section 1937).
- E) Sawmills (see Section 1963).
- F) Heliport (see Section 1917).

- G) Bus shelters (see Section 1935).
- H) Assembling, manufacturing or processing of materials and goods (shall comply with Section 1958).
- I) Warehousing and wholesaling (see Section 1958).
- J) Truck, bus or motor freight (see Section 1955).
- K) Printing, publishing, lithographing, binding and similar processes (shall comply with Section 1958).
- L) Vocational trade school.
- M) Agricultural support businesses (shall comply with Section 1937).
- N) Public utility service structures (see Section 1951).
- O) Conversion - residential to non-residential (see Section 1957).
- P) Semi-detached buildings in commercial and industrial districts (see Section 1904).
- Q) Communications antennas mounted on or in a public utility transmission tower, building or other structure existing on the effective date of this Section (December 10, 2001) and accessory communications equipment buildings subject to the conditions set forth in Section 1960.
- R) Communication towers subject to the conditions set forth in Section 1961.
- S) Rest areas (see Section 1905).
- T) Billboards (see Section 1952).
- U) Home occupations (see Section 1942).

Section 1003
Application Procedures

An application for a Zoning Permit and/or Certificate of Occupancy for a building or land use in any industrial district shall be accompanied by:

- A) A plot plan of the lot showing all existing and proposed landscaping and grading; topographical surveys showing the contours in two (2) feet intervals; security fencing as required; the location of all present and proposed buildings, access drives, parking lots, waste disposal fields and other construction features on the lot; and all buildings; streets, alleys, highways, with traffic flow patterns; and all topographical features outside of the lot and within three hundred (300) feet of any lot lines. This plot plan shall also include all existing wetlands, woodlands, waterways, historical sites, and environmentally sensitive areas outside of the lot and within five hundred (500) feet of any lot lines.
- B) A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, fire hazards, smoke, fumes, odors, dust, noise, outdoor lighting, and other nuisances specified or unspecified in this Ordinance, along with designations of the method proposed to be used for controlling any possible nuisance. The Applicant shall also describe how the proposed use will comply with applicable performance standards contained in Section 1732.
- C) The proposed number of shifts to be worked, the maximum number of employees on each shift, and the hours of operation for each day.
- D) A list of buildings to be located on the site and their floor space requirements for each step of the industrial process.
- E) Preliminary architectural sketches, method of sewage disposal and source of water supply.
- F) A proposed storm water plan.
- G) Any other data or evidence the Zoning Officer may require.

Section 1004
General Industrial Standards

- A) Screening. All outdoor storage, parking, and/or loading areas shall be screened from view of any adjacent property or public right-of-way by landscape screening installed in accordance with the regulations contained in Article 17, General Regulations [see Section 1710(L)(3)]. All existing screening shall be permanently maintained. If screening

consists of trees, no removal of lower level branches that would impair screening shall be permitted.

- B) Landscaping. Any part of the site which is not used for buildings or other structures or paving shall be landscaped in accordance with the regulations contained in Article 17, General Regulations.
- C) Outdoor Activities and Equipment Screening. [see Section 1710(L) (3) (b) and (c)].
- D) Perimeter Buffering. The perimeter of the lot shall be provided with a landscape buffer and greenbelt in accordance with the regulations contained in Article 17, General Regulations [see Sections 1710(L) and (M)]. All existing landscape buffering and greenbelts shall be permanently maintained. If landscape buffering consists of trees, no removal of lower level branches that would impair buffering or screening effect shall be permitted.
- E) Access Drive and Parking Lot Construction. All access drives and parking areas shall be paved with macadam surface or the "all-weather" surface as may be approved by the Township.
- F) Liquid Waste Plan. At the time of submission of the application, the applicant shall submit a proposed plan for treatment, handling, storage, and disposal of all liquid wastes. This includes the cleaning and/or washing of motor vehicles and/or their contents. This plan must meet all requirements of the DER and/or any other State, County, or Federal Agency, in effect at the time of application. A qualified engineer shall certify that all such requirements are met on the plan.
- G) Solid Waste Plan. At the time of submission, the applicant shall submit a proposed plan for handling, storage and disposal of all solid waste generated, along with a description of all recyclable materials generated. This plan must meet all requirements of the DER and/or any other State, County or Federal Agency, in effect at the time of application. A qualified engineer shall certify that all such requirements are met on the plan unless the solid waste includes only those materials which are routinely disposed of through regularly scheduled stops (within thirty days) from a licensed solid waste hauler. Certification is to be given the Township that those disposed are not recyclable.
- H) Access and Traffic Control. The edges of all accessways or driveways to any public street or highway shall be at least fifty (50) feet from a side property line intersection with the streetline; located at least two hundred (200) feet from the intersection of any street lines; at least fifty (50) feet from the edge of another driveway on the same property; and shall be designed in a manner conducive to safe ingress

and egress. Exits shall be located on minor streets or highways or of lesser classification or use. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration or deceleration required by PennDOT or the Township.

I) Interior Drives and Parking Facilities.

- 1) Interior drives within any industrial land development shall be designed so as to prevent blockage of vehicles entering or leaving the site [see Section 1404(I)].
- 2) Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities (see Section 1405).
- 3) Interior drives shall be clearly marked by adequate painting marking, (curbing and signs) so that operations of vehicles intending to patronize such parking areas shall not duly impede traffic as a result of any confusions as to the location of entrances and exits and the manner of reaching them (see Section 1404(J)).

J) Emergency Plan of Access. A written plan of access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. All existing uses shall have twelve (12) months to comply with this requirement. The owner's plan of action for emergency access to the building shall be submitted to the Township and the fire companies at the time of submission for the permit.

Section 1005

Specific Performance Standards

Specific performance standards shall be followed (see Section 1732).

Section 1006
Traffic Study

A traffic study is required for uses authorized by special exception at Sections 1002(A), (C), (D), (E), (F), (H), (I), (J), (K), (L), and (M). The traffic study shall comply with the provisions of Section 1711.

Section 1007
Area, Height and Bulk Regulations

- A) Lot Area. The minimum lot size shall be one (1) acre except with regard to truck and bus terminals, including truck and bus parking and related service and repair areas and uses, in which case the minimum lot size shall be five (5) acres. Other exceptions are found in Article 19.
- B) Lot Coverage. Total impervious surface shall not exceed sixty-five (65%) percent.
- 1) The maximum area of the lot covered by buildings shall be fifty (50%) percent of the lot.
 - 2) The maximum paved area shall be fifty (50%) percent of the lot.
 - 3) Minimum landscape area shall be at least thirty-five (35%) percent of the lot and shall not be used for outdoor storage.
- C) Lot Width. The minimum lot width shall be one hundred and fifty (150) feet.
- D) Front Yard. The minimum front yard setback shall be seventy-five (75) feet.
- E) Side and Rear Yard. The minimum side and rear yard setbacks shall be twenty-five (25) feet on any side, provided that where the lot borders on a residential district or residential use in any district, the minimum shall be one hundred (100) feet.
- F) Height Regulations. The maximum height shall be thirty-five (35) feet except as provided in Article 17.
- G) Tower and Chimney Location. Minimum setback distance shall be equal to the height of the tower or chimney, but under no circumstances shall be less than fifty (50) feet from any lot line.
- H) Fire Control. On-site storage of at least one (1) gallon per each square foot of floor space, if no public water.
- I) Hazardous and Flammable Materials. These materials stored or

used on-site shall be reported to the Township office and fire companies and updated at least annually in October or as new hazardous or flammable material is brought on-site.

- J) In the event that any development within this District is proposed which will not be immediately connected to a public sanitary sewer system and public water system, minimum lot area and yard requirements shall meet standards of 1709.

Section 1008

Additional Regulations

See Articles 13, 14, 17, and 19 for applicable areas and the more stringent shall be complied with as compared with this Article.

Section 1009

Waste Products and Outdoor Storage

Outdoor storage is permitted provided it complies with all setbacks specifically imposed on this district and follows all guidelines as in the Landscape Ordinance and Performance Standards Section 1732. Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened [as per Section 1710(L) (3)] and set back a minimum of one hundred (100) feet from any adjoining residentially used or zoned properties. All waste receptacles shall be completely enclosed.

ARTICLE 11
MOBILE HOME PARKS

Section 1100

Area and Density Regulations (See also Section 702)

- A) Each mobile home park shall have a minimum area of five (5) acres, and be served by public sewer and public water. Mobile home parks shall only be allowed as a special exception in the R-2 District, and mobile home parks shall front on and gain access from a rural major collector or any arterial roads as defined in Article 15.
- B) There shall be a maximum of six (6) dwelling units per acre in a mobile home park.
- C) Each mobile home space shall contain no more than one (1) mobile home, nor more than one (1) family.
- D) Setback. The minimum setback from a public road to any mobile home park service or accessory building, mobile home or off-street parking facility shall conform to the setback prescribed in Article XV of this Ordinance.
- E) No mobile home, office or service building shall be located within thirty-five (35) feet of a park boundary.
- F) Each mobile home space and office or service building space shall have a minimum area of five thousand (5,000) square feet, a minimum front yard of thirty (30) feet, a minimum rear yard of twenty-five (25) feet, and two side yards with a minimum of fifteen (15) feet each. If the interior mobile home park roads are to remain private, the minimum front yard shall be measured from the edge of the pavement of the interior road. In no case shall the distance between a mobile home and a mobile home park office, maintenance building, or another mobile home be less than thirty (30) feet.
- G) Not less than fifteen (15%) percent of the gross area of the mobile home park, excluding service buildings or offices, shall be set aside for useable recreation use by all park residents. Recreation facilities other than walking or nature trails shall not be located within any of the required yards, screens buffers or greenbelts.
- H) The total area of all impervious surface shall not exceed sixty (60%) percent of the gross area of the mobile home park.

Section 1101

Required Mobile Home Space and Mobile Home Stand

- A) The mobile home foundation shall be provided with devices for anchoring the mobile home to the foundation to prevent overturning or uplifting of the mobile home. Anchoring devices shall be in the form of anchor bolts or cable which are of adequate size and material to prevent such forces and shall be fastened securely to the base frame of the mobile home and anchored to the footing with adequate anchor plates or hooks.
- B) Each mobile home shall be set upon and securely fastened to a permanent foundation of block or concrete, with concrete footings extending at least thirty-six (36) inches below finished grade. Each mobile home stand shall be equipped with appropriately designed utility connections.
- C) Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions. Each mobile home shall be properly affixed to approved water, sewer and electrical outlets. All mobile homes shall be anchored according to the instructions in the owner's manual. The Zoning Officer shall be provided adequate information to determine if these requirements have been met and will make an on site inspection.

Section 1102

Service and Accessory Buildings

- A) Construction. All service and accessory buildings including management offices, storage areas, laundry buildings, and indoor recreation areas shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites and other destructive elements from causing deterioration.
- B) Accessory Buildings. Service and accessory buildings may only be constructed in accordance with an approved plan. The Zoning Officer shall be provided adequate information to determine if these requirements have been met and will make an on site inspection. Attachments to individual mobile homes in the form of sheds or lean-tos are prohibited.
- C) Mobile Home Park Office. Every mobile home park office shall have a structure designed and clearly identified as the office of the mobile home park manager. A copy of the park permit and of this Ordinance shall be posted therein and park register shall at all times be kept in said office.
- D) Storage Space. Occupants of each mobile home space shall be provided with a storage shed of relatively uniform size and shape. These shall be placed in the rear yards. Storage sheds shall be placed on concrete slabs.

- E) Use of Service and Accessory Buildings. Service and accessory buildings located in a mobile home park shall be used only by the occupants of the mobile home park or their guests.
- F) Setbacks. All accessory structures, including sheds, porches, patios, and decks shall not be located in any required front yard and shall not be located closer than five (5) feet to an adjacent mobile home space.

Section 1103

Water Supply

- A) Approved Source. All mobile home parks shall be connected to a public water source.
- B) Connection Required. All mobile homes and service buildings shall be connected to the public water supply system. Individual water-riser pipes having an inside diameter of no less than three fourths (3/4) inch shall be provided on each mobile home stand and shall terminate no less than four (4) inches above the ground.
- C) Protection of Lines. Adequate provisions shall be made to protect water service lines from damage including a shut off valve on each mobile home space below the frost line.
- D) Fire Hydrants. The fire fighting system shall be planned and installed in accordance with the most stringent of the provisions of the Middle Department Association of Fire Underwriters, the local Fire Company, the applicable Subdivision and Land Development Ordinance, or other local municipal regulations.

Section 1104

Sewage Disposal

- A) Approved System. All mobile home parks shall be connected to a public sewage system.
- B) Connection Required. All mobile homes and service buildings shall be connected to the public sewage system. Individual sewer-riser pipes having at least a four (4) inch diameter shall be located on each mobile home stand and shall extend at least one (1) inch above ground level. Provision shall be made for sealing the sewer-riser pipe with a securely fastened plug or cap when the mobile home site is unoccupied.
- C) Protection of System. Adequate provision shall be made to protect sanitary sewers from storm water infiltration and breakage. All sewer lines shall be constructed in accordance with the strictest of materials approved by the DER and any applicable municipal sewer authority or the applicable Subdivision and Land Development Ordinance.

Section 1105

Storm Drainage, Erosion and Sedimentation and Floodplain Controls

- A) Surface Drainage. The ground surface in all parts of the mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner as approved by the Township engineer.
- B) Drainage Structures. Storm sewers, culverts, and related installations shall be provided to permit the unimpeded flow of natural water courses, to insure the drainage of all low points along the line of streets and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained.
- C) Storm Water Kept Separate. Storm water shall be kept separated from sanitary waste until the latter is treated in a manner approved by the DER and local sewer authority.
- D) All mobile home parks must conform to the requirements of the Lancaster County Subdivision and Land Development Ordinance or other applicable Subdivision and Land Development Ordinance, if more stringent.
- E) All mobile home parks shall be built outside 500-year designated floodplain areas.

Section 1106

Mobile Home Park Streets

- A) Interior mobile home park streets shall provide access to all mobile homes within the mobile home park.
- B) If interior mobile home park streets are to be dedicated to the Township, such streets shall comply with all applicable Township standards and with the standards of any applicable subdivision and land development ordinance.
- C) Interior mobile home park streets which are to remain private shall comply with the following standards:
 - 1) Width. All mobile home park streets shall have a cartway width at least twenty-four (24) feet for two way streets and twelve (12) feet for one-way streets. If on-street parking is provided, the minimum width shall be increase by ten (10) feet for each lane of parking.
 - 2) Construction Standards. Pavement base and pavement wearing surface shall be constructed according to the Township Road Ordinance or the applicable Subdivision and Land Development Ordinance, whichever is most stringent.
 - 3) Curbs. Curbs shall be required on both sides of all streets in a mobile home park. Curbs may be the vertical

type and shall be maintained in their original condition at all times.

- 4) Clear Sight Triangle. Measured along the center lines of intersecting mobile home roads, a clear sight triangle of seventy-five (75) feet from the point of intersections [as in Section 1402(C)] shall be kept except at the intersection of a mobile home park road with a public road where the clear sight triangle shall be one hundred (100) feet [as in Section 1403(C)].
- 5) Grades. There shall be a minimum grade of 0.75 percent and a maximum grade of six (6%) percent on all mobile home park streets.
- 6) Access. Street and access drives shall be provided in the mobile home park as principal traffic ways, and each mobile home lot shall abut and have access to such a street or access drive. Access to spaces or lots within a mobile home park shall not be from public streets or highways.
- 7) Maintenance. Streets and access drives within the mobile home park shall be maintained by the mobile home park owner.

Section 1107

Off-Street Parking Requirements

- A) Adequate paved parking spaces shall be provided to accommodate residents, guests, and employees of the mobile home park according to the following requirements:
 - 1) A minimum of two (2) parking spaces per mobile home space shall be provided within, or adjacent to, each mobile home space.
 - 2) A minimum of one (1) visitor space shall be provided for every three (3) mobile home spaces (or fraction thereof). All visitor parking spaces shall be located within 200 feet of the mobile home spaces which are to be served.
 - 3) Mobile home park offices shall have a minimum of one (1) visitor space and one (1) space for every employee working the largest shift.
 - 4) All parking spaces shall be independently accessible.
- B) All off-street parking spaces shall comply with the requirements of Article 14 of this Ordinance.

Section 1108

Pedestrian Walks

- A) Required. All mobile home parks shall provide pedestrian walks on both sides of streets or access drives which allow pedestrian access between individual mobile homes, service and accessory buildings, and public rights-of-way. A paved on-site walk shall be provided to each mobile home unit from an adjacent sidewalk.
- B) Width. All pedestrian walks shall have a minimum of four (4) feet.
- C) Construction. All pedestrian walks shall be constructed of hard surface material such as concrete or asphalt and shall be maintained in their original condition at all times. Handicapped access is required at all public buildings and intersections.

Section 1109

Ground Cover and Screening

- A) Surface Protection. Ground surfaces in all parts of every mobile home park shall be paved, covered with other solid material or protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- B) Harmful Vegetation. Mobile home park grounds shall be maintained free of vegetative growth which is poisonous, or which may harbor rodents, insects or other pests harmful to humans.
- C) Landscaping and Buffers. Landscaping shall be provided in accordance with Article XVII, General Regulations. Buffers and greenbelts shall be provided along the boundary line separating the mobile home park from adjacent properties in accordance with the requirements for buffers and greenbelts contained in Article 17, General Regulations. Also parking screens are required at visitor parking lots [see Section 1710(L)(4)].

Section 1110

Electrical Distribution

Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems and other regulatory agencies. Each mobile home shall be connected to this electrical distribution system.

Section 1111

Solid Waste and Vector Control

Solid waste disposal and vector control shall be the responsibility of the mobile home park operator and shall be

performed in accordance with the requirements of the DER regulations. Dumpsters shall be used for domestic garbage and shall be completely enclosed and screened from view [see Section 1710(L)(3)]. Placement shall be approved by the Zoning Hearing Board, but never closer than one hundred (100) feet to the nearest mobile home.

Section 1112
Permits

No construction, remodeling, or alteration of a mobile home park shall commence without applying for and receiving a permit from the Zoning Officer and the DER. The Zoning Officer shall issue a permit only after a plan has been approved by the Township Zoning Hearing Board. The Zoning Hearing Board shall require that the standards prescribed in this Article are met prior to its approval.

Section 1113
Submission and Review of Plans

All plans submitted shall contain the following information at a scale not smaller than one inch equals fifty feet (1" = 50').

- A) Name of mobile home park.
- B) Name of municipality.
- C) Date of plan preparation.
- D) Graphic scale.
- E) Name and address of firm preparing plan.
- F) North arrow.
- G) Name and address of owner of record.
- H) Site data:
 - 1) Number of mobile home spaces.
 - 2) Number of acres.
 - 3) Zoning districts.
 - 4) Density per acre.
 - 5) Number of off-street parking spaces.
- I) Location map.
- J) Approximate boundaries of mobile home spaces numbered consecutively.

- K) Location and dimension of pedestrian ways.
- L) Location of off-street parking spaces.
- M) Location of bench mark and datum used.
- N) Location of proposed monuments and markers.
- O) Location and dimensions of streets with complete curve data on center lines.
- P) Clear sight triangle at all street intersections.
- Q) Typical cross section of all roads.
- R) Street center line profile.
- S) Location of all utilities.
- T) Location, dimensions, and use of all service and accessory structures.
- U) Location and dimensions of all mobile home stands.
- V) Location of all plantings and landscaping.
- W) Location, screening, and type of waste containers.
- X) Engineer's or surveyor's seal certifying survey and plan are correct.
- Y) All other requirements set forth in Article XIX and Article XVII. When conflicting, the most stringent regulation shall apply.

Section 1114

Inspection and Certificate of Use and Occupancy

- A) Original Issuance. A Certificate of Use and Occupancy for an approved mobile home park shall be issued by the Zoning Officer upon presentation of a Certificate of Registration issued by the DER and after inspection by the Zoning Officers as provided in Article 20 of this Ordinance. A Certificate of Use and Occupancy shall be issued only for that portion of the mobile home park for which all improvements shown on the approved plan have been installed. Additional Certificates of Use and Occupancy shall be issued for each further portion improved and ready for occupancy.
- B) Renewal. The Certificate of Use and Occupancy shall be issued for a period of one (1) year and shall expire concurrently and require renewal at the same time as the Certificate of Registration issued by the DER. Renewal of Certificate of Use and occupancy shall be performed in the

same manner as described for issuance of the original Certificate of Use and Occupancy.

- C) Periodic Inspection. A representative of the Township may inspect any mobile home park at reasonable intervals and at reasonable times to determine compliance with this Ordinance.

Section 1115
Lighting

All streets, access drives, and parking compounds shall be lighted to provide an average minimum of two (2) foot candle level of illumination at an elevation of three (3) feet above the ground for the safe movement of pedestrians and vehicles at night. No direct glare off-site of the mobile home park is permitted.

Section 1116
Temporary Living Unit

No travel or vacation trailer or other form of temporary living unit shall be placed upon any mobile home stand or used as a dwelling within the mobile home park.

Section 1117
Mobile Home Park Areas for Non-Residential Use

- A) No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for direct servicing, management or maintenance of the park and its residents or otherwise directed by this Ordinance.
- B) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

Section 1118
Outdoor Living Area

An outdoor living and service space shall be provided for each mobile home as follows:

- A) Such space shall be located for privacy, convenience, and optimum use.
- B) The minimum size of such space shall be not less than three hundred (300) square feet with the least dimension of fifteen (15) feet.
- C) Visual barriers such as walls, fences, or planting shall be of a size and character to assure reasonable privacy and visual appeal, but not to exceed specifications in Section 1720.

Section 1119

Fire Protection

- A) Local Regulations. The mobile home park shall be subject to any local fire protection rules and regulations.
- B) Litter Control. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
- C) Fire Extinguishers. Portable fire extinguishers of a type approved by the fire authority shall be kept in service buildings under park control.
- D) Fire Hydrants.
 - 1) Fire hydrants shall be installed in accordance with the following requirements:
 - a) The water supply source shall permit the operation of a minimum of two (2) one and one-half (1 1/2) inch hose streams.
 - b) Each of two (2) nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.
 - 2) Fire hydrants shall be located within six hundred (600) feet of any mobile home, service building or other structure in the park, and shall be installed in accordance with all applicable municipal specifications.
 - 3) The park management shall give the Zoning Officer or other authorized municipal representative free access to all mobile home sites, service buildings, utility and other community service facilities for inspection purposes.

ARTICLE 13
SIGNS

Section 1300 **Statement of Purpose**

The purpose of this Article is to:

- A) Regulate signs in such a way as to support and complement land use objectives set forth in this Ordinance and Comprehensive Plan, to avoid uncontrolled proliferation of signs, and to promote the retention of the rural attractive character to the Township. To regulate signs requires a sign permitting process in some cases.
- B) Ensure that all signs within the Township are compatible with existing land uses and/or buildings within the general area of the sign and/or the community as a whole, with regard to size, location, color, message, construction, materials, and manner of display.
- C) Minimize adverse effects of signs to nearby property.
- D) Permit such signs that do not confuse, obstruct the vision necessary for traffic safety, or otherwise endanger the public health, safety, morals, or general welfare, and to recognize that the general welfare includes a community that shall be attractive as well as healthy, spacious as well as clean and well balanced in its growth and development.

Section 1301 **Reserved**

Section 1302 **Prohibited Signs**

The following types of signs shall not be permitted in Pequea Township:

- A) Signs which imitate an official traffic sign or signal or which contain the words: "Stop" - "Go Slow" - "Caution" - "Danger" - "Warning" - or similar words, except for signs directing traffic movement onto a premises or within a premises.
- B) Signs which, due to size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
- C) Signs located within the one-hundred foot (100') clear sight triangle of any street intersection.
- D) Signs which advertise an activity, business, product, service, or event no longer available on the premises

upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ninety (90) days from the date of vacancy.

- E) Signs which contain or consist of pennants, ribbons, streamers, reflectors, tinsel, spinners, strings of light bulbs, or other similar moving devices. These devices, when not part of any sign, are similarly prohibited. A sign may not contain flashing, moving or fluttering parts or emit smoke, visible vapors, or particles, flames, sound or odor.
- F) Signs which are painted, pasted, nailed, tacked, or stapled to utility poles, fire hydrants, trees, fences, or in an unauthorized manner to walls or other signs.
- G) Signs advertising activities which are illegal under Federal, State, County, or Township laws or regulations.
- H) Any sign displayed on or in an automobile, truck, or other vehicle when that vehicle is used primarily for the purpose of such advertising display.
- I) All non-permanent signs, except for temporary signs as permitted herein.
- J) Any sign or sign structure which constitutes a hazard to public safety or health. Also any sign so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress, or obstruct ventilation or light from a building.
- K) Any sign which exhibits statements, words or pictures which are considered vulgar, obscene or pornographic subjects.
- L) Inflatable signs are prohibited.

Section 1303 Illumination

- A) The illumination of signs shall be arranged so that no bare light bulb, spotlight bulb, or fluorescent bulb shall be visible off of the lot on which the sign is located. Illumination shall only be of an even intensity at all times. Illumination shall not be more than fifteen (15) watts per square foot of sign area. Illumination may be directed (giving forth light from the interior of the sign through translucent material) or indirect, providing that the light source is directed upon the sign. Lighting shall not shine directly on abutting properties nor within the normal line of vision of the public when using streets or sidewalks.
- B) No exposed reflective-type lamps or light fixtures shall

be used on the exterior surface of any sign in such a manner that will cause offensive glare on adjacent property or create a traffic hazard.

- C) No lighting shall be permitted to outline buildings or structures or parts thereof through the use of neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed 30 days prior to and removed not later than 21 days after the holiday.
- D) Except as otherwise provided in this Ordinance, no signs located in any residential district shall be illuminated. In districts allowing signs to be illuminated, they shall not be so illuminated when the business is closed.
- E) All lighting that is external to a sign shall be fully shielded, downward-directed to prevent lighting from being directed or reflected upward and shall not exceed an angle of forty-five (45°) degrees from the horizontal with the intent to prevent glare. This provision shall not apply to the illumination of the United States flag or the Pennsylvania state flag, and the light illuminating the United States flag or the Pennsylvania state flag shall not illuminate any sign.
- F) No sign in the Agricultural, Mineral Recovery, R-1 Residential or R-2 Residential Districts shall be internally illuminated.
- G) Vehicle or Structure Signs. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign. Such signs shall be subject to the provisions governing freestanding signs in the district in which such vehicle or structure is located. All vehicles associated with a commercial establishment shall be parked in a location that precludes the vehicle from being used as a freestanding sign.
- H) In lieu of constant illumination, motion detector lights are encourage to diminish unnecessary illumination of sky and surrounding properties because of multiple biologic and conservation measures.

Section 1304 Signs in Agricultural District and Mineral Recovery District

Signs advertising or identifying any use which has been established in the Agricultural District or Mineral Recovery District as a permitted use, conditional use, or special exception use shall be permitted subject to the limitations below; if any other section of this Ordinance establishes a more

restrictive regulation, however, the more restrictive regulations shall apply:

- A) All such signs shall be located on the same premises at which the use is located.
- B) There will be only one such sign for each use; however, such sign may be double-sided.
- C) The maximum sizes on each side on any such sign shall be eight (8) square feet.
- D) The maximum height to top of any such sign shall not exceed six (6) feet above the original ground surface.
- E) Temporary and permanent signs herein permitted by this ordinance shall also be allowed, with the previous regulations (A-D) superseding others for the temporary and permanent signs of this Ordinance, unless the regulations regarding temporary and permanent signs are more stringent, in which case they shall apply.

Section 1305 Panel Type Signs (Billboards)

Signs which advertise products, businesses or services other than those which are sold on the premises where the sign is located may be permitted by special exception in Commercial and Industrial Districts subject to Section 1952, as well as all other applicable requirements.

Section 1306 Business Identification Signs

Signs bearing the name of the occupant and/or products manufactured, processed, sold, or displayed may be erected and maintained on the premises in accordance with all of the following:

- A) No more than one (1) sign is placed upon any property in single and separate ownership. Where the commercial or industrial building is part of a commercial or industrial complex, which term is defined for the purposes of this section as a group or combination of tracts of land and/or buildings, whether or not on individual lots, laid out and developed as a part of an overall development plan even though varying periods of time may be involved in the eventual sale and/or development of the tracts, each building or part of a building in said complex designed and used for separate and distinct occupancy may have one business identification sign at its entrance, and, in addition, may include a cluster sign identifying the entire complex. The entrance identification sign shall be attached to the building or placed in a window. Where all businesses exist in one building, one (1) external sign shall be permitted on the building or in a window, i.e. its entrance sign and also the business may

be included on a cluster sign identifying the entire complex. If a complex has more than one major entrance, a cluster sign may be permitted at those major entrances, up to a maximum of two entrances.

- B) No sign, or any part thereof, shall extend in height beyond the roof peak of the building to which it is attached or thirty five (35) feet, whichever is the lesser; provided however, that no sign shall be erected or mounted on the roof-top of any building. No free standing sign shall exceed ten (10) feet in height.
- 1) Signs, free-standing. The total surface area of any free-standing sign shall not exceed thirty-two (32) square feet. The maximum height to top shall not exceed ten (10) feet. The base of the sign shall be located at least ten (10) feet from any property line and not obstruct traffic visibility, and in no case shall any portion of the sign project closer than six (6) feet from any property line or right-of-way.
- 2) Signs attached to a building. Each sign shall be placed either (A) parallel to building facade and projecting not more than twelve (12) inches therefrom, or (B) in alignment with outer facing of a covered passageway and at least eight (8) feet above the finished floor or such passageway. In any case, such sign shall not project above the roof line or top of parapet.
- C) The total area of all business identification signs for any single premises shall not exceed the lesser of (A) two hundred (200) square feet or (B) fifteen (15%) percent of the wall surface to which the sign is affixed or applied plus ten (10) square feet.
- D) Signs shall not be illuminated when business is not open.
- E) Not more than one business identification sign shall be permitted for each three hundred (300) feet of street frontage for lots within any Residential District. Business identification signs in a Residential District shall not exceed twenty (20) square feet. Notwithstanding the foregoing, signs for home occupations shall comply with the requirements of Section 1313(P3).

Section 1307 General Regulations For All Signs

The following regulations shall apply to all permitted sign uses:

- A) Permanent signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated. When a sign becomes unsafe, the zoning officer shall give written notice to owner of the premises on which the sign is located that the sign must

be made safe or removed within 5 days.

- B) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
- C) No sign, other than official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Commonwealth of Pennsylvania or the Board of Supervisors for a special purpose.
- D) No sign shall project over a public sidewalk area more than eighteen (18) inches parallel to the ground surface.
- E) Overhead signs shall be at least eight (8) feet above the pedestrian walkway or pavement to the bottom-most part of the sign.
- F) A permit shall be required for the erection or alteration of billboards or advertising signs, business identification signs, temporary signs classified in Section 1311 as T3, T5, and T8, and permanent signs classified in Section 1313 as P2, P3, P4, P7, and P8. Application for a permit shall be made on a form provided by the Township. Permits for signs must be kept on the premises (see definition in Article 2) where the sign is displayed and must be shown to the Township at its request. Permits for the sign shall be valid until the sign is remodeled, replaced or structurally altered, in which case a new permit shall be required. Fees shall be established by the supervisors. Persons making applications for permits shall supply the following information:
 - 1) Name, address, telephone number of applicant.
 - 2) Map or drawing made showing location on the lot where the sign is to be attached or erected; location of building if to be attached to a building; position of sign in relation to nearby buildings and roads.
 - 3) Plan showing design of sign including dimensions, materials to be used, method of construction and attachment to ground or building, lighting and wiring, if any.
 - 4) Any other information the Township may require in order to follow full compliance with this and other applicable laws.
- G) Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign and the regulations thereto shall apply.
- H) Each sign shall be removed when the circumstances leading to its erection no longer apply.

- I) In all districts, only those signs, billboards, advertising sign and business identification signs referring directly to materials or products made, sold or displayed on the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected. Incidental signs (see Article 2) are allowed whenever necessary as long as they adhere to other regulations.
- J) No animated, sequential, intermittent, flashing or oscillating signs shall be permitted in any district except time and temperature signs as permitted. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.
- K) All signs shall reflect the general character of the neighborhood. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
- L) Standards of construction will be similar to those requirements specified in the latest BOCA National Building Code and, if illuminated electrically, by Underwriters Laboratories, Inc.
- M) The erection of any sign, other than an official traffic sign within a floodplain shall require approval as a special exception.
- N) Sign height shall be measured from the finished grade to the highest point of the sign. The grade shall not be altered for the purpose of increasing the permissible sign height or the elevation of a sign.

Section 1308 Nonconforming Signs

All permanent signs legally in existence at the time of the enactment of this Ordinance which do not conform to the provisions of this Ordinance shall be permitted to remain, unless abandoned (see Section 1803).

No nonconforming sign shall be enlarged or increased in nonconformity or shall the location of any nonconforming sign be changed. Nonconforming signs and/or sign supporting structures may be repaired and maintained, but repairing and maintaining shall be limited to the replacement of less than fifty (50%) percent of a sign or supporting structure and to repainting, rewiring, replacing damaged letters, and any other similar minor maintenance. The repair must be completed within 6 months of the damage occurring. The need to replace more than fifty (50%) percent of a sign shall be deemed to be the erection or construction of a new sign and is hereby deemed necessary to

meet the requirements of this Ordinance. The sign must be brought into conformation if the message is changed.

If there is no continuing original use of the nonconforming sign or support structure for a period of three (3) months or more, (message no longer applies to same activity on same premises), such nonconforming sign shall be deemed abandoned and shall be discontinued. Discontinuance shall require removal of the entire signs and supporting structures within sixty (60) days.

Section 1309 Open Flames

Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

Section 1310 Automotive Fuel Dispensing Stations

In addition to the business identification signs, the automotive fuel dispensing stations may display prices of not more than four (4) different fuels on fuel signs not exceeding three (3) square feet each mounted only directly over the appropriate pump, and one double faced sign, not more than three (3) feet by three (3) feet in total size and placed at least six (6) feet back from the right-of-way and not obscuring the clear site distance required or create a traffic hazard.

Section 1311**Permitted Temporary Signs In All Districts**

Subject to the other provisions of this Article, the following types of temporary signs are permitted throughout the Township. In addition to these requirements, temporary signs classified below as T3, T5, and T8 shall require a zoning permit.

- T1) Signs identifying architects, engineers, contractors, tradesmen or others engaged in construction work on premises wherein their work is proceeding. Such signs shall be removed as soon as the work ceases or is completed. No off-premise T1 signs are permitted. They shall not be in the side yard setback. If there are four (4) or more signs on a single lot, they must be combined in a single display by attaching them to a single background or frame. The maximum area shall be a simple multiple of the single sign regulations depending on the number of contractors but the maximum height being no more than four (4) feet.
- T2) Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: (A) the size of any such sign is not in excess of two (2) square feet; and (B) not more than one (1) such sign may be erected on each frontage (maximum of 2 per lot). They shall be removed within one (1) week of sale. Open house signs are T7 signs and must comply with those in its definition in Article 2. No off-premise real estate signs are permitted.
- T3) Real estate signs similar to those described in (T2) but located on housing developments, on commercial or industrial properties or large acreages which include more than one lot. Such signs shall be removed when ninety (90%) percent of the properties have been developed but within one (1) week of the date of sale of a residence or property. Signs announcing proposed commercial, industrial or government subsidized development of the site may be erected for a maximum of one (1) year.
- T4) Signs advertising the sale of farm or horticultural products produced at that location, when such sale is conducted in accordance with all the provisions of this Ordinance. Such signs shall be displayed only during the season in which the products are for sale.
- T5) Signs indicating the location and direction of tracts, subdivisions or developments available for or in the process of development and possibly having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided: (A) the

size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and (B) not more than one (1) such sign is erected on each five hundred (500) feet of street frontage. No more than four (4) signs per each use. They shall be removed when ninety (90%) percent of the properties have been sold. No off-premise signs are permitted.

- T6) Event Signs. A sign not exceeding thirty-two (32) square feet in total surface area and six (6) feet in height from top of sign to grade announcing a drive or event of a religious, civic, or philanthropic organization may be permitted on the premises of said organization provided that the sign shall be used for not more than fourteen (14) days prior to the event and provided that said sign shall be removed within two (2) days after completion of the event.
- T7) Signs for yard and garage sales (or similar events) including "open house" events (see definitions) not exceeding four (4) square feet in total surface area may be placed on the owner's premises not more than four days prior to the event and must be removed within one (1) day of the event. Auction signs may be of similar size but placed no earlier than ten (10) days before the event and removed within one (1) day of the event. Said signs must be set back from the public right-of-way. Only two T7 signs per property are allowed. Should such signs remain beyond this allowable time frame, the Township may impound them and recover a fee from the owner of the signs equal to the costs of removal and storage of the sign. Directional signs off of street rights-of-way may be placed (with landowner permission) twelve (12) hours prior to such sale or event and shall be removed within twelve (12) hours of the completion of such sale or event.
- T8) Temporary signs such as changeable copy signs are permitted to advertise a "sale", sale item, special offering, or event, provided that the sign does not exceed sixteen (16) square feet in total surface area and six (6) feet in height. It shall be used for not more than fifteen (15) days all of which shall be consecutive in any 6 month period or a total of two (2) times per year. Limit one per lot and shall not be placed in the public right-of-way. A permit is required for non-farm sales. No off-premise signs are permitted.
- T9) Temporary signs are permitted to promote a candidate for office or referendum provided it does not exceed eight (8) square feet in total surface area and six (6) feet in height. It shall not be placed earlier than fourteen (14) days prior to the election and shall be removed within forty-eight (48) hours of poll closing. Signs not so removed may be discarded by the township and a fee

ARTICLE 14
OFF-STREET VEHICLE ACCESS, PARKING AND LOADING

Section 1400 General Intent and Application

It is the intent of these requirements that adequate access, parking and loading facilities be provided off the public roads of Pequea Township for each use of land within Pequea Township. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts unless otherwise stated.

Section 1401 Required Vehicular Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of Subdivision and Land Development Ordinance of Lancaster County, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings and/or farms shall be via driveways (see Section 1402); access to lots containing other uses shall be via access drives (see Section 1403).

Section 1402 Driveway Requirements (Single-Family Dwellings and Farms)

- A) Number Per Lot. Not more than one driveway per lot shall be permitted for lots less than two acres in size. Lots greater than two acres in size shall have no more than two driveways.
- B) Setbacks. Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting street, within ten (10) feet of a fire hydrant, nor within ten (10) feet of an adjoining lot line.
- C) Clear Sight Triangle and Sight Distance for Access - Driveways shall be located and constructed so that a clear sight triangle as depicted in this Article (Driveway Clear-Sight Triangle) is provided. Two apexes of the triangle shall be located in both directions along the street centerline seventy-five (75) feet from a point where the centerline of the driveway and the street centerline intersect. The vertex of the triangle shall be located along the centerline of the driveway on the lot and ten (10) feet from the street right-of-way line. No permanent obstructions or plant materials over thirty (30) inches high shall be placed in the area of the clear sight triangle. In addition, all proposed driveways shall have a minimum adequate safe stopping sight distance based upon the

standards contained in the PennDOT regulations or in the applicable subdivision and land development ordinance, whichever is more restrictive.

- D) Road Classification. Driveway access shall be provided to the street of lesser classification or use when there is more than one street classification involved.
- E) Driveway Width. No driveway shall provide a curb cut less than ten (10) feet or exceeding twenty-four (24) feet in width for the initial driveway permit. Any expansion of the driveway or parking area must obtain a permit and meet all stormwater requirements.
- F) PennDOT Permit. Any driveway intersecting with a State-owned road shall require the obtainment of a permit from PennDOT; and
- G) Drainage. Driveways shall not be constructed in a manner to be inconsistent with the design, maintenance, and drainage of the street.
- H) No driveway shall provide access to any garage or garages that individually or cumulatively provide storage for more than three motor vehicles unless all garage doors face more than forty-five (45°) degrees from the plane of the street on which the dwelling faces or are located not less than ten (10) feet behind the dwelling and are screened from view from the street.
- I) No driveway shall exceed ten (10%) percent slope for any portion of the driveway within one hundred (100) feet of the right-of-way of a public street.

Section 1403 Access Drive Requirements (Non-Single Family Structures or other Buildings)

- A) Number per lot. Except as specified elsewhere, the number of access drives intersecting with a street shall not exceed two (2) per lot.
- B) Setbacks. All access drives shall be set back at least:
 - 1) One hundred (100) feet from the intersection of any street right-of-way lines;
 - 2) One hundred (100) feet from any other access drive or driveway located upon the same lot (measured from cartway edges); and
 - 3) Fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.

- C) Clear Sight Triangle and Sight Distance for Access - Access drives shall be located and constructed so that a clear sight triangle as depicted in this Article (Access Drive Clear Sight Triangle) is provided. Two apexes of the triangle shall be located in both directions along the street centerline one hundred (100) feet from a point where the centerline of the access drive and the street centerline intersect. The vertex of the triangle shall be located along the centerline of the access drive on the lot and one hundred (100) feet from the street right-of-way line. No permanent obstructions or plant materials over thirty (30) inches high shall be placed in the area of the clear sight triangle. In addition, all proposed access drives shall have a minimum adequate safe stopping sight distance based upon the standards contained in the PennDOT regulations or in the applicable subdivision and land development ordinance, whichever is more restrictive.
- D) Access Drive Width. Access drives shall provide a twelve (12) feet wide cartway for each lane of travel. (For Commercial District see Section 904). However, in no case shall any access drive cartway be less than eighteen (18) feet wide. See table following for further explanation:

CLEAR SIGHT TRIANGLE DIAGRAMS

REQUIRED ACCESS NO. OF LANES	DIRECTION OF	
	TRAVEL	DRIVE WIDTH
1		one way 18 ft.
2		one or two way 24 ft.
3 or more	one or two way	12 ft./lane

E) PennDOT Permit. Any access drive intersecting with a State-owned road shall require the obtainment of PennDOT permit.

F) Compliance with Section 1710(T) shall be required.

Section 1404 Off-Street Parking Requirements

A) Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets.

- 1) Off-street parking shall be provided whenever:
 - a) A building is constructed or a new use is established.
 - b) The use of an existing building is changed to a use requiring more parking facilities.
 - c) An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- 2) All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage or commercial repair work, dismantling or servicing of any kind on residential dwelling lots in all Districts. The parking of one (1) commercial vehicle up to one (1) ton is permitted if needed by an individual for his livelihood for a business not conducted on the premises; or one (1) vehicular dwelling is permitted for storage purposes only and is not to be used for sleeping, recreational or living purposes at any time or in any way, shape or form.
- 3) Automotive vehicles, trailers or vehicular dwellings of any type without current license plates shall not be parked or stored on a residential dwelling lot in any district other than in completely enclosed accessory buildings, provided, however, that such automotive vehicles, trailers or vehicular dwellings may be placed in rear yards if completely covered and set back not less than twenty (20) feet from all lot lines. The requirement of the previous sentence shall not be applicable to agricultural implements or agricultural

vehicles in the Agricultural or Mineral Recovery Districts. Boats and other water-borne vehicles, whether mounted on vehicle trailers or not, shall not be stored or placed within any required minimum front yard area.

- B) Parking for Single Family Dwellings. Every single family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. In all residential districts all off-street parking spaces shall be located behind the building line. Additional regulations pertaining to driveways are contained in Sections 455(F) and 1402 of this Ordinance and the driveway ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one single family dwelling.
- C) Parking for non-single family structures or other buildings.
- 1) Site Plan Approval.
 - a) Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below.
 - b) No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.
 - 2) Surfacing. All parking lots shall be constructed and maintained with paved surface of concrete or bituminous materials, or another dust-free surface, approved by the Township.
 - 3) Separation from Streets and Sidewalks. Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or walkways.
 - 4) Drainage. Parking lots shall be graded to a minimum slope of one (1%) percent and a maximum slope of six (6%) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge storm water in accordance with a plan to be approved by the Township. Also see Steep Slope Conservation District, Article 4-A.
 - 5) Parking Space Sizes. The following lists required minimum sizes in feet for standard automobiles:

Parallel 23 by 8
Non-parallel 20 by 9

- 6) Design Standards for Handicapped Parking Spaces. The following requirements shall be minimum standards for the design of off-street parking facilities for handicapped persons. To the extent that such standards may be less stringent or inconsistent with the requirements of the Americans With Disabilities Act or any regulations promulgated thereunder, compliance with such statute and regulations shall be considered compliance with the requirements of this Ordinance.
- a) Size: parallel 23 x 12 feet
non-parallel 20 x 12 feet
 - b) Location. Parking spaces for physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. These parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance. If the non-single family structure or other building has five (5) or less parking spaces, one (1) parking space shall be reserved for handicapped parking. Any non-single family structures or other buildings having more than five (5) spaces shall provide a minimum of two (2) for handicapped parking [see Section 1945(L) for Retirement Community Specifications].
 - c) Identification. Parking spaced for the physically handicapped shall be identified by signs. The signs shall state that the space is reserved by law for the physically handicapped. These signs are placed flush against buildings or structures. Handicapped spaced may also be designated through blue surface painting as an alternative to signage.
 - d) Curbs.
 - i) Where a curb exists between a parking lot and sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.
 - ii) The curb shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet.
 - iii) Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the

structure, at all pedestrian walk intersections, and elsewhere to provide reasonable direct circulation within each development.

iv) The curb cuts shall not be more than one hundred-fifty (150) feet apart.

e) Sidewalks.

i) Exterior sidewalks shall not be obstructed.

ii) Exterior sidewalks shall have a side slope not greater than one (1) inch in four (4) feet. They shall be at least four (4) feet wide and have a grade of not more than one (1) foot in twenty (20) feet.

f) Storm Drains. Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.

g) Grade The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in twenty (20) feet.

7) Interior Drive Widths.

a) Interior drives between rows of parking spaces shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Driveway in feet; one-way Traffic	Width of Driveway in feet; two-way Traffic
90 degrees	25	25
60 degrees	20	22
45 degrees	18	22
30 degrees	12	22
Parallel	11	22

b) Interior drives in areas where there is no parking permitted shall be at least eleven (11) feet wide for each lane of traffic.

- 8) Marking of Parking Spaces and Interior Drives. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and at least four (4) inches in width [see also Section 1004(J)].
- 9) Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.
- 10) All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces.
- 11) Lighting. Adequate lighting shall be provided unless otherwise prohibited by this Ordinance, if the parking lot is to be used at night. The lighting shall be arranged so as not to glare or reflect on adjoining lots or streets (see Section 1732). This shall pertain in all Districts.
- 12) Access Drive Requirements. Every parking lot 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 over the first lane (18 feet), exclusive of curb return and gutters. Section 1403 specifies other requirements for access drives [see also Sections 904, 1004(I), 1004(J) and 1710(T)].
- 13) In all districts, off-street parking and loading shall not be located within the area of required landscaping, buffers, walkways, parking screens, greenbelts, or swales (see also Section 1710).
- 14) Raised Islands.

- a) Raised Islands for Single Parking Rows. A raised island, not less than six (6) inches in height and encompassing not less than one-hundred eighty (180) square feet in area with a bottom contiguous with existing soil shall be located as follows:
 - i) Interior Parking - at both ends of every single parking row, regardless of the length of the row as illustrated in Figures 1 and 2 in Appendix A.
 - ii) Peripheral Parking - between every eight (8) parking spaces as illustrated in Figures 1 and 2 in Appendix A
 - b) Raised Islands for Double Parking Rows. A raised island, not less than six (6) inches in height and encompassing not less than three hundred-sixty (360) square feet in area with a bottom contiguous with existing soil shall be located at both ends of every double parking row regardless of the length of said row as illustrated in Figures 1 and 2 in Appendix A.
 - c) Raised Center Islands. Center islands in double parking rows shall have a minimum width of three (3) feet as illustrated in Figures 1 and 2 in the Appendix A.
 - d) Maximum Row Length. No single row shall exceed eight (8) parking spaces between raised islands. No double parking row shall exceed eight (8) parking spaces per side between raised islands, as illustrated in Figures 1 and 2 in Appendix A.
 - e) Plant Matter. Each raised island shall be fully planted and shall contain at least one canopy tree as illustrated in Figures 1 and 2 in Appendix A. The required canopy tree shall have a minimum calliper of 1 and 1/2 inches at DBH. Plant matter within the raised island shall be permanently maintained.
 - f) Screening. Screening shall be accomplished in accordance with Regulations contained in Article 17, General Regulations.
- 15) Speed Bumps.
- a) Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
 - b) The speed bumps shall be in the form of mounds in the pavement and shall be designed to restrain motor vehicle speed.

- c) There shall be a warning sign posted at each entrance to a parking area having speed bumps.
 - d) In no case shall the overall height of speed bumps exceed four (4) inches.
- 16) Joint Parking Lots. In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty (20%) percent. Therefore, the resulting joint parking lot will be required to provide at least eighty (80%) percent of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicles and each of the shopping center's stores.
- 17) Prohibited and Temporary Uses of Parking Lot. Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following purposes:
- a) The sale, display, or storage of automobiles or other merchandise,
 - b) Parking vehicles accessory to the use;
 - c) Performing services (including services to vehicles);
 - d) Loading and unloading purposes except during hours when business operations are suspended;
 - e) Any other purpose except as permitted as follows:
 - i) Carnivals, circuses, fairs, exhibitions or other similar events so long as they do not continue longer than seven (7) days;
 - ii) Sales and display of seasonal decorations (Christmas, etc.) so long as the use would be permitted by right within the underlying zone, the use will not continue longer than forty-five (45) days, adequate measures have been taken to address the purposes of this Section, and a temporary use permit has been obtained.
 - iii) Temporary placement of a mobile home during times of emergency as declared by the Township Board of Supervisors; and,

iv) The placement of donation or recycling collection facilities provided such collection facilities are enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, not less than every two (2) weeks and the total size of the facility is less than two hundred (200) square feet. Hours shall be posted to allow deposits after 7:00 a.m. and before 6:00 p.m. There shall be no outdoor storage of materials used, or generated, by the operation. Measures shall be used to prevent noise, dust and litter. Maintenance shall be assured by the owner.

18) Schedule of Required Parking Spaces. The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

Commercial Uses

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Automobile repair, filling floor area and auto washing facilities	400 square feet of gross and ground repair and service facilities in addition to areas normally devoted to automobile storage and 1 per employee on major shift
Animal Hospital	1 per non-resident employee plus 1 space/4 animals
Automobile, boat and trailer sales	500 square feet indoor and outdoor display area
Banks	200 square feet of gross floor area and 1 per employee
Carpeting, drapery, floor covering and wall covering sales area	500 square feet of gross floor area
Day Care (commercial)	1 per 5 students enrolled
Drive-thru and/or fast food restaurant	2 seats and 1 per each 2 employees
Food markets, and grocery stores	100 square feet of gross floor area for public use

	and 1 per each employee on 2 largest shifts
Funeral homes	100 square feet of gross floor area, 1 per each employee, and 1 per each piece mobile equipment such as hearses and ambulances
Furniture sales	500 square feet gross floor area
Hotel, motel, tourist home	Guest sleeping room and 1 per each employee on 2 largest shifts. (Restaurant and other accessory uses shall be viewed separately.)
Kennels	Same as animal hospital
Laundromat (see 1933)	1 per each 1.5 washing machines
Mini warehouses	25 units plus 1 per 250 square feet of office space plus 2 per any resident manager
Office buildings area	300 square feet of gross floor area

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Professional offices of veterinarians, physicians dentists, etc.	180 square feet of gross floor area
Retail store or shop floor area (except those listed above)	200 square feet of gross of display area or sales area and 1 per each employee on 2 largest shifts
Restaurant	4 seats plus 1 per each employee on largest shift
Shopping Centers or malls	182 square feet of gross leasable floor area
Other Commercial buildings	400 square feet of gross floor area

Industrial Uses

Heliport and helistops	1 per helicopter plus 1 per em- ployee on the two largest shifts plus 1 per 2 seats on the he- licopter whether based at the site or not
Industrial and heavy shifts manufacturing establishments	1½ employees on the 2 largest
Warehousing	Employee on the two largest shifts

Recreation Uses

Amusement Arcade	80 square feet of gross floor area
Athletic field	4 seats of spectator seating; however, if no spectator seating is pro- vided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a fence delineating such park- ing area.

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Bowling alley or billiard room	1/4 (one quarter) lane/table and 1 per each 2 employees
Campgrounds	Per campsite, plus 1 per employ- ee, plus 50% of the spaces normally required for accessory uses
Golf course	1/8 (one eighth) hole, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Riding school or horse stable	2 stalls plus 1 per every 4 seats of spectator seating
Picnic area	Per table
Skating rink	4 persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	4 persons of legal occupancy
Tennis or racquetball clubs	1/4 (one fourth) court plus 1 per employee plus 50% of the spaced normally required for accessory uses

Residential Uses

Day care (family)	5 students enrolled
Home occupation	Home occupation plus 2 spaces per dwelling unit
Residential dwelling	1/2 (one half) dwelling unit (i.e., 2 spaces per dwelling unit)
Rooming house, group home, bed to that and breakfast, boarding home	Rented bedrooms in addition addition to that dwelling plus 1 space for each staff member on duty on busiest shift if dif- ferent from dwelling owner. [(A group home with no group members as drivers shall only require 1/2 (one-half) the total spaces above)].

Social and Institutional Uses

<u>Type of Use for Each</u>	<u>Minimum of One Parking Space</u>
Auditorium, banquet, conference, and meeting facility, church, theater, and other such places of assembly	200 square feet but not less than 1 per each 4 seats
Clubs, Lodges, and other places	Two seats but not less than one space for each 100 square feet of gross floor area.
Nursing, rest or retirement homes in addition (see below for retirement community)	3 accommodations (beds) homes in addition to those needed for doctors and support staff
Hospital or sanitarium	Spaces shall be provided for vis- itors, at a rate of at least 1 space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel
Museum, art gallery, floor area cultural center, library	400 square feet of gross
Rehabilitation centers (without each 3 overnight accommodations)	1 per each employee and per people anticipated to be handled through the facility
Retirement Community	1 per resident plus 1 per employee on largest shift plus 50% of spaces normally required for accessory uses
Schools below grade ten including commercial day care and kindergarten	6 students enrolled
Schools, tenth grade and above	3 students enrolled
Vocational training and adult education facilities, including colleges	1.5 students enrolled

Section 1405 Off-Street Loading Facilities

A) Off-street loading shall be required in accordance with this

Section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:

- 1) A new use is established;
- 2) The use of a property or building is changed and thereby requiring more loading space; and
- 3) An existing use is enlarged thereby requiring an increase in loading space.

B) Site Plan Approval.

- 1) Each application for a zoning permit (for use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below.
- 2) No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

C) Surfacing. All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.

D) Location. Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential district or use. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential district or use.

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 for two-way travel, or eighteen (18) feet wide for one way travel, exclusive of any parts of the curb and gutters. Sections 1403 and 1404(N) specify other requirements for access drives.

F) Separation from Streets, Sidewalks, and Parking Lots. Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.

G) Drainage. Off-street loading facilities (including access drives) shall be drained to prevent damage to other prop-

erties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

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

	<u>Length</u>	<u>Width</u>	<u>Height (if covered or obstructed)</u>
Industrial, whole-sale and storage uses: 15 feet	63 feet	12 feet	15 feet
All other uses:	33 feet	12 feet	15 feet

- I) Lighting. Adequate lighting shall be provided if the loading facility is to be used at night. The light shall be arranged so as not to be directed or reflected or cause glare off-site (see also Section 1732).

- J) Landscaping and Screening Requirements. See Section 1710(L)(3) and also in all districts, off-street parking and loading shall not be located within the area of required landscaping.

- K) Schedule of Off-Street Loading Spaces Required. The following lists required numbers of off-street loading spaces by use type:

<u>Type of Use</u>	<u>Number Spaces per</u>	<u>Gross Floor Area/ Dwelling Units</u>
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, motel or other similar lodging facilities	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 N o n e
 First 2,000 square feet

1.0 2,000 to 25,000 square feet

+1.0 Each additional 40,000 square feet (or fraction)

Multi-family dwelling units None Less than 100 dwelling units

1.0 100 to 300 dwelling units

+1.0 Each additional 200 dwelling units (or fraction)

Office building, including banks None First 10,000 square feet

1.0 10,000 to 100,000 square feet

+1.0 Each additional 100,000 square feet (or fraction)

Retail sales and services, per store None First 2,000 square feet

1.0 2,000 to 10,000 square feet

2.0 10,000 to 40,000 square feet

Type of Use Number Spaces per Gross Floor Area/Dwelling Units

1.0 Each additional 100,000 square feet (or fraction)

Shopping centers (integrated shopping centers, 100,000 square foot malls and plazas) having at least 25,000 square feet 1.0 25,000 square feet up to
 Each additional 100,000 square feet + 1 . 0

Theater, auditorium, bowling alley, or other recreational establishment None First 10,000 square feet
 10,000 to 100,000 square feet 1 . 0

+1.0 Each additional 100,000 square feet (or fraction)

Undertaking establishment N o n e

First 3,000 square feet or funeral parlor	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or ware- housing, (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

**Section 1406 Reservation of Land for Off-Street Parking
Requirements**

An applicant for a use which will require the provision of one hundred (100) or more off-street parking spaces in accordance with the requirements of Section 1404 of this Ordinance may make application for a special exception to permit not more than twenty-five (25%) percent of the required off-street parking spaces to be held in reserve. The applicant shall demonstrate compliance with Section 1903 of this Ordinance and with all of the following standards and criteria:

- A) The applicant shall present credible evidence that the anticipated parking demand for the applicant's proposed use is less than that required by Section 1404 of this Ordinance through the use of studies, research or other credible evidence.
- B) The area of the lot which applicant proposes to hold in reserve for off-street parking shall be suitable for off-street parking purposes and shall be compatible with the overall parking layout and circulation plan.
- C) The reserved parking area shall be graded and landscaped to permit convenient conversion into an improved off-street parking surface if required in the future.
- D) The applicant shall insure that the calculation of the requirements for and the design of the storm water management facilities assume that the area reserved for future off-street parking is covered with an impervious surface to insure that no storm water management problems will occur if the reserved area is improved in the future.
- E) The land development plan shall clearly identify all reserved off-street parking areas and shall include a note setting forth the requirements of this Section and any conditions which may be imposed upon the granting of a special exception to reserve the area for future off-street

parking.

- F) The applicant shall execute a written agreement with the Township which shall be recorded by which the applicant, its personal representatives, heirs, successors and assigns, shall agree to construct the off-street parking spaces within the reserved area within six (6) months after receipt of a written direction to do so from the Township.
- G) No permanent structures shall be permitted on any reserved off-street parking area.
- H) This provision shall not be construed to permit the construction of a larger structure or more intensive use of land than that which would otherwise be authorized by this Ordinance.

**ARTICLE 15
BUILDING LINES AND ROAD CLASSIFICATIONS**

**Section 1500 Building Lines and Road Classifications Estab-
lished**

Building lines and road classifications are hereby established on all existing and proposed public roads within the Township. Except as provided in other sections of this Ordinance, no buildings or structures shall be placed between the building line and right-of-way line as a public road. In the case of a proposed street, the building line and the street classification shall be shown on the subdivision plan. When various arterial, collector or local access roads are referred to in any Section of this Ordinance for any purpose, they are named and classified in this Article. State Road is abbreviated "SR".

**Section 1501 Building Lines on Urban Principal Arterial (UPA)
Roads**

- A) Distance. The building line on all urban principal arterial roads shall be established as the greater of:
- 1) One hundred (100) feet from the center line of the existing or proposed road; or
 - 2) Fifty (50) feet from the edge of the existing or proposed right-of-way.
- B) Urban Principal Arterial Roads Named. For purposes of applying the standards in this Ordinance, the following public roads are classified as urban principal arterial roads:
- 1) Willow Street Pike (SR - 0272) from West Lampeter Township to Providence Township.

Section 1502 Building Lines on Rural Minor Arterial Roads

- A) Distance. The building line on all Rural Minor Arterial Roads shall be established as the greater of:
- 1) Eighty (80) feet from the center line of the existing proposed road; or
 - 2) Forty (40) feet from the edge of the existing or proposed right-of-way.
- B) Rural Minor Arterial Roads Named. For the purposes of applying the standards in this Ordinance, the following public roads are classified as Rural Minor Arterial Roads:
- 1) Millersville Road (SR - 0741) from Conestoga Creek to Long Lane.

- 2) Long Lane (SR 0741) from Marticville Road to West Lampeter Township.

Section 1503 Building Lines on Rural Major Collector Roads

- A) Distance. The building line on all rural major rural collector roads shall be established as the greater of:
 - 1) Eighty (80) feet from the center line of the existing or proposed road; or
 - 2) Forty (40) feet from the edge of the existing or proposed right-of-way.
- B) Rural Major Collector Roads Named. For the purposes of applying the standards of this Ordinance, the following public roads area classified as Rural Major Collector Roads:
 - 1) New Danville Pike (SR - 0324, SR - 3022) from Conestoga Creek to Conestoga Township.
 - 2) Marticville Road (SR - 0324) from New Danville Pike to Martic Township.

Section 1504 Building Lines on Rural Minor Collector Roads

- A) Distance. The building line on all Rural Minor Collector Roads shall be established as the greater of:
 - 1) Sixty (60) feet from the center line of the existing or proposed road; or
 - 2) Thirty (30) feet from the edge of the existing or proposed right-of-way.
- B) Rural Minor Collector Roads Named. For the purposes of applying the standards of this Ordinance, the following public roads are classified as Rural Minor Collector Roads:
 - 1) Long Lane (SR - 3032) from Conestoga Township to Marticville Road.
 - 2) Millwood Road (SR - 3009) from Long Lane to Baumgardner Road.
 - 3) Baumgardner Road (SR - 3026) from Millwood Road to Willow Street Pike.
 - 4) Rawlinsville Road (SR - 3009) from Baumgardner Road to Martic Township.
 - 5) Penn Grant Road (T-559) from Millwood Road to SR 0272.

Section 1505 Building Lines on Local Access Roads

- A) Distance. The building line on all local access roads shall be established as the greater of:
- 1) Fifty (50) feet from the center line of the existing or proposed road; or
 - 2) Twenty-five (25) feet from the edge of the existing or proposed right-of-way.
- B) Local Access Roads Named. For the purpose of applying the standards of this Zoning Ordinance, all private and public roads not specified in Sections 1501, 1502, 1503, and 1504 shall be considered local access roads.

**ARTICLE 17
GENERAL REGULATIONS**

Section 1700 General Intent and Application

Unless otherwise stated, the regulations and restrictions established in this Article are intended to apply to all Districts in Pequea Township.

Section 1701 Height

- A) Height Limit Exception. The height limitations of this Ordinance shall not apply to silos, church spires, belfries, cupolas, monuments, water tanks, ventilators, transmission towers, windmills, chimneys, smokestacks, flagpoles, masts and aerials not intended for human occupancy so long as such structures comply with state and federal regulations.
- B) Tower and chimney location - Minimum setback distance shall be equal to the height of the tower or chimney, but under no circumstances shall be less than fifty (50) feet from any lot line.

Section 1702 Yards

All areas allocated for or necessary under this Ordinance to satisfy any area requirements in relation to any existing or subsequently-constructed building, shall not be counted as part of any required yard or required area in relation to any other building or yard.

Section 1703 Multiple Structures on a Lot

In any district, more than one (1) structure having a permitted or permissible use may be erected on a single lot provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. Notwithstanding the foregoing, the erection of dwellings on lots located within the Agricultural District shall be controlled by the provisions of Article 5. Prior to the erection of a second principal structure on a lot, subdivision and/or land development approval shall be obtained from the applicable governmental body.

Section 1704 Toxic Matter

The provisions of Section 1732(B)(11) shall apply in all districts.

Section 1705

Prohibited Uses in All Districts

In addition to the requirements specifying permitted uses allowable in each District, the following uses are listed to further describe the nature, character and type of uses not included as a permitted use, and therefore prohibited in any District in the Township (unless excepted) as follows:

- A) Any use that involves the use or production of dangerous and hazardous materials or products except as provided in Section 1732.
- B) Any use not in compliance with air pollution standards of the Commonwealth of Pennsylvania.
- C) Any use not in compliance with water pollution standards of the Commonwealth of Pennsylvania.
- D) Sky rides, ferris wheels, roller coaster, shooting galleries, and similar recreation center devices. This does not include such facilities associated with transient fairs, carnivals, circuses or other similar traveling amusements.
- E) Manufacture or storage of explosives or fireworks in violation of acts of the Pennsylvania Legislature. No use shall endanger surrounding areas by reason of fire, explosion, or any other safety hazard except as regulated in Section 1732(B)(12), (13), and (14).
- F) Artificial lighting facilities of any kind which create glare beyond criteria in Section 1732(B)(15).
- G) Radioactive Radiation [see Section 1732(B)(17)].
- H) No use shall result in electrical disturbances to nearby residences or on other properties nor adversely affect the operation of equipment other than on the property where the use is located [see also Section 1732(B)(19)].
- I) No use shall result in vibration exceeding the average intensity of vibration occurring from other causes at the property line.
- J) No use shall produce perceptible heat beyond the property line, or, in the case of a use in an Industrial or Commercial District [see Section 1732(B)(18)].
- K) Dust and Particulates. Except in the Agricultural District and requirements in Section 1732(B)(7) for industrial and commercial uses, no dust or particulates are allowed over the lot line.
- L) No use shall create any congestion or hazardous traffic conditions on a street or highway or in an adjacent area,

nor generate a nuisance to surrounding property by reason of truck traffic.

- M) No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety, or which will be detrimental to the proper use of the surrounding area.

Section 1706 Corner Lots and Visibility

A front yard, as provided in the area and lot requirements for the various Districts, shall be required along each street on which a corner lot abuts. The other yards shall be side yards.

On any lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no structure, or obstructing growth shall be permitted within an area which is formed by a triangle where the two legs of the triangle extended to one hundred (100) feet from the centerline intersection of the two intersecting streets.

Section 1707 Access to Structures

See Sections 1401, 1402, and 1403.

Section 1708 Explosive or Corrosive Substances

The use, storage, or disposal of explosive or corrosive substances shall be prohibited in all Districts except upon compliance with all other governmental regulations, the obtaining of all necessary permits from all governmental entities and upon the submission of a plan to the Zoning Hearing Board which demonstrates, by clear and convincing evidence, that the proposed use, storage or disposal will not pose a threat to the health, safety and welfare of the community and neighboring residents or to neighboring lands. In granting such a permit, the Zoning Hearing Board shall impose such conditions as may be necessary to protect the public health, safety and welfare. Use of such substances shall also comply with Section 1732.

Section 1709 Design Standards for Lots not Served by Public Utilities

Regardless of any other design standards, the following requirements shall be applied to all lots not served by both public sewer and public water facilities:

- A) Minimum Lot Area. One (1) acre (43,500 sq. ft.) The minimum lot requirements imposed by this Section assume compliance with all DER regulations pertaining to sewage disposal. For those lots using on-site sewage disposal systems in an area within one-half mile of a well in which

the water has been shown to contain nitrogen-nitrate levels exceeding five (5) parts per million, a hydrogeologic analysis is required to determine the minimum lot size or the size of a sewage effluent dispersion plume easement. The minimum lot area with on-lot sewage disposal may be larger than one (1) acre in areas with groundwater containing elevated nitrate-nitrogen levels based on the findings of hydrogeologic studies required by the DER or the Township. If approved by DER, a sewage effluent dispersion plume easement may be used in combination with the minimum lot size of one (1) acre to satisfy the minimum lot size determined by the hydrogeologic study. In the R-1 and R-2 Residential Districts, the Commercial District and the Industrial District, the minimum lot size shall be at least twice as large as the minimum lot size in the applicable zoning district in order to enable the subdivision of such lot should public sewer service become available in the future.

- B) Minimum Lot Width. One hundred fifty (150) feet.
- C) Minimum Lot Depth. Two hundred (200) feet.
- D) Yard Requirements. Unless otherwise provided in this Ordinance, all buildings shall be set back from the right-of-way line of public roads and from all lot lines the following minimum distances:
 - 1) Front yard. The distance set forth in Article 15 between the center line or right-of-way line, whichever applicable, of a public road and the building setback line.
 - 2) Side yard. There shall be two (2) side yards each having a minimum width of twenty (20) feet.
 - 3) Rear yard. The rear yard shall have a minimum depth of sixty (60) feet.
- E) Maximum Lot Coverage. Impervious areas shall cover no more than twenty (20%) percent of the surface area of a lot or less if district requirements or other regulations govern.
- F) Height Regulations. No building may exceed thirty-five (35) feet in height except as provided in Article 17 of this Ordinance.

Section 1710 General Landscape and Buffer Regulations

- A) Legislative Intent. It is the intent of these regulations to protect and preserve and improve the natural resources of the Township. Installation of ground cover and plant matter prevents erosion and lessens storm water management problems. Requirements concerning minimum landscape areas

shall aid in ground water recharge within the Township. Glare, dust, noise and heat in summer will also be lessened by buffers and screens. Trees can provide a wind break in the winter. Landscaping can also provide food and shelter for wildlife and help decrease air pollution and the greenhouse effect. Proper landscaping will preserve the rural character of the Township and scenic views while permitting orderly development by providing the amenities that property owners desire and that are in harmony with existing trees and vegetation. Wider corridors for wildlife allow for their continued existence despite development. It is the intent to increase plant matter as development occurs.

B) Submission of Landscape Plans.

- 1) All applicants for zoning permits for uses other than agriculture or other than a residential development of three (3) or fewer lots or dwelling units shall present proof that the applicant has complied with the requirements of this Section 1710 concerning submission and review of landscape plans as part of the subdivision and land development approval process.
- 2) The applicant shall submit a preliminary landscaping plan, including the point values chart or matrix, to the Township Planning Commission and the EAC prior to the submission of any land development or subdivision plan to applicable subdivision and land development approval body. The applicant shall submit four (4) copies of the preliminary landscape plan to the Township together with a copy of the preliminary plan.
- 3) If the applicable subdivision and land development ordinance does not require submission of a preliminary plan, the applicant shall submit the landscape plan and supporting information to the Township Planning Commission and the EAC prior to submission of a final plan to the subdivision and land development approval body.
- 4) The Zoning Officer shall not issue any letter reviewing a subdivision or land development plan for compliance with the Zoning Ordinance until the applicant has provided the Township Planning Commission and the EAC at least 45 days to review the preliminary landscape plan.
- 5) The applicant shall submit the final landscape plan with the first application for a zoning permit for the development [see §1710(D)]. The owner of the development or subdivision shall be responsible to install all landscaping and meet all requirements of this Section even if the lots are purchased in singular

fashion from the owner. If the lot for which a zoning permit is requested is a part of a residential development containing four (4) or more lots or dwelling units, a final landscape plan for the entire residential development shall be submitted with the first application for a zoning permit filed for an individual lot within the residential development.

C) Requirements for Landscape Plan. All landscape plans shall include:

- 1) The location of existing boundary lines and dimensions of the tract, existing and proposed streets, driveways, access drives and parking areas, and proposed land usage.
- 2) The location of existing and proposed utility easements on and adjacent to the tract, including the location of overhead power lines.
- 3) The location and size and type of proposed and preserved landscaping and the size of the proposed landscape area. Botanical nomenclature as well as common names must be included. [For listing of banned shrubs and trees, see §1730. For street trees allowed see §1710(I)].
- 4) All canopy or evergreen trees must be labeled as existing, containerized, or balled and burlapped.
- 5) The location and species of existing trees having a minimum caliper of six (6) inches at DBH. [See also §1710(G)(2)].
- 6) The description of the methods that shall be used to protect existing trees from damage during construction.
- 7) Adjacent land uses and zoning, including existing development, roadways, stream corridors, and floodplains, and nearby historic sites.
- 8) Information concerning sedimentation and erosion control methods which shall be employed before, during and after construction.
- 9) Name, signature and seal of the landscape architect responsible for the plan.
- 10) Location of irrigation systems or hose connections, if proposed.
- 11) Location of existing and proposed buildings and other structures.
- 12) Photographs of the entire tract from a variety of

angles to enable evaluation of the tract and the proposed landscaping. The photographs shall be of sufficient size to enable their review by the Township Planning Commission and the EAC at their meetings. The photographs shall be from ground and aerial reference points if the landscape plan is submitted in connection with a subdivision application.

- 13) If applicable, the location of the greenbelt required by Section 1710(M), including the circular area required by Section 1710(M)(3).
 - 14) A lot planting schedule, street tree planting schedule, and greenbelt planting schedule, each of which shall contain the relevant information this Section 1710 requires. These schedules shall also include all information necessary to verify the minimum required landscape has been provided, including a table or chart of point calculations for each lot. Each lot within a subdivision shall individually provide the minimum number of landscape points and other requirements as required in this Section. Each schedule shall be in the form included as Appendix B to this Ordinance.
 - 15) Landscape plans shall be provided for the areas on a tract that are proposed for development. Areas not proposed for development shall be provided with a natural ground cover that will prevent erosion and discourage the growth of noxious weeds.
- D) Referral of Final Landscape Plan. The Zoning Officer shall, within fifteen (15) days of submission of the final landscape plan, transmit one copy of the landscape plan to the Township Planning Commission and other Township advisors, including but not limited to the EAC, for the review and comment of those bodies. The Township Planning Commission and other Township advisors shall, within forty-five (45) days, transmit their comments and recommendations to the Zoning Officer. The absence of action on the part of the Township Planning Commission or other Township advisor within the specified time shall constitute a determination that such body does not desire to provide comments or recommendations on the final landscape plan and shall not delay processing of said plan. The Zoning Officer may, at the direction of the Board of Supervisors, consult a registered landscape architect to review the final landscape plan. The Zoning Officer, after the time for comment by the Township Planning Commission and other Township advisors has passed, shall either approve or disapprove the proposed final landscape plan, but in all cases such action shall be made within ninety (90) days of the submission of the final landscape plan. If the Zoning Officer disapproves the final

landscape plan, such disapproval shall be in writing and shall specify the reasons for the disapproval. Approval of a final landscape plan shall not relieve the applicant from compliance with any other provision of this Ordinance or other applicable Ordinances.

E) Assignment of Point Values for Plant Matter. Plant matter provided as part of a landscaping plan shall receive points. Compliance with landscaping requirements expressed in terms of point values shall be measured in terms of total points achieved by the developer. The requirements of this Section requiring that a developer obtain a certain point total are in addition to other planting requirements. Point values shall be assigned as follows:

- 1) Protected existing canopy or evergreen tree with a minimum caliper of six (6) inches at DBH - 125 points.
- 2) Unprotected existing canopy or evergreen tree with a minimum caliper of six (6) inches at DBH - 50 points.
- 3) New canopy or evergreen tree with a minimum caliper of three and one half (3 ½) inches at DBH - 75 points.
- 4) New canopy or evergreen tree (balled and burlapped) with a minimum caliper of two (2) inches at DBH - 50 points.
- 5) New canopy or evergreen tree (containerized) with a minimum caliper of one and one half (1-1/2) inches at DBH - 50 points.
- 6) Non-canopy tree with a minimum height of five (5) feet - 20 points.
- 7) Shrubs with a minimum height of eighteen (18) inches - 5 points.
- 8) Ground cover or grass - ½ point per square yard but grass and ground cover shall not be credited for more than forty (40%) percent of the total required points of a lot.

Applicants shall demonstrate compliance with the requirements in this Section, including the identification of the point values above, by providing a chart or matrix showing provided plant materials and each of their point values. See Appendix B.

F) Condition of Existing Plant Matter. In order to receive points for existing trees, the trees shall be in good condition and free of damage caused by insects and/or disease.

G) Preservation of Existing Trees (See also §1730).

- 1) An existing tree shall be considered protected if it is surrounded with a barricade at the drip line [to a maximum of a fifteen (15) feet radius] or with a minimum unobstructed radius of seven (7) feet, whichever is greater, which barricade shall be installed prior to any grading or construction activity. The barricade shall be retained until all earth disturbance activities on the lot are completed. If the protected tree shall be located in a parking lot island, the barricaded area shall become the tree's island upon completion of the construction. No utilities shall be located within the barricaded area, and the area shall not be used as a storage area or disposal area during any phase of construction.
 - 2) At least fifty (50%) percent of existing trees on a site shall be retained and flagged five (5) feet above ground level in white. Before any earth moving, the Zoning Officer or his designee shall be notified at least ten (10) working days in advance to review the mapping of the trees provided by the developer as well as an on-site review. The developer shall designate by orange color ribbon those trees to be moved (See also §1730), and the developer shall designate on plans where each such tree shall be relocated.
 - 3) Retention of all existing tree rows, wind breaks and hedges when located along the tract boundary shall be maintained to continue a more naturalistic plant screen for the development site and preserve existing habitat for wildlife. If these exist internally on the tract, as many tree rows, windbreaks and hedges shall be maintained as possible to have a minimum of twenty (20) feet width or more. When the perimeter of existing trees and hedges are not sufficient to meet or conflict with the greenbelt, walking area, buffer or street tree requirements, a combination of the existing and added features of the requirement shall be accomplished with agreement by the Township.
- H) Tree Requirement. A minimum of forty (40%) percent of the total number of points of landscaping of any lot must be provided through canopy or evergreen trees. To be counted toward this forty (40%) percent requirement, a tree shall meet the standards of Sections 1710(E) (1), (2), (3) or (4).
- I) Street Trees. Street trees shall be placed a minimum of fifteen (15) feet and a maximum of thirty (30) feet behind the right-of-way line. Preference is for a variety of species for a given area and mixing them in that area. They are not to be planted in straight or even rows. A random or serpentine pattern is preferred within the fifteen feet to thirty foot street tree strip. Clusters of trees (with a minimum of fifteen [15] feet and a maximum of thirty [30]

feet between trees in a cluster) are encouraged as long as there is no more than sixty (60) feet between clusters. The minimum total number of street trees for a subdivision or land development shall be no less than one (1) canopy tree for each thirty (30) feet of public right-of-way. This shall include both sides of the street if both sides are part of the subdivision. The trees shall have a minimum height of eight (8) feet and two (2) inch caliper at DBH at planting. Street trees shall not be considered in meeting landscape point requirements.

Street trees shall be one of the following species:

- Acer rubrum Red Maple
- Acer saccharum
 Sugar Maple
- Celtis Occidentalis Hackberry
- F r a x i n u s P e n n s y l v a n i c a
 Green Ash
- Fraxinus Americana
 White Ash
- Nyssa sylvatica Black Tupelo
- Ostrya virginiana
 Hop Hornbeam
- Quercus Albo
 White Oak
- Quercus Bicolor Swamp White Oak
- Quercus palustris
 Pin Oak
- Quercus prinus
 Chestnut Oak
- Quercus rubra
 Red Oak
- Tilia Americana Basswood

J) Minimum Points. The minimum number of points for landscaping of any lot shall be five hundred (500). Other Sections of this Ordinance may require additional planting.

K) Required Points. All lots shall be landscaped in accordance with the following table and the statement below:

Parking Spaces Required on Lot
Points per Parking Space

1-50	20
51-100	16
101-200	14
201 or greater	12

PLUS 40 points per 1000 square feet of lot area.

Points shall be computed cumulatively. For example, a land development requiring one hundred (100) parking spaces shall

require a total of 1800 points [(50 x 20) + (50 x 16)] for parking plus additional points for land area. Other Sections of this Ordinance may require additional planting, for example, such as greenbelt and street trees.

L) Buffers and screening. All lots which are required to contain buffers shall be provided with buffers which limit visibility from adjacent tracts and lessen glare, dust and noise and implement the legislative intent of this Section as set forth in Section 1710(A).

1) Landscape buffers shall be placed along side and rear boundaries of all industrial developments or uses or lots and mineral recovery uses and mobile home parks by the developer [see also §1710(M) for other lots requiring a greenbelt or buffer]. The buffer shall consist of two (2) rows, staggered, of mixed evergreen and deciduous trees which shall be at least eight (8) feet in height when planted and shall be spaced not more than fifteen (15) feet apart on center and two rows, staggered, of mixed broadleaf and needle evergreen shrubs which shall be at least three (3) feet in height when planted and shall be spaced not more than five (5) feet apart on center. The landscape plan shall be drawn to a scale showing center to center distances. Examples of acceptable design are included in Appendix D of this Ordinance. The Township may also approve buffer designs that include plant materials that are grouped in naturalistic clusters if such a design is compatible with the overall nature of the landscaping plan. The trees shall be of such species so as to attain a height at maturity of not less than twenty (20) feet. The shrubs shall be of such species as to provide continuous screening from the ground to a height of six (6) feet at maturity. Deciduous plant materials shall comprise no more than thirty (30%) percent of the number of plants in the buffer. Trees shall be planted so that at maturity they shall not be closer than ten (10) feet to any property line. Drainage swales, basins or easements shall not be placed in the buffer areas unless there is no alternative available. If the drainage swales or easements or basins interfere with the buffer or screening areas, the buffers or screens shall be placed further toward the interior of the lot to provide for the intent of this Ordinance and shall in all cases include the number and type required of plants. See also §1710(R). This paragraph shall also be required for facilities referred to in Sections 503 and 602 of this Ordinance with their additional requirements. All lots requiring a buffer shall require a parking screen [See §1710(L) (4)].

2) The buffer area may overlap the required front, side or rear yards, and in case of conflict the larger

requirement shall apply.

3) Other Screens.

a) Service loading and trash disposal areas in all districts shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such areas shall be screened at commencement of construction on the lot with a combination of architectural masonry and landscaping with a height of at least six (6) feet. All such areas shall be surrounded on three (3) sides by a minimum of a fifteen (15) foot wide landscape buffer. No outdoor storage, off-street parking or loading shall be permitted within required landscape areas. Any wall or fence shall not be constructed of corrugated metal or fiberglass or sheet metal.

b) Outdoor Activities and Equipment Screening. All outdoor industrial use operations shall have a landscape buffer [see §1710(L)(1)]. Mechanical equipment and other functional accessories of each building, such as elevators, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units shall have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design as determined by the Township.

c) All industrial screens shall be of a design and height to conceal all operations and materials from the view of an observer standing at grade level of an existing tract either zoned or used for residential purposes, or from any public street.

4) Parking Screen. Parking and storage of vehicles in yards adjacent to or abutting a street shall be screened from the public right-of-way by an earthen berm and/or plant matter which provides a dense visual screen to five (5) feet in height which shall occur within two (2) years of planting. Plant matter shall consist of two (2) rows of mixed broadleaf and needle evergreen shrubs planted in staggered rows. Deciduous plants shall not comprise more than thirty (30%) percent of the parking screen. Plants shall be spaced not more than five (5) feet apart on center and shall be at least four (4) feet in height when planted. Additional planting in the form of non-canopy trees and deciduous shrubs is acceptable. The landscape plan shall be drawn to a scale showing center to center distances. Examples of acceptable design are included in Appendix D of this Ordinance. Drainage swales, basins or easements shall not be placed

in parking screen areas unless there is no alternative available. If the drainage swales, basins or easements interfere with the buffer or screening areas, the buffers or screens shall be placed further toward the interior of the lot to provide for the intent of this ordinance [See §1710(L)(1)]. Parked vehicles shall not overhang landscaped areas more than 1-1/2 feet. Wheel stops or curbing shall be provided to insure no greater overhang. When a parking lot is located on property which adjoins land in a residential district, the parking lot shall be screened from the adjoining residential property. In addition, all lots requiring a buffer shall require a parking screen.

- 5) Commercial land developments shall provide a parking screen along the entire side and rear boundaries when such boundaries abut non-commercial districts. Also see §1732(D)(2)(b).
- 6) All landscaping and landscape buffers and screens shall be installed before a final Certificate of Use and Occupancy is issued by the Zoning Officer. Upon demonstration by the applicant that weather conditions are not suitable for the planting of required landscaping and/or buffers (generally between November 1 and April 1), the Zoning Officer may issue a temporary Use and Occupancy Permit conditioned on the completion of the planting by a certain date, after which date the temporary certificate of use and occupancy shall expire.
- 7) All mining, solid waste disposal, recycling and resource recovery facilities in the Mineral Recovery District shall be provided with a landscape buffer within the required greenbelt as set forth in Sections 1710(L) and 1710(M) along the front, sides and rear yards. The landscape buffer shall be planted upon a four (4) foot earthen berm in order to achieve greater screening of the use. All such landscape buffers shall in addition comply with the requirements of Section 1710(L) herein.
- 8) When a screen or screening is required by this Ordinance, such screen or screening shall not be counted towards meeting a minimum open space requirement of this Ordinance.
- 9) All landscape screens or screening which this Section requires shall be permanently maintained in a manner which allows the screen or screening to serve its desired function. When a screen or screening includes trees, no lower branches shall be removed if such removal would impair buffering and screening of the use.

M) Greenbelt. Greenbelts are required to be provided for all non-residential developments and non-residential lots and

residential developments of four or more lots or units. A greenbelt is a landscaped area containing no less than seventy (70%) percent of the area in trees and shrubs, as calculated based on mature size, of which vegetation not less than seventy (70%) percent shall be trees. All greenbelts shall be provided by the developer and extend along the front, sides and rear perimeter of the proposed residential development and front, sides, and rear property lines of all lots of non-residential or non-agricultural use, except where crossed by sidewalks, roads, access drives or driveways (not drainage swales or easements or basins unless there is no alternative) [See also §1710(M)(2)]. The planting of each greenbelt (i.e. sides, front and rear greenbelts) in developments or lots shall be generally homogenous (equally planted) and not concentrated only in certain areas, although clustering may be allowed by the Township. If the drainage swales, easements or basins interfere with the greenbelt, the greenbelt trees and shrubs shall be placed further toward the interior of the lot to provide for the intent of this Ordinance. A greenbelt shall not be included in calculations for any open space requirements including but not limited to Section 1964(E)(7)(g).

1) Greenbelt areas shall be as follows:

WIDTH OF GREENBELT

Zoning District	Front	Sides	Rear	Specific Zoning District Requirements
A	••	••	••	None unless the use is nonagricultural; then 50 feet. A landscape buffer and other requirements are required [see §1710(L)] if use is commercial or industrial.
R1 R2	A A	•• ••	•• ••	Same as side yard setback except that any development of 4 or more lots and/or any cluster development shall provide a greenbelt 75 feet wide along development side and rear boundaries and mobile home parks shall provide a greenbelt 20 feet wide along mobile home park side and rear boundaries.
C	A	10 ft. or ••	10 ft. or ••	When abutting undeveloped property (defined as not presently containing a principal building) or noncommercial zoning, 50 feet. When an agricultural or residential use or district is abutting, a landscape buffer is required and other requirements of §1710(L) shall be met.
Industrial	A	B ••	B ••	When abutting undeveloped property (defined as not presently containing a principal building) or non-commercial zoning, 50 feet. All requirements of §1710(L) shall also be met.
Mineral Recovery	100 ft. ••	100 ft. ••	100 ft. ••	Applicable to mining, solid waste disposal, recycling and resource recovery facilities or other nonagricultural uses only. All requirements of §1710(L) shall be met.
<u>General or Additional Requirements if indicated above:</u>				
A - Twenty-five (25) feet or one half (½) of the distance between right-of-way and building setback line, whichever is greater.				
B - As required for buffers and screens in Sections 1710(L) and/or 1710(M).				

- 2) Roads, access drives, and driveways shall not be built at less than a seventy (70) degree angle as they impinge on a greenbelt and shall not run within the greenbelt for more than is necessary to traverse it to provide access.
 - 3) All lots in the R1 and R2 Zoning Districts which contain any portion of a greenbelt required by Sections 1710(L) or 1710(M) shall also contain a circular area with a diameter of not less than 100 feet, which shall not contain any of the following:
 - a) greenbelt as required by Section 1710(M);
 - b) minimum required yards or setbacks;
 - c) karst features;
 - d) wetlands;
 - e) watercourses; or
 - f) steep slopes as defined by Section 452.
 - 4) For any development subject to the greenbelt regulations contained in this Subsection, the recorded final subdivision and/or land development plan for such development shall show the required greenbelt area and shall include in a plan note a reference to the required greenbelt, and if in a residential district, a reference to Section 1710(M) (3).
- N) Walking Areas. A grassed linear open space which shall not be less than six (6) feet in width shall be maintained along the street frontage between the right-of-way line and street trees for use as a continuous walking area. This shall be planted by the developer. This walking area shall not be situated in swale areas. Where sidewalks are provided, no additional grassed linear open space for walking is required along the streets.
- O) Maintenance of Plant Matter. All buffer areas, greenbelts, screening and walking areas shall be maintained and kept free of all structures, rubbish, and debris. Required plant material located in these areas which become diseased or die shall be replaced by the property owner in order to maintain the requirements of this Section. See also §1730. Any plant material used in calculating point values to meet the requirements of this Ordinance shall be also permanently maintained by the property owner. Any plant material which does not live shall be replaced within one (1) year of installation with plant material of the same or similar character and equal or higher point value. Grass or ground cover shall achieve one hundred (100%) percent coverage within one (1) year.
- P) All portions of lots which are not occupied by buildings, other structures, driveways or access drives, loading or parking spaces and aisles, sidewalks, and designated storage

areas shall be planted with trees, shrubs, and an all-season ground cover approved by the Township.

- Q) Each phase of a phased subdivision or land development must comply with this Section by completion of the phase.
- R) If a utility, storm water, or other easement or right-of-way interferes with a greenbelt or with the buffering or landscaping of a perimeter of the lot as it may run along it, the required buffers or greenbelts shall be installed by the developer, commencing at the inner edge of the easement or right-of-way (as if it were the lot line) and continuing along the extent of the utility, storm water, or other easement or right-of-way along the property perimeter. In all cases the total required plants shall be planted in this substitute position as if there were no utility, storm water or other easement or right-of-way. The easement or right-of-way itself shall be planted by the developer with plant materials acceptable to the utility.
- S) Notwithstanding any other provision of this Ordinance pertaining to requirements for landscaping and buffering of lots, no trees shall be so located that such trees, at maturity, shall be within thirty (30) feet from the property line of a lot when the adjoining lot or tract is within the Agricultural District or, if the adjoining tract is not located in the Agricultural District, is being actively used for and planned to continue to be used for agricultural purposes.
- T) All access roads to a development shall include walkways, street trees, and other requirements of Section 1710 and shall be installed by the developer of the subdivision unless clear site distance is compromised. If compromised, shorter vegetation [less than thirty (30) inches at maturity] shall be planted.
- U) The developer shall post financial security as set forth in Section 509 of the Municipalities Planning Code with the Township to secure full costs of landscape requirements for the development.
- V) Access to the development shall be granted to the Township or its agents at all times before, during and after construction for the purpose of inspecting the site and its conformance to the Ordinance requirements. The developer shall promptly (within two weeks) correct any deficiencies noted by the Township at the developer's expense, including the cost of the inspection which discovered the deficiencies. This Ordinance does not require the Township to perform an inspection(s) during construction and the actual performance of inspection(s) shall not be construed as acceptance of any portion of work during construction.

- W) Any existing commercial or industrial use shall not be required to comply with these requirements except in the case of enlargement or alteration of the same or if required in some manner by previous ordinance. However, removal of live trees providing existing screening or buffer of such uses requires a zoning permit. In such cases the applicant shall comply with all procedures in Section 1730(E) as if such existing trees were specimen or witness trees.
- X) No final certificate of use and occupancy shall be issued until all landscaping is installed according to the approved landscaping plan.

Section 1711 Required Traffic Impact Study Standards.

All applicants for a use which requires preparation of a traffic impact study shall submit a study prepared under the supervision of a qualified and experienced professional engineer licensed by the Commonwealth of Pennsylvania who has specific training in traffic and transportation engineering and demonstrable experience related to preparing traffic studies for existing or proposed developments which shall include at a minimum the following elements:

- A) A description of the traffic impact study area ("TISA"), including such area's major roads and major intersections. The determination of whether an intersection shall be considered a major intersection shall be made in accordance with accepted engineering practices. In the event of a dispute, the determination of the Township shall be final.
 - 1) At a minimum, the TISA shall include all site access drives, streets and major intersections within the area contained in a one-half mile radius circle drawn around each entrance to the proposed development, and, if a street abutting the proposed development does not contain a major intersection with another street within that area, the first major intersection with such abutting street.
 - 2) If the proposed development will generate one hundred (100) peak directional trips or more but less than two hundred fifty (250) peak directional trips, the TISA shall include all site access drives, streets and major intersections contained in a two (2) mile radius circle drawn around each entrance to the proposed development.
 - 3) If the proposed development will generate two hundred fifty (250) peak directional trips or more but less than five hundred (500) peak directional trips, the TISA shall include all site access drives, streets and major intersections contained in a three (3) mile radius circle drawn around each entrance to the proposed development.

- 4) If the proposed development will generate five hundred (500) peak directional trips or more, the TISA shall include all site access drives, streets and major intersections contained in a four (4) mile radius circle drawn around each entrance to the proposed development.
 - 5) If additional or more stringent specifications are recommended by the Institute for Traffic Engineers for traffic impact studies for the proposed use, the applicant shall prepare the traffic impact study to incorporate such additional or more stringent requirements.
- B) The report shall clearly identify potential trip generation rates for the proposed use which shall be determined through the use of the current edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Peak hour and daily rates shall be provided for weekdays, Saturdays and Sundays.
- 1) Any reduction in the number of trips anticipated to be generated by the use for pass-by or internal (captured) traffic must be based upon clearly established standards published by the Institute of Transportation Engineers. The applicant shall submit documentation supporting the calculation of pass-by and/or internal (captured) traffic. In the absence of such published data for the specific type of use proposed, no deduction shall be taken for either pass-by or internal (captured) trips.
 - 2) Determination of pass-by or internal (captured) traffic must be based upon pass-by or internal (captured) traffic at the highest peak hour of the week. For example, the pass-by or internal (captured) traffic for a mixed-used residential/office development would most likely be calculated for a weekday, while the pass-by or internal (captured) traffic for a mixed use residential/commercial development would most likely be determined for a Saturday.
- C) Existing twenty-four (24) hour automatic traffic recorder (ATR) counts and peak hour turning movement volume data, including weekdays, Saturdays and Sundays, for all streets which provide direct access to the proposed development and for the arterial streets and collector streets which will serve the proposed development, as well as any major intersection within the TISA. Classification of streets as arterial or collector shall be determined by the classifications set forth in Article 15 of this Ordinance.
- D) Projected twenty-four (24) hour and peak hour traffic volume data, including weekdays, Saturdays and Sundays, for all streets which provide direct access to the proposed development and for the arterial streets and collector

streets which will serve the proposed development, as well as any major intersection within the TISA, for the horizon year without the impacts of the proposed development. The horizon year shall be considered the point in time when a residential development is built out and completely occupied and when a nonresidential development is built out, completely occupied and open and shall be determined in accordance with accepted engineering practice and published recommendations of the Institute of Traffic Engineers. In the event of a dispute as to the horizon year, the determination of the Township shall be final.

- E) Existing levels of service and levels of service projected for the horizon year without the impacts of the proposed development on all abutting streets and all major intersections within the TISA. Level of service shall be computed in accordance with the 1994 Highway Capacity Manual, Special Report 209, published by the Transportation Research Board, or any subsequent revision of such Manual.
- F) Estimates of the total number of vehicle trips the proposed development will generate in the horizon year for typical twenty-four (24) hour periods, including weekdays, Saturdays and Sundays, and the typical a.m. and p.m. peak periods for weekdays, and Saturday and Sunday peak hours.
- G) Assignments of post-development twenty-four (24) hour and peak hour volumes to the arterial streets and collector streets and other streets that will serve the proposed development based upon the projections of increased traffic volumes within the TISA. In making these estimated assignments, consideration shall be given to other developments approved but not yet constructed and to development trends.
- H) Projected twenty-four (24) hour and peak hour turning movement data, including weekdays, Saturdays and Sundays, for all access points proposed for the development.
- I) Capacity and level of service analyses on all abutting streets and all major intersections which the additional traffic generated by the development will impact, including post-development capacity and level of service and degradation of capacity and level of service analyses.
- J) Accident history within the past five (5) years on the streets adjacent to the proposed development and at the intersections within the TISA categorized by accident type for each street or intersection.
- K) Computer optimization analyses to determine queue capacities (vehicle stacking) and minimum storage lengths at existing intersections abutting the proposed development and at new intersections within the development.

- L) Descriptions of all improvements that will be required in order to avoid problems of traffic congestion and traffic safety. These improvements shall provide safe and efficient movement of traffic to and from and within and past the proposed use, while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, not allowed to deteriorate to worse than C if they are currently A or B, and improved to D if they are E or F.
 - 1) The applicant may take into account traffic improvements which are clearly funded and which will occur within the next two years following the date of submission of the study.
 - 2) The applicant shall not assume that any improvements which are not clearly funded will be made.
- M) Cost estimates for the proposed improvements that will be required identified in accordance with Subsection 1711(L), setting forth the cost estimates for improvements which others will make [if such improvements may be assumed in accordance with Subsection 1711(L)] and which will be made by the applicant.
- N) The time period within which the improvements will be made (particularly if the improvements are associated with various phases of development construction), and a description of any monitoring of operating conditions and improvements that may be required.
- O) Descriptions of any actions the applicant proposes or offers to alleviate the impact of the proposed use on the transportation network within the TISA.
- P) Descriptions of existing and planned public transportation services in the Township and the potential of those services to serve the proposed development.
- Q) The source of all standards used and the data presented.
- R) Data shall be presented in tables, graphs, maps, and diagrams whenever possible for clarity and ease of review.
- S) To facilitate examination, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, recommendations and proposed improvements.

Section 1712 Trash, Garbage, Refuse, or Junk Accumulation

The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding seven (7) days is prohibited. Indoor storage of such items shall be governed by Section 1732(B)(18).

Section 1713 Setback Modifications

- A) Front Setback at Buildings on Built-Up Streets. Where at least two adjacent buildings within one hundred (100) feet of a lot are set back a lesser distance than required, the average of the lesser distances shall become the required minimum from setback for the property. However, in no case shall the setback line be less than thirty (30) feet from any abutting street right-of-way line.

- B) Accessory or Appurtenant Structures. The setback regulations do not apply to:
 - 1) Telephone booths; and cornices, eaves, steps, canopies, and similar extensions but do apply to porches and patios whether covered or not (see Section 1718).
 - 2) Open fire escapes.
 - 3) Minor public utility structures, articles of ornamentation or decoration.
 - 4) Open fences, hedges and retaining walls.

Section 1714 Lighting and Glare

The provisions of Section 1732(B)(15) shall pertain in all districts.

Section 1715 Minimum Habitable Floor Area

All dwelling units shall conform to the following minimum habitable floor area, unless otherwise ordained:

- A) Single-family, duplex, and townhouse dwelling units; Seven hundred (700) square feet per dwelling unit.

- B) Multi-family dwellings: Four hundred (400) square feet per dwelling unit.

Section 1716 Detached Private Garages And Other Accessory Buildings

- A) Detached Private Garages - One detached private garage shall be permitted as an accessory use on any lot containing a single family detached or single family semi-detached dwelling which shall comply with all of the following requirements:
 - 1) The maximum capacity for garaged vehicles on the lot shall be for three (3) vehicles. This shall include garaged vehicle storage within any attached garage as well as the proposed detached garage.

- 2) Maximum height - fifteen (15) feet.
 - 3) No temporary structure shall be permitted.
 - 4) No structure shall be permitted between the building setback lines and the street right-of-way line.
 - 5) No structure shall be located within the minimum side yard of the prevailing district.
 - 6) No structure shall be located within twenty (20) feet of any property line or within thirty (30) feet of any rear property line.
- B) Other Accessory Buildings. Other accessory buildings shall be permitted in any zoning district provided the following requirements are met:
- 1) Minimum distance between accessory building and the primary building - ten (10) feet.
 - 2) Maximum height - fifteen (15) feet in residential districts.
 - 3) No accessory structure or building shall occupy more than twenty-five (25%) percent of the rear yard.
 - 4) An accessory building or structure shall comply in all respects with the other yard requirements of this Ordinance for the principal building, unless stated otherwise except that any accessory structure or building containing less than one hundred eighty (180) square feet of floor area not exceeding fifteen (15) feet in height may be located as close as ten (10) feet of side and rear lot lines.
- C) Residential accessory buildings in excess of fifteen (15) feet in height are permitted by special exception in any zoning district provided the following requirements are met:
- 1) The accessory building shall not exceed twenty-five (25) feet in height or seventy-five (75%) percent of the height of the principal building on the lot, whichever is less.
 - 2) The accessory building shall be set back from all lot lines not less than the set back requirements of Section 1716(A) plus one (1) foot for each one (1) foot of height in excess of fifteen (15) feet. The Zoning Hearing Board may reduce this set back if the applicant demonstrates that the proposed set back would be similar to existing set backs for similar accessory buildings on adjacent lots on the same side of the street or the proposed accessory building is not within thirty-five

(35) feet of any principal building or twenty (20) feet of any accessory structure on an adjoining lot.

- 3) The accessory building shall not exceed five hundred (500) square feet of lot coverage. The Zoning Hearing Board may permit an increased lot coverage if the applicant demonstrates that the proposed lot coverage would be similar to the lot coverage of existing similar structures on adjacent lots on the same side of the street or the proposed accessory building is not within thirty-five (35) feet of any principal building or twenty (20) feet of any lot line or the proposed accessory structure is on a lot which abuts the Agricultural District or the MR-Mineral Recovery District.
- 4) No accessory structure in excess of fifteen (15) feet in height may be located within any front yard area or placed in any area between a street right-of-way and the principal building on the lot.
- 5) The Zoning Hearing Board may restrict or prohibit the use of exterior lighting on such accessory building.
- 6) The Zoning Hearing Board may require the installation of landscaping around the accessory building.
- 7) The maximum impervious surface coverage limitation shall not be exceeded.

Section 1717 Radiation, Radioactive

The provisions of Section 1732(B)(17) shall apply in all districts.

Section 1718 Patios, Paved Terrace, Open Porch, or Deck

No patio, paved terrace, open porch or deck shall be located within required yard areas. These are accessory uses. (See definition of "Building Setback Line").

Section 1719 Vending Machines

No outdoor vending machine, self-service station, or similar use shall be allowed in any required yard, abutting a street or on a public sidewalk.

Section 1720 Fences and Walls

Fences and walls shall be considered accessory structures and shall be subject to the following regulations:

- A) No fence or wall (except agricultural fences, required junk yard or tennis court walls or fences, or a retaining wall of

a building permitted under this Ordinance) shall be erected to a height of more than four (4) feet in a front yard and no more than six (6) feet in any other yard within all zoning districts except the Industrial District and the Commercial District. In the Industrial District and the Commercial District, no fence or wall shall be erected to a height of more than ten (10) feet in any yard.

- B) All fences and walls shall be set back at least one (1) foot from the property line.
- C) All fences shall be erected with the finished side of the fence facing adjacent properties. The finished side shall be considered the side without the structural supporting members.
- D) No fence or hedge or wall shall block a motorist's view of vehicles entering or existing the property.
- E) No solid, closed fence shall be erected within the required front yard setback.

Section 1721 Swimming Pools

The following regulations shall apply to the construction of all swimming pools in the Township.

- A) No permanent structure shall be permitted without an operating filtering system utilizing an antibacterial agent.
- B) No permanent structure shall be permitted unless it is enclosed by a permanent fence which is at least four (4) feet in height and conforms to other requirements listed in Section 1720. It shall have self-locking gate and self-closing gate. Fences shall be erected immediately after completion of construction of structures described in this section and before water is added to the pool. There shall be no vertical interspace of more than two (2) inches in pool fence.
- C) No permanent structure or temporary pool shall be within ten (10) feet of any property line. It shall be located in rear or side yard of dwelling to which it is an accessory.
- D) The Zoning Officer shall issue a zoning permit prior to excavation or construction of a swimming pool providing all regulations are to be followed by the owner.
- E) Any lights used in conjunction with the pool shall conform to Section 1732(B)(15) to prevent glare on adjoining properties.
- F) A dense planting of trees and shrubs shall be established between the pool and all property lines to protect adjoining

properties from noise arising from mechanical equipment and activities in and around the pool.

Section 1722 Tennis Courts

All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged and hooded to prevent glare on adjoining properties. Section 1732(B)(15) shall apply. Tennis courts shall be an accessory use. Tennis courts shall not be located in front yards or within forty (40) feet of any side or rear property lines. Screening shall be provided to minimize effects on adjoining properties. A zoning permit is required.

Section 1723 Satellite Dish Antennas as Accessory Uses

- A) Purpose. The unique shape and reception requirements of satellite dish antennas presents an array of concerns relating to the health, safety, and aesthetic integrity of the Township. Therefore, it is the intent of this Ordinance to impose reasonable regulations concerning such devices without infringing upon rights granted by the FCC.
- B) Specific Requirements. The following requirements shall apply to all satellite dish antennas provided that such requirements do not infringe upon the rights granted by the FCC. If an applicant can prove that such rights would be violated due to unique site constraints or other such conditions, the applicant shall be exempt from only those requirements which create such hardships.
- 1) The diameter of the dish shall not exceed (12) feet. The diameter of a dish mounted on a dwelling shall not exceed six (6) feet.
 - 2) No portion of the structure may exceed fifteen (15) feet in height.
 - 3) The antenna shall be located only in the rear yard (unless roof-mounted) and shall comply with the building setback requirements of the applicable zoning district.
 - 4) No more than one (1) satellite dish shall be permitted on any lot unless such lot is within the Commercial District or the Industrial District.
 - 5) The entire structure, including the supports, dish, and any part thereof, shall employ materials and colors that blend with the surroundings. If painting is required to comply with this Ordinance, such painting shall take

place no later than two (2) weeks from the date of installation.

- 6) Satellite dish antennas (unless roof mounted) shall be surrounded by a complete visual barrier composed of evergreen plantings which are at least four (4) feet in height when planted on site and which will achieve a mature height sufficient to screen the entire antenna from the ground floor elevations of adjoining properties. If such screening will impair the reception of the antenna, the applicant shall demonstrate that such is the case and shall install evergreen plantings which, when mature, will be maintained at a height which is within two (2) feet of the determined height of interference. Screening must be planted within two (2) weeks of the antenna installation date.
 - 7) All satellite antennas shall be properly anchored and installed to resist a minimum wind load of thirty (30) pounds/square foot of projected horizontal area.
- C) Zoning permit requirements for all satellite dish antennas. A zoning permit is required prior to erecting a satellite dish antenna. The zoning permit application shall include a statement of justification concerning any deviations from the requirements of this Section as well as plans drawn to scale indicating:
- 1) Dimensions of the lot, building setback locations, and the location and color of existing or proposed buildings.
 - 2) Proposed location of the antenna including all maximum horizontal and vertical dimensions.
 - 3) Details of the antenna anchors, supports, and foundation.
 - 4) Proposed plant type(s), location, and anticipated mature height(s) of the required screening.
 - 5) Design and allowable wind load.
 - 6) Material and ultimate color of entire satellite dish structure.
 - 7) When attached to an existing structure, a detailed description of how the satellite dish antenna loads will be distributed to the existing structure.

Section 1724 Alternative Energy Sources

- A) Wind Energy Conservation Systems. Except for those contained on farms, Wind Energy Conservation Systems (WECS)

shall not be permitted in the front yard area of any property and are accessory uses. Height regulations do not apply to WECS units provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure provided that the perimeter of the unit does not cover twenty-five (25%) percent or more of the room area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. A zoning permit is required prior to erecting a WECS unit except for those contained on farms. The zoning permit application shall include a plan drawn to scale indicating:

- 1) Forces on foundation, including live and dead load.
 - 2) Allowable and actual soil bearing pressure.
 - 3) Strength and allowable stresses on cables, rods and braces, including actual and allowable force for each.
 - 4) When attached to an existing structure, a detailed description of how the WECS unit loads will be distributed to the existing structure.
 - 5) The minimum safety factor against overturning or providing for wind forces shall be 2.0. Support, anchors, and foundations shall take into account overturning moments and forces created by wind loading.
 - 6) A registered professional engineer shall provide a statement certifying that the requirements of Sections 1723(E) and 1723(F) will be satisfied for WECS.
 - 7) Compliance with all requirements of Section 1724(A).
- B) Solar Energy Units. Solar energy units shall be permitted in any district and shall be subject to the general requirements of that district.

Section 1725 Ornamental Ponds and Wading Pools

- A) Such structures shall comply with all accessory use setbacks and regulations.
- B) No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools, or other impoundments exceeding the requirements of this Section shall be considered as "Man-made Lakes, Dams and Impound-

ments" and are subject to the criteria listing in Section 1726 of this Ordinance.

- C) No such impoundment shall have a length or diameter exceeding fifteen (15) feet nor a maximum depth exceeding two (2) feet.
- D) All ponds or pools shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects.
- E) No such pond(s) shall be used for the commercial hatching of fish or other species.

Section 1726 Man-Made Lakes, Dams, And Impoundments

All man-made lakes, dams, ponds and impoundments may be permitted in any district as an accessory use subject to the following:

- A) All dams, ponds, lakes and impoundments located along and connected to a stream shall require the obtainment of a permit from the DER Bureau of Dams and Waterways Division of Dam Safety, or a letter indicating that the proposed use does not require a DER permit.
- B) All dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the obtainment of a permit from the DER Bureau of Dams and Waterways Division of Waterways and Storm Water Management.
- C) All dams, ponds, and impoundments shall be located at least seventy-five (75) feet from adjoining lot lines, and any subsurface sewage disposal system or well.
- D) All dams, ponds and impoundments require the submission of statement 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 100 year flood. All dams shall be constructed to a height of two (2) foot above the water surface elevation occurring during the 100 year flood.
- E) Requirements for 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.
- F) Maintenance. All ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

Section 1727 Garage/Yard Sales/Auctions

Within any district, an owner and/or occupant may conduct up to two (2) garage/ard sales/auctions per year. No garage or yard sale or auction shall be conducted for a period longer than two consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. In no case shall any aspect of the garage/yard sale/auction be conducted in a street right-of-way. The conduct of garage/yard sales/auctions beyond the extent described herein represents a commercial business and requires appropriate zoning authorization. (See also Sections 1311 and 1312 for further regulations regarding signs).

Section 1728 Standards for Animals Maintained as Accessory to a Residential Dwelling.

- A) In any district, the maintenance of up to two (2) each [total of four (4) or less] of the following animals over six (6) months of age is permitted: dogs and cats and small animals provided that it is on a non-commercial basis, the area on which a shelter and/or exercise pen is maintained is suitably enclosed and is located in the rear yard at least ten (10) feet from any lot line, and is not closer than fifty (50) feet to the nearest dwelling other than that of the owner. The restrictions imposed by this paragraph shall not apply to the non-commercial maintenance of animals on farms. All structures used to house non-commercial livestock shall be prohibited from placement in the front yard.
- B) In any district, the maintenance of up to twelve (12) pigeons and fowl is permitted provided it is in the rear yard, it is on a non-commercial basis, and is strictly as an incidental use, the area in which the fowl or pigeons are kept is enclosed by a fence that will contain them, all parts of which are at least one hundred (100) feet from the nearest dwelling other than that of the owner but no less than ten (10) feet from the lot line. The restrictions imposed by this paragraph shall not apply on farms. All structures used to house non-commercial livestock shall be prohibited from placement in the front yard.
- C) In any district, the maintenance of up to two (2) saddle horses or large animals is permitted provided no building, corral, or stable is less than one hundred (100) feet from any lot line, and is not closer than two hundred (200) feet to the nearest existing dwelling other than that of the owner. The fence shall be no closer than one hundred (100) feet from the nearest dwelling other than that of the owner but no less than ten (10) feet from the lot line. The restrictions imposed by this paragraph shall not apply on farms. All structures used to house non-commercial livestock shall be prohibited from placement in the front

yard.

- D) In any district, all animals, their housing and their pasture/recreation areas shall be properly maintained so to not become a nuisance to adjoining properties. Domestic animals shall be enclosed in an enclosure of a size conducive to good sanitary practices and adequate and sanitary drainage facilities shall be provided.

Section 1729 Liquid or Solid Wastes

See Section 1732(B)(18) which shall apply in all districts.

Section 1730 Tree Clearing and Replacement

It is the intent of this Section to protect the existing ecologically valuable wooded areas of the Township and to prevent the propagation of damaging species within these areas.

- A) Clear cutting shall be prohibited except on tracts of less than two (2) acres or on tracts meeting the requirements of Section 1730(B) below. All tree removal shall comply with the following additional requirements:
 - 1) When harvesting or otherwise removing 40 or more trees on tracts larger than two acres, at least thirty (30%) percent of the existing trees (as defined in this Ordinance) shall be kept, and the residual existing trees shall be well distributed. At least thirty (30%) percent of these residual existing trees shall be composed of the highest value species as determined by a forester.
 - 2) If less than seventy-five (75%) percent of the existing trees are retained, replacement trees shall be planted in sufficient numbers such that, following forestry or development activity, the number of trees (retained existing trees and replacement trees combined) totals at least fifty (50%) percent of the number of existing trees prior to tree removal. Replacement trees shall be minimum trunk caliper of two (2) inches at DBH and shall be planted within six months following completion of the activity.
- B) Clearing of trees for farming is permitted as long as a soil conservation plan is used and permitted by the Soil Conservation District and the land is used for farming purposes. Also requirements of Section 408(W) shall be maintained, if within a Floodplain District.
- C) Replacement trees should be of the species, or a selected subset of the species, of the trees removed from the site, if the trees removed from the site are native to the area. If the trees removed from the site are not native to the

area, then replacement trees shall be selected from any tree species native to the area and consistent with this Ordinance. (Consult Landscaping with Native Plants in the Middle-Atlantic Region by Elizabeth DuPont, Brandywine Conservancy, 1978, and "Distribution of Major Forest Species in Southeastern Pennsylvania" by Catherine Keever, published in Ecological Monographs, 43:303-327, Summer, 1973).

Trees which were designated on the Landscaping Plan (Section 1710) to be saved but which are damaged or destroyed as a result of the development process shall be replaced by the developer. The Township shall be consulted before any replacement trees are planted. Replanting shall be done according to the standards specified by the American Nurserymen's Association.

When a developer, builder, or property owner is required to replace trees that he has moved or caused to be removed, the developer, builder, or property owner shall be guided by the following criteria in selecting replacement trees. These considerations also shall be followed when it is necessary to choose certain trees for retention:

- 1) Species longevity.
- 2) Native to area (as described above).
- 3) Maintaining the diversity of species in the area.
- 4) Hardiness (wind firmness, climate requirements, characteristics of soil to hold tree).
- 5) Existence of disease, rot, or other damage to tree.
- 6) Susceptibility of insect and disease attack and to pollution.
- 7) Aesthetic values (autumn coloration, type of flowers or fruit, form characteristics).
- 8) Maintenance and care (pruning, etc.).
- 9) Wildlife values.
- 10) Comfort to surroundings (summer shade, winter windbreak).
- 11) Protection of buildings, vehicles and pedestrians.
- 12) Size at maturity.
- 13) Effect of soil retention and erosion control.
- 14) Value as a noise buffer.

15) Undesirable characteristics.

D) The following species shall be banned from being planted in Pequea Township:

Trees:

Norway maple	(Acer platanoides)
Sycamore maple	(Acer pseudoplatanus)
Russian olive	(Eleagnus angustifolia)
Autumn olive	(Eleagnus umbellatus)
Osage orange	(Maclura pomifera)
White mulberry	(Morus alba)
White cottonwood	(Populus alba)

Shrubs and Small Trees:

Barberry	(Berberis japonica)
Winged euonymous	(Euonymous alatus)
Amur honeysuckle	(Lonicera maackii)
Tartarian honeysuckle	(Lonicera tatarica)
Blunt-leaved privet	(Ligustrum obtusifolium)
Smooth buckthorn	(Rhamnus cathartica)
Shining buckthorn	(Rhamnus frangula)
Multiflora rose	(Rosa multiflora)
Rugose rose	(Rosa rugosa)

E) Permitted Procedures for Specimen and Witness Trees.

- 1) All applications which request the removal of one or more specimen or witness trees shall be immediately referred to the Township for its recommendation for approval or disapproval. The Township may conduct on-site inspection to determine whether or not such removal conforms to the requirements of this Ordinance. Failure on the part of the Township to reply within forty-five (45) days shall be deemed approval. In the event that the Township recommends denial of an application, it shall specify in writing, the reason for the action. A zoning permit which requires removal of a specimen tree or a witness tree shall not be issued unless the issuance of a specimen or witness tree removal permit has been recommended by the Township.
- 2) The Township may recommend approval and removal of a specimen or witness if one or more of the following conditions is present:
 - a) Necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic, or threaten to cause disruption of public services.
 - b) Necessity to remove trees which pose a safety hazard to buildings.
 - c) Necessity to remove diseased trees, trees infested

with destructive insects liable to infect the healthy trees on the same or adjacent property, or trees weakened by age, storm, fire or other injury.

- d) Necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support when documented by a report prepared on behalf of the developer by a qualified professional forester, or a registered landscape architect.
- e) Other conditions which, in the judgment of the Township, warrant the removal of the specimen or witness tree.

F) All tree removal shall comply with all of the following:

- 1) Clear cutting of trees is prohibited on areas with slopes greater than fifteen (15%) percent or within the 100 year floodway or within fifty (50) feet of a wetland.
- 2) No tops or slash shall be left or deposited within 25 feet of any street.
- 3) Felling or skidding across any street is prohibited unless the person conducting the tree removal application or the landowner obtains written permission to do so from the Township or from PennDOT, whichever is responsible for the street.
- 4) The person conducting the tree removal operation and the landowner shall be responsible to promptly, and not less than daily, remove all soil and debris washed or carried onto any public street during tree clearing operations.
- 5) The person conducting the tree removal operation and the landowner shall be responsible to remove all litter, trash, discarded equipment, and similar items upon the completion of any tree removal operation.
- 6) The person conducting the tree removal operation and the landowner shall be responsible to reclaim all cut areas by methods to insure that there is no increase in sedimentation or storm water runoff.

Section 1731

Electromagnetic Radiation [See Section 1732(B)(19)].

Section 1732

Performance Standards Procedures

A) In regard to those uses which are subject to Performance Standards Procedures, the following requirements shall apply:

- 1) An application for a zoning permit or a certificate of

occupancy for a use subject to performance standards procedure shall include a plan of the proposed construction and description of the proposed machinery, operations and products, and specifications of the mechanisms and techniques to be used in restricting the emission of any dangerous or objectionable elements listed in this Article. The applicant shall also file with such plans and specifications an affidavit acknowledging his understanding of the applicable performance standards and stating his agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential except as otherwise provided by law. The Township may employ qualified experts to review such plan, descriptions and specifications at the cost of the applicant. Farms in the Agricultural District are exempt from the plan description but not the requirements of Section 1732(D).

- 2) If, in the opinion of the Zoning Officer, a proposed use could create a fire hazard, emit smoke, odor, or dust, or could produce other results which could be obnoxious or detrimental to other properties, he shall refer the proposed use to the Zoning Hearing Board for possible approval as a special exception. (Some of the uses are mandatory special exceptions or conditional approvals as per Article 19). The Zoning Hearing Board shall determine if any of these conditions would be created, and in such event the Zoning Hearing Board shall require assurances, by means of special design of the structure, or processing procedures or equipment, that the detrimental conditions shall be eliminated. Upon submittal of these assurances, the Zoning Hearing Board shall allow the Zoning Officer to issue a permit for the proposed use if all other requirements for the proposed use have been met. The Zoning Hearing Board may require assurances that they may deem satisfactory to guarantee that such conditions shall not be created, or if created shall be eliminated.
- 3) Any normal replacement or addition of equipment and machinery not affecting the operations or the degree or nature of dangerous and/or objectionable elements previously on-site shall not be considered a change in use.
- 4) After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the Performance Standards or other provisions for a period of five (5) days, without bona fide and immediate corrective work, the Zoning Officer shall suspend or revoke the occupancy permit of the use, and the operation shall immediately cease until it is able to operate in accordance with these regulations at which time the occupancy permit shall be reinstated. If of sufficient risk to health, safety or

welfare, only one violation may be necessary for revocation of occupancy permit.

- 5) The Zoning Officer shall investigate any alleged violations of Performance Standards, and if there are reasonable grounds to believe that a violation exists, the Zoning Officer may employ qualified experts to assist with his investigation at the expense of the owner or operator.
- 6) A copy of said findings shall be forwarded to the Township Supervisors. The services of any qualified experts employed by the Township to advise in establishing a violation or remediating it shall be paid for by the alleged violator. No new certificate of occupancy shall be issued unless such charges have been paid to the Township.

B) Industrial and Commercial Performance Standards. The following may also pertain to other uses in other zoning districts as noted.

- 1) Legislative Intent. The Board of Supervisors desires to provide standards for the operation of industrial and commercial uses within the Township in order to protect the health, safety and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare, heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation. These items can cause a serious danger to the public health and safety if they are not properly handled and limited. For example, excessive noise has been demonstrated to cause hearing loss, and air pollution has been proven to exacerbate respiratory difficulties. The dangers of fire are well known, and the control of substances which create a risk of fire is necessary.

The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access control and landscaping and screening requirements. Traffic and access controls will lessen the possibility of vehicular accidents. Landscaping and screening will provide a barrier to the use and discourage trespassing. The limitation of outdoor storage serves a similar purpose.

The Board of Supervisors also seeks to protect the public through the requirement of a plan of access in the event of emergency conditions. This will allow police, fire fighters and rescue personnel to gain access to the premises in an efficient and safe manner in times of emergency.

2) Enforcement.

- a) The Industrial and Commercial Performance Standards contained in this Section and in Section 1004 shall be the minimum standards to be met and maintained by all industrial and commercial uses within the Township. Industrial and commercial uses shall be defined as those uses, regardless of location, which are specified as permitted uses or uses by special exception in any of the industrial and commercial districts established by this Ordinance including uses of a similar nature not specifically identified in this Ordinance but which would be permitted in an Industrial or Commercial District.
- b) Industrial and commercial uses existing within the Township on the effective date of this Section which do not currently meet and maintain the standards contained herein and in Section 1004 shall bring their operations into compliance within six (6) months from the effective date of this Section. It shall be the responsibility of the owner and/or operator of the industrial or commercial use to determine if the use meets and maintains the standards set forth in this Ordinance. The Zoning Officer shall review that determination for conformance.
- c) The owner and/or operator of any commercial or industrial use existing on the effective date of this Section shall have the right to appeal a determination that the industrial or commercial use does not meet and maintain the industrial or commercial Performance Standards contained herein to the Zoning Hearing Board.

- 3) Certification. All applications for industrial uses must be accompanied by a certification from a registered professional engineer in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the appropriate district. Further, the Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards at the landowner's expense.

Commercial uses shall not require a certification unless the use is deemed by the Zoning Officer to carry out procedures in the business that could have a significant potential negative effect on the environment.

- 4) Storage and Servicing. In the Industrial District only, all businesses, services, manufacturing or processing within five hundred (500) feet of any R-1 Residential or R-2 Residential District boundaries shall be conducted within completely enclosed buildings. All outdoor storage

shall be screened from adjoining streets and the public right-of-way. All organic rubbish shall be in airtight, vermin-proof containers. All landscape buffer, greenbelt, and screening requirements shall be met (see §§1004 and 1710). Industrial storage outdoors is prohibited in any location other than the Industrial District (see also §1009).

- 5) Noise. All terminology used in this Section which is not defined in Article 2, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI S1.1 - 1960 [R1971] and its revisions) or its successor body.
 - a) Noise shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (ANSI). Measurements are to be made at any point on an adjoining lot line as indicated in Table I following.
 - b) Impulsive sounds shall be measured using the fast response of the sound level meter. Measurements are to be made at any point on an adjoining lot line as indicated in Table I.
 - c) Occasionally used safety signals, warning devices, and emergency pressure relief valves shall be exempt from this Section.
 - d) Industrial or Commercial Use Noise Levels. The following table describes the maximum sound pressure level permitted from any industrial or commercial use measured on any adjacent lot line.

TABLE I
Permitted Sound Pressure Levels
Industrial and Commercial Operations

Octave Band in Cycles per Second 7 a.m. to 10 p.m.	Maximum Sound Pressure Levels in Decibels
0 - 75	74
75 - 150	59
150 - 300	52
300 - 600	46
600 - 1,200	42
1,200 - 2,400	39
2,400 - 4,800	36
above 4,800	33

(1 Decibel = 0.002 dynes per square centimeter)

For any noise of an impulsive or periodic character the permissible limits for each octave band shall be reduced by five (5) decibels. Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

No noise shall be audible beyond any lot line exceeding the average intensity of the street traffic at the lot line between the hours of 10 p.m. and 7 a.m. Any crushers or similar structures used in quarry or their construction work shall be completely soundproofed.

6) Vibration. Vibration perceptible beyond the lot line shall not be acceptable above the average intensity of street vibration at the property lines of the lot on which the use is conducted for industrial or commercial uses.

7) Dust and Particulates.

a) The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity within the boundaries of any lot, shall not exceed the levels set forth below. Emissions of dust and particulates shall be in accordance with the DER Rules and Regulations and EPA governing air contamination and air pollution, and, in case of conflict, the most restrictive shall apply.

b) Emission rate of particulate matter in pounds per hour from any single stack shall be determined by selecting

a continuous four hour period which will result in the highest average emission rate.

- c) Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, wetting, covering or other environmentally safe means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc. No fugitive emissions shall be allowed over the lot line.
- d) Industrial or Commercial Use. The maximum emission rate of dust and particulate matter from all stacks or other sources shall be 0.5 pounds per hour per acre of lot area.

8) Sulfur Oxides.

- a) Emission of oxides of sulfur (such as sulfur oxide) from combustion and other processes shall be limited in accordance with the requirements below. The oxides of sulfur may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxide emissions.
- b) Industrial or Commercial Use. The maximum emission rate of oxides of sulfur from all stacks shall be 0.05 pounds per hour per acre of lot area.

9) Smoke.

- a) For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.
- b) Industrial or Commercial Use. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

10) Odor.

- a) Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.
- b) All Districts. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation. This shall not pertain to normal farming odors.

11) Toxic Matter.

- a) The ambient air quality standards for the State of Pennsylvania or federal government shall be the guide to the release of airborne toxic materials across lot lines in all Districts. Where toxic materials are not listed in the ambient air quality standards of the state or federal government, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any 24 hour sampling period.
- b) All Districts. The release of airborne toxic matter shall not exceed 1/30th of the threshold limit value across lot lines.

12) Detonable Materials.

- a) Activities involving the storage, utilization or manufacture of products which decompose by detonation shall be in accordance with the regulations of the Industrial District and §1708.
- b) Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35%) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
- c) The use of the above is limited to the Industrial District. The storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds.

- 13) Fire Hazard Solids. In the Industrial District, storage, utilization, or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and

protected with an automatic fire extinguishing system. They are prohibited elsewhere.

14) Fire Hazard Liquids and Gases.

- a) The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this Section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.
- b) The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table for Industrial District. They are prohibited elsewhere.

TABLE OF STORAGE CAPACITY OF
FLAMMABLE LIQUIDS AND GASES

<u>LIQUIDS</u>		<u>GASES</u>
<u>ABOVE GROUND</u>		<u>ABOVE GROUND</u>
FLASH POINT, °F		
Less than 70 ⁰	70 - 200 ⁰	
5,000 gal	20,000 gal	150,000 SCF*
<u>BELOW GROUND</u>		<u>BELOW GROUND</u>
10,000 gal	40,000 gal	300,000 SCF*

*SCF - Standard Cubic feet at 60 degrees F and 29.92 inches Hg.

15) Glare. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candles when measured on any adjoining lot. This applies in all districts.

a) Direct Glare. Direct glare is defined for the purpose of this Ordinance as illumination beyond property lines caused by direct or secularly reflected rays from incandescent, fluorescent, or arc lighting or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exception of lighting required by Section 1741 of this Ordinance.

b) Indirect Glare. Indirect glare is defined for the purpose of this Ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed the value which is

produced by an illumination of the reflecting surface not to exceed:

0.3 foot-candles (Minimum)

0.1 foot-candles (Average)

Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

- 16) Heat. For industrial and commercial use for the purpose of this Ordinance, heat is defined as thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of five (5) degrees fahrenheit; whether such change be in the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.
- 17) Radioactive Radiation. In all Districts, no activities shall be permitted which emit radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive materials and wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for Protection Against Radiation, as amended; and all applicable regulations of the State of Pennsylvania.
- 18) Liquid or Solid Wastes. In all Districts, no discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accord with standards approved by the DER or other regulating department or agency, or any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects. No waste shall be stored for any period beyond thirty (30) days. All shall be stored in any enclosed building or approved container.
- 19) Electromagnetic Radiation. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly

associated with these purposes which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. These shall pertain in all Districts. Also all new or added electricity transmission projects of public utilities shall have an EMF mitigation plan to eliminate to the greatest extent possible any potential health risk or nuisance.

- 20) Kilns. These shall be fired by oil, gas or electricity. They may be allowed in Commercial or Industrial Districts. No individual kiln shall exceed two hundred (200) cubic feet in capacity, and no process shall contain a blast or reverberating furnace or foundry.

C) Commercial Performance Standards.

- 1) Commercial performance standards shall comply with Sections 1732(A) and Section 1732(B). Additionally, all commercial uses shall also be subject to the performance standards outlined in Sections 1004(E), (F), (I), and (J) of the Industrial District regulations. Commercial uses shall be defined as those uses regardless of location, which are specified as permitted uses or uses by special exception in the Commercial District including uses of a similar nature not specifically identified in the Ordinance but which would be classified as commercial by the Township Zoning Officer.

2) General Commercial Design Standards.

- a) Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts which shall be clearly marked and designated for such storage.
- b) To the greatest extent possible, commercial buildings shall be designed to have at least fifty (50%) percent of the minimum required landscape area contained between the street right-of-way line and the building face.

D) Agricultural Performance Standards. The following restrictions shall apply in all districts in which agriculture is permitted unless otherwise stated:

- 1) No farm building or any other outbuilding shall be constructed closer than fifty (50) feet to any property line.
- 2) All grazing or pasture areas shall be fenced to prevent livestock from roaming.

- 3) The construction or operation of a building for the cultivation of mushrooms shall be prohibited within the Residential Districts, Commercial District, or Industrial District.
- 4) No slaughter area or manure storage shall be established closer than one hundred (100) feet to any property line.
- 5) No manure shall be stored within fifty (50) feet of any property line.
- 6) All manure management practices and operations shall comply with the guidelines outlined in the DER Bureau of Water Quality Management Publication No. 43 titled "Manure Management for Environmental Protection." or as amended. Also, Township Ordinance 79 shall be complied with concerning manure management and nutrient management plans. A permit is required from the Township.
- 7) All lots used for agricultural purposes, regardless of lot size, shall be subject to this Section. Lots which are less than ten (10) acres in lot area used for agricultural purposes on the effective date of this Section (September 9, 1996) shall also be subject to Article 18, Nonconforming Uses and Buildings, of this Ordinance.

Section 1733

Non-Residential Activity

No non-residential activity or use shall be permitted in any district except as specified by this Ordinance.

Section 1734

Storage (Outside)

In all districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. On any residential lot, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited. [See also Sections 1941, 1009, 1732(B)(4), and 1712].

Section 1735

Sale of Agricultural Products

The display and retail sale of agricultural products such as vegetables, fruits, and eggs in a temporary portable structure is permitted in the Agricultural, R1, R2, and Commercial districts provided the following conditions are complied with:

- A) That at least fifty (50%) of the products sold shall be agricultural products grown and produced by the seller on land which is part of the same tract as that on which the structure is located or is contiguous thereto;
- B) That the location of the structure shall be compatible with the existing traffic condition and adjacent uses;

- C) That off-street parking for at least three (3) cars be available and that it comply in all other respects with Article 14;
- D) That the structure be located at least fifteen (15) feet from the road right-of-way line;
- E) That during the non-growing season and seasons when the structure is not open for business on a daily basis, such structure shall be taken down and removed from the premises; and
- F) For sale of agricultural products in permanent structures see Section 1910.

Section 1736

Uses Not Provided For

Whenever under this Ordinance a use is neither specifically permitted nor denied 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. The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located, is not permitted in any other district under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

Section 1737

Municipal Uses

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

Section 1738

No-Impact Home-Based Businesses

No-impact home-based businesses may be conducted as accessory uses in single family dwellings subject to the following:

- A) No changes to the exterior of the dwelling shall be permitted which would have the effect of altering its character as a dwelling.
- B) No outside storage shall be permitted.

- C) No vehicles, except for typical automobiles or pick-up trucks, shall be used in the occupation. No commercial vehicles shall be used as part of the business.
- D) No deliveries by tractor-trailer shall be permitted.
- E) The businesses shall not result in any noise, glare, vibration, electrical or electromagnetic interference to radio or television signals, odor, or sewage discharge which are significantly different from those of typical dwellings.
- F) All operators and employees of the business shall reside in the dwelling.
- G) No accessory building shall be used for the business or for storage in connection with the business. The business shall be conducted only within the dwelling.
- H) No signs for the business shall be permitted.

Section 1739 Forestry Uses

In accordance with the MPC, forestry uses are permitted by right in every zoning district subject to the following requirements and performance standards. To the extent Section 1739 is inconsistent with other provisions of this Ordinance or the Pequea Township Storm Water Management Ordinance, the more restrictive regulations shall apply.

- A) An application for a zoning permit shall be submitted to the Zoning Officer for the removal of trees.
- B) All forestry activities shall be conducted in accordance with accepted silvicultural principles. The applicant shall prepare and file a forestry management plan when harvesting forty (40) or more trees involving more than two (2) acres. The forestry management plan shall be prepared by a qualified forester or forest technician. The forestry management plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association.
- C) The applicant shall furnish qualified written evidence that the proposed use shall be conducted according to a soil erosion and sedimentation control plan for timber harvesting operations. All subsequent activities shall, at all times, be conducted in accordance with the soil erosion and sedimentation control plan.
- D) If the proposed forestry activity disturbs more than one (1) acre, the applicant shall furnish written evidence that the Lancaster County Conservation District has approved an erosion and sedimentation control permit. A copy of the Lancaster County Conservation District Permit shall be provided to the Zoning Officer prior to the issuance of a

zoning permit for the use. All subsequent activities shall, at all times, be conducted in accordance with the Lancaster County Conservation District permit.

- E) If the proposed forestry activity in any way obstructs or encroaches upon an existing waterway, the applicant shall furnish written evidence that the applicant has received approval of a dam safety and waterway management permit (General Permit No. 8 or its equivalent) from the Lancaster County Conservation District. A copy of the Lancaster County Conservation District Permit shall be provided to the Zoning Officer prior to the issuance of a zoning permit for the use. All subsequent activities shall, at all times, be conducted in accordance with the Lancaster County Conservation District Permit.
- F) Removal of trees within fifty (50) feet of any stream bank shall be limited to selected trees that will not result in the removal of more than fifty (50%) percent of the overhead tree canopy that provides shade to the stream.
- G) Clear-cutting of trees is prohibited except to the extent permitted by Section 1730(B) of this Ordinance.
- H) All operations shall comply with the requirements upon tree cutting and removal in Sections 1730(A) and 1730(F) of this Ordinance.
- I) The applicant shall promptly restore all lands in accordance with the Forestry Management Plan.

Section 1740. Environmental Impact Assessment.

An applicant proposing any subdivision or development within one hundred (100) feet of any land or soils located within the Floodplain District or a delineated wetland or hydric soils shall perform a survey delineating such areas. The survey shall be performed by a person who is either (1) qualified to conduct bog turtle surveys or (2) qualified to identify and delineate wetlands. Such survey shall be submitted as part of the environmental impact assessment meeting all the requirements of Appendix C of this Ordinance. No application for a special exception, conditional use, variance, subdivision or land development, shall be deemed to be complete prior to submission of an environmental impact assessment containing all of the elements set forth in Appendix C.

Section 1741. Lighting Requirements and Standards.

- A) Purpose. This section sets forth minimum criteria for the installation, use and maintenance of exterior lighting, the purposes of which are the following:

- 1) To require lighting in outdoor public spaces where safety and security are concerns.
 - 2) To protect drivers and pedestrians on nearby streets from glare from nonvehicular light sources that shine directly into their eyes and thereby impair safe travel.
 - 3) To shield neighboring properties from glare resulting from excessive light sources and from nonexistent or improperly directed or shielded light sources.
 - 4) To limit the height of light standards to preclude or lessen light pollution.
 - 5) To promote efficient design and operation with regard to energy conservation.
- B) When required. Lighting facilities shall be required for all off-street parking areas containing more than twenty-five (25) off-street parking spaces and off-street loading areas and for all driveways providing ingress and egress thereto. In addition, the provisions of this Section shall apply to signs, architectural lighting, and landscape lighting.
- C) Plan submission. At the time an applicant submits a subdivision or land development plan to the Township Planning Commission for review and at the time an applicant submits an application for a permit under this Ordinance for any use identified in §1741(B), the applicant shall submit a lighting plan. A lighting plan shall include all of the following data:
- 1) A schematic layout of all proposed exterior fixtures.
 - 2) International Organization for Standardization (ISO) footcandle data.
 - 3) A plat demonstrating intensities and uniformities within the limitations established in §1741(D).
 - 4) The manufacturer's description of the equipment (catalogue cut sheets) in the form of a detail on the plans.
 - 5) Glare control devices.
 - 6) Mounting heights and means.
 - 7) Proposed hours of operation of the lighting.
 - 8) Maintenance schedule.
 - 9) A ten (10) foot by ten (10) foot grid setting forth a plotting of illumination intensities.

D) Lighting Standards.

- 1) Lighting facilities located in any off-street parking areas and loading areas and for uses and developments specified in §1741(B) or in connection with signs and recreational and institutional activities shall provide an illumination level utilizing the current recommended standards of the Illuminating Engineering Society of America (IESNA) except as otherwise modified by the provisions of this §1741(D). However, in any instance in which the principal use of the property requires the granting of either a special exception or a variance, the Zoning Hearing Board may impose a more stringent lighting standard requiring less illumination as a condition of any such approval when it determines the same to be necessary to protect the adjoining properties or streets from light pollution or glare.

- 2) When illumination is required, it shall have the intensity and uniformity ratios in the Lighting Handbook of the Illuminating Engineering Society of America (IESNA), 9th Edition, except as modified herein as follows:

Maintained Footcandles (MFC)	Uniformity, Average: Minimum
<u>Use</u>	
Parking, Multifamily	0.20 mm; 4:1
Medium vehicular/pedestrian activity	0.60 mm; 4:1
Parking, Industrial, Commercial, Institutional, Municipal	0.60 mm; 4:1
High Activity (Regional Shopping Centers, Fast Food Facilities, Major Athletic, Civic or Cultural Events)	0.90 mm; 4:1
Medium Activity (Community Shopping Center, Office Parks, Hospitals, Commuter Lots, Civic or Cultural Events)	0.60 mm; 4:1
Low Activity (Neighborhood Shopping Area, Industrial Employee Parking, Schools, Church Parking)	0.50 avg; 5:1
Building entrances	5.0 avg.
Canopy over Gas Dispensing Devices, Service Station Pump Islands	35.0 avg.
Car Dealerships	35.0 max [1]
<p><i>[1] Note: 35.0 MFC is the maximum permitted and is limited to the first 100 feet of outdoor display or parking along any street frontage, subject to otherwise applicable setbacks mandated by the district regulations. The remainder of the property shall be limited to 20.0 MFC, except for the rear yard, which shall be limited to 10 MFC.</i></p>	

- 3) In the application of the above standards, the following regulations shall apply:
 - a) Illumination levels shall be defined as maintained horizontal footcandles on the area, for example, on

the pavement or area surface.

- b) Uniformity ratios dictate that average illumination values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. For example, in the case of high activity commercial parking, the average footcandles shall not be in excess of 3.6 (0.9 x 4).
- c) In no case shall illumination exceed 0.2 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway centerline of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is required by another provision of this §1106.4; and the amount of illumination projected onto a property zoned or in residential use from another property shall not exceed 0.1 footcandle at the property line.
- d) Lighting standards in parking areas shall be located no more than one hundred (100) feet apart, provided the Zoning Officer shall apply the standards of this §1741(D) by prohibiting the location of lighting standards in such close proximity to each other as would result in the violation of the footcandle and light spillage restrictions imposed by §1741(D)(2).
- e) Lamp types and colors shall be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types and colors shall be consistent with the use and setting and shall not create a mix of colors.
- f) Canopy lighting shall be located on the surface (ceiling) of the canopy and shall be limited to flush-lens fixtures mounted on the canopy ceiling. Drop-lens fixtures are prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of the gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Outdoor canopies include, but are not limited to, the following applications, (i) Fuel island canopies associated with service stations and convenience stores; (ii) Exterior canopies above store fronts in shopping centers and malls; (iii) Exterior canopies above driveways and building entrances; and, (iv) Pavilions and gazebos.
- g) All lighting proposed for use after 10:00 p.m. for commercial, industrial, institutional and recreational applications shall be reduced by seventy-five percent

(75%) from then until dawn, unless a variance is granted by the Zoning Hearing Board upon cause shown related to public health, welfare and safety.

4) Glare Control.

- a) All lighting fixtures shall meet IESNA cutoff criteria. No lighting shall be permitted which shines directly into residential units, or results in glare beyond the angle of thirty (30) degrees from a vertical plane, measured from the light source.
- b) Light fixtures including mounting base, shall not exceed twenty (20) feet in height above the finished grade. On-lot residential light fixtures shall not exceed fifteen (15) feet in height above the finished grade.
- c) All lighting sources shall be effectively shielded and shall be installed and/or aimed so as to shield nearby public or private streets and neighboring properties from direct-glare light radiation, or light pollution which may create a safety hazard or nuisance.
- d) All lighting sources shall be effectively shielded from any public right-of-way.
- e) Illuminated signs shall have an indirect lighting source or shielded source.
- f) All lighting sources shall be controlled by automatic timing devices to extinguish light, except for demonstrably necessary security lighting after 10:00 p.m. prevailing time, to mitigate the adverse consequences of light pollution when such action is necessary to protect adjacent properties and uses.
- g) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences, and similar screening methods be considered acceptable for reducing glare.
- h) Fixtures used for architectural lighting, such as facade, feature and landscape lighting, shall be aimed or directed so as to preclude light projection beyond the immediate objects intended to be illuminated. All such lighting shall be extinguished between the hours of midnight prevailing time and dawn.
- i) In all residential districts or in connection with residential uses, floodlighting, spotlighting, and other high intensity lighting over one hundred (100) watts shall be located so that glare or reflection is

not greater than 0.2 footcandle at the lot line of the receiving land. Such lighting fixtures shall be installed and/or aimed so that they do not project their output into windows of neighboring residences, adjacent uses, skyward, or onto a public street. All such lighting shall be extinguished after 10:00 p.m. prevailing time, except in the case of an emergency.

- j) With the exception of all night operations, lighting for commercial, industrial, public recreational and industrial applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures between 10:00 p.m. and dawn, to mitigate nuisance glare and sky-lighting consequences.
 - k) The operation of searchlights or laser source light for advertising purposes is prohibited.
 - l) All fixtures used for the lighting of active recreation facilities shall be fully shielded to prevent glare external to the property line.
- 5) Installation and maintenance.
- a) The developer/landowner shall install or cause to be installed all lighting fixtures and facilities at his/its expense. Light fixtures and poles shall be in accordance with a lighting plan approved by the Township. The developer/landowner shall be responsible for all costs involved in the maintenance, upkeep and operation of all lighting of parking and loading areas and other areas required by §1741.
 - b) Electrical feeds to lighting standards shall be underground.
 - c) Lighting fixtures shall be maintained by the landowner so as to always meet the requirements for this §1741.
- 6) Compliance.
- a) The approval of a lighting plan does not relieve the developer/landowner of responsibility should any light standards or light fixtures, after construction, fail to conform or continue to conform to the provisions of this §1741. The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this §1741 and if, appropriate, to require remedial action at the expense of the landowner.
 - b) Authority for the determination of correct lighting

installation in accordance with the requirements of this §1741 shall rest with the Zoning Officer, with advice from the Township Engineer. If the Zoning Officer determines that any lighting installation creates a safety or personal security hazard due to insufficient illumination levels or produces unacceptable levels of nuisance glare, light pollution, or skyward light, the landowner or other person/entity then responsible for the use, maintenance and operation of the lighting shall be so notified and required to take timely remedial action at the expense of the landowner or other responsible person/entity.

**ARTICLE 18
NON-CONFORMING USES AND BUILDINGS**

Section 1800 Continuation

Any lawful use of a building, structure, or land existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions of this ordinance except as otherwise provided by this Article. Signs are also subject to the requirements of Section 1308.

Section 1801 Expansion of Non-Conforming Structures and Uses

A) Permitted Expansion Based on Building Type.

1) Single Building and Uses. No expansion of a non-conforming structure or use shall hereafter be made unless an application has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception; provided however, that the expansion of the non-conforming use shall be limited to a distance of two hundred fifty (250) feet in any direction from the existing non-conforming use and to an area equal to fifty (50%) percent of the existing non-conforming use, whichever is the lesser, or in the case of a building, expansion shall be limited to an area equal to fifty (50%) percent of the existing usable floor area of the building.

2) Multiple and Similar Units. For the purpose of determining the expansion of non-conforming buildings and uses where the building or use is in multiple and similar units such as but not limited to campsites, mobile homes sites, or substantially similar apartment units in an apartment complex or stores of similar size in a shopping center, the expansion of non-conforming buildings or uses shall be limited to twenty-five (25%) percent of the number of units or by twenty-five (25%) percent of the area, whichever results in the smaller permissible expansion of the building or use. Nothing herein contained shall be construed to permit the expansion of an accessory use or to permit the conversion of the same to a primary use under the guise of non-conformity.

B) Notwithstanding any provision of this Ordinance to the contrary, no provision of this Ordinance shall be construed to enable or permit the expansion of a building, structure, sign or use of land which existed as a non-conforming building, structure, sign or use of land pursuant to the provisions of any prior zoning regulation or ordinance, in excess of the limits of expansion for a non-conforming building, structure, sign or use of land authorized by said prior zoning regulation or ordinance. It is the express intent and purpose of this Ordinance that if a building,

structure, sign or use of land was expanded to the limits of expansion for a non-conforming 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, and in the event a non-conforming 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.

The limits set forth in this Section constitute the total permitted expansion of a non-conforming use. For example, if an applicant receives permission to expand to an area equal to forty (40%) percent of the total usable land area when the use became non-conforming, in the future the use will only be able to expand to an area equal to ten (10%) percent of the total land area when the use became non-conforming.

C) Expansion or Alteration.

- 1) Any non-conforming use within a structure may be expanded or altered by special exception and subject to the following criteria, and those contained in Article 19:
 - a) Expansion of the non-conformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the non-conformity;
 - b) The total of all such expansions or alterations of use shall not exceed an additional fifty (50%) percent of the area of those buildings or structures devoted to the non-conforming use as they existed on the date on which such buildings or structures first became non-conforming. The applicant shall furnish conclusive evidence as to the extent to the non-conformity when it was created;
 - c) Provision for building height and building area shall be consistent with the standards required for permitted uses in the district in which the non-conformity in question is located;
 - d) Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements;

- e) The expansion shall not create new dimensional non-conformities or further increase existing dimensional non-conformities;
 - f) No expansion of a non-conforming structure existing on the effective date of this Ordinance shall be permitted in the Flood Hazard District (see Section 408).
- 2) Any dimensional non-conformity may be reduced as a permitted use. No extension or enlargement of a dimensional non-conformity shall be permitted.
- 3) Expansion of non-conforming use of land. No expansion of any non-conforming use of land shall be permitted as of right. The Zoning Hearing Board may permit expansion of a non-conforming use of land as a special exception in accordance with the following criteria and limitations:
- a) Expansion of a non-conforming use of land shall be limited to a distance of two hundred fifty (250) feet in any direction from the existing area of the non-conforming use or to an area equal to fifty (50%) percent of the total land area of the existing non-conforming use, whichever is the lesser amount.
 - b) Expansion of the non-conforming use of land shall be limited to the lot upon which the non-conforming use was located at the time it became non-conforming.
 - c) For the purpose of this Section, the total area of a non-conforming use of land shall be computed using the actual land area physically devoted to the use such as quarry pits, landfill pits, or outdoor storage facilities. The area of a non-conforming use of land shall not include access drives, buffer areas, or setbacks or similar areas of a lot.
 - d) Provisions for vehicular access, off-street parking, and off-street loading shall be consistent with the standards required by this Ordinance.
 - e) 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 space.
 - f) The expansion shall not create new dimensional non-conformities or further increase existing dimensional non-conformities.

Section 1802 Damage to Non-Conforming Structures

- A) If a non-conforming structure that has been damaged or destroyed by explosion, fire, windstorm, lightning or a similar cause deemed to be no fault of the owner may be rebuilt when authorized as a special exception. Request for special exception must be submitted within one (1) year from the date of damage or destruction or the non-conforming use shall not be restored.
- B) No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented and approved by the Zoning Officer. Approval shall be for the same use or for a use of a more restricted classification.

Section 1803 Abandonment of Non-Conforming Uses, Structures, Signs, Billboards and Others

- A) If a non-conforming use of a building or land ceases for a period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.
- B) All non-conforming signs, billboards, junk and storage areas, and similar non-conforming uses of open land, when discontinued for a period of ninety (90) days shall be considered abandoned and shall not thereafter be continued, repaired or reconstructed. If any sign or billboard is damaged to an extent of fifty (50%) percent or more of its replacement costs, it shall be considered abandoned (see Section 1308).

Section 1804 Substitution of Non-Conforming Uses

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

- A) The proposed use shall be permitted in the district in which the existing non-conforming use would be a permitted use or in a more restrictive zoning district than a district in which the existing non-conforming use would be permitted.
- B) The proposed use shall not generate more traffic than the existing non-conforming use.
- C) The proposed use, if commercial or industrial in nature, shall not have longer hours of operation than the existing non-conforming use.
- D) The proposed use shall not generate higher levels of noise, smoke, glare, or other potential nuisance or safety hazard

off of the property than the existing non-conforming use.

- E) The proposed use shall not be more detrimental to the neighboring properties and uses than the existing non-conforming use.

Section 1805 Non-Conforming Lots of Record

Any nonconforming lot of record held in single and separate ownership on the date of enactment of the first Zoning Ordinance or held in single and separate ownership on the date of enactment of any amendment to this Zoning Ordinance or a prior Zoning Ordinance which rendered such lot nonconforming and which has been continuously held in single and separate ownership thereafter and which is not located within the Agricultural District may be developed for any use permitted in the district in which the nonconforming lot is located, provided that such development complies with all setbacks, coverage, bulk, height and other requirements in effect at the time of application. Development of a nonconforming lot of record within the Agricultural District shall be in accordance with Sections 503 and 1970 of this Ordinance.

Section 1806 Zoning Permits

In a case where a zoning permit has been issued prior to the effective date of this Ordinance, and the proposed use of land and/or building does not conform with this Ordinance, said proposed use shall be regulated by the non-conforming use requirements of this Ordinance and shall be considered the same as a lawful non-conforming use if construction other than excavations and foundations is undertaken within a period of thirty (30) calendar days after the issuance date of said zoning permit and construction thereof is complete within twelve (12) months from the issuance date of the zoning permit.

Section 1807 Expansion or Extension of Side Yards for Dimensionally Nonconforming Dwellings

Notwithstanding any provisions of this Article 18 to the contrary, a dwelling with a dimensionally nonconforming side yard of not less than 15 feet may be expanded or extended as of right when all the following circumstances apply:

- A) The site is within the A, R-1 or R-2 Zoning Districts.
- B) The side yard setback in the R-1 or R-2 Zoning Districts is 20 feet, i.e., the dwelling is not served with public sewer and water.
- C) The expansion or extension shall not increase any horizontal dimension of the dwelling along the nonconforming side yard in excess of 50 percent.
- D) The addition shall be physically attached to and made an

integral part of the existing nonconforming dwelling.

- E) The expansion or extension shall be limited to an area not exceeding 50 percent of the existing floor area of the first floor of the dwelling.
- F) The expansion or extension shall not increase the dimensional nonconformity, i.e., the expansion or extension shall not encroach closer to the side yard than the existing dwelling does.
- G) The use of the dwelling to be expanded or extended is a permitted use in the zoning district in which the dwelling is located.
- H) The side yard setback of the dwelling was lawful at the time the existing dwelling was constructed.
- I) All other requirements of this Ordinance shall be met.

**ARTICLE 19
SPECIFIC CRITERIA
SPECIAL EXCEPTIONS AND CONDITIONAL USES**

Section 1900 Special Exceptions

Special exceptions are deemed uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Ordinance.

Section 1901 Application Procedures and Limitations

All applications for special exceptions shall comply with the requirements of Article 22, Zoning Hearing Board.

Section 1902 Plan Required

A plan to scale for the proposed development of a site for a permitted special exception shall be submitted with the application (see Section 1903). Such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information that may be necessary to determine if the proposed special exception meets the requirements of this Ordinance. The plan shall be submitted for review to the Township Planning Commission, which may authorize a member to appear and present evidence containing their comments to the Zoning Hearing Board, if the Planning Commission decides to comment.

Section 1903 General Standards for Special Exceptions

In order to grant the special exception the Zoning Hearing Board shall require:

- A) Filing Requirements. In addition to the required zoning permit information (Section 2003) each application for a special exception to authorize the development of a use within the Floodplain District, Karst Hazard District, MR-Mineral Recovery District, Commercial District, or Industrial District; each application for a special exception to authorize the development of a use authorized by Section 503(B) of this Ordinance in the Agricultural District; and each application for a special exception within a Residential District to authorize cluster and open space development, apartment, townhouse or multifamily development, churches, retirement communities, neighborhood convenience centers, or private

schools shall include the following:

- 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) Five (5) sets of scaled drawings (site plans) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance, but not more than one hundred (100) feet to the inch.
- 4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
- 5) The location of all existing floodplains, watercourses, wetlands, railroads, rights-of-way, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts, other significant natural features, and historic structures promulgated by the Township, State, or by the Historic Preservation Trust of Lancaster County on the tract and within two hundred (200) feet of the tract.
- 6) A location map showing the entire tract, the location of all streets, adjoining tracts, and buildings within two hundred (200) feet of the tract.
- 7) The location of all proposed land uses including residential uses by types.
- 8) Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units, and the density per acre of each type of dwelling unit.
- 9) Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.
- 10) All proposed site grading and drainage provisions and proposals.
- 11) Zoning districts and applicable area, bulk, and yard requirements.
- 12) Certification by the person who prepared the site plan.
- 13) Certification of ownership and acknowledgement of plans signed by owner and/or developer.
- 14) The location and arrangement of all open spaces and

yards, hedgerows, landscaping, fences, and buffer yards, including the methods and materials to be employed for screening.

- 15) The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas, if any.
 - 16) The dimensions (numbers shown), location and methods of illumination for signs if permitted and exterior lighting.
 - 17) The location, dimensions, and types of sidewalks, curbs, and all other common areas.
 - 18) If applicable, a description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards (see Section 1732).
 - 19) Site contours at two (2) foot intervals.
- B) General Criteria. Each applicant shall have the burden of proof to demonstrate compliance with the following:
- 1) The proposed use shall be consistent with the purpose and intent of this Ordinance and shall not be detrimental to the health, safety or welfare of the neighborhood.
 - 2) The proposed use shall not injure or detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potentially decrease of value of surrounding properties.
 - 3) The proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies.
 - 4) Adequate public facilities are available and existing to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, and etc.).
 - 5) For development within the Floodplain District, that the application complied with those requirements listed in Article 4 of this Ordinance and the necessity of the development to be located in the floodplain.
 - 6) The proposed use shall comply with those criteria specifically listed in Articles 19 and 17 of this Ordinance. In addition, the proposed use must comply

with all other applicable regulations contained in this Ordinance and the Municipalities Planning Code and any further requirements deemed appropriate by the Zoning Hearing Board.

- 7) The proposed use will not impair the integrity of the Township's Comprehensive Plan.
 - 8) The parking, traffic and pedestrian access shall be in conformance with those specified in Article 14 and elsewhere in this Ordinance.
 - 9) The proposed use is not incompatible with the existing traffic conditions and adjacent uses.
 - 10) Screening and landscaping and slope of the proposed use from adjacent uses is sufficient to prevent deleterious impact of the proposed use upon another and to comply with Articles 4-A and 17.
 - 11) The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
 - 12) Operations in connection with a use shall not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, smoke, or other potential nuisance or safety hazard than would be the operations of the permitted use.
 - 13) For certain uses, the applicant shall demonstrate through the use of traffic studies (Section 1711) that the grant of the use shall not increase traffic congestion in the roads and highways of the Township more than Section 1711.
 - 14) The proposed use or development shall not be inconsistent with or frustrate the legislative intent of the Agricultural District.
- C) Conditions. The Zoning Hearing Board in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions and safeguards which are more restrictive but not less than those established for other uses in the same district. 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 23.
- D) Site Plan Approval. Any site plan presented in support of the special exception pursuant to Section 1903 shall become an official part of the record for said special exception. Approval of any special exception shall also bind the use in accordance with the submitted site plan; therefore, should a

shall be allowed and no other: grocery store, barber shop and/or beauty parlor, drug store, bakery goods store, dry cleaning collection system, laundromat, or an establishment which the Zoning Hearing Board feels is of the same character of the above. Specifically prohibited are automobile related uses, video stores, adult-related uses, professional offices, realty offices and drive-thru businesses. No more than two (2) amusement devices (as defined herein) shall be allowed in the neighborhood convenience center.

- E) The proposed neighborhood convenience center shall be integrated with the R2 District development, and shall be linked by safe and convenient pedestrian walkways.
- F) No neighborhood convenience center shall be located within two thousand (2,000) feet of another neighborhood convenience commercial center or local convenience store or a commercial district.
- G) Such commercial center shall be set back a minimum of one hundred (100) feet and be screened from adjoining residences and follow other commercial landscape regulations.
- H) No outdoor storage shall be permitted. Dumpsters shall be enclosed as required by this Ordinance and located behind the building.
- I) One (1) freestanding sign for the entire neighborhood convenience center shall be permitted along the R2 district development's access drive (not along the R2 district development site's frontage). Such sign shall follow Commercial District sign regulations and will be setback at least seventy-five (75) feet from the arterial or collector street right-of-way along the site's frontage.
- J) All other design standards prescribed in the Commercial District shall apply to the proposed neighborhood convenience center store(s) unless more stringent regulations are required by the Zoning Hearing Board.
- K) The neighborhood convenience center shall be supplied with public sewer and public water.
- L) A fire hydrant shall be located within one hundred (100) feet of the building.
- M) Site of building shall be on less than four (4%) percent slope.
- N) Lighting shall prevent glare outside the neighborhood convenience center's lot.
- O) Hours of operation shall not be earlier than 6 a.m. or later than 11 p.m.

- P) Adequate trash receptacles shall be available outside and a plan for litter disposal and patrol will be presented to the Zoning Hearing Board.
- Q) Plan. The proposed development is to be in accordance with a unified site plan and architectural and landscaping scheme as submitted under Sections 1902 and 1903. Expansion of the neighborhood convenience center beyond the originally planned development shall not be permitted. The entire development need not be in a single ownership or built and financed by a single party if satisfactory evidence is shown that all parties concerned are legally bound to conform to the above site plan and architectural scheme.
- R) Floor Area. The floor area devoted to any one establishment shall not exceed fifty (50%) percent of the total floor area available.
- S) Sidewalks and straight standard curbs shall be constructed around the perimeter of convenience center parking (except where handicapped provisions are to be made in the curbs) and within all public rights of way abutting the neighborhood convenience center in the location and according to specifications of the Zoning Hearing Board.
- T) A traffic study is required.

**Section 1907 Apartment, Townhouse and Multi-Family
Dwellings in R2 Residential District**

These dwellings may be allowed in the R2 District as special exceptions provided the following are adhered to:

- A) General standards in Section 1903 are adhered to.
- B) All dwelling units are connected to public water and public sewer.
- C) The tract containing the apartment, townhouse or multi-family dwelling must be located directly adjacent to and abutting and gaining access from any rural collector road or any arterial road as classified under this Ordinance (see Article 15).
- D) Other conditions as set forth by the Zoning Hearing Board.
- E) A traffic study is required.

Section 1908 Temporary Farm Employee Housing

- A) Within the Agricultural District and Mineral Recovery District, temporary farm employee housing may be permitted by special exception subject to the following criteria.
- B) For each farm, one (1) mobile home is permitted for the use of farm workers (and their families), who are employed by the

owner of the farm, for such time as the employee works full time on the land of the owner.

- C) All such units shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings.
- D) Such mobile homes shall be securely anchored to a mobile home stand; a six (6) inch thick poured concrete slab over a six (6) inch stone base, the length and width of which shall be at least equal to the dimensions of the mobile home. Each mobile home pad shall include properly designed utility connections.
- E) The mobile home shall be occupied at least six months a year by at least one person who is employed full time on the farm where the mobile home is located. If this condition is not satisfied, the mobile home shall be removed within 120 days.
- F) The mobile home cannot be rented to non-farm employees.
- G) A certificate of use and occupancy as set forth in this Ordinance shall be renewed annually to determine compliance with this subsection. Failure to meet such occupancy permit requirement shall result in the removal of the mobile home from the premises.

Section 1909

Animal Waste Storage Facilities

Animal waste storage facilities as an accessory use as defined herein may be permitted as an accessory use to a farm as of right in the Agricultural District or Mineral Recovery District and as a conditional use in all other zoning districts in accordance with the following requirements:

- A) Waste storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by DER.
- B) All waste storage facilities' designs shall be reviewed by the Lancaster County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility and fulfilling all of the Lancaster County Conservation District guidelines.
- C) Construction and subsequent operation of the waste storage facility shall be in accordance with the zoning permit and the approved design. The Township Sewage Enforcement Officer must be notified at least fourteen (14) days before construction begins for proper supervision of construction. Any design changes during construction or subsequent operation will require the obtainment of another review by the Lancaster County Conservation District.

or subsurface waters either on or off-site. Further, said system will be constructed and utilized in accordance with the standards and procedures set forth by DER and the Township nutrient management ordinance plus other government agencies such as the Lancaster Conservation District and Section 1729.

- B) No structure for housing of poultry, livestock, feedlot or mushroom operations shall be located:
- 1) Within five hundred (500) feet of any residential structure other than a structure in which the applicant resides located on the same lot.
 - 2) Within one hundred twenty-five (125) feet of any street right-of-way line.
 - 3) Within one hundred twenty-five (125) feet from any property line other than other property of applicant in Agricultural or MR-Mineral Recovery District.
 - 4) Within five hundred (500) feet from adjoining property line other than Agricultural or Mineral Recovery District.
- C) Each structure or other confined area shall be equipped with such equipment, machinery, mechanisms, processes and/or other devices as are needed to eliminate, reduce and/or control odors, insects, and the adverse effects of pollution and other environmental problems. It is the intent of this provision that the applicant for a special exception to conduct an agribusiness shall be required to demonstrate that the structure and/or other confined area in which the agribusiness is to be conducted will be equipped with the most advanced technological equipment available so as to eliminate, reduce or control the adverse effects of odors, insects, pollution and other environmental problems upon neighboring properties. After a hearing upon the special exception, the Zoning Hearing Board shall determine what equipment, machinery, mechanisms, processes and/or devices shall be utilized by the applicant or other party desiring to erect, maintain, operate or use the structure or other confined area for agribusiness and in so doing the Zoning Hearing Board shall examine and consider the topography, the nature and cost of the equipment available, the size and magnitude of the intended operation and the proximity of the site to neighboring residential, commercial or industrial properties, and the possible or probably environmental impact on such neighboring properties.
- D) No dead birds or livestock shall be disposed of on the property except in strict accordance of the applicable standards of DER and pending such disposition the same shall be held in air-tight containers.
- E) The Zoning Hearing Board shall approve the location of buildings.

clear sight triangle shall be maintained at all private access drives and all private and public street intersections. The screen planting shall be broken only at points of vehicular or pedestrian access.

- H) The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site in accordance with Section 1711.
- I) If the traffic study demonstrates that improvements to Township or state roads shall be required in order to serve the proposed use or to alleviate direct impacts of the proposed use upon the traffic network, the applicant shall make such improvements.
- J) Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back-up onto public roads.
- K) All access drives onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.
- L) The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
- M) The operation shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.
- N) The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- O) The operator shall provide the Township with copies of any notices of violation received from DER or EPA within two (2) weeks from the date such notice of violation was received by

the operator.

- P) The unloading, transfer and deposition of solid waste shall be continuously supervised by a qualified facility operator. Vibration and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.
- Q) Hazardous waste as defined by the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, or the regulations of DER shall not be disposed of within the proposed area.
- R) Litter control procedures shall be exercised to prevent the scattering of wind-borne debris, and a plan for the clean-up of litter shall be submitted to the Township.
- S) Leachate from the solid waste shall be disposed of in compliance with all 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 or into the ground, or in any manner inconsistent with DER regulations.
- T) The facility shall front upon, and gain access from a rural major collector or arterial road. The identification of road status in Article 15 herein shall determine whether such road is a collector or arterial road.
- U) The minimum lot area shall be ten (10) acres.
- V) There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m. on other days.
- W) Where screening, plantings or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

Section 1913

Quarries and Mines

Quarries and mines for the extraction of stone and minerals may be permitted by special exception within the Mineral Recovery District. Such facilities shall comply with all regulations generally applicable to special exception uses and shall in addition comply with the following regulations:

- A) As a part of each application, the applicant shall furnish an accurate survey site plan at a scale no less than one (1) inch equals four hundred (400) feet, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:
 - 1) The boundaries of the proposed affected area, together with drainage area above and below the area.
 - 2) The location and names of the types and resources to be extracted or quarried and names of all natural and manmade features such as 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 parcel and the names and addresses of the owners and present occupants, and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.
 - 4) The purpose for which each building is used and estimated depth of the proposed operation and land area to be excavated with dimensions.
 - 5) Proposed alterations to water courses to assure stream quality and quantity.
 - 6) The name of the owner of the affected area and total acreage, and the names and addresses of adjacent land owners.
 - 7) Any proposed fencing and landscaping.
 - 8) A contour map showing cross sections of the proposed quarry area including a detailed hydrogeologic groundwater study based on complete site studies.
- B) The applicant shall obtain any required permit or permits from DER and, upon receipt thereof, shall present such permit or permits to the Township.
- C) The applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to DER for review to the Zoning Hearing Board. If such special exception is granted, the

operator shall continue to present such documentation to the Township when it is submitted to DER.

- D) Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Non-coal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 1093, No. 219, as amended, 52 P.S. §3301 et seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of DER implementing such statutes.
- E) The minimum lot area shall be fifty (50) acres.
- F) A fence measuring eight (8) feet high must enclose the area of actual quarrying or excavation. It shall not be less than fifty (50) feet from the edge of excavation. The fence used shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the quarry, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. Where adjacent to a residential district or public right-of-way, trees and shrubs shall be planted which will screen the operation completely from normal view. All greenbelts, screenings and buffers required by Section 1710 herein shall be provided.
- G) The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
- H) The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.
- I) Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- J) Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighted will not back-up onto public roads.

- K) All access drives onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.
- L) The facility shall front upon, and gain access from, a rural major collector or any arterial road. The identification or road status in Article 15 herein shall determine whether such road is a rural major collector or arterial road.
- M) The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site in accordance with Section 1711.
- N) If the traffic study demonstrates that improvements to Township or state roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make such improvements.
- O) The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- P) The operator shall provide the Township with copies of any notices of violation received from DER or EPA within two (2) weeks from the date such notice of violation was received by the operator.
- Q) There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m. on other days.
- R) All mining operations shall comply with the following requirements:
 - 1) Shall not injure or detract from the lawful existing or permitted use of neighboring properties.
 - 2) Shall not create any damage to the health, safety, or welfare of the Township or its residents or property owners.
 - 3) Shall not pollute the air in excess of standards set by federal or state statutes or regulations.
 - 4) Shall not create noises in excess of permitted levels established by federal or state statutes or regulations or Township Ordinances.

- 5) Shall not exceed the blasting parameters established by the Pennsylvania Bureau of Mining and Reclamation.
 - 6) Shall not permit vibrations perceptible as detected by the adjacent or adjoining landowner's natural innate sensory input at any adjoining or adjacent property in different ownership or at public rights-of-way.
 - 7) Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission.
 - 8) Shall not permanently impede the flow of natural watercourses.
 - 9) Shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.
- S) At the time of application for a special exception, an operations statement shall be submitted which shall include a detailed description of methods for satisfactorily handling operations with respect to the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety, or general welfare or which can cause any soiling or staining of persons or property beyond the property line. All such operations statements shall be in full compliance with all applicable state and federal statutes and regulations as well as this Ordinance. All pollution, soil erosion and sedimentation control, and other environmental problems created during the operation including the production, transportation, processing, stockpiling, storage and disposal of products, byproducts and wastes shall be corrected by the operator.
- T) At the time of application for a special exception, a reclamation plan shall also be submitted setting forth the following information:
- 1) An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.
 - 2) A description of the location, type, extent, methods, and time schedule for the operation proposed.
 - 3) A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either

during or following the completion of the operations proposed.

- 4) A plan for re-use of the land after completion of the operations which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary and which shall comply with all applicable state and federal statutes and regulations governing the reclamation of the proposed facility.
- U) After the termination of operations, the area must be rehabilitated to conform with the reclamation plan and all applicable federal and state statutes and regulations.
- V) Within ninety (90) days after the commencement of surface mining operations and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer setting forth the following:
- 1) The name and address and number of the operator.
 - 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, stockpiles, 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 material produced.
 - 6) The current status of the reclamation work performed pursuant to the approved reclamation plan.
 - 7) A maintenance report for the site verifying 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 have been performed.
 - 8) Verification that the proposed use continues to comply with all applicable State regulations. The operator shall furnish copies of any approvals, permits and/or any notices of violations issued by DER to the Zoning Officer.
- W) A five hundred (500) foot setback shall be maintained from all property lines during the operation of the quarry or mine within which quarrying or mining activities, including blasting and stone crushing, shall not be permitted.

- X) No structures or parking areas shall be located closer than one hundred (100) feet to any property line.
- Y) Waste products in waste containers may be placed within side and rear yards, provided that they are screened from adjoining roads and properties. All such containers shall be set back not less than one hundred (100) feet from any adjoining property. All such containers shall be completely enclosed by a fence or wall.
- Z) Where screening, plantings or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.
- AA) For any application for a special exception for quarrying or mining in the Agricultural District submitted to the Township prior to the enactment of Ordinance No. 85, the provisions of §1913 in effect prior to the enactment of Ordinance No. 85, effective October 24, 1990, shall be saved from repeal insofar as they shall regulate quarries and mining operations within the Agricultural District for which special exceptions or permits previously have been obtained and which are in full force and effect on the effective date of Ordinance No. 85 or for which applications for special exceptions or permits have been made prior to and which are pending on the effective date of Ordinance No. 85.

Section 1914

Conditional Uses

- A) Filing of Conditional Use Applications. For any use that may be permitted by conditional use, the applicant shall obtain conditional use approval from the Supervisors. The applicant shall submit an application for conditional use approval in accordance with the requirements of Section 2206, Application Requirements and Procedures, and Section 1902, Plan Required. Any reference in such Sections to the "Zoning Hearing Board" shall be replaced with the "Supervisors", and any reference to "special exception" shall be replaced with "conditional use".
 - 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 with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
 - 4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

- B) General Criteria. Each applicant shall have the burden of proof to demonstrate compliance with the following:
- 1) The proposed use shall be consistent with the purpose and intent of the Ordinance and shall not be detrimental to the health, safety, or welfare of the neighborhood.
 - 2) The proposed use shall not detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potentially decrease of value or surrounding properties.
 - 3) The proposed use will not effect a change in character of the subject property's neighborhood.
 - 4) Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, parks, vehicular access, recreation, etc.).
 - 5) For development within the Floodplain that the application complies with those requirements listed in Article 4 of this Ordinance and the necessity of the development to be located in the floodplain.
 - 6) The proposed use shall comply with those criteria specifically listed in the specific criteria and general regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
 - 7) The proposed use shall not impair the integrity of the Township's Comprehensive Plan.
 - 8) The parking, traffic and pedestrian access shall be in conformance with those specified in Article 14 and elsewhere in this Ordinance.
 - 9) The proposed use is not incompatible with the existing traffic conditions and adjacent uses.
 - 10) Screening and landscaping and slope of the proposed use from adjacent uses is sufficient to prevent deleterious impact of the proposed use upon another and to comply with Articles 4-A and 17.
 - 11) The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
 - 12) Operations in connection with a use shall not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, smoke, or other potential nuisance or safety hazard than would be the operations of the permitted use.

13) For certain uses, the applicant shall demonstrate through the use of traffic studies that the grant of the use shall not increase traffic congestion in the roads and highways of the Township [see Section 1711(H)].

- 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 but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of the ordinance and be subject to the penalties described in this Ordinance.
- D) Site Plan Approval. Any site plan presented in support of the conditional use pursuant to this Section shall be an official part of the record for said conditional use. Approval of any conditional use shall 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 to the use on the subject property not reflected on the originally approved site plan, shall require conditional use approval.
- E) Hearing Procedures. Before voting an application for a conditional use, the Supervisors shall hold a public hearing thereon, pursuant to public notice. The Supervisors shall submit each application to the Township Planning Commission prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations or to make a determination to appear before the Supervisors to submit testimony in support of or opposition to the application. All public hearings shall be conducted in accordance with the applicable requirements of the Municipalities Planning Code and the Local Agency Law.
- F) Expiration. Conditional uses shall expire in the same manner as special exceptions (see Section 2203).

Section 1915

Resource Recovery and Recycling Facilities

Resource recovery and recycling facilities may be permitted by special exception within the Mineral Recovery District. Such facilities shall comply with all regulations generally applicable to special exception uses and shall in addition comply with the following regulations:

- A) The applicant shall obtain any required permit or permits from DER and, upon receipt thereof, shall present such permit or permits to the Township.
- B) The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have

been or shall be presented to DER for review to the Zoning Hearing Board. If such special exception is granted, the operator shall continue to present such documentation to the Township when it is submitted to DER.

- C) Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery and the regulations of the Department of Environmental Resources implementing such statutes.
- D) Operation of the facility shall at all times comply with all applicable regulations of the Lancaster County Solid Waste Management Authority or any successor agency. Any permits or approvals required by such agency shall be obtained by the applicant and evidence of the grant of such permits or approvals shall be submitted to the Township.
- E) The minimum lot area shall be ten (10) acres.
- F) A fence measuring eight (8) feet high shall enclose the facility. The fence shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. All greenbelts, screenings, and buffers required by Section 1710 herein shall be provided. The use shall be screened completely from normal view.
- G) The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
- H) The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks, or other means to deny access at unauthorized times.
- I) Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of

nuisances to nearby properties.

- J) Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back upon onto public roads.
- K) All driveways onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of access drives shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.
- L) The facility shall front upon, and gain access from, a rural major collector or any arterial road. The identification or road status in Article 15 herein shall determine whether such road is a rural major collector or arterial road.
- M) The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site in accordance with Section 1711.
- N) If the traffic study demonstrates that improvements to Township or state roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make such improvements.
- O) The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- P) The operator shall provide the Township with copies of any notices of violation received from DER or EPA within two (2) weeks from the date such notice of violation was received by the operator.
- Q) There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m. on other days.
- R) Litter control measures shall be implemented to prevent scattering of materials and a plan for the clean-up of litter shall be submitted to the Township.
- S) All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area.
- T) A one hundred (100) foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall not be permitted.

- U) No structures or parking areas shall be located closer than one hundred (100) feet to any property line.
- V) Where screening, plantings, or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.
- W) The unloading, transfer and deposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

Section 1916 Adult Related Facilities

In the enactment of this Ordinance, it is recognized that adult-related facilities or business, because of their very nature, have serious objectionable operational characteristics, particularly when several such businesses are concentrated in a given area thereby having a deleterious effect upon adjacent land uses. Special regulation of these adult-related facilities or businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The location of adult-related facilities is also of vital concern to society with regard to their proximity to areas where minors may learn, play or congregate. On the other hand, it is recognized that adult-related facilities are protected under the First Amendment, and the market for these businesses must remain essentially unrestrained. It is the goal and purpose of this Ordinance to protect the health, safety, morals and general welfare to the extent authorized by the Municipalities Planning Code while at the same time maintaining community access to adult establishments so as to not violate the First Amendment's guarantee of freedom and expression.

An adult-related business, facility, or club shall comply with the following standards and criteria and may be a conditional use in the Commercial District when fronting on and gaining access from an urban principal arterial roads defined in Article 15:

- A) Not more than one (1) adult-related business or activity shall be permitted within any one (1) building or lot.
- B) No unlawful sexual activity or conduct shall be performed or permitted.
- C) There shall be no display of adult-oriented materials that can be seen from the exterior of the building.
- D) No building that contains any adult-related facility shall contain any other kind of adult-related facility.
- E) The Board of Supervisors shall review and approve all exterior

signs for compatibility with adjacent use.

- F) Hours of operation shall not be before 8:00 a.m. or after 5:00 p.m. No Sunday or holiday hours are allowed.
- G) No adult-related facility may change to another type of adult-related facility except upon application to and approved by the Board of Supervisors of such change of a conditional use.
- H) No adult-related facility shall be located within the following distances measured in a straight line without regard to intervening structures from the closest point of the building within which is the adult-oriented business to the closest point of the following:
 - 1) Four hundred (400) feet of any R1 or R2 District.
 - 2) One thousand (1,000) feet of the lot line of any lot upon which is located a school, church, childcare facility, public park or playground.
 - 3) One thousand (1,000) feet of any building within which is located another adult-oriented business.
- I) Each entrance to the premises shall be posted with a notice generally visible up to ten (10) feet from the posting specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all persons that they may be offended upon entering.
- J) See the definitions under "Adult Related Facilities" in Article 2.
- K) A traffic study is required.

Section 1917

Heliports/Helistops

Heliports and helistops may be allowed as a special exception in the Commercial and Industrial Districts as an accessory use on the same lot with, and incidental to a use permitted in the particular zoning district subject to the following criteria:

- A) The heliport or helistop also shall comply with the area, coverage and yard requirements of the applicable zoning district, however, in no case shall any such landing surface be located closer than three hundred (300) feet from any district boundary line.
- B) The landing surface shall be paved and level, and shall be at least sixty (60) feet square or in the case of a circle, shall be at least sixty (60) feet in diameter. A secondary thirty (30) foot perimeter area shall contain a grass cover. Both landing surface and secondary perimeter shall be well maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash, and shall contain no

structures or other obstacles other than those required for safety purposes. Rooftop pads are prohibited.

- C) The entire perimeter area shall be enclosed by a securable, well-constructed fence, a minimum of six (6) feet high, which will serve to prevent unauthorized entry into the landing area. Trees, shrubbery, and other landscaping shall be provided in quantities and dimensions deemed necessary by the Zoning Hearing Board to minimize offensive motor noise and dust and to afford a softening of the visual impact of the landing area.
- D) At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at any angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet and shall have a glide angle slope of eight (8) to one (1) measured from the outer edge of the pad.
- E) Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. Such emergency landing areas shall be located within the normal glide range of the helicopter with one (1) engine off when operating in the approved take-off or landing lane.
- F) All fire and safety equipment provided in conjunction with a heliport or helistop shall be subject to the approval of the Township Fire Departments.
- G) In reviewing any application for a heliport or helistop, the Zoning Hearing Board shall be guided by the Standards included in Articles 17 and 19 hereof, and in addition, may impose restrictions on hours of operation, lighting, noise levels and flight altitude over residential areas, and such other requirements as may be appropriate and reasonable to protect the health, welfare and safety of Township residents and their property.
- H) In addition to the requirements of the Township, any applicant for a heliport or helistop shall comply with the rules and regulations pertaining thereto of the Bureau of Aviation, PennDOT, and the Federal Aviation Administration. No permit for the use of a heliport or helistop shall be issued by the Township until the applicant has obtained an appropriate license for the operation thereof from the Bureau of Aviation, PennDOT.
- I) It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the Township other than at a heliport or helistop which has been authorized in accordance with the foregoing provision of this Section, except:

- 1) In conjunction with a special event such as an athletic contest, a holiday celebration, parade or similar activity, after seven (7) day's advance notice has been given to the Township and permission obtained to make such landing and taking off.
- 2) When necessary for law enforcement purposes and for emergencies.
- 3) In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project.

K) Parking regulations (see Article 14).

L) A traffic study is required.

Section 1918 Amusement Arcades

Within the Commercial District, amusement arcades may be permitted by special exception subject to the following criteria:

- A) All activities shall take place within a wholly-enclosed building.
- B) The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the arcade.
- C) A minimum of one (1) parking space for each eighty (80) square feet of gross leasable floor area shall be provided.
- D) A working plan for clean-up of litter shall be furnished and implemented by the applicant.
- E) All arcades shall front an urban principal arterial road as defined in Article 15.
- F) A traffic study is required.

Section 1919 Animal Hospitals, Veterinary Office, and Kennels

Within certain areas of the Agricultural District and Mineral Recovery District, animal hospitals, kennels, and veterinary offices as defined in Article 2 may be permitted by special exception subject to the following criteria:

- A) All kennel areas not enclosed by a building shall be encircled by a solid fence not less than six (6) feet in height.
- B) All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.

- C) Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.
- D) All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines; and a minimum of two hundred (200) feet from any adjacent residence whose owner is other than the animal building owner.
- E) All animal wastes shall be regularly cleaned up and properly disposed.
- F) 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 a minimum of one hundred (100) feet from any adjacent residence whose owner is other than the animal keeping owner.
- G) All allowed uses under this section are required to contain a landscape buffer screen and a greenbelt as per Sections 1710(L) and (M).
- H) Parking shall meet the requirements of Article 14.
- I) A minimum lot size of three (3) acres shall be required.
- J) No outdoor boarding is allowed at animal hospitals or veterinarians' offices.
- K) The property shall front on and gain access from a rural major collector or arterial road as defined in Article 15.

Section 1920 Riding Club, Riding School and/or Horse Boarding Stable

Within the Agricultural District and Mineral Recovery District, riding clubs, riding schools, and horse boarding stables may be permitted by special exception subject to Section 503 and the following criteria:

- A) Minimum lot area - ten (10) acres.
- B) Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line and seventy-five (75) feet from any public or private road.
- C) All stables shall be maintained so to minimize odors perceptible at the property line.
- D) No more than ten (10) equine are kept with the exception that one (1) additional equine may be kept for each additional acre of land over 10 acres.
- E) The building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two

hundred (200) square feet for each added equine.

- F) All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five (25) feet from all property lines. All enclosures shall be set back a minimum of two hundred (200) feet from any adjacent residence whose owner is not the owner of this use.
- G) All parking compounds and unimproved overflow parking areas shall be set back at least twenty-five (25) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties. There shall be one (1) space for each non-resident employee and one (1) space for every two (2) equines kept on the property.

Section 1921

Automobile Filling Stations (including Minor Incidental Repairs)

Within the Commercial District, automobile filling stations (including minor incidental repair) may be permitted by special exception subject to the following criteria:

- A) The subject property shall front on and gain access from an arterial or rural major collector road as defined in Article 15.
- B) 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, residence or barn.
- C) Outdoor storage of licensed motor vehicles (whether capable of movement or not) for more than thirty (30) days is prohibited. Storage of unlicensed vehicles for more than sixty (60) days is prohibited.
- D) All structures (including gasoline pump islands, but not permitted signs) shall be set back at least thirty (30) feet from any street right of way line (see Section 1310).
- E) No outdoor storage of automobile parts (new or used) shall be permitted.
- F) Access drives shall be a minimum of thirty (30) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from edge to edge.
- G) All ventilation equipment associated with fuel storage tanks shall meet all DER and EPA requirements.
- H) Within the Commercial District, the subject property must be set back a minimum of five hundred (500) feet from any existing automobile filling station, and no more than two (2) service bays shall be permitted.
- I) The building shall be constructed so as to blend harmoniously with the surrounding neighborhood.
- J) All minor repair work creating a noise nuisance shall be performed inside a building.
- K) Signs and parking shall be as in Article 13 and 14 respectively.
- L) A traffic study is required.
- M) Public restrooms shall be provided.
- N) Public sewer service and public water service shall be required.

Within the Commercial District, vehicle service and repair facilities including but not limited to auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and auto upholstery shop may be permitted by special exception subject to the following criteria:

- A) All service and/or repair activities shall be conducted within a wholly-enclosed building.
- B) All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back ups on adjoining roads.
- C) No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.
- D) All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads.
- E) The storage of unlicensed vehicles for more than sixty (60) days is prohibited.
- F) Any ventilation equipment outlets associated with the service/repair work areas(s) shall not be directly towards any adjoining residentially-zoned or used property and shall conform to all outside agency requirements and Section 1921(G).
- G) All licensed vehicles shall be repaired and removed from the premises within thirty (30) days.
- H) The demolition or junking of vehicles, trailers, boats and other machinery is prohibited.
- I) Sections 1921(A), (B), (D), (F), (K), (M) and (N) shall also apply to such use.

Section 1923

Campgrounds

Within certain areas of the Agricultural District and Mineral Recovery District, campgrounds may be permitted by special exception subject to the following criteria and those of Section 503. In the Floodplain District, campgrounds (but no campsites) may be allowed by special exception.

- A) Setbacks. All campsites shall be located at least one hundred (100) feet from any side or rear property line and at least one hundred (100) feet from any street line.
- B) Each campsite shall be at least three thousand (3,000) square feet and shall contain at least one (1) parking space (see Section 1404).
- C. Minimum lot area shall be ten (10) acres. For campground parking, see 1404(T).
- D) An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.
- E) All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- F) All campgrounds shall furnish centralized, completely-enclosed sanitary and garbage collection facilities that are leak-proof and vector-proof that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned or used properties.
- G) Any accessory retail or service commercial uses shall be set back a minimum of two hundred (200) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned or used parcels.
- H) All campgrounds containing more than one hundred (100) campsites shall have front on and gain access from any arterial or rural major collector street as identified by Article 15.
- I) A minimum of twenty (20%) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation

area shall be with the landowner.

- J) Every campground shall have an office in which shall be the person responsible for operation of the campground.
- K) All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of DER.
- L) Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets and conform with Section 503.
- M) Signs shall be as in the respective districts (See Article 13).

Section 1924 Car Wash

Within the Commercial District, car washes may be permitted by special exception subject to the following criteria:

- A) Public sewer and public water facilities shall be utilized, and a water recycling system shall be installed.
- B) Each washing bay shall provide a minimum of one hundred (100) foot long on-site stacking lane.
- C) All structures housing washing apparatuses shall be set back twenty (20) feet from any side lot line, fifty (50) feet from any rear property line and one hundred (100) feet from any street right-of-way.
- D) Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.
- E) The subject property shall front on an arterial road, as identified in Article 15.
- F) Only biodegradable and environmentally safe soaps and other chemicals (without phosphates) shall be used on site.
- G) All requirements of DER and the EPA shall be met.
- H) A traffic study is required.

Section 1925 Cemeteries

Within the R1 District, cemeteries may be permitted by special exception subject to the following criteria:

- A) Minimum lot area. Five (5) acres.
- B) All burial plots or facilities shall be located at least one hundred (100) feet from any property line or street line. All inside roads within one hundred (100) feet of public roads

must be paved to decrease dust.

- C) Assurances must be provided that water supplies of surrounding properties shall not be contaminated by burial activity within the proposed cemetery.
- D) No burial plots or facilities are permitted in the five hundred (500) year floodplain or flood fringe areas.
- E) Trash and earth storage must be more than one hundred (100) feet from any property or street line.

Section 1926

Banks and Similar Financial Institutions

Within the Commercial District, banks and similar financial institutions may be permitted by conditional use subject to the following criteria:

- A) All drive-thru window lanes shall be separated from the parking lot's interior access drives.
- B) All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
- C) Stacking lanes of at least one hundred (100) feet shall be provided associated with drive-thru windows, to prevent vehicle stacking on adjoining roads.
- D) Any exterior microphone/speaker system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties and not be activated before 9 a.m. or after 6 p.m.

Section 1927

Hunting Facilities or Sportsmen's Clubs

Within the Agricultural District and the Mineral Recovery District hunting facilities, archery areas and sportsmen's clubs may be permitted on soils of classifications IV through VIII as defined by the United States Department of Agriculture, Soil Conservation Service, by special exception subject to the following criteria:

- A) Minimum lot size - ten (10) acres.
- B) Screen shall be installed in accordance with the requirements of Section 1929(C).
- C) Off-street parking shall be provided in accordance with the requirements of Section 1929(B).
- D) All shooting or archery ranges shall be additionally screened from any adjoining residentially zoned or used property by a six (6) feet high berm.
- E) The applicant shall demonstrate that the shooting or archery range is designed to provide maximum safety both on site and off site.
- F) Safety zones shall be established around any structure on site or off site, and no shooting, archery or hunting shall be permitted within such zones.
- G) No shooting or archery range shall be permitted within five hundred (500) feet of any residentially zoned or used property.
- H) An outdoor shooting or archery range shall be enclosed with a six (6) foot high fence which shall not be located on top of the earthen berm required to be installed by Subsection (D) herein.

Section 1928

Churches and Related Uses

Within the R1 and R2 Districts, church and related uses (excluding cemeteries) may be permitted by special exception subject to the following criteria:

- A) 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 direct vehicular access to any arterial or rural collector highway, as identified in Article 15.
 - 4) Side yard setback - Fifty (50) feet on each side.

5) All off-street parking areas (whether required for the house of worship or whether required for any accessory use associated with the house of worship) shall be set back at least twenty-five (25) feet from the street right-of-way line.

6) A traffic study is required.

B) Church Related Residences (Rectories, Monasteries, 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.

2) All residential uses shall be governed by the location, height, and bulk standards imposed upon other residences within the site's District.

C) 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) If education or day care is offered below the college level, an outdoor recreation 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 recreation areas. Outdoor recreation areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor recreation areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned or used properties. Any vegetative materials located within the outdoor recreation areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas shall provide a means of shade such as a shade tree(s) or pavilion(s).

3) Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one time during a seven (7) 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 district.

6) Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street

parking space shall be provided for each five (5) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.

- 7) Providers shall comply with Section 1930(A) except paragraph (6).

Section 1929 Clubhouses for Private Clubs

Within the R1 and Commercial Districts, private clubs and clubhouses may be permitted by special exception subject to the following added criteria:

- A) All private clubs and and clubhouses shall front on, and gain access from, any arterial or rural major collector road, as identified in Article 15.
- B) All off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Parking compounds shall also be set back thirty (30) feet from any adjoining lot lines.
- C) Screening shall be provided along any adjoining residentially-zoned or used property. The applicant shall show the use not to be detrimental to adjoining or nearby properties due to hours of operation, noise, light, litter, dust, pollution or other possible nuisance.
- D) A traffic study is required.

Section 1930 Day Care Facilities

- A) Commercial Day Care Facilities. Within the Commercial District, commercial day care facilities may be permitted by special exception subject to the following criteria:
 - 1) An outdoor recreation area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor recreation areas. Outdoor recreation areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor recreation areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned or used properties. Any vegetative materials located within the outdoor recreation areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.) All outdoor recreation areas must provide a means of shade such as a shade tree(s) or pavilion(s).
 - 2) Enrollment shall be defined as the largest number of students and/or children under day care supervision at

any one time during a seven (7) day period.

- 3) Passenger "drop-off" and "pick-up" shall be provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
 - 4) Providers shall install an inter-connected fire alarm system, an outward swinging exit door with a panic bar, sprinkler system, and shall comply with the requirements of Section 1930(B)(6).
 - 5) One (1) off-street parking space shall be provided for each five (5) students enrolled.
 - 6) A traffic study is required.
- B) Family Day Care Facility. Within the R1 and R2 Districts, family day care facilities may be permitted within single-family detached dwellings by special exception subject to the following criteria:
- 1) A family day care facility shall offer care and supervision to no more than four (4) different persons during any calendar day.
 - 2) All family day care facilities shall comply with the Pennsylvania Department of Public Welfare regulations and obtain a valid Registration Certificate, if needed.
 - 3) An outdoor recreation area no less than four hundred (400) square feet in area shall be provided. Such recreation area shall not be located within the front yard nor any vehicle parking lot. A four (4) foot high fence shall completely enclose the outdoor recreation area. Any vegetative materials located within the outdoor recreation area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must include a means of shade such as a tree(s) or pavilion.
 - 4) 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.
 - 5) Parking shall comply with Section 1404.
 - 6) Providers shall have smoke detectors in every room, fire extinguishers in cooking areas, a fire evacuation plan, monthly fire drills, and training in evacuation methods and in the use of fire extinguishers.

Section 1931

Recreation and Entertainment Facilities

Within the Commercial District, recreation and entertainment facilities may be permitted by special exception use subject to

the following criteria:

- A) Minimum Lot Size. Two (2) acres. It shall front on and gain access from any arterial or rural major collector road, as identified in Article 15.
- B) Those uses involving outdoor activities shall provide sufficient screening and/or landscaping to mitigate any visual and/or audible impacts on adjoining properties. All outdoor facilities shall be set back at least fifty (50) feet from the street right-of-way and twenty-five (25) feet from all lot lines and at least one hundred (100) feet from any residentially zoned or used properties.
- C) The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining or nearby properties due to hours of operation, noise, light, litter, dust and pollution.
- D) Required off-street parking will be determined based upon the types of activities proposed and the schedule listed in Section 1404. 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.
- E) 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.
- F) Any outside pedestrian waiting lines shall be provided with a means of shade.
- G) Any accessory eating or retail use must be accessed through the main entertainment or clubhouse building.
- H) A traffic study is required.
- I) Public sewer service and public water service shall be provided.

Section 1932

Drive-Thru and Fast Food Restaurant

Within the Commercial District, drive-thru, drive-in and/or fast food restaurants may be permitted by special exception use subject to the following criteria:

- A) The subject property shall front on and gain access from any arterial or rural major collector road, as identified in

Article 15.

- B) Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the clean up of litter.
- C) All drive-thru window lanes shall be separated from the parking lot's interior driveways and have stacking lanes of at least one hundred (100) feet in length.
- D) Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties and not operate externally before 9:00 a.m. or after 9:00 p.m.
- E) All exterior seating/play areas shall be completely enclosed by a three (3) foot high fence.
- F) No such use shall be located within two hundred (200) feet of any residentially-zoned or used land.
- G) A traffic study is required.
- H) Public sewer service and public water service shall be provided.

Section 1933

Laundromats, Dry Cleaners, and Laundries

Within the Commercial District, dry cleaners, laundries, and laundromats may be permitted by special exception fronting on and gaining access from any arterial or rural major collector road as identified in Article 15 subject to the following criteria:

- A) Public sewer and public water shall be provided.
- B) All activities shall be conducted within a completely enclosed building.
- C) Dry cleaning services shall be limited to pick-up and drop-off only, with no on-site dry cleaning permitted.
- D) Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned or used property.
- E) Self-service laundromats shall require one (1) off-street parking space for each 1.5 washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area.
- F) During operation or clean up or maintenance, all windows and doors on walls facing adjoining residential zones or uses shall be kept closed.
- G) A traffic study is required.

Section 1934

Elder Cottages or Granny Flats

The Zoning Hearing Board may grant a special exception so as to permit the installation and occupancy of an elder cottage or granny flat as a temporary accessory use in the Agricultural, Mineral Recovery, R1 and R2 Districts subject to the following criteria:

- A) An elder cottage or granny flat may not exceed nine hundred (900) square feet of floor space, must be a transportable one (1) or two (2) bedroom unit which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- B) The unit must be serviced by all utilities, including water and sewer from an existing dwelling.
- C) All yard, setback and side yard requirements shall be met.
- D) The unit may be occupied by no more than two (2) persons named in the special exception who must be related by blood or married to the owner of the property on which the cottage is to be installed.
- E) The occupants of the elder cottage must be at least 62 years of age or have qualified for social security disability benefits.
- F) The right of occupancy shall terminate upon the (1) date of death of the persons named in the special exception or (2) the date of sale of the property.
- G) The elder cottage or granny flat must be physically removed from the premises no later than three (3) months from the date the right of occupancy is terminated and the premises shall be restored to its previous conditions.
- H) The owner or owners of the property on which the elder cottage or granny flat is to be erected shall enter into an agreement in recordable form with the Township, agreeing to the conditions imposed by the Zoning Hearing Board.
- I) Total lot coverage for all buildings on any lot shall not exceed the maximum allowed for the Agricultural District.
- J) If on-site sewer or water are to be use, the applicant shall submit to the Zoning Hearing Board evidence that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit system was designed, unless the system is to be expanded, in which case the expansion approval is 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 before the Zoning Hearing

Board hearing.

- K) A minimum of one (1) all-weather off-street parking space, with unrestricted ingress and egress to the driveway or lane leading into the principal dwelling or to the public street shall be provided for the elder cottage, in addition to that required for the principal dwelling.
- L) Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

Section 1935 Bus Shelters

A local bus passenger shelter may be allowed in all zoning districts (except in the Floodplain District) at local bus passenger stops by special exception. The shelter shall be no larger than eight (8) feet by eight (8) feet and at least ten (10) feet from the cartway's edge of the street, and placed far enough away from streets, access drives, and driveways to not encroach within PennDOT minimum site distance requirements. Shelters will be portable but well anchored. Shelters shall not be within one thousand (1,000) feet from one another and not contain advertising outside or inside. The bus stops having shelters shall be determined in conjunction with the school district or bus company and the Zoning Hearing Board to keep the health, safety and welfare of all citizens in mind. There must be an agreement between the landowner and the organization responsible for maintaining the shelter.

Section 1936 Golf Courses

Golf courses including accessory uses (e.g. club house, parking lots, storage sheds, pro shop, snack bar, restaurant, swimming pools, etc.) may be permitted by special exception in certain areas of the R1 District subject to Section 503(B)(3) and the following criteria:

- A) No separate driving range, chip n' putt, nine hole or miniature golf course shall be permitted.
- B) No food or beverage shall be advertised, sold or served to the general public, but made available only to those using the golf course.
- C) Minimum lot area - Thirty (30) acres.
- D) The construction of a golf course shall be considered a "development" and subject to all appropriate requirements.

- E) All applicants shall submit plans for the following to the Township Engineer and the Lancaster County Conservation District at least 30 days before the Zoning Hearing Board request for a special exception:
- 1) Earth moving and erosion control.
 - 2) Run-off control for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items.
 - 3) Water use plan, including emergency condition usage.
 - 4) Waste water treatment and disposal.
 - 5) Traffic study.
 - 6) Mosquito control.
 - 7) Nutrient plan to ensure no excess nitrates, herbicides, pesticides, fungicides or other fertilizer is used. When less potentially environmentally detrimental alternatives are available, they shall be used.
- F) No golf hole shall be arranged to require a golf ball to be driven across any building, road, parking lot, equipment storage area, rest area, adjacent property, or any other hole.
- G) Any points when the golf course crosses a private road shall be signed warning motorists and pedestrians and any private road shall contain speed bumps.
- H) All accessory uses of the golf course shall be set back at least two hundred (200) feet from all lot lines.
- I) No outdoor maintenance of golf carts shall be permitted.
- J) All golf course buildings shall be set back two hundred (200) feet from any adjoining roads and parcels.
- K) Golf courses shall not cross a public road.
- L) Parking shall be set back at least thirty (30) feet from any adjoining lot lines and be paved with asphalt and screened from adjoining residentially-zoned or used property and shall be in compliance with Section 1404.
- M) Cartways shall be designed to not require the crossing of any fairways.

Section 1937

Heavy Equipment Sales, Service and/or Repair Facilities

Within the Industrial District, heavy equipment sales, service and/or repair service facilities may be permitted by special

exception use subject to the following criteria. This includes excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers and other similar machinery.

- A) All service and/or repair activities shall be conducted within a wholly-enclosed building.
- B) All uses involving drive-thru service shall provide at least two hundred (200) feet on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- C) All exterior and/or display areas shall be screened from adjoining residentially-zoned or used properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be entirely covered in an all-weather dust-free surface.
- D) The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes, buses and heavy equipment vehicles on the property is prohibited.
- E) Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially-zoned or used property.
- F) All licensed vehicles shall be repaired and removed within thirty (30) days from the premises.
- G) All truck, bus, or motor freight sales, service or repair facilities shall also comply with Section 1955.
- H) The site shall front on and gain access from any arterial road as defined in Article 15.
- I) A traffic study is required.

Section 1938

Farm Support Occupations

Farm support occupations may be permitted within the Agricultural and Mineral Recovery Districts as special exceptions and as necessary, supplemental uses to the principal agricultural use and character of farm property only upon a farm which is actively used for agricultural operations. Such farm support occupations may be permitted as special exceptions in accordance with the following regulations. (It should be noted that beekeeping and the primary processing of farm products produced on the farm are permitted uses within the Agricultural District and Mineral Recovery District.)

- A) Farm support occupations include occupations which support and are compatible with agriculture and which contribute to the agrarian lifestyle characteristics of the Township. Farm support occupations shall be limited to the following:
 - 1) Facilities for service and repair of small farm

machinery, small farm equipment, and small farm engines (see Section 1937 for heavy equipment sales, service and/or repair facilities, which are limited to the Industrial District).

- 2) Processing, packing and/or packaging of fruits, vegetables, herbs, fibers, seeds and nuts, specialty crops, livestock products, apiary and viticulture products and similar products which are grown on the farm and/or within a 0.5 mile radius.
 - 3) Custom agricultural services including feedmilling, agricultural composting, fertilizers, small-scale agricultural good and services franchises, custom tillage and harvesting service and agricultural management services.
 - 4) Blacksmithing, welding, metalworking, agricultural fencing and tool sharpening businesses.
 - 5) Facilities for on-farm canning, preserving, bottling and baking of agricultural products principally from the property and/or within a 0.5 mile radius and sales of such products.
 - 6) Processing and direct sales of horticultural products produced on the property and/or within a 0.5 mile radius including flowers, herbs, shrubs and trees.
 - 7) Livestock grooming, shearing, and trimming services.
 - 8) Butchering, curing and processing and sale of meat and poultry produced principally on the property.
 - 9) Traditional trades and agrarian goods, services and sales including:
 - a) Woodworking, cabinet making, carpentry, upholstery, furniture repair and refinishing, watch and clock making, chair caning, basketry and pottery.
 - b) Glass working, leather working, wood carving, gunsmithing and kindred artisanry.
 - c) Carriage, buggy, wagon and related appurtenances for manufacturing, sales and services.
 - d) Tailoring, knitting, quilting, spinning, weaving, hat fabrication and shoe repair.
 - e) Handmade arts and crafts.
- B) Farm support occupations, including all structures, outdoor storage and parking shall not occupy more than two (2%) percent of the area of the property upon which it is located

or five thousand (5,000) square feet, whichever is smaller.

- C) No more than one thousand two hundred (1,200) square feet of indoor space shall be devoted to a farm support occupation. If located within an existing building, the farm support occupation shall be petitioned off and clearly separated and delineated from any adjoining area.
- D) At least one (1) owner-operator of the farm support occupation must reside on the property and no more than three (3) persons who do not reside on the property shall be employed on the property in the farm support occupation.
- E) No farm support occupation shall be located within two hundred-fifty (250) feet of a residential dwelling not located on the farm upon which the farm support business is located.
- F) Off-street parking shall be provided. For farm support occupations involving goods and/or services in trade to the public, a minimum of two (2) spaces shall be provided. In addition, one (1) space for each permitted non-resident employee shall be provided. Parking facilities should be of a permeable surface, shall not exceed a total area of six hundred (600) square feet, shall be unlighted, and shall be located at the farmstead or to the rear of the farmstead relative to the closest public road.
- G) Farm support occupations shall be conducted either within existing farm residences, existing farm buildings, additions to existing buildings or new buildings which shall be located in close proximity to the farmstead or curtilage, shall be of compatible scale and character and shall not exceed a height of twenty (20) feet. No mobile home shall house a farm support occupation.
- H) Farm support occupation signage shall be limited to an unlighted sign only on the occupation site which may not exceed eight (8) square feet in dimension, but may be double-sided.
- I) Outdoor storage of goods in trade, equipment or raw materials associated with farm support occupations shall be fenced six (6) feet high or screened with vegetation and shall be located to the rear of the farmstead or curtilage relative to the nearest public road. Outdoor storage may not exceed an area of two thousand (2,000) square feet.
- J) Activities and uses which produce dust, odor, vibration, glare, light, vapors, fumes, smoke, gas, radiation or noise perceptible at the property boundary line, other than those associated with normal agricultural production activities in amounts consistent with those activities on the farm, shall not be permitted.
- K) Ingress and egress to the farm support occupation use shall

be via a pre-existing or shared farm lane or other existing right-of-way serving the farmstead.

- L) Hours of customer and trade operation of farm support occupations may be limited to the hours 6:00 a.m. to 9:00 p.m. or less by the Zoning Hearing Board. No Sunday or holiday sales are allowable.
- M) Site Plan Required. Farm support occupations require a site plan to be submitted to the Zoning Hearing Board at a scale of at least one (1) inch = fifty (50) feet indicating the locations, design and size of structures, signs, parking facilities, storage areas, access provisions as well as existing farmstead structures and adjoining public roads.

**Section 1939 Funeral Homes and Undertaking Establishments
(Including Crematoria)**

Within the Commercial District, funeral homes and undertaking establishments including crematoria may be permitted by special exception subject to the following criteria:

- A) Public sewer and public water facilities shall be utilized.
- B) Sufficient off-street parking shall be provided to prevent traffic back-ups onto adjoining roads.
- C) Crematoria shall follow industrial performance standards also.

Section 1940 Home Improvement and Building Supply Stores

Within the Commercial District, home improvement and building supply stores may be permitted by special exception subject to the following criteria:

- A) All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
- B) If the subject property contains more than two (2) acres, it shall front along an arterial or rural major collector road, as identified in Article 15.
- C) A traffic study is required.

Section 1941 Outdoor Storage (Commercial Use)

Commercial outdoor storage may be allowed only by a special exception only in the Commercial District and shall provide a screen from all adjoining roads and properties, and must comply with all setbacks. Outdoor storage areas for auto sales need not be screened from adjoining roads. The above storage shall not be permitted for office, commercial, shopping centers, restaurants, retail stores or shops, or professional establishments.

Section 1942

Home Occupations

In those zoning districts where home occupations are permitted by special exception the following standards and criteria shall apply:

- A) Location. The home occupation shall only be conducted within the building used for residential purposes or in an existing accessory structure, and no products utilized in the home occupation shall be stored outside unless screened. Lots less than one acre shall not include a home occupation. Accessory structures located less than 20 feet from any lot line shall not include a home occupation.
- B) Area Limitation. An area representing not more than 30% of the total square footage of the dwelling, including all floors and habitable basement areas but excluding attic space, shall be devoted or used for the home occupation. This limitation shall also apply to a home occupation located in an accessory structure.
- C) Employees. No more than two persons other than persons residing in the dwelling, with a maximum of four persons including family members, shall be used on-site in the home occupation.
- D) No Subdivisions. The home occupation structure shall not be subdivided from the parent tract.
- E) No Alterations. No alterations to the exterior front facade of the dwelling shall be permitted, the effect or appearance of which would establish that the building is being used for purposes other than the dwelling.
- F) Parking. Stacked or tandem parking spaces in driveways shall not be used to meet off-street parking requirements. Parking for the home occupation shall be located in side or rear yard areas or in garages; no additional front yard areas shall be used for parking. Commercial vehicles shall not be placed in driveways at the front of buildings or the front of garages. Trucks utilized for home occupation businesses shall be limited to no more than two axles. Screening for parking may be required.
- G) Permits. Before any structure is used as a home occupation, the person intending to operate the home occupation shall apply for and receive a permit from the Zoning Officer which shall state that it is issued subject to the applicant complying with the conditions of this section.
- H) Sewage Disposal Inspections. The Township may require that the Sewage Enforcement Officer approve the method of

sewage disposal.

- I) Signs. Not more than one sign may be placed on the site, and this sign must be attached to and flush against the building. No lighting of the sign shall be allowed. The size of the sign may not be larger than 144 square inches, and it shall be one-sided.
- J) Periodic Inspections. The Township may require periodic reinspection to ensure continued compliance with all applicable conditions.
- K) Vehicles. No home occupation shall involve more than two vehicles used for the business.
- L) Screening. Screening may be required for an accessory structure or parking. Screening is required for any outside storage for the home occupation.
- M) No Manufacturing, Repairing, or Other Mechanical Work. No manufacturing, repairing, or other mechanical work shall be performed in any open area. All windows shall be closed when those activities are occurring. Such activity shall be conducted in such a way that noise, odor, vibration, electromagnetic interference, dust, smoke or other nuisance or pollution shall not be noticeable at or beyond the property line.
- N) State Approvals. The applicant shall submit evidence of all necessary State approvals or evidence that such approvals are not necessary.

Section 1943 Hospital

Within the Commercial District, hospitals may be permitted by special exception subject to the following criteria:

- A) Minimum lot area - ten (10) acres.
- B) Public sewer and public water shall be used.
- C) The subject property shall have frontage on and gain access from an urban arterial road as identified in Article 15.
- D) All buildings and structures shall be set back a minimum of one hundred (100) feet from all property lines.
- E) Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties.
- F) The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.
- G) A traffic study is required.

- H) Off-street parking areas and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially zoned or used land.
- I) Applicants shall comply with the requirements of Sections 1945(J) and 1962(P).
- J) Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking area and within all public rights-of-way abutting the hospital according the Zoning Hearing Board specifications.
- K) Lighting shall not cast glare upon adjacent properties or public roads.
- L) No outdoor storage shall be permitted.

Section 1944 Reserved

Section 1945 Retirement Community

Within the R2 District, retirement community campuses may be permitted by special exception use subject to the following criteria:

- A) The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least (60) years old, or possess some handicap that can be treated within a setting like the retirement community campus.
- B) The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques.
- C) Residences shall be functionally, physically and architecturally integrated with medical service and recreational centers.
- D) Commercial and recreational uses shall be grouped together and located near the populations being served.
- E) The minimum land area devoted to the campus shall be ten (10) contiguous acres. The landscape requirements of the Commercial District shall be followed throughout this campus.
- F) The site shall front on and gain access from a rural major collector or arterial roads as identified in Article 15.
- G) Public sewer service and public water service shall be provided.
- H) Fire hydrants shall be located to provide adequate fire fighting protection.

- I) For all buildings or structures containing non-residential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned or used land and seventy-five (75) feet from all lot lines of the campus property.
- J) Lighting shall not cast glare upon adjoining properties or public roads.
- K) The maximum permitted overall density is eight (8) dwellings per acre. The recreation area requirements of the subdivision ordinance shall pertain.
- L) All buildings or structures used solely for residential purposes shall be set back at least seventy-five (75) feet from all lot lines of the campus property.
- M) The maximum permitted height is thirty-five (35) feet. All buildings shall be protected with water sprinklers and shall require verification from the local fire chief that adequate fire-fighting protection is available. Section 1930(A)(4) shall also be complied with.
- N) No more than fifty-five (55%) percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces. Building coverage shall not exceed thirty (30%) percent of the total site coverage.
- O) Each off-street parking lot shall conform to the parking requirements of Article 14 of this Ordinance and provide at least twenty (20%) percent of the total parking spaces as those designed for the physically handicapped. All requirements of the Americans with Disabilities Act and the regulations promulgated thereunder, to the extent that such regulations require provision of a greater number of handicapped parking facilities, shall be met.

Off-street 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 curbs (standard straight) and pedestrian walks shall be throughout the campus and linked with adjoining development by safe and convenient walkways.

- P) Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:
 - 1) Dwellings, nursing homes, and congregate living facilities for the elderly or physically handicapped.
 - 2) Commercial uses which are strictly related and

subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area. No outdoor storage shall be permitted.

- 3) Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees or visitors.
- Q) All licenses and approvals from all Federal, State and other authorities having jurisdiction to license this facility, including Pennsylvania Department of Labor and Industry shall be presented to the Township prior to the issuance of any permits under this Ordinance.
- R) A traffic study is required.
- S) Applicants shall comply with the requirements of Sections 1962(A) and (P).

Section 1946 Mini Storage Facilities

Within the Commercial District, mini storage facilities may be permitted by special exception subject to the following criteria:

- A) Off-street parking spaces shall be provided for "mini warehouses" according to the schedule listed in Article 14 of this Ordinance.
- B) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- C) Required parking spaces may not be rented as, or used for, vehicular storage. Additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned or used land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage or partially dismantled, wrecked, or inoperative vehicles.
- D) All regulations concerning maximum coverage of lot by buildings and impervious surface in the Commercial District shall be met.
- E) 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.

- F) If limited access to lessors only is not provided, a resident manager shall be required to live on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. The actual dwelling of the resident manager shall comply with all of those requirements listed within the R2 District, and shall be entitled to all residential accessory uses provided in this Ordinance. Hours of operation shall be within 6:00 a.m. to 11:00 p.m. seven days a week.
- G) 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.
- H) No door openings for any mini storage facilities shall be constructed facing any residentially-zoned property. No portion of the facility shall be on a slope over four (4%) percent.
- I) Mini storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site. The applicant shall adequately demonstrate that all mini storage facilities rental and/or use contracts shall specifically prohibit all these uses:
 - 1) Auctions, commercial, wholesale or retail sales or processing, or manufacturing, 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.
 - 5) Any use that is noxious or offensive because of odors, dust, noise, fumes, vibrations, or other nuisances.
 - 6) Research and development testing and other non-storage activities.
- J) No off-site glare of lights shall be allowed.

- K) These facilities shall be located on and gain access from a rural major collector or any arterial road as defined in Article 15.
- L) The perimeter of the facility shall be surrounded by the landscape buffer as per the Section 1710 and shall have a six (6) foot fence along the inside of the buffer with a self locking gate.

Section 1947 Nightclubs

Within the Commercial District, nightclubs may be permitted by special exception subject to the following criteria:

- A) No part of the subject property shall be located within three hundred (300) feet of any residentially-zoned land or any dwelling.
- B) The applicant shall furnish evidence that the proposed use shall not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter or other nuisance.
- C) The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- D) A daily working plan detailing how the clean up of litter shall be undertaken by the applicant shall be provided to the Zoning Hearing Board.
- E) A security guard must be provided during operating hours.
- F) Landscape regulations for Commercial District apply.
- G) An asphalted paved parking surface shall be provided as per Article 14.
- H) Outside lighting of all entrances, walkways and parking areas shall be provided. Such lighting shall comply with the requirements of Section 1732(B) (15).
- I) Sidewalks and curbs shall be provided around the perimeter of the parking lot.
- J) Public water service and public sewer service shall be provided.
- K) The property shall front on and gain access from an urban principal arterial road as defined in Article 15.
- L) A traffic study is required.
- M) Applicants shall comply with the requirements of Section 1930 (A) (4).

N) Adequate off-street parking shall be provided.

Section 1948

Nursing, Rest or Retirement Home

Within the R1 District, nursing, rest or retirement homes may be permitted by special exception subject to the following criteria:

- A) The site shall front on and gain access from a rural major collector or any arterial road as defined in Article 15. (See also definition of nursing home in Article 2).
- B) Public water service and public sewer service shall be provided.
- C) Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned or used lands and landscaping requirement of the Commercial District shall apply.
- D) At least twenty (20%) percent of required parking spaces shall be designed for handicapped persons as prescribed in Article 14 of this Ordinance. Notwithstanding the foregoing, all requirements of the Americans with Disabilities Act and the regulations promulgated thereunder shall be met.
- E) The building, off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned or used land.
- F) The building shall have fire sprinklers and require verification from the local fire chief that adequate fire-fighting protection is available. The building shall also comply with the requirements of Sections 1930(B)(6) and 1930(A)(4).
- G) Lot coverage and impervious surface coverage regulations of R1 District shall be followed.
- H) All licenses and approvals from all Federal, State and other agencies having jurisdiction to license this facility including the Pennsylvania Department of Labor and Industry and others must be presented to the Township prior to the issuance of permits under this Ordinance.
- I) A fire hydrant shall be located within two hundred (200) feet of the building.
- J) Sidewalks and straight standard curbs shall be constructed around the perimeter of the parking area (with the areas for access by the handicapped) and abutting all public rights of way.
- K) Lighting shall not cast glare off-site.
- L) A traffic study is required.

Section 1949

Private Schools

Within the R1, R2 and Commercial Districts, private schools may be permitted fronting on and gaining access from rural major collector and arterial roads as defined in Article 15 subject to the following criteria:

- A) All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential district. All height, area, setback and coverage standards within the District shall apply.
- B) No part of a private school property shall be located within proximity of a property containing an adult-related facility (as defined herein), nor three hundred (300) feet of a property containing an automobile filling station. All off-street parking shall be set back at least twenty-five (25) feet and screened from adjoining property lines.
- C) If education is offered below the college level, an outdoor recreation 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 recreation areas. Outdoor recreation areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor recreation 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 recreation areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- D) Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
- E) Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- F) Parking as provided for in Article 14 shall be guaranteed.
- G) A traffic study is required.
- H) Compliance with Section 1930(A)(4) is required.
- I) Public sewer service and public water service shall be provided.

Section 1950

Boarding House

Within the R2 District, boarding, rooming or lodging houses may be permitted by special exception subject to the following criteria:

district.

- E) All structures shall be set back a distance at least equal to the height of the structure, from all adjoining property lines, and height regulations for the district shall be followed. Section 1701(B) is required.
- F) The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or cause any other objectionable impact, nuisance, or safety hazard beyond the subject property.
- G) All new or added electrical transmission projects shall have an EMF mitigation plan to eliminate to the greatest extent possible, any potential health risk or nuisance.

Section 1952

Billboards (Panel Type Signs)

Billboards (sign, panel type, billboard) may be permitted in Commercial or Industrial Districts by special exception fronting on an urban principal arterial roads as defined in Article 15 following these criteria:

- A) No billboards or advertising sign boards shall exceed seventy-two (72) square feet in area and none shall be higher than fifteen (15) feet from top of billboard to ground level.
- B) No billboards or advertising sign boards shall be erected within six hundred (600) feet of a Residential District.
- C) No more than one (1) panel (two [2] sides) shall be permitted at one (1) location.
- D) A minimum of one thousand two hundred (1,200) feet distance shall be maintained between billboards and/or advertising sign boards.
- E) No billboard shall be closer than thirty (30) feet to any property line or street or road or right-of-way line.
- F) No billboard shall obstruct the view of motorists on adjoining roads or the view of adjoining uses which depend on visibility for identification.
- G) All panel type signs (billboards) shall be maintained in safe structural condition. The painted portions shall be periodically repainted and kept in good condition.
- H) The general vicinity of all panel signs must be kept free and clean of sign materials, debris, trash and other refuse.
- I) Panel type signs (billboard) may be indirectly illuminated. All illumination shall comply with the industrial performance standards set forth in Section 1732(B)(15).

- J) Article 13 (Signs), including but not limited to Section 1305, shall be followed. If any conflict, the more stringent shall be followed.

**Section 1953 Nursery, Greenhouse, and Retail Sales of
Garden Stock**

Within the Agricultural, Mineral Recovery, R1, and Commercial Districts, retail sales of nursery, greenhouse, and garden materials may be permitted by special exception subject to the following criteria:

- A) All greenhouses and nurseries shall front on and gain access from any arterial or rural major collector road, as identified in Article 15.
- B) The display and sale of items not primarily grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five (25%) percent of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden and lawn equipment shall not be permitted. This Section [1953(B)] shall not apply in the Commercial District.
- C) All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line. All structures, parking lots, off-street loading and outdoor sales areas shall be set back at least one hundred (100) feet from any side or rear lot lines except in Commercial District where it abuts other commercial lots in which case twenty-five (25) feet is required.
- D) All improvements (including parking and loading facilities, but not including a freestanding sign) shall be screened from adjoining residentially-zoned or used properties.
- E) One (1) freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed sign criteria for the district and must be set back at least ten (10) feet from all lot lines.
- F) Wholesale distribution is permitted in the Agricultural District and the Mineral Recovery District as provided in Section 502(D).

Section 1954 Apartments in Commercial Districts

Within the Commercial District, apartments may be permitted by special exception as an accessory use subject to the following requirements:

- A) Each apartment shall be located within a building used primarily for commercial purposes and lived in by the owner or a caretaker of the site. No renters are permitted. The

caretaker can live on-site only while employed by the owner. No modification to the external appearance of the building except fire escapes is allowed for the apartment.

- B) Public water and public sewer shall supply the site. A private bathroom for the apartment shall be provided.
- C) A smoke alarm shall be provided by the owner in the apartment.
- D) All regulations of the Commercial District are otherwise to be followed.
- E) All floors above-grade shall have direct means of escape to ground level. There shall be at least two (2) means of egress to the exterior.
- F) Two (2) off-street parking spaces shall be provided for this use.
- G) No more than one (1) apartment is allowed per business in the Commercial District.
- H) The person living in the apartment shall not carry on business after closing hours.
- I) The apartment shall obviously be accessory to the permitted use and not occupy more than twenty-five (25%) percent of the floor space of the business nor be less than six hundred (600) square feet and have not less than one (1) bedroom for each two (2) residents.

Section 1955

Truck, Bus, or Motor Freight Terminal

Within the Industrial District, truck, bus, or motor freight terminals may be permitted by special exception use subject to the following criteria:

- A) Access shall be via an arterial road, as identified in Article 15.
- B) The applicant shall provide a traffic study prepared by a professional traffic engineer as per Section 1711.
- C) Minimum lot area - Five (5) acres.
- D) The terminal shall not be within two hundred (200) feet of a dwelling not owned by the business owner.
- E) Light from the lot shall not cast glare outside the property lines.
- F) If hazardous materials are stored (even temporarily) the applicant shall demonstrate compliance with any regulations for the storage of such materials promulgated by the Township, DER or the Environmental Protection Agency.

- G) Section 1937 shall also apply if such terminals include sales, service and/or repair facilities.

Section 1956

Conversion - Single-Family Detached to Two Family Dwelling

A single family detached dwelling existing on the effective date of this Ordinance may be converted into, and used as, a two family dwelling, when authorized as a special exception in the Agricultural, Mineral Recovery, R1, and R2 Districts and provided that:

- A) Drawings for the conversion of said dwelling shall be submitted to the Zoning Hearing Board, accompanied by certificates of approval from any governmental agencies or other entities having jurisdiction, where two (2) families are to be housed above the ground floor.
- B) The plans shall demonstrate provision of adequate and suitable parking space at a safe distance from the public road. There shall be at least two (2) parking spaces per dwelling unit.
- C) The structure shall be subject to the height, area, width and yard regulations effective in the District wherein such dwelling is situated, and the lot area shall be not less than the product of the minimum lot area prescribed in the District regulations times the number of families for the use of which such dwelling is to be converted.
- D) There shall be no external alteration of the building except as may be necessary for reasons of safety, and fire escapes and outside stairways shall, where practicable, be located in the rear of the building. Both units shall have two (2) or more direct means of escape to the exterior, one (1) which at least shall be on each level.
- E) No dwelling unit shall have less than eight hundred (800) square feet of habitable floor area.
- F) The Zoning Hearing Board may prescribe such further conditions and restrictions with respect to the conversion and use of such dwelling, and to the use of the lot, as the Board may consider appropriate.
- G) Smoke detectors shall be provided to each finished floor of each dwelling.
- H) No signs are permitted.
- I) The applicant shall provide approval of adequate sewage disposal for both units from the sewage enforcement officer and evidence of adequate water supply, if on lot water supply or sewage disposal is provided.

Section 1957

Conversion - Residential to Non-Residential

The conversion of a residential dwelling in Commercial and Industrial Districts into a permitted non-residential use may be permitted by special exception subject to the following regulations:

- A) The proposed use shall comply with the yard, area, off-street parking, and other requirements of the applicable district.
- B) No existing yards or required open space shall be reduced to less than the requirements of the applicable district governing a permitted use.
- C) No living accommodation or sleeping quarters shall be authorized except such accessory use as is permitted in the applicable district.
- D) The off-street parking and sign regulations of this Ordinance shall apply.
- E) All other supplemental regulations of this Ordinance applicable to the proposed use shall apply.

Section 1958

Warehousing, Wholesaling, and Storage Trade Establishments

Within the Industrial District, warehousing and wholesale trade establishments, including but not limited to industrial products, lumber, coal, fuel and contractor's equipment, may be permitted by special exception use subject to the following criteria:

- A) 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 (hazardous and non-hazardous) stores, the frequency of distribution and restocking, the duration period of storage 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, Federal, and Township regulations.
 - 2) The general scale of 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 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.

- B) A traffic study prepared by a professional traffic engineer (see Section 1711).
- C) The site shall front on and gain access from any arterial road as defined in Article 15.
- D) A recycling plan shall be submitted for recyclable waste.
- E) Lighting shall not cast glare beyond the property lines.
- F) An eight (8) foot high security fence shall surround all fuel storage depot and truck areas.

Section 1959

Bed and Breakfast Establishment

Within the Agricultural, Mineral Recovery and R1 Districts, bed and breakfasts may be permitted by special exception subject to the following criteria:

- A) Within the R1 District, bed and breakfasts shall only be established in structures that are or have been identified as having historical significance by the Historic Preservation Trust of Lancaster County.
- B) No modifications to the external appearance of the building (except fire escapes) which would alter its character, shall be permitted.
- C) All floors above-grade shall have direct means of escape to ground level.
- D) One (1) off-street parking space shall be provided for each bedroom available for rent, in addition to those required for the dwelling unit and at least twenty-five (25) feet from all property lines.
- E) The sign shall be as the respective zoning district regulations, but no illumination and no larger than two (2) feet by three (3) feet.
- F) A smoke alarm shall be placed in each rented area. Compliance with Section 1930(B)(6) shall be required.
- G) Minimum lot size - One (1) acre if public sewer and public water. If not serviced by both public sewer and public water, there shall be a minimum lot size of two (2) acres (or larger if determined necessary for DER standards by hydrogeologic study).
- H) Minimum residence size excluding basement, garages and porches - Two thousand (2,000) square feet.
- I) Maximum number of bedrooms available for overnight guests shall be determined by the residence size as follows:
 - 1) Minimum residence size less than two thousand two hundred (2,200) square feet - Four (4) bedrooms.
 - 2) Minimum residence size two thousand two hundred (2,200) square feet or greater - Five (5) bedrooms. No more than five (5) bedrooms for use by overnight guests shall be permitted regardless of size.
- J) The owner of the bed and breakfast establishment shall reside on the premises.
- K) No building in which a bed and breakfast establishment is operated shall be closer than eight hundred (800) feet to a

building in which another is operated.

- L) The applicant shall comply with the requirements of the Life Safety Code of the National Fire Protection Association, Inc., and/or regulations of the Pennsylvania Department of Labor and Industry.
- M) If on-lot sewer service is provided, DER and/or the Sewage Enforcement Officer shall approve the method of sewage disposal.
- N) The applicant shall present evidence that all applicable permits and approvals have been obtained to the Township prior to issuance of permits under this Ordinance.
- O) No person other than a member of the immediate family of the owner shall be employed on the premises.
- P) No accessory buildings shall be used to provide rooms for overnight guests.
- Q) Only one (1) building per property shall be used for overnight guests.

Section 1960

Communications Antennas and Equipment

Within the Agricultural, Commercial and Industrial Districts, communications antennas mounted on or in a public utility transmission tower, building or other structure existing on the effective date of this Section (_____, 2001) may be permitted by special exception subject to the following standards and criteria:

- A) The applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
- B) The applicant shall submit notice of approval for the proposed installation from the FAA and the FCC or written evidence that no such approval is required.
- C) Building mounted communications antennas shall not be located on any building used for residential purposes.
- D) In addition to the other requirements of this Section, building mounted communications antennas shall not be permitted to exceed the height limitations of the applicable district by more than fifteen (15) feet. If the building mounted communications antenna is mounted on a structure such as a silo, the communication antenna shall not exceed the present height of such structure.
- E) Omnidirectional or whip communications antennas shall not exceed fifteen (15) feet in height and seven (7) inches in diameter.

- F) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
- G) The applicant shall submit evidence from an engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure and the foundation and soil underneath the building or other structure considering wind and other loads associated with the communications antenna location.
- H) The applicant shall submit detailed construction and elevation drawings indicating how the communications antennas will be mounted on the structure.
- I) The applicant shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the communications antennas are to be mounted so that installation and maintenance of the communications antennas and communications equipment building can be accomplished. The applicant shall include a plan showing the proposed access drive and off-street parking area.
- J) The applicant shall demonstrate that surrounding areas shall not be affected by falling ice or other debris if the communications antenna should fail.
- K) If the lot is located in the Agricultural District, the applicant shall demonstrate that the facilities shall use an existing driveway or access drive. No new driveway or access drives shall be constructed to serve communications antennas in the Agricultural District.
- L) The applicant proposing communications antennas to be mounted on any existing tower shall completely enclose the tower by an eight (8) foot high nonclimbable fence with a self-locking gate or provide evidence that the existing tower precludes climbing by other means.
- M) Communications antennas shall comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
- N) Communications antennas shall not cause radio frequency or other interference with other communications facilities or with equipment in homes located in the Township.
- O) A communications equipment building shall not be more than ten (10) feet in height and shall meet all applicable setback requirements of the applicable zoning district for an accessory structure. No communications equipment building shall exceed two hundred (200) square feet. If the carrier proposes to use equipment cabinets placed upon a pad, the total area of the pad for all of the equipment cabinets and building shall not exceed two hundred (200) square feet in area.

- P) The owner or operator of the communications antennas shall be licensed by the FCC to operate such antennas and shall supply a copy of such license to the Township.
- Q) The communications antennas and related equipment and facilities shall be visually disguised or concealed, and the applicant shall submit testimony on how the communications antennas and related equipment and facilities will be disguised or concealed so that they are not visible from the surrounding area. The applicant shall provide landscaping to visually screen all communications equipment buildings and off-street parking areas as delineated in Section 1961(T).
- R) The applicant shall submit a plan for the removal of the communications antenna and related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- S) The applicant shall post a maintenance or performance bond in an amount determined by the Township to be sufficient to secure the installation and maintenance of the communications antenna and related equipment and facilities during their lifetime and removal of the communications antenna and related equipment and facilities when no longer in use.
- T) The installation of communications antennas on any historic property will be permitted only when the communications antennas will be installed using stealth technology and will not be visible to persons looking at the historic property from any side. The applicant shall provide renderings or other diagrams illustrating how the historic property will appear from all sides after installation of the communications antennas. Any equipment building or cabinet associated with the communications antennas shall be designed in a manner in keeping with the architecture of the existing structures on the historic property, or all equipment shall be located within an existing structure on the historic property.
- U) The applicant shall demonstrate that the installation of the communications antennas and the erection of any communications equipment building comply with all requirements of the National Historic Preservation Act and shall present copies of applicable correspondence with the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, including but not limited to the letter of determination.
- V) The applicant shall obtain a building permit under the Township Building Code and a zoning permit under this Ordinance before commencing construction.
- W) If an antenna is installed on a structure other than a tower,

the antenna and supporting electrical and mechanical equipment must be of a neutral color acceptable to the Township that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Section 1961. Communications Towers and Equipment.

Within the Industrial District, communications towers and equipment may be permitted by special exception subject to the following standards and criteria:

- A) The applicant must demonstrate that the proposed location is necessary for the efficient operation of the system.
- B) An applicant proposing construction of a new communications tower shall demonstrate that such applicant has made a good faith effort to obtain permission to mount the antenna(s) on an existing structure or communications tower. A good faith effort shall require that the applicant contact all owners of potentially suitable structures within a one mile radius of the proposed communications tower site and supply signed letters from all such owners and that one or more of the following reasons for not selecting such existing structure or communications tower apply:
 - 1) The proposed antenna(s) and related equipment would exceed the structural capacity of the existing structure or tower and reinforcement of such existing tower or structure cannot be accomplished at a reasonable cost. The applicant shall provide engineering data to demonstrate that the structural capacity will be exceeded and reinforcement cannot be accomplished at a reasonable cost.
 - 2) The proposed antenna(s) and related equipment would cause radio frequency interference with other existing equipment at that location and that such interference cannot be prevented at a reasonable cost. The applicant shall provide engineering data to demonstrate that the proposed antenna would cause interference and the interference cannot be prevented at a reasonable cost.
 - 3) Such existing structures or towers do not have adequate location, space, access or height to accommodate the proposed antenna(s) and related equipment or to allow them to perform their intended function. The applicant shall provide engineering data to demonstrate that the existing structures or towers do not have adequate location, space, access or height to accommodate the proposed antenna(s) and related equipment or to allow them to perform their intended function.
 - 4) Addition of the proposed antenna(s) and related equipment would result in electromagnetic radiation from such

location exceeding applicable standards established by the FCC and the radiation cannot be prevented at reasonable cost. The applicant shall provide engineering data to demonstrate that the addition of the proposed antenna(s) and related equipment will result in electromagnetic radiation exceeding applicable standards and the radiation cannot be prevented at reasonable cost.

- 5) The Applicant could not reach a commercially reasonable agreement with the owner of such existing structure or tower. The applicant shall provide written information to enable the Zoning Hearing Board to determine that the demands of the owner were unreasonable.
- C) The applicant is strongly encouraged to provide a written commitment that it will rent space at commercially reasonable rates on a tower to other communications providers to minimize the total number of towers necessary within the region. In order to reduce the number of communications antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including, but not limited to, police, fire, and emergency services.
- D) The applicant shall demonstrate by means of engineering testimony and reports that the communication tower and all communication antennas to be installed on the communication tower are the minimum height required to function satisfactorily.
- E) Any communication tower shall be set back from each property line a distance equal to its height unless applicant demonstrates by clear and convincing evidence that there will be no danger to persons or property with a lesser setback, but in no circumstances shall the tower be set back less than one hundred (100) feet from any property line. To demonstrate that there will be no danger to persons or property with a lesser setback, the applicant shall provide expert testimony by a structural engineer concerning the ability of the communication tower to withstand wind and other adverse conditions and how the communication tower will fall if it should fail. The setback required by this subsection shall also be applicable to guide wire anchors for the communication tower.
- F) All towers shall be completely enclosed by an eight (8) foot high nonclimbable fence and self-locking gate. The applicant shall provide landscaping which shall visibly screen the fence. The applicant shall present a plan of the proposed landscaping. See Section 1961(T).
- G) The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the toppling of any communication tower onto adjoining properties and/or roads and the wind-borne scattering of ice onto

adjoining properties and/or roads. The applicant shall be required to implement construction methods or standards to prevent such occurrences.

- H) Communication towers shall be sited so as to separate them from adjacent activities and structures located on adjoining lots.
- I) The applicant shall submit notice of approval for the proposed installation from the FAA and the FCC.
- J) Communication towers which contain communication antennas which are capable of transmitting signals or scattering signals shall not create electrical, electromagnetic, microwave, or other interference off-site.
- K) The applicant shall submit a plan for the removal of the communication tower and all communications antennas on such communication tower and all related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete. If the applicant does not remove the communication tower and all communications antennas on such communication tower and all related equipment and facilities within such three (3) month period, in addition to all other penalties and remedies provided in this Ordinance and the MPC, the Township may proceed upon any bond.
- L) The applicant shall post a maintenance or performance bond in an amount determined by the Township to be sufficient to secure the installation and maintenance of the communications tower and all communications antennas and related equipment and facilities during their lifetime and removal of the communications tower and all communications antennas and related equipment and facilities when no longer in use.
- M) The installation of communication towers and communication antennas on existing structures will be permitted if the installation will not exceed fifteen (15) feet above the height of the existing structure.
- N) Attachments to existing structures shall be designed by an engineer who shall certify that the proposed installation will not exceed the structural capacity of the building or other structure and the foundation and soil underneath the building or structure considering wind and other loads associated with the communications antenna location. Applicant shall submit documentation to the Zoning Hearing Board from the design engineer concerning such structural capacity.
- O) The applicant shall submit detailed construction and elevation drawings indicating how the communications antennas will be mounted on the structure. The applicant shall also include

a plan showing the access drive and off-street parking area serving the structure.

- P) A communications equipment building shall not be more than ten (10) feet in height and shall meet all applicable setback requirements of the applicable zoning district for an accessory structure. No communications equipment building shall exceed two hundred (200) square feet. If the carrier proposes to use equipment cabinets placed upon a pad, the total area of the pad for all of the equipment cabinets and building shall not exceed two hundred (200) square feet in area.
- Q) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color acceptable to the Township that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- R) Whenever possible, an alternative tower structure shall be utilized. If substantial evidence is presented that an alternative tower structure is not feasible, then communications towers and antennas shall meet the following requirements:
 - 1. Towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color acceptable to the Township so as to reduce visual obtrusiveness.
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings and be acceptable to the Township.
- S) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding properties. There shall be no glare off site.
- T) The following landscaping shall be required to screen as much of the communications tower as possible, the fence surrounding the communications tower, and any other ground level features such as equipment cabinets, off street parking areas, or a building.
 - 1. An evergreen screen shall be required to surround the site. The screen shall be two (2) rows of evergreen shrubs or trees. The trees or shrubs shall not be spaced more than five (5) feet apart in each row. The rows shall not be farther apart from one another than ten (10) feet. Staggering of the shrubs or trees is required.

Only one entrance through the evergreen screen is allowed, and the applicant shall narrow the entrance as much as possible. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum height of fifteen (15) feet at maturity. Additional deciduous planting is acceptable and may be required by the Zoning Hearing Board to mitigate the visual impact on the neighborhood.

2. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- U) The installation of communication towers and communication antennas on any historic property will be permitted only when the communication towers and communications antennas will be installed using stealth technology and will not be visible to persons looking at the historic property from any side. The applicant shall provide renderings or other diagrams illustrating how the historic property will appear from all sides after installation of the communication towers and communication antennas. Any equipment building or cabinet associated with the communication towers or communication antennas shall be designed in a manner in keeping with the architecture of the existing structures on the historic property, or all equipment shall be located within an existing structure on the lot.
 - V) The applicant shall demonstrate that the installation of the communication tower and communication antennas and the erection of any communications equipment building comply with all requirements of the National Historic Preservation Act and shall present copies of applicable correspondence with the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, including but not limited to the letter of determination.
 - W) The applicant shall demonstrate that surrounding areas shall not be affected by falling ice or other debris if the communications tower or antennas should fail.
 - X) No signs shall be permitted except as required by the FCC or the FAA. Applicant shall present the Zoning Hearing Board with written evidence that any proposed sign has been required by either the FCC or the FAA.
 - Y) The applicant shall obtain a building permit under the Township Building Code and a zoning permit under this Ordinance before commencing construction.
 - Z) Any use established on the property in addition to the communication tower and communications antennas shall comply with all applicable requirements of this Ordinance.
 - AA) The applicant shall submit to the Township copies of annual inspections of the tower and equipment by an

independent professional engineer as required by ANSI-EIA-TIA-222-E Code, as amended.

**Section 1962 Retail Stores, Shopping Centers, and Business Offices
in Excess of 4,000 Square Feet but less than 10,001
Square Feet of Gross Floor Area**

Within the Commercial District, retail stores, shopping centers, and business offices in excess of 4,000 Square Feet but less than 10,001 square feet of gross floor area may be permitted by special exception subject to the following standards and criteria:

- A) The proposed structure shall be connected to and use public water and public sewer. Applicant shall present evidence to the Zoning Hearing Board that sewer and water capacity has been obtained or reserved from the applicable provider.
- B) The lot shall directly abut and gain access from an arterial road or a rural major collector road as classified under this Ordinance (see Article 15).
- C) Vehicle parking, loading and access shall meet the requirements of Article 14.
- D) Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking areas and within all public rights-of-way abutting the parking areas according to the specifications for curbs and walkways in the Township Road Ordinance or the applicable subdivision and land development ordinance, whichever provides the more stringent regulations. Applicant shall present evidence to the Zoning Hearing Board that the development shall provide a safe and convenient pedestrian circulation system.
- E) Landscaping shall be installed and maintained which shall meet at least the minimum requirements for landscaping in the Commercial District (see §1710), except as such requirements may be increased by this Section.
- F) Outside lighting of all entrances, walkways and parking areas shall be provided. Such lighting shall comply with the requirements of Section 1732(B)(15).
- G) The applicant shall submit storm water management calculations and plans to demonstrate compliance with all applicable laws and regulations governing storm water management.
- H) The applicant shall submit a traffic impact study which meets the requirements of Section 1711.
- I) Mechanical equipment and other functional accessories of each building, including but not limited to elevators, penthouses, ventilation pipes and ducts, water pressure tanks, and

heating, air conditioning and power supply units, shall have an architecturally designed building material screen or covering which is an integral part of the building envelope and which is harmonious with the building design.

- J) A fire hydrant shall be located within one hundred (100) feet of the building. No portion of any building shall be located more than 500 feet from a fire hydrant.
- K) Adequate trash receptacles shall be available on the property. The applicant shall present a plan for litter disposal and the pick up of litter on the property to the Zoning Hearing Board.
- L) Applicant shall present an evaluation of the effects of the proposed development upon air pollution, water pollution, storm water, police service, fire service, and other emergency services, and shall agree to a feasible method to eliminate any adverse effects.
- M) All off-street loading facilities shall be located at the rear of buildings.
- N) Establishments furnishing shopping carts shall provide areas on the site for the storage of carts. Storage areas shall be clearly marked and designated for the storage of shopping carts. If such areas for carts are located within the parking areas, they shall not be counted toward the required number of minimum off-street parking spaces.
- O) Minimum front yard: fifty (50) feet.
- P) Minimum side yard: fifty (50) feet.
- Q) Minimum rear yard: fifty (50) feet.

Section 1963

Sawmills

Sawmills may be permitted in the Industrial District as a special exception with the following requirements:

- A) All general industrial standards, Industrial District requirements, and industrial performance standards shall be followed.
- B) No sawmill shall be located within three hundred (300) feet of a residential dwelling not owned by the sawmill owner.
- C) Sawmills shall also comply with the regulations pertaining to solid waste disposal facilities, quarries, mines, resource recovery facilities, and recycling facilities as contained in Sections 1912(C, D, H-K, M, P, R, and V), 1913(R) (1-4 and 6-8), 1913(S and Y), and 1915(F).
- D) The facility shall front upon and gain access from a rural major collector or any arterial road as identified in Article

15.

- E) No parking area, loading area or access to the sawmill shall be within two hundred fifty (250) feet of the nearest residence not owned by the sawmill owner.
- F) Where a sawmill is located adjacent to any residential use, all cutting shall be conducted within a structure with a closed side facing such residential use.
- G) A plan for the periodic disposal of sawdust shall be provided.

Section 1964

Cluster and Open Space Development

- A) Within the R1 and R2 Districts, cluster and open space development may be permitted by special exception subject to the regulations of this section and others within this Ordinance that may pertain. By permitting cluster and open space development by special exception within the residential districts of Pequea Township, it is the intent of the Township to:
 - 1) Preserve environmentally sensitive areas and historic resources which are appropriate to remain undisturbed;
 - 2) Retain and protect open space areas within residential development for use by Township residents and landowners;
 - 3) Encourage cost-effective, flexible and environmentally sensitive site planning of large tracts of land, including subdivisions and land developments;
 - 4) Minimize potential adverse impacts from new residential development on adjacent subdivisions and properties devoted to agricultural uses;
 - 5) Protect the existing aesthetics within particular sections of the Township by limiting the visual intrusiveness of new residential uses;
 - 6) Provide a means to attain the goals and objectives of the Township Comprehensive Plan relative to orderly growth, open space preservation and the enhancement of environmental resources; and
 - 7) To support the particular objectives of the Conestoga and Pequea Creek scenic corridors, as established in the Pequea Township Comprehensive Plan.
- B) Qualifying Conditions. The following minimum conditions shall be satisfied prior to any development proposal becoming eligible for use of cluster and open space development:
 - 1) The tract of land to utilize this design option shall be held in single and separate ownership, or in the case of

multiple ownership, the tract shall be developed according to a single plan with common authority and common responsibility.

- 2) A minimum of four (4) residential lots or dwellings shall be proposed in order to qualify for the use of this design.
 - 3) The proposed development must be served with public water service.
 - 4) Public sewage disposal must be utilized.
- C) General Regulations. Applicants proposing the use of the cluster and open space design must comply with the following regulations:
- 1) Required Site Analyses. The applicant shall demonstrate that development, including site improvement, lot design and open space configuration, preserves open space, natural features and environmentally sensitive areas, preserves historic sites, and in all respects complies with the Lancaster County Subdivision and Land Development Ordinance.
 - 2) Permitted Uses Within Cluster and Open Space Developments. A building may be erected or used and a lot may be used or occupied only for the following residential uses:
 - a) Single-family detached dwellings;
 - b) Single-family attached dwellings;
 - c) Duplex dwellings;
 - d) Multi-family apartments
 - e) Other multi-family dwellings, as conversions of structures, provided such structures are considered by the Lancaster Historic Preservation Trust to be historic structures. Reconstruction, alteration or restoration of historic structures shall conform to the requirements of the United States Secretary of the Interior's Standards for Rehabilitation and as amended.
 - 3) Required Open Space. Cluster developments shall provide for common open space and required open space areas within the common open space. The area of common open space shall be at least as great as the minimum size of the required open space area required by this Article.
 - 4) Required Perimeter Greenbelt. Any tract of land to use the cluster design shall be provided with a tract

perimeter greenbelt such that the minimum dimension of any required yard area which abuts the tract boundary shall in no case be less than seventy-five (75) feet and shall be in accordance with the requirements of Section 1710, Section 1964(D), and site maintenance and guarantees required in Section 1964(F).

D) Area and Bulk Regulations. The following area and bulk regulations shall apply to projects proposing the cluster design:

- 1) Gross Density Calculation. The maximum gross density, or the number of lots, permitted using the cluster and open space design shall be calculated according to the following formula. The maximum number theoretically permissible may not be achievable in all cases.
 - a) The net tract area shall be determined by deducting existing road and utility rights-of-way and all environmentally sensitive areas as defined in Article 2, from the total tract area.
 - b) In the R1 District, where public water and sewage disposal facilities will be provided, the maximum number of lots or units shall be calculated by dividing the net tract area determined in accordance with subparagraph (1) above by 18,000 square feet.
 - c) In the R2 District, where public water and sewage facilities will be provided, the maximum number of lots or units shall be calculated as follows:
 - i) The maximum number of single family detached dwellings permitted shall be calculated by dividing the net tract area by 12,000 square feet.
 - ii) The maximum number of semi-detached dwellings permitted shall be calculated by dividing the net tract area by 8,400 square feet.
 - iii) The maximum number of multi-family dwellings, including single family attached and apartments, shall be calculated by dividing the net tract area by 7,260 square feet.
 - iv) The cluster and open space design may include a mixture of housing forms provided that the total number of units remains equal to, or less than that which is permitted for multi-family dwellings without exceeding the maximum number of units permitted for each housing form as calculated in subparagraphs (i) and (ii) of this Section.

- 2) Area and Bulk Regulations. Tracts in the R1 and R2 Districts may cluster lots or units, the maximum number of which is determined in accordance with Section 1964(D)(1) above, when in compliance with the following area and bulk regulations:
 - a) The required open space area shall encompass all environmentally sensitive areas defined in Article 2 and shall contain an area of not less than thirty percent (30%) of the total tract area in the R-1 District or not less than twenty-five percent (25%) of the total tract area in the R-2 District.
 - b) The minimum building separation between principal residential structures, whether single family or multi-family, shall be thirty (30) feet at any point.
 - c) The minimum building setback from any public right-of-way, private road, internal drive or parking area shall be thirty (30) feet. Individual private drives and individual parking areas are exempt from this requirement.
 - d) Not more than forty percent (40%) of the developed area shall be covered with impervious surfaces.
 - e) Not more than twenty percent (20%) of the developed area shall be covered by buildings.
 - f) Buildings shall not exceed a height of three (3) stories or thirty-five (35) feet.
- E) Design Standards. The following standards shall apply to development in this district:
 - 1) Building length or depth. The greatest dimension in length or depth of a new structure shall not exceed one hundred fifty (150) feet. No more than six (6) units shall be allowed in a new structure.
 - 2) Historic sites and their cultural landscapes may be included as part of the required open space area, subject to compliance with the regulations of this Article.
 - 3) Cultural landscapes required to preserve a historic site's integrity shall be maintained.
 - 4) Reserved.
 - 5) All dwelling units shall have access to common open space and required open space areas either directly, i.e., by abutting such open space, or through provision of pedestrian access.

- 6) All uses within cluster and open space developments shall comply with Article 17.
- 7) Open Space Standards
 - a) Open space shall be configured in accordance with the requirements of this Ordinance so as to:
 - i) minimize negative impacts of development on the tract;
 - ii) maximize the conservation of historically and environmentally sensitive areas as defined in Article 2. These shall also include cultural landscapes, present hedgerows, fence lines, paths, and trails, and other noted landscape features;
 - iii) minimize intrusion upon public and private views, on and off site;
 - iv) and provide required open space per Sections 1964(C) and 1964(D).
 - b) In no case shall individual required open space areas be less than fifty (50) feet in width or length, or have a ratio of the longest to the shortest dimension exceeding 4 to 1, except areas of pedestrian links and/or to preserve a viewshed or scenic corridor.
 - c) There shall be no more than three (3) non-contiguous required open space areas, except when provided in addition to the minimum required open space.
 - d) No more than sixty (60%) percent of the required open space area shall be comprised of environmentally sensitive areas, stormwater facilities, and utility rights of way.
 - e) Open Space shall be restricted against further subdivision or development through establishment of a conservation easement or other form of restriction acceptable to the Township Board of Supervisors. Such restriction shall be noted on the final plan, as recorded.
 - f) Use of required open space areas may include the following:
 - i) crop or pasture land, open field, common gardens, or lawn;
 - ii) cultivation of nursery stock or orchard trees;
 - iii) woodland, meadow, wetland, existing water

course, game preserve, or similar conservation oriented area;

iv) park, pedestrian, bicycle, or equestrian trails or active recreation land;

v) stormwater management facilities and utility rights of way.

g) No structures, required setbacks, greenbelts, or impervious surfaces shall be counted towards the minimum required open space except historic sites and recreational facilities as provided herein.

h) The open space area shall contain recreation areas as per the Lancaster County Subdivision and Land Development Ordinance and Pequea Township Ordinances concerning recreational areas.

8) A traffic study is required.

F) Common Open Space and Facilities. It is the intent of this section to ensure a perpetual level of adequate operation and maintenance of common or public open space, recreation facilities, stormwater management facilities, preservation areas, common parking areas and driveways, private streets, or any other common or community facilities (hereinafter referred to as common facilities).

1) Ownership Standards. Common facilities may be retained in ownership by the original owner of the tract or by the developer; may be divided among one (1) or more of the several proposed lots; or may be preserved, owned, and maintained through one (1) or more of the following methods: condominium, homeowners' association, fee simple dedication to public agency, transfer of easements to a private conservation organization, fee simple dedication to a private conservation organization and/or dedication of easements to a public agency. Such land or facilities shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this Section, and then only where there is no change in the common facilities. The following specific requirements are associated with each of the various methods:

a) Condominium - Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Pennsylvania Uniform Condominium Act in effect at the time of construction or transfer. All of the above described land and facilities shall be held as "common element."

b) Fee Simple Dedication to a Public Agency - The

Township, or other public agency acceptable to the Township, may, but shall not be required to, accept any portion or portions of the common facilities. The Township shall have the right to accept at any time and from time to time, the dedication of land or any interest therein for a public use provided that:

- i) any common facilities so dedicated are accessible to the residents of the Township;
- ii) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance);
- iii) and the Township or other public agency acceptable to the Township, agrees to and has access to maintain such common facilities.

c) Dedication of Easements to a Public Agency - The Township or other public agency acceptable to the Township may, but shall not be required to, accept easements or public use of any portion or portions of the common facilities, the title of which is to remain in private ownership or by the condominium or homeowners association, provided:

- i) any common facilities so dedicated are accessible to the residents of the Township;
- ii) there is no cost of easement acquisition (other than any costs incidental to the transfer of ownership, such as title insurance);
- iii) and a satisfactory maintenance agreement is reached between the owner and the Township or other public agency.

d) Transfer of Easements to a Private Conservation Organization - With permission of the Township, any owner may transfer easements on common facilities to a private, non-profit organization, among whose purpose is to conserve open space land and/or natural resources provided that:

- i) the organization is acceptable to the Township, and is a bona fide conservation organization, with perpetual existence;
- ii) the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- iii) a maintenance arrangement acceptable to

the Township is established between the owner and the grantee in accordance with this Section.

- e) Fee Simple Dedication to a Private Conservation Organization - With the permission of the Township, any owner may dedicate any portion of the common facilities to a private, non-profit conservation organization, among whose purpose is to conserve open space land and/or natural resources, provided that:
 - i) the organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence.
 - ii) the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its function.
 - iii) a maintenance agreement acceptable to the Township is established in accordance with this Section.

- f) Homeowners' Association - The common facilities may be held in common ownership by a homeowners' association. This method shall be subject to all of the provisions for homeowners' associations set forth herein and in Section 705 of the Municipalities Planning Code or as amended. In addition, if a homeowners' association is formed, it shall be governed according to the following regulations:
 - i) The owner or applicant proposing to establish a homeowners' association shall provide to the Township a description of the organization, including its by-laws and documents governing maintenance requirements and use restrictions for common facilities, and all of the above shall be agreeable to the Township. The cost of the review by the Township Solicitor shall be borne by the owner of the tract.
 - ii) The organization shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units within the development.
 - iii) Membership in the organization is mandatory for all purchasers of dwelling units therein and their successors.
 - iv) The organization shall be responsible for maintenance of and insurance on common

facilities.

- v) The organization shall be responsible to pay all applicable real estate taxes on common facilities only where the following preferred alternative is not utilized: the owner or applicant for any tract proposed to contain any common facilities shall arrange with the County Board of Assessment a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities. Where this alternative is to be utilized, the method of allocation shall be approved by the Board of Supervisors.
- vi) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities, and of developing additional common facilities, if any, in accordance with the procedures established by them.
- vii) In the event of any proposed transfer of common facilities by the homeowners' association or of the assumption of maintenance of common facilities as hereinafter provided, written notice of such action shall be given to all members of the homeowners association and to the Township by said association no less than thirty (30) days prior to such event.
- viii) The organization shall have or hire adequate staff, as necessary, to administer, maintain and operate common facilities.
- ix) The homeowners' association may lease back open space lands to the developer, his heirs or assigns, or to any other person or corporation qualified to manage open space for operation and maintenance of open space lands, but such a lease agreement shall provide (i) that the common open space to be leased shall be maintained for the purpose set forth in this Ordinance; and (ii) that the operation of open space facilities may be for the benefit of the residents of the development only or may be open to the public. The lease shall be subject to the approval of the Township, as shall any transfer of assignment of the lease. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Lancaster County within thirty (30) days of their execution and

a copy of the recorded lease shall be filed with the Township.

2) Minimum Maintenance Requirements.

- a) The applicant for any development proposed to contain common facilities shall, where applicable, provide to the Zoning Hearing Board, a plan for maintenance and operation of common facilities. Said plan shall:
 - i) define ownership;
 - ii) establish necessary regular and periodic operation and maintenance responsibilities;
 - iii) estimate staffing needs, insurance requirements and associated cost, and define the means for funding same on an on-going basis.
- ix) Portions of the common open space may be designated for use by the general public.
- b) In the event that the organization established to own and maintain common facilities or any successor organization, shall, at any time after establishment of the common facilities, or the use attendant thereto fail to maintain all or any portion of the aforesaid in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the Township may serve written notice upon such organization, upon the residents and owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in a reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which said deficiencies shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within the said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the premises and to prevent the common facilities from becoming a public nuisance, may enter upon the same and maintain the same and/or take corrective action for a period of one (1) year. The organization, or its successor organization, shall be considered in violation of this chapter, in which case the bond, if any may be forfeited, and any

permits may be revoked or suspended. Said entry and maintenance shall not constitute a taking of said common facilities and shall not vest in the public any rights to use the common facilities except when the same is voluntarily dedicated to the public by the residents and owners and such dedication is acceptable to the Township. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of said common facilities, call a public hearing upon notice to said organization, or to the residents and owners of the dwelling units attendant thereto, at which hearing such organization or the residents and owners of the aforesaid dwelling units shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said common facilities, the Township shall cease to maintain said common facilities at the end of said year. If the aforesaid are not ready and able to maintain said common facilities in a reasonable condition, the Township may, in its discretion, continue to maintain said common facilities during the next succeeding year and subject to a similar hearing and determination in such year thereafter. There, decision of the Township in any such case, shall constitute a final administrative decision subject to judicial review.

- c) The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably, in accordance with the tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become on lien on said properties. The Township, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the Prothonotary of the County, upon the properties affected by such lien.
- d) In addition to the maintenance requirements set forth in the Lancaster County Subdivision and Land Development Ordinance, the Township may require the developer or the owner of the common facilities, to meet any combination of the following maintenance requirements:
 - i) The creation of an escrow fund held by the grantee or for the grantee's benefit in an amount to be approved by the Township, which approval may not be unreasonably withheld. The fund is to be utilized for maintenance and operation of common facilities.

- ii) The purchase and installation of any component of the facility which is deemed by the grantee to have reached 1/2 of its useful life.
- iii) The performance of all work and the installation of all materials necessary to bring the common facilities into compliance with the facilities at the time of its conveyance or transfer.

Section 1965 Retail Stores, Shopping Centers, Supermarkets, and Business Offices in Excess of 10,000 Square Feet of Gross Floor Area

Within the Commercial District, retail stores, shopping centers, supermarkets, and business offices, whether initially or cumulatively, in excess of 10,000 square feet of gross floor area may be permitted by special exception subject to the following standards and criteria:

- A) The applicant shall demonstrate compliance with all of the criteria set forth in Section 1962(A) through (M) of this Ordinance except as such requirements may be increased by this Section.
- B) A greenbelt shall be provided along all property lines (except for necessary access drives) which shall be at least eighty (80) feet in depth for building(s), whether initially or cumulatively, in excess of 50,000 square feet of gross floor area and at least fifty (50) feet in depth for building(s) between 10,001 and 50,000 square feet of gross floor area.
- C) The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the road system serving the site in accordance with Section 1711.
- D) Traffic control and access requirements.
 - 1) At least two separate points of ingress and egress shall be provided from an arterial road or a major rural collector road.
 - 2) Applicant shall demonstrate that the road network providing access to and from the site can accommodate the volume of traffic reasonably expected to be generated by the proposed use in a safe and convenient manner or that the applicant will make all improvements necessary to the road network to provide for safe and convenient access to and from the site.
 - 3) Applicant shall demonstrate that the horizontal and vertical alignments of the existing road network and the proposed access ways to the site permit safe and convenient access to and from the site or that the

applicant will make all modifications to the horizontal or vertical alignment and to the proposed access ways to the site to eliminate any unsafe condition.

- 4) Applicant shall demonstrate that the proposed use will not create unusual traffic patterns or movements which will jeopardize the traveling public.
 - 5) Applicant shall demonstrate that the proposed use will not materially increase traffic congestion on the streets abutting the site or at any of the intersections required to be studied by Section 1711.
 - 6) Applicant shall demonstrate that the location and design of the proposed access ways to and from the site are designed in a manner that will provide the least detrimental impact upon traffic capacity, level of service and safety upon abutting roads. Applicant shall install all traffic control signals and devices necessary to mitigate any detrimental impact.
 - 7) If reduction of the speed limit, installation of traffic control signals and devices, or similar measures are required to mitigate traffic impacts upon Township or State highways, the applicant shall present traffic studies performed in accordance with PennDOT regulations, guidelines and procedures to support the imposition of such traffic regulations or the installation of such traffic control signals and devices. If the enactment of an ordinance is necessary to effectuate traffic regulations, the applicant shall reimburse the Township for all expenses incurred in the preparation and enactment of the necessary ordinance.
 - 8) Applicant shall make all improvements necessary to maintain an adequate level of service and to eliminate any unsafe conditions on all intersections and streets within the area required to be studied by Section 1711 and shall make all improvements required by the applicable subdivision and land development ordinance, road ordinance, any other Township ordinance, and the regulations, guidelines and procedures of PennDOT. In addition to any other requirement of this Ordinance, the improvements to the roadway network within the traffic impact study area shall provide for a level of service with the proposed development which is at least equivalent to the level of service without the proposed development.
- E) Interior circulation. Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site, stacking and cross-over traffic. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of stores, offices or shops or for trash removal or recyclable collection or other services shall be adequate in

size and shall be so arranged that they may be used without blocking or interfering with internal circulation. Applicant shall provide a comprehensive interior plan which shall demonstrate that there will be safe traffic circulation throughout the parking area.

- F) Applicant shall contact the provider of mass transportation services in the area to determine if the site is located along a mass transportation route and, if so, whether a stop may be located within the site. If the mass transportation provider is willing to locate a transit stop in the site, applicant shall design the facility to provide a safe and convenient mass transit stop together with a shelter. Applicant shall also include an area within the parking compound for a park and ride facility if necessary to lessen traffic congestion.
- G) Minimum front yard: Two hundred (200) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; one hundred (100) feet for all building(s) between 10,001 and 50,000 square feet of total gross floor area.
- H) Minimum side yard: One hundred (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; seventy-five (75) feet for all building(s) between 10,001 and 50,000 square feet of total gross floor area.
- I) Minimum rear yard: One hundred feet (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; seventy-five (75) feet for all building(s) between 10,001 and 50,000 square feet of total gross floor area.
- J) Outdoor storage shall be limited to plants, nursery and garden supplies, soil, peat moss, and similar materials. Such outdoor storage shall not utilize off-street parking spaces. Outdoor storage of other goods and inventory shall not be permitted.
- K) Applicant shall present elevation drawings of all sides, including elevation drawings from prominent approach points. Applicant shall provide drawings which shall set forth the essential architectural elements of the design of the structure.

Section 1966 Hotels and Motels

Within the Commercial District hotels and motels may be permitted by special exception subject to the following standards and criteria:

- A) The applicant shall demonstrate compliance with all of the criteria set forth in Section 1962(A) through (M) of this Ordinance except as such requirements may be increased by this

Section.

- B) Use of recreational facilities shall be limited to guests of the hotel or motel. If the recreational facilities are proposed to be open to persons other than guests of the establishment, the recreational facility shall meet all requirements of this Ordinance as if it were a separate principal use of the property.
- C) If a restaurant is proposed, the restaurant shall meet all requirements of this Ordinance as if the restaurant were a separate principal use.
- D) The applicant shall provide a statement setting forth the full particulars of the operation, including all recreational facilities and amenities to be provided for guests.

Section 1967 Restaurants

Within the Commercial District, restaurants other than drive-in or drive-thru or fast food restaurants may be permitted by special exception in accordance with the following criteria:

- A) The applicant shall demonstrate compliance with all of the criteria set forth in Section 1962(A) through (M) of this Ordinance except as such requirements may be increased by this Section.
- B) All exterior seating areas shall be completely enclosed by a fence or a landscape screen.
- C) No restaurant shall invite or permit members of the general public on the premises who must pay an entrance fee, cover charge or extra charges for refreshments, service or merchandise which, in effect, substitutes for an entrance fee or cover charge, unless the restaurant also obtains a special exception under Section 902(A)(24) as a night club.

Section 1968 Conference and Resort Centers

Within the Commercial District, conference and resort centers may be permitted by special exception in accordance with the following criteria:

- A) The applicant shall demonstrate compliance with all of the criteria set forth in Section 1962(A) through (M) of this Ordinance except as such requirements may be increased by this Section.
- B) The applicant shall demonstrate compliance with all of the requirements of Section 1966 of this Ordinance if the conference or resort center provides lodging.
- C) The applicant shall comply with all of the requirements of Section 1967 of this Ordinance if the conference or resort

center contains a restaurant open to members of the public.

- D) The applicant shall demonstrate compliance with the traffic control and access requirements set forth in Section 1965(D) of this Ordinance.
- E) The applicant shall demonstrate compliance with the regulations for interior circulation set forth in Section 1965(E) of this Ordinance.

Section 1969 Clinics and Residential Treatment Facilities

Within the Commercial District, clinics and residential treatment facilities for the treatment and/or rehabilitation of persons who have psychological or mental disorders (including but not limited to substance abuse), head trauma, spinal cord trauma and similar illnesses, injuries or conditions arising from physical or mental illness or injuries may be permitted by special exception in accordance with the following criteria:

- A) The applicant shall demonstrate compliance with all of the criteria set forth in Section 1962(A) through (M) of this Ordinance except as such requirements may be increased by this Section.
- B) The applicant shall provide a statement setting forth the full particulars of the operation, including number of patients/residents, staffing, treatment/therapies and all recreational facilities and amenities to be provided for patients/residents.
- C) The minimum lot size shall be one (1) acre plus an additional one thousand (1,000) square feet for each patient/resident over twenty (20).
- D) One off-street parking space shall be provided for each staff member on the largest shift, and off-street parking for visitors and non-resident patients shall be provided as required for rehabilitation centers in Section 1404(C)(18). If patients/residents are permitted to have motor vehicles, one off-street parking space shall be provided per bed.
- E) The applicant shall demonstrate that all necessary permits and requirements have been obtained from all Commonwealth and Federal licensing agencies.

Section 1970. Requirements for Non-Agricultural Dwellings in the Agricultural District.

- A) Purpose. In order to protect, preserve, and promote agricultural uses within the Agricultural District, it is the intent that the creation of non-agricultural uses shall be regulated in order to allow the remaining areas to be efficiently used for continued or potential future agricultural purposes and to avoid the fragmentation of farming areas and farming culture within the Agricultural District.
- B) Configuration. The layout of non-agricultural lots or dwellings shall be grouped so that no more than one additional access to an existing public road will result from the parent tract. To allow for the non-agricultural development permitted in this District, yet to preserve prime agricultural soils and soils of statewide importance, the layout of lots shall create the least amount of disruption to agricultural practices, operations and prime agricultural soils. The applicant shall comply with Paragraph 1 below unless applicant demonstrates to the satisfaction of the Township that Applicant cannot comply with Paragraph 1. If Applicant has demonstrated to the Township that Applicant cannot comply with Paragraph 1 below, Applicant shall design the layout of nonagricultural lots or dwellings in accordance with Paragraph 2 below. If Applicant demonstrates to the satisfaction of the Township that Applicant cannot comply with Paragraph 1 or Paragraph 2 below, Applicant may lay out non-agricultural lots or dwellings in accordance with Paragraph 3 below.
- 1) Requirement 1 - Construction of dwellings or subdivision of lots on non-prime soils and soils that are not classified as soils of statewide importance. Dwellings or subdivision of lots shall be located adjacent to developed lots or other dwellings that were subdivided previously for non-agricultural uses. It shall be the burden of the applicant to demonstrate why the dwelling or lot cannot be located in accordance with this requirement. If the Township determines that this requirement is not achievable by the applicant, the following shall be followed:
 - 2) Requirement 2 - Construction of dwellings or subdivision of lots on non-prime soils. A dwelling or lot shall be located on soils that cannot feasibly be farmed due to lot location, shape, or configuration, or physical features not conducive to farming, such as rock or poor soils. It shall be the burden of the applicant to demonstrate why the dwelling or lot cannot be located in accordance with this requirement. If the Township determines that this requirement is not achievable by the applicant, the following shall be followed:
 - 3) Requirement 3 - Construction of dwellings or subdivision

of lots on productive soils or on prime soils or soils classified as soils of statewide importance. If it is determined that a dwelling or lot(s) cannot be located in accordance with requirements 1 and 2 above due to physical features, a dwelling or lot may be located on prime soils but in any case on the least agriculturally productive land or in an area that will minimize interference with existing or future agricultural practices or operations, including but not limited to locations on tract corners, on remote areas of the parent tract, or adjacent to other non-agricultural land uses. It shall be the burden of the applicant to demonstrate why the dwelling or lot cannot be located in accordance with requirements 1 and 2 above.

- C) Compatibility with Agricultural Activities. The placement of the proposed dwelling or lot shall not conflict with agricultural operations. The Township may require the dwelling or lot to be placed upwind from any agricultural activities and shall consider any existing intensive agricultural activity in its evaluation of the proposed dwelling or lot location.
- D) Location Near Similar Lots. In order to avoid the fragmentation of the agricultural area, the Township may require the proposed dwelling or lot to be located at or near an intersection, near similar lots, or at a place where a grouping of dwellings or lot exists or may reasonably be created in the future.
- E) Additional Information. In addition to all other information required by the Township or the Zoning Ordinance, the following information shall be submitted:
 - 1) Delineation and calculated area of all prime agricultural soils and soils of statewide importance.
 - 2) The location and uses of structures within two hundred (200) feet of the lot line of the parent tract.
 - 3) Delineation and the calculated area of the following: tract location, shape, wetlands, areas of at least 25% slope and rock outcrop areas, streams, floodplains, karst areas, utility easements or rights-of-way, storm water easements or rights-of-way, sewage easements or rights-of-way, and historic structures and historic sites.
 - 4) Approximate location of future subdivision of lots from the parent tract, when less than the maximum number of lots permitted is proposed.
- F) Process. The Township strongly encourages applicants to meet with the Planning Commission to discuss an informal sketch plan prior to the official submission of an application. Sketch plans are useful tools to identify and correct

potential design problems before the expenditure of significant time and expense, and can help to expedite the review and approval of the plan.

**ARTICLE 20
INTERPRETATION, ADMINISTRATION AND ENFORCEMENT**

Section 2000 Interpretation

The provisions of this Ordinance, in their interpretation and application, shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and general welfare of the Township. Any use, structure, building, sign, or landscaping shall conform with all provisions of this Ordinance unless the use, structure, building, sign or landscaping shall be lawfully nonconforming or unless the Zoning Hearing Board shall have granted a variance to permit such use, structure, building, sign or landscaping. Nothing in this Ordinance shall require any change in plans or construction of a use, structure, building, sign or landscaping for which a zoning permit has been issued by the Township prior to the effective date of this Ordinance or any amendment thereto if the work authorized by such zoning permit is undertaken (other than excavations and foundations) within a period of thirty (30) calendar days after the issuance date of said permit and is completed within one (1) year of the date of issuance of such permit.

Section 2001 Zoning Officer

The provisions of this Ordinance shall be administered and enforced by an agent, to be appointed by and serve at the pleasure of the Board of Supervisors who shall be known as the Zoning Officer. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or use which does not conform to this Ordinance and all other applicable Township and County Ordinances and applicable statutes and regulations. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct.

Section 2002 Duties and Responsibilities of the Zoning Officer

The Zoning Officer shall have all of the powers conferred upon him by this Ordinance in addition to those reasonably implied for that purpose. The powers of the Zoning Officer shall include, but shall not be limited to:

- A) Applications and Permits. The Zoning Officer shall receive, examine, and process all applications for zoning permits and/or certificates of use and occupancy for the erection, construction, alteration, repair, extension, demolition, replacement, relocation, conversion, use, change of use, and/or occupancy of land, buildings, structures, signs, and/or landscaping in the Township. The Zoning Officer shall record and file all applications for permits and accompanying plans and documents and keep them for public record. The Zoning Officer shall also be the official to first receive special exception applications

(see Section 1901).

- B) Inspection. The Zoning Officer may, and if requested by the Board of Supervisors or the permit holder, shall make at least one inspection during the progress of the work for which a zoning permit has been issued. Upon completion of the work and before issuance of a Certificate of Use and Occupancy, he shall make a final inspection of the property to assure compliance with all provisions of this Ordinance and all other applicable Township and County Ordinances and applicable statutes and regulations.
- C) Nonconforming Uses, Buildings and Lots. The Zoning Officer shall inspect nonconforming uses, building and lots and keep a record of such nonconforming uses, buildings and lots as a public record.
- D) Official Records. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These record shall include, but not be limited to, all applications received, copies of all permits and certificates 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 this Ordinance and all amending ordinances, a copy of the current zoning map, and all other pertinent information. The records of the Zoning Officer shall be available for the use of the township government and inspection by any interested party during normal office hours. The Zoning Officer shall submit to the Board of Supervisors a written statement of all zoning permits and certificates of use and occupancy issued and all notices of violations and stop work orders recommended or promulgated as requested by the Board of Supervisors.
- E) Presentation of Evidence and Testimony. Upon request of the Board of Supervisors or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching their decisions.
- F) Complaints Regarding Violations. The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof, shall investigate alleged violations of the Zoning Ordinance. If a signed written complain is received, said investigation shall be completed within fifteen (15) days of receipt of said complaint. A written report of all investigations of alleged violations of this Ordinance shall be prepared and properly filed and a copy shall be sent to the Board of Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided in this Ordinance.
- G) Enforcement. The Zoning Officer shall enforce the

provisions of this Ordinance in accordance with Article 23 herein. The Zoning Officer shall have the power to issue enforcement notices and to commence civil enforcement actions before the District Justice.

- H) Stop Work Orders. The Zoning Officer may issue stop work orders when the Zoning Officer determines that a violation of this Ordinance exists or that construction is being conducted in a manner not authorized by a zoning permit or in a manner violating any approvals issued under this Ordinance. The Zoning Officer may issue stop work orders orally or in writing. If the Zoning Officer issues an oral stop work order, the Zoning Officer shall subsequently confirm the oral stop work order with a written notice within five (5) days.

Section 2003 Zoning Permits

- A) Requirement. A landowner, tenant and/or contractor shall obtain a zoning permit from the Zoning Officer for activities falling within any of the following categories:
- 1) The erection, construction, demolition, alteration, extension, replacement, relocation, or conversion of any building or structure or any activity to prepare the site for the erection, construction, demolition, alteration, extension, replacement, relocation or conversion of any building or structure.
 - 2) The change in use of any building, structure, sign and/or land, including activities to prepare the site for a change in use.
 - 3) Any non-agricultural grading, blasting, excavating, cutting or filling which causes disturbance of the following areas: (i) activities resulting in an aggregate disturbance of more than 1,000 square feet of area with existing undisturbed slopes between 0% and 5%; or (ii) activities resulting in an aggregate disturbance of more than 500 square feet with existing undisturbed slopes between 5% and 15%; or (iii) activities resulting in the disturbance of any land with existing slopes over 15%; or (iv) activities disturbing existing slopes over 5% which are within 25 feet of any property line, right-of-way or structure on an adjoining lot.

No zoning permit shall be required for repairs to or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimensions of the building or structure, or otherwise violate the provisions of this Ordinance or any other applicable Township or County ordinance or applicable statute or regulation. This provision shall not alter the requirements for zoning permits in the Floodplain District.

B) Application for Zoning Permit.

- 1) The applicant for a zoning permit shall submit an application on forms provided by the Township. The application may be made by the owner or lessee of the property or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the application shall be accompanied by a written authorization from the owner or lessee designating the agent and authorizing the work.
- 2) The application for a zoning permit shall include (i) a description of the proposed work and/or use and occupancy of the building, structure and/or land as well as any other information required by the application form or the Zoning Officer to determine compliance with this Ordinance and other applicable Township, County, state and federal ordinances, statutes and regulations; (ii) plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, and all other pertinent information; and (iii) the application fee. The application shall not be considered complete without the fee established by the Board of Supervisors by ordinance or resolution. The applicant shall also submit all necessary information to demonstrate:
 - a) Approval and recording of any necessary subdivision and/or land development plan, if applicable.
 - b) Submission to and approval by the Lancaster County Conservation District of a sedimentation and erosion control plan where earth disturbance activities are proposed.
 - c) Issuance of a permit to install or modify an on-lot sewage disposal system or issuance of a permit by the provider of public sewer service, as applicable.
 - d) Issuance of a permit to connect to a public water supply, if applicable.
 - e) Issuance of any permits required for the relocation or alteration of any existing public utility line or other facility.
- 3) All applications for zoning permits pertaining to properties containing or adjacent to properties containing archaeological resources or historic sites shall comply with the requirements of Article 8 of this Ordinance.

- C) Approval or Disapproval of Application. Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Ordinance and other applicable Township and County ordinances, statutes and regulations. The Zoning Officer shall determine if subdivision and/or land development approval has been obtained, if state sanitation inspection requirements have been met, and, in the case of public buildings, required permits have been issued by the Department of Labor and Industry. The Zoning Officer shall disapprove an application which does not comply with all applicable statutes, regulations, and Township and County ordinances. The Zoning Officer shall notify the applicant in writing of the approval or disapproval of the application. If the Zoning Officer disapproves an application, the Zoning Officer shall provide reasons for such action.
- D) Issuance and Posting of Permits. Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a zoning permit place card which shall be visibly posted on the site of operations during the entire time of construction. The zoning permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not to exceed a total of one (1) year.
- E) Rights of Permit Holders. The zoning permit shall be authorization under this Ordinance to proceed with the work described in the application. A zoning permit shall not be deemed to supersede or annul any restrictions on the use or development of the property imposed by deed restrictions, restrictive covenants, or other private agreements. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved persons to appeal the issuance of the zoning permit as authorized by the Municipalities Planning Code or to take action to enforce deed restrictions, restrictive covenants, or private agreements as authorized by law.
- F) Revocation of Zoning Permit. The Zoning Officer shall revoke a zoning permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit or approval was issued in error, or if work is not undertaken in accordance with the terms of the permit or approval, or for any other proper cause.

Section 2004 Certificate of Use and Occupancy

- A) Certificate of Use and Occupancy Required. It shall be unlawful to use and/or occupy any structure, building or land or portion thereof for which a zoning permit is required until a certificate of use and occupancy has been

issued by the Zoning Officer. The Zoning Officer shall not issue a certificate of use and occupancy unless he has inspected said structure, building or land and has ascertained compliance with all provisions of the Zoning Ordinance and all other applicable Township and County ordinances, statutes and regulations.

- B) Issuance. Upon the receipt of written notification that the work for which a zoning permit has been issued had been completed, the Zoning Officer shall inspect the premises within fifteen (15) days to determine that the work has been performed in accordance with the approved application and other applicable Township and County Ordinances, statutes and regulations. If he is satisfied that the work has been performed in accordance with the approved application and applicable ordinances, statutes and regulations, he shall issue a certificate of use and occupancy to the permit holder for the use indicated on the approved application. A copy of the certificate of use and occupancy shall be retained by the Zoning Officer as part of the records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the certificate of use and occupancy and, in writing, give the reasons therefore and inform the permit holder of his rights of appeal to the Zoning Hearing Board.
- C) Temporary Certificate of Use and Occupancy. Upon written request of a holder of a Zoning Permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign and/or land, or portion thereof, before the entire work covered by the zoning permit shall have been completed. Such portion or portions may be used and/or occupied prior to full completion of the work, provided that public health, safety or welfare is not endangered.

The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers, and buildings on construction sites, use of lands for public or semi-public purposes, or other temporary use and/or occupancy upon order of the Zoning Hearing Board. Such temporary certificates of use and occupancy shall be for the period of time to be determined by the Zoning Hearing Board, but in no case shall any temporary certificate of use and occupancy be issued for more than six (6) months. The applicant shall completely remove the structure or use authorized by the temporary certificate of use and occupancy upon expiration of the permit without cost to the Township.

- D) Certificate of Use and Occupancy for Mobile Home Parks. A certificate of use and occupancy for mobile home parks shall be issued for a period of one (1) year only and shall be annually renewed as provided in Article 11 of this

Ordinance.

Township Planning Commission.

Section 2104 Referral to the Township and County Planning Commissions

After receipt of the petition by the Board of Supervisors, said petition shall be presented to the Township and Lancaster County Planning Commissions for their review and recommendations at least thirty (30) days prior to the public hearing. A report of the Township Planning Commission's review, together with any recommendations, shall be given to the Board of Supervisors in writing within forty-five (45) days from the date of said referral. The recommendation of the Township Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of any formally adopted Township Comprehensive Plan. The recommendation of the Lancaster County Planning Commission shall be made to the Board of Supervisors within forty-five (45) days, and action upon the proposal shall not be taken until such recommendation is made. If, however, the Lancaster County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendation.

Section 2105 Public Hearing

The Board of Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of such public hearing shall be given in accordance with the requirements of the Municipalities Planning Code.

Section 2106 Action by Board of Supervisors

At the time and place specified, the Board of Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map of the Township and may thereafter either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Supervisors may adjourn said hearing in its discretion to a time and place certain.

ARTICLE 22
ZONING HEARING BOARD

Section 2200 Creation and Membership

There is hereby created a Zoning Hearing Board which shall consist of five (5) members who shall be appointed by resolution of the Board of Supervisors. Zoning Hearing Board members shall be residents of the Township and shall serve for five (5) year terms which shall be fixed so that the term of office of no more than one (1) member shall expire that year. The Zoning Hearing board shall promptly notify the Board of Supervisors of any vacancies which shall occur, and appointments to fill such 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 of the Board of Supervisors to take such a vote. A hearing shall be held in connection with the vote if the member shall request such hearing in writing. The Board of Supervisors may, in its discretion, appoint by resolution between one (1) and three (3) alternate members to the Zoning Hearing Board. Such alternate members shall have the right to participate in all hearings of the Zoning Hearing Board but shall be entitled to vote only as provided in Article IX of the Municipalities Planning Code. Whenever the term "Board" is used in this Article, it shall mean the Zoning Hearing Board.

Section 2201 Organization of the Zoning Hearing Board

The Zoning Hearing Board shall elect from its 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 three (3) members. If the Board of Supervisors has appointed alternate members to the Zoning Hearing Board, the Chairman of the Zoning Hearing Board may designate alternate members to participate and vote upon designated applications in accordance with the regulations contained in Article IX of the Municipalities Planning Code. The Zoning Hearing Board may also appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in the Municipalities Planning Code. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of the Township and the 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 as requested by the Board of Supervisors.

Section 2202 Hearings

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A) The Zoning Hearing Board shall fix a reasonable time and place for the hearing and shall give notice as required by the MPC.
- B) The hearing shall be held within such time periods as are required by the Municipalities Planning Code.
- C) The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- D) The parties to the hearing shall be the Applicant, the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including, civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E) 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 documents requested by the parties.
- F) 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.
- G) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H) The Zoning Hearing Board or 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. 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.
- I) The Zoning Hearing Board or 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 its 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.

- J) The Zoning Hearing Board shall conduct hearings and render its decision within the time limits and in the manner required by the MPC.
- K) 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 no 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.

Section 2203 Zoning Hearing Board Functions

The Zoning Hearing Board shall have the following functions and duties:

- A) The Board shall hear and render final adjudications concerning substantive challenges to the validity of any land use ordinance in accordance with Article IX of the Municipalities Planning Code.
- B) The Board shall hear and render final adjudications concerning challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said land use ordinance.
- C) The Zoning Hearing Board shall hear and render final adjudications concerning appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or the failure to act on the application therefore, the issuance of any notice of violation or cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D) Special Exceptions. When special exceptions may be provided for in this Ordinance, the Board shall hear and decide requests for such special exceptions in accordance

with stated procedures, standards, and criteria (see Article 19).

- 1) The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the Section which gives the applicant the right to seek the special exception.
- 2) The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
- 3) Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within two (2) years from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal, or fails to complete any erection, constructions, reconstruction, alteration or change in use authorized by the special exception approval within three (3) years from the date of authorization thereof by the Board, or by the court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.

E) Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the applicant. The Board may prescribe the form of application and shall require submission of a site plan containing the information required in the Section for applications concerning non-residential uses or residential uses containing four (4) or more dwelling units. The Board may grant a variance, provided the following findings are made where relevant in a given case. The burden of proof shall rest with the applicant.

- 1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of a 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 of or district in which the property is located.
- 2) That because of such physical circumstances or conditions, there is no 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 the reasonable use of the property.

- 3) That such unnecessary hardships have not been created by the applicant.
 - 4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor 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 regulation in issue.
 - 6) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The Board shall require that adequate on or off-site water and sewage disposal facilities are available for the use intended.
 - 7) Unless otherwise specified by the Board, a variance shall expire if the applicant fails to obtain a zoning permit within two (2) years from the authorization thereof by the Board, or by the court if such variance has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance within three (3) years from the date of authorization thereof by the Board, or by the court if such variance has been granted after an appeal. The Board, upon written application for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.
- F) The Zoning Hearing Board shall hear and render final adjudications in any other matter for which the Zoning Hearing Board shall have been granted jurisdiction by Article IX of the Municipalities Planning Code.

Section 2204 Time Limitations

- A) Appeals from the denial of an application by the Zoning Officer or from any determination rendered by the Zoning Officer or from the issuance of an enforcement notice shall be filed within thirty (30) days of the denial of the application, determination, or issuance of the enforcement notice.
- B) No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors or later than thirty (30) days after a permit has been issued by the Zoning Officer if such proceeding is designed to secure reversal

or limit the approval of the permit in any manner unless such person alleges and proves that he had no notice or knowledge or reason to believe that such approval has 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.

- C) No appeal shall be considered filed with the Zoning Hearing Board unless any applicable filing fee has been paid.

Section 2205 Appeals

Any party aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of Lancaster County in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Municipalities Planning Code.

Section 2206 Application Requirements and Procedures

- A) Submission. An application, including an appeal, to the Zoning Hearing Board shall be submitted to the Zoning Officer. All applications shall be made on the form supplied by the Township and shall contain all information requested on such form. All applications shall contain the following information:
 - 1) Name and address of the applicant and, if different, the name and address of the landowner. If the applicant is not the landowner of record, the applicant shall include information demonstrating that the applicant has the legal right to make the application with the application.
 - 2) Dimensions and shape of the lot which is the subject of the application, and the exact location and dimensions of all structures existing or proposed.
 - 3) The height of any proposed buildings or structures.
 - 4) Existing and proposed uses of all existing and proposed structures.
 - 5) Existing and proposed off-street parking and loading spaces.
 - 6) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
 - 7) A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
 - 8) A written description of the proposed use in sufficient

detail to demonstrate compliance with all applicable provisions of this Ordinance if requesting a special exception or demonstrating unnecessary hardship if requesting a variance or explaining how the Zoning Officer erred in an appeal from a determination of the Zoning Officer.

- 9) A reference to all Sections of this Ordinance which are relevant to the application or appeal.
 - 10) A listing of all special exceptions and/or variances which the applicant is requesting.
 - 11) Any additional information for a special exception application required by Sections 1902, 1903 or other Section of Article XIX of this Ordinance.
- B) Application Fee. Applicants shall include the appropriate fee established by resolution or ordinance by the Board of Supervisors. Failure to pay the required filing fee shall render the application incomplete.
- C) Review of Application for Completeness. The Zoning Officer shall review the application to determine if it is generally in a form that complies with the terms of this Ordinance. If within five (5) business days from the date of submission the Zoning Officer determines that the application is incomplete, the Zoning Officer may return the application to the applicant and inform the applicant that his application is incomplete. If the Zoning Officer fails to return an application to the applicant within the five day period, it shall not be deemed an acknowledgement by the Township that the application meets the requirements of this Ordinance. Notwithstanding the foregoing, the Zoning Officer shall not be authorized to return appeals from a determination of the Zoning Officer.
- D) Closing of application. After the Zoning Officer has reviewed the application and any supplemental information submitted for completeness and the hearing has been advertised, the application shall be considered closed. The applicant shall not be permitted at the hearing to change the application or supplement the application with plans or other information which should have been submitted with the application, and the Zoning Hearing Board shall consider the application as filed. The Zoning Hearing Board shall not reform any application and shall not be required to grant parts of an application. If an applicant desires to change an application after it is submitted, the applicant shall withdraw the application by filing a request to withdraw and shall submit another application in the form provided by the Township which will be considered filed on the date the applicant submits it to the Zoning Officer and pays a new application fee. Notwithstanding the foregoing, the applicant shall be permitted to make

minor revisions to the application such as providing the street address or tax map parcel number of the property or providing additional copies of documents or plans. The Board, in its discretion, may permit other amendments at the time of the hearing in the interest of administrative economy which are not prejudicial to other parties or may continue the hearing subject to the applicant paying any fee established by the Township for continuances.

**ARTICLE 23
REMEDIES**

Section 2300 Violations

It shall be a violation of this Zoning Ordinance to commit or to permit any other person to commit any of the following acts:

- A) To construct, excavate, alter, maintain or use any structure, building, sign, land or landscaping, or to change the use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping, without first obtaining a zoning permit.
- B) To commence site grading or other work in preparation for the construction, alteration, maintenance or change in use of any structure, building or land without first obtaining a zoning permit.
- C) To use any building, structure, sign or land without first obtaining a certificate of use and occupancy.
- D) To use or maintain any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Ordinance.
- E) To use any property for a use or in a manner different from that set forth in any zoning permit or certificate of use and occupancy (or in the application on which such permit or certificate is based) which has been granted for such property without applying for and obtaining a zoning permit and certificate of use and occupancy for such new or different use.
- F) To place false information on or omit relevant information from an application for a zoning permit or a certificate of use and occupancy or an application or appeal to the Zoning Hearing Board or an application for a conditional use.
- G) To violate or fail to comply with any condition imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use approval by the Supervisors or by a court of competent jurisdiction if such special exception, variance or conditional use was granted by the court.
- H) To fail to comply with any other provision of this Ordinance.

Section 2301 Enforcement Notice

If it appears to the Zoning Officer that a violation of this Ordinance shall exist, the Zoning Officer shall send an enforcement notice (also known as a "Notice of Violation and

Cease and Desist Order") to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive an enforcement notice regarding that lot, to any other persons requested in writing by the owner of record, and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain the names of the owner of record and any other persons against whom the Township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within thirty (30) days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions as provided in this Ordinance.

Section 2302 Prosecution of Violation

If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors. The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this Ordinance or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.

Section 2303 Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including the reasonable attorneys' 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 judgement, 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 a 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 this 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 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 attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township.

Section 2304 Remedies

In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors; then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

**ARTICLE 24
VALIDITY AND SEVERABILITY**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. The Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, hereby declares that it would have adopted this Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word hereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

**ARTICLE 25
REPEALER**

Except as provided in Articles 3 and 19, all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby expressly 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 of Pequea Township, 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.

**ARTICLE 26
EFFECTIVE DATE**

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania.

DULY ENACTED the 16th day of December, 1992, by the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PEQUEA
Lancaster County, Pennsylvania

Attest: /s/Patsy L. Davis
(Assistant) Secretary

By: /s/ Randall I. Snyder
(Vice) Chairman
Board of Supervisors

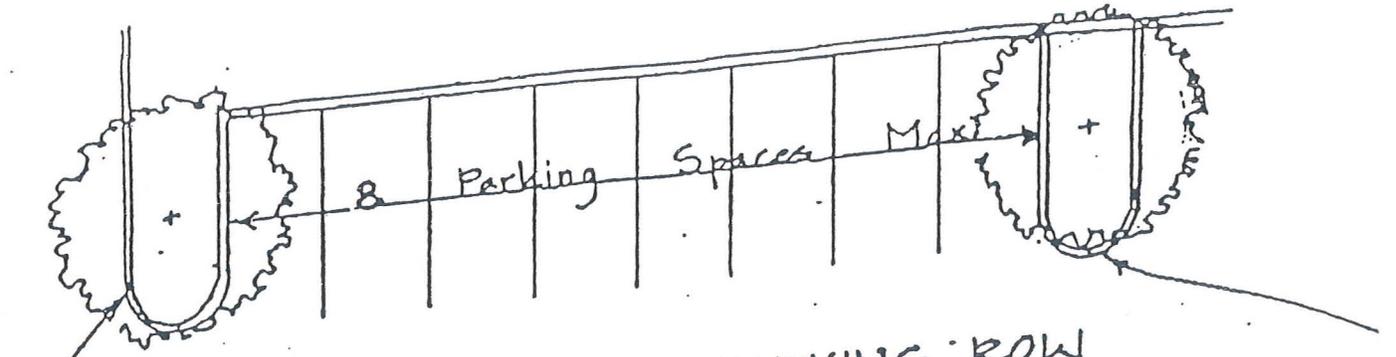


FIGURE 1. SINGLE PARKING ROW

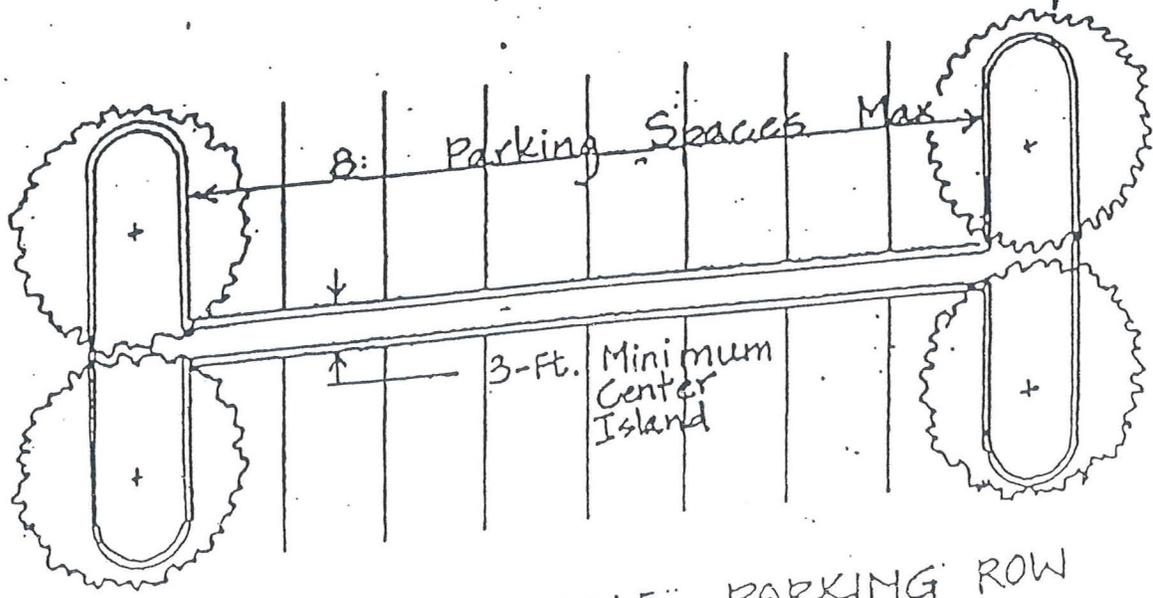
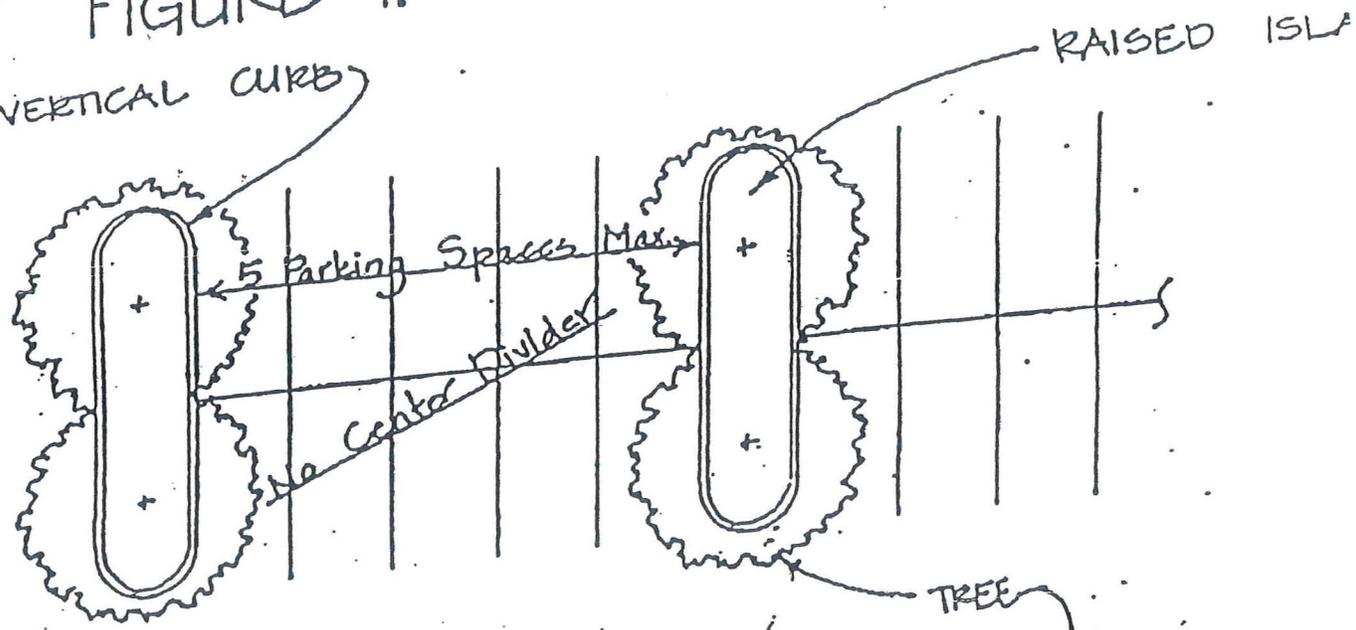


FIGURE 2. DOUBLE PARKING ROW

Greenbelt Planting Schedule						
Key	Quantity	Common Name	Botanical Name	Square ft. area covered at maturity	Size (DBH)	B & B = Balled and Burlapped C = Containerized
Deciduous Trees						
Evergreen Trees						
Deciduous Shrubs						
Evergreen Shrubs						

Data Required:

- 1) Total landscape area as percent of the lot (not including greenbelt) _____
- 2) Total area of greenbelt in square feet is _____.
- 3) Total area of woody plant material (spaced as required by 1710(L), and calculated at mature size as per 1710(M) = _____ square feet.
- 4) Deciduous plants comprise _____ percent of the buffer.
- 5) Percent of total points of landscaping for each lot of type §§1710(E)(1), (2), (3), and (4) in trees _____%. If multiple lots, list separately.

APPENDIX C
ENVIRONMENTAL IMPACT ASSESSMENT
See Section 1740

Environmental Impact Assessment. When required by Section 1740, an Environmental Impact Assessment shall be provided according to the following standards:

- A) Purpose - In order to more effectively evaluate subdivision and/or land development proposals, the applicant shall disclose the environmental consequences of such proposals through the submission of an Environmental Impact Assessment (EIA). The EIA is intended to provide the Township with information adequate to evaluate potential adverse impacts of the proposal and the proposed mitigation of adverse impacts. The EIA will help determine whether the overall objectives of the Zoning Ordinance and the Pequea Township Comprehensive Plan are met. The EIA is also intended to address the environmental protection objectives set forth in the Pennsylvania Municipalities Planning Code and Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania.
- B) Contents and Scope of the EIA - The EIA shall contain text, tables, maps, and analyses that document the existing resources of the subject site and the predicted impacts associated with the proposed subdivision and/or land development. It is recommended that information contained in the Pequea Township Comprehensive Plan is utilized. Additionally, because the information presented in the Comprehensive Plan was developed for Township-wide rather than site-specific purposes, the applicant is encouraged to supplement or update that information as appropriate with any published reports, studies, or natural resource data as may be available, or with original, site-specific investigations. Prior to preparing the EIA, the applicant is strongly encouraged to meet informally with the Planning Commission and EAC to discuss the appropriate level of detail for the EIA for a particular project. The contents of the EIA shall follow the format specified below.
- 1) Description of Existing Conditions - The applicant shall identify all of the following natural resources and features, as applicable, on the subject property and how it was determined or studied. If a particular resource or feature is not applicable to a given property, it should be so stated.
- a) Geological Resources. The geological characteristics of the property shall be presented on a map and described. Such characteristics include the location

and boundaries of rock formations at, or having direct influence on, the property, as well as unique features such as faults and/or fractures and/or other karst features.

- b) Slopes. The topographical characteristics of the property shall be presented on a map and described. Areas of slopes in each of the following ranges shall be highlighted: 0-15%, 15-25%, and greater than 25%.
- c) Soils. The soil characteristics of the property shall be presented on a map. Such characteristics shall include a description and mapping of all soil types and shall include a table identifying pertinent soil characteristics such as: depth to bedrock, depth to seasonal high water table, flood hazard potential, limitations for on-site wastewater disposal or land application of wastewater (if applicable), drainage classification, classification as to whether hydric or potentially containing hydric inclusions, and classification as to prime farmland or farmland of statewide importance. Information from the USDA-SCS Soil Survey of Lancaster County, at minimum, shall be presented.
- d) Water Resources. The hydrological characteristics of the property shall be presented on a map and described. Such characteristics include surface water features, their direction of flow, watershed (drainage area) boundaries, and groundwater resources. Surface water resources include streams, creeks, runs, springs, and any other permanent or intermittent drainage ways; ponds, lakes, or other natural bodies of water; and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas. Where rivers, streams, creeks, runs or other linear waterways are shown, trees and other vegetation within 50 feet of the waterway shall be shown on the same map.
- e) Vegetation. The existing vegetation and land cover characteristics of the property shall be presented on a map and described. The locations and boundaries of the woodland and forest areas of the property shall be identified according to their dominant species types. In addition, all trees over six (6) inches in diameter at DBH shall be identified. The locations and boundaries of other vegetation associations, such as cultivated areas, pasture, meadows, old fields, and scrubland, also shall be identified. The generalized vegetation and cover types on areas immediately

adjacent to subject property also shall be identified; the level of detail for adjacent areas may be less than for the subject property.

- f) Wildlife. The known or potential use of the property by wildlife shall be identified. The suitability of the property as habitat for, and the known use of the site by, terrestrial or aquatic species shall be described. Any PNDI sites listed for the property shall be identified. Show the PNDI reply.
 - g) Wetlands. Existing wetlands and wetland margins on the tract shall be identified. Describe the technique of identification.
 - h) Floodplains. The limits of the existing floodways and 100-year and 500-year floodplains on the site, according to the latest FEMA maps or as directed by the Township Engineer or Zoning Officer, shall be mapped.
 - i) Visual Resources and Aesthetics. The visual resources and scenic roads and vistas on or adjacent to the property shall be presented on a map and described. Such characteristics shall include areas that have a particular amenity value and areas that offer interest in viewing the property. Consult the Township Comprehensive Plan for scenic vistas.
 - j) Land Use. The land use conditions and characteristics of the site and adjacent parcels shall be presented on a map and described. Categories of land use shall include: paved or other impervious surfaces, lawns and other landscaped areas, croplands, pastures, woodlands, oldfields, barren areas, easements, rights-of-way, and trails. The land use map may be combined with the vegetation map if appropriate. The generalized land uses on areas immediately adjacent to the subject property also shall be identified.
- 2) Description of Proposal and Assessment of Impacts - The nature and purpose of the proposed subdivision or land development shall be described. An impact assessment of all potential adverse effects of the proposal on on-site and off-site (e.g., downstream) natural resources and features shall be prepared. The proposal shall be described in terms of the scale and/or magnitude of effects that it will have on each of the natural resources and features identified above. At a minimum, the impact assessment shall identify the following:

- a) The location and acreage of each natural resource and feature that will be disturbed directly by the proposal, and a description of the nature of the disturbance.
 - b) The location and acreage of each natural resource and feature that will be disturbed indirectly by the proposal, and a description of the nature of the disturbance.
 - c) The nature of any effects on each resource and feature as to whether it is beneficial, adverse, or neutral.
 - d) The magnitude, degree, or significance of any adverse effects identified, relative both to the resources of the site and to the resources of the Township.
 - e) The temporal natures of each adverse effect, as to whether it is temporary or permanent, short term or long term.
 - f) The extent to which the subject proposal, in conjunction with other existing or proposed projects, may result in cumulative adverse effects on the natural resources and features of the property or in the Township.
- 3) Alternatives - Alternatives that would preclude, reduce or lessen potential adverse impacts or produce beneficial effects, shall be discussed. Alternatives to the proposed subdivision and/or land development that were considered but rejected shall be discussed, and the reasons for their being rejected shall be given. The discussion shall address alternatives such as: revised location; redesign, layout, or siting of buildings, roads, and other structures; alternate methods for sewage disposal, water supply, and stormwater management; reduction in the number or size of proposed lots or structures.
- 4) Measures To Mitigate Adverse Effects - For adverse effects which cannot be avoided by alternative design or method, the types of remedial, protective, or mitigation measures that will be implemented shall be identified and discussed. Such mitigation measures include those required through existing procedures, regulations, and standards, and those unique to a specific proposal.
- a) Mitigation measures which pertain to existing procedures, regulations, and standards are those related to current requirements of federal, state, county, and/or township agencies for remedial or

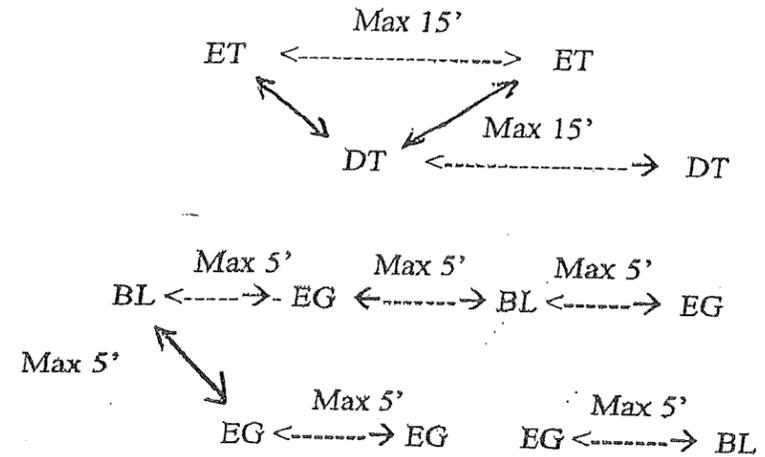
protective action such as: sedimentation and erosion control, stormwater runoff control, water quality control, creation of compensatory wetlands, air quality control, and the like.

- b) Mitigation measures which may be unique to a specific subdivision and/or land development proposal include additional efforts to minimize adverse effects, such as: revegetation; screening; fencing; emission control; traffic control; noise control; reduction in number or size of lots, buildings, or other structures; land acquisitions or donations; and the like.
- 5) List and Qualifications of Authors - The names, addresses, telephone numbers, e-mail addresses and qualifications of persons directly responsible for the preparation of the EIA shall be provided.
- 6) Scope of Environmental Impact Assessment - The applicant is strongly encouraged to use the Sketch Plan process to receive input from the Township Planning Commission, EAC and other officials, in determining the significant natural features of the site, significant impacts, potential mitigating measures, and alternative development scenarios to be discussed in the EIA.

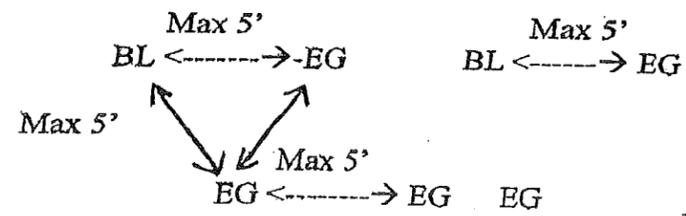
The Environmental Impact Assessment shall be submitted to Township Planning Commission and EAC and Township Engineer for review at least 45 days prior to the date the applicant desires to submit an application for a special exception or variance under this Ordinance and before an applicant submits a subdivision or land development plan for review.

Appendix D

Examples for 1710 (L)(1):

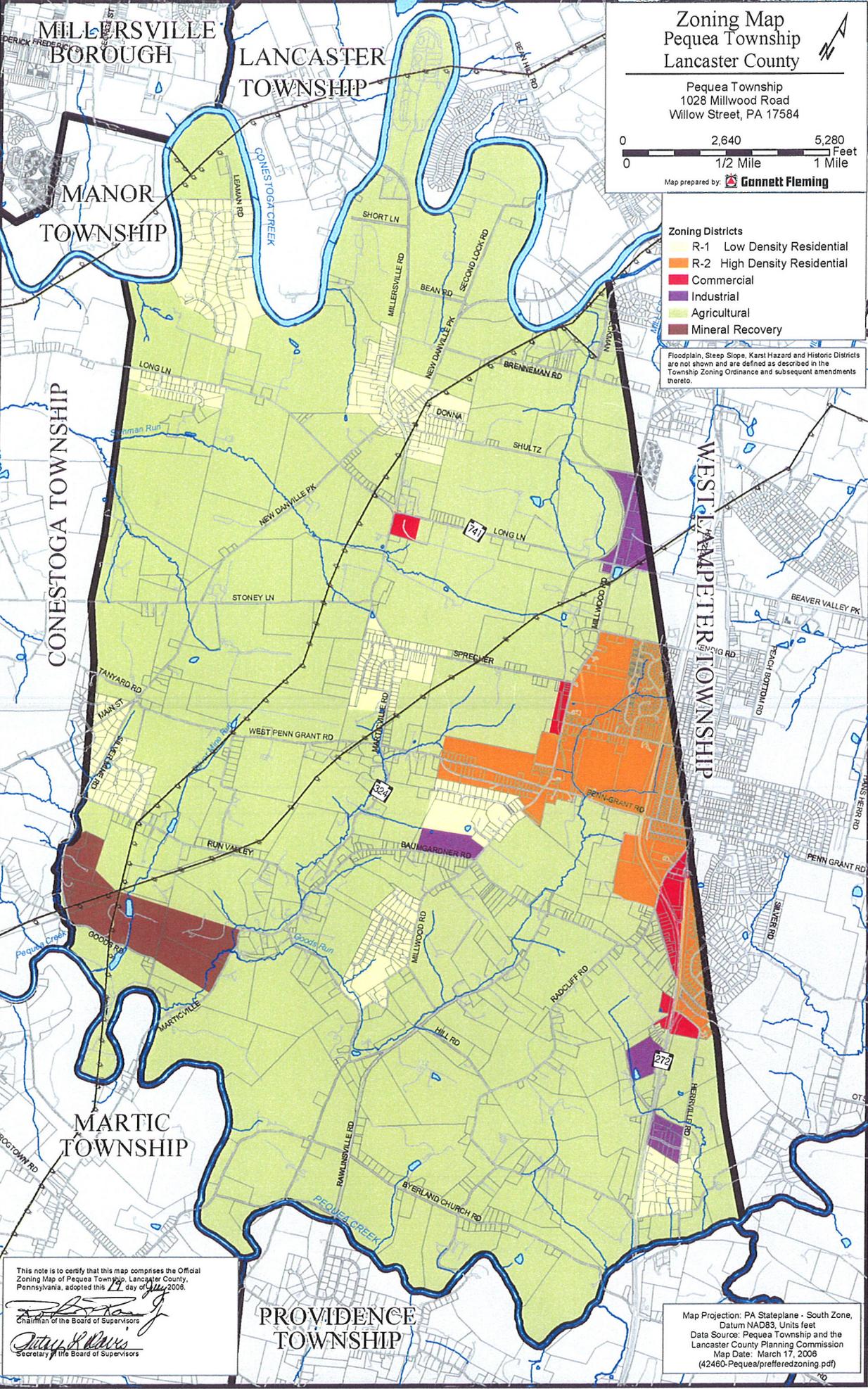


Examples for 1710 (L)(4):



Key for Examples:

- ET = Evergreen Tree
- DT = Deciduous Tree
- BL = Broadleaf Shrub
- EG = Needle Evergreen Shrub



**Zoning Map
Pequea Township
Lancaster County**

Pequea Township
1028 Millwood Road
Willow Street, PA 17584



Map prepared by **Gannett Fleming**

- Zoning Districts**
- R-1 Low Density Residential
 - R-2 High Density Residential
 - Commercial
 - Industrial
 - Agricultural
 - Mineral Recovery

Floodplain, Sleep Slope, Karst Hazard and Historic Districts are not shown and are defined as described in the Township Zoning Ordinance and subsequent amendments thereto.

This note is to certify that this map comprises the Official Zoning Map of Pequea Township, Lancaster County, Pennsylvania, adopted this 17 day of July, 2008.

[Signature]
Chairman of the Board of Supervisors

[Signature]
Secretary of the Board of Supervisors

**PROVIDENCE
TOWNSHIP**

Map Projection: PA Stateplane - South Zone,
Datum NAD83, Units feet
Data Source: Pequea Township and the
Lancaster County Planning Commission
Map Date: March 17, 2008
(42460-Pequea/preferredzoning.pdf)

**TOWNSHIP OF PEQUEA
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 162-2010

AN ORDINANCE TO AMEND THE PEQUEA TOWNSHIP ZONING ORDINANCE - 1992, AS AMENDED, TO CHANGE THE ZONING CLASSIFICATION OF A TRACT OF LAND CONTAINING 0.66 ACRE, MORE OR LESS, LOCATED ON THE WEST SIDE OF WILLOW STREET PIKE (SR 0272) AND THE SOUTH SIDE OF BUDVIEW DRIVE KNOWN AND NUMBERED AS 2970 WILLOW STREET PIKE, A TRACT OF LAND CONTAINING 0.82 ACRE, MORE OR LESS, LOCATED ON THE WEST SIDE OF WILLOW STREET PIKE (SR 0272) BETWEEN PENN GRANT ROAD AND BUDVIEW DRIVE KNOWN AND NUMBERED AS 2956-2958 WILLOW STREET PIKE, AND THE AREA OF BUDVIEW DRIVE BETWEEN THE TWO TRACTS FROM R-2 RESIDENTIAL DISTRICT TO COMMERCIAL DISTRICT.

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

Section 1 - The Pequea Township Zoning Ordinance - 1992 is hereby amended by changing the zoning classification of a tract of land designated as Lancaster County Tax Account No. 510-40185-0-0000 and containing 0.66 acre, more or less, located on the west side of Willow Street Pike and on the south side of Budview Drive known and numbered as 2970 Willow Street Pike, a tract of land designated as Lancaster County Tax Account No. 510-35227-0-0000 and containing 0.82 acre, more or less (excluding the small part of which is located in West Lampeter Township), located on the west side of Willow Street Pike (SR 0272) between Penn Grant Road and Budview Drive known and numbered as 2956-2958 Willow Street Pike, and the area of Budview Drive between the two tracts in the Township of Pequea, County of Lancaster, Pennsylvania, as shown outlined in yellow on Exhibit "A" attached hereto and hereby incorporated by reference into this Ordinance, from their present classification as R-2 Residential District to Commercial District.

Section 2. The Secretary of the Township is directed to change, and duly certify, the Official Zoning Map of Pequea Township so as to effectuate the zoning reclassification of the tracts of land described in Section 1 and outlined in yellow on Exhibit "A" from their present classification as R-2 Residential District to Commercial District.

Section 3. All other sections, parts and provisions of the Pequea Township Zoning Ordinance - 1992, as amended, shall remain in full force and effect as previously enacted and amended.

Section 4. If the event any provision, section, sentence, clause or part of this Ordinance shall be held invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of this Ordinance shall be and remain in full force and effect.

Section 5. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Township of Pequea as provided by law.

DULY ORDAINED AND ENACTED this 21st day of October, 2010, by the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, in lawful session duly assembled.

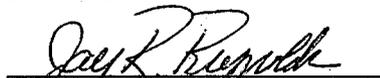
TOWNSHIP OF PEQUEA
Lancaster County, Pennsylvania

By:



(Vice) Chairman
Board of Supervisors

ATTEST:


(Assistant) Secretary

(TOWNSHIP SEAL)

Exhibit "A"
Map of Area Rezoned from R-2 Residential to Commercial District

Township Line

Penn Grant Road

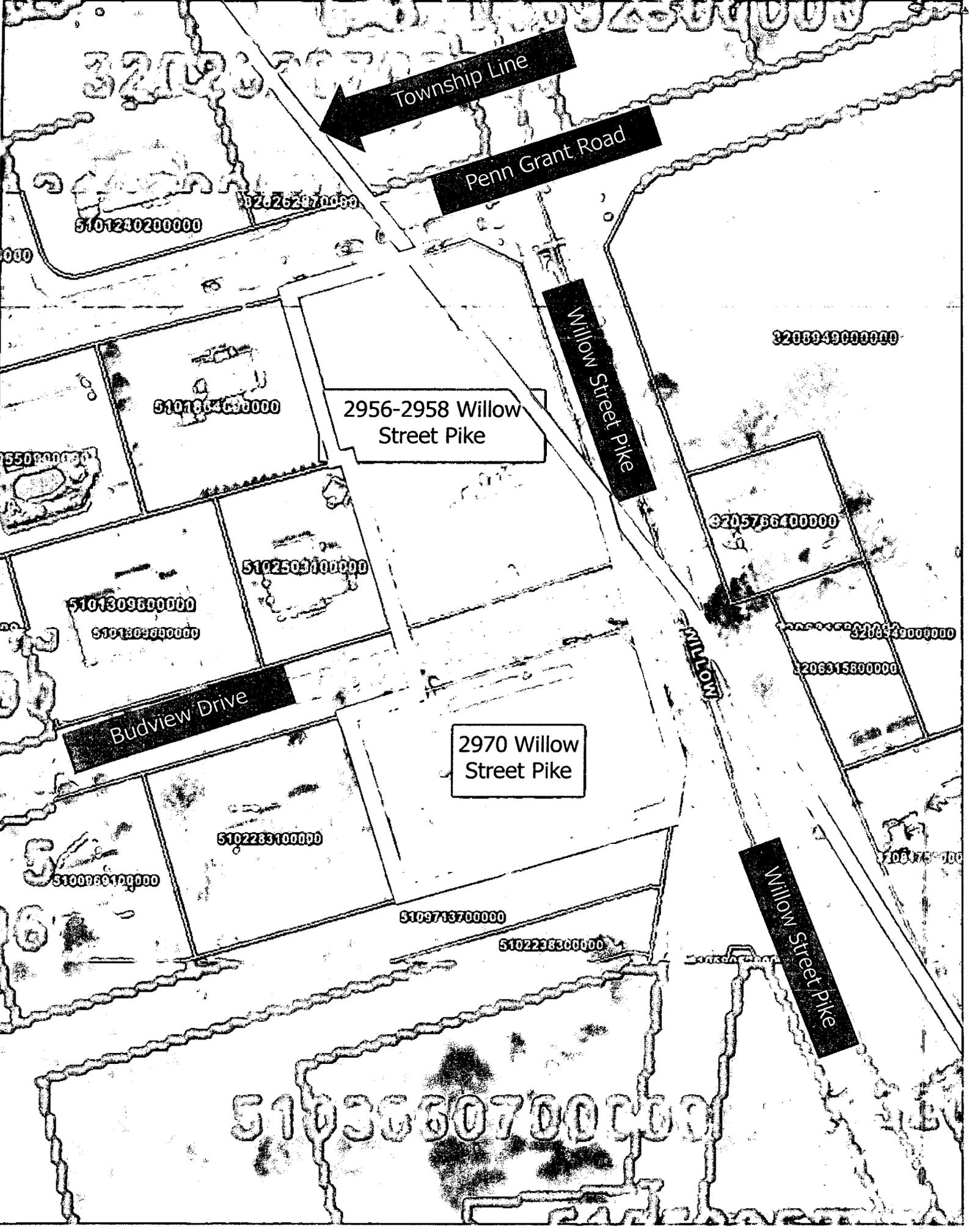
Willow Street Pike

2956-2958 Willow Street Pike

Budview Drive

2970 Willow Street Pike

Willow Street Pike



5101240200000

51025370000

000

5101309600000

55000000

5102503100000

5101309600000

5101309600000

3208949000000

3205766400000

3203420000000

3208315800000

WILLOW

320875000

5100069100000

5102283100000

5109713700000

5102283000000

5103660700000

TOWNSHIP OF PEQUEA

Lancaster County, Pennsylvania

ORDINANCE NO. 164-2011

AN ORDINANCE TO AMEND THE PEQUEA TOWNSHIP ZONING ORDINANCE - 1992, AS AMENDED, TO REVISE THE ZONING CLASSIFICATION OF A TRACT OF LAND CONTAINING 15 ACRES, MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LONG LANE AND MARTICVILLE ROAD IN THE TOWNSHIP OF PEQUEA, LANCASTER COUNTY, PENNSYLVANIA, FROM ITS PRESENT CLASSIFICATION AS PARTLY COMMERCIAL DISTRICT AND PARTLY AGRICULTURAL DISTRICT TO ENTIRELY COMMERCIAL DISTRICT.

WHEREAS, a request has been filed with the Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania, by Thomas A. Haas and Christine P. Haas seeking a change in the zoning classification of the tract of land designated as Lancaster County Tax Account No. 510-32789-0-0000 and numbered as 400 Long Lane containing 15 acres, more or less, which is located at the southeast corner of the intersection of Long Lane and Marticville Road in the Township; and

WHEREAS, it is deemed to be in the best interest of the public health, safety, and general welfare to amend the zoning classification of said premises.

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

Section 1. The Pequea Township Zoning Ordinance - 1992, as amended, is hereby further amended, by revising the zoning classification of a tract of land containing 15 acres, more or less, designated as Lancaster County Tax Account No. 510-32789-0-0000 and numbered as 400 Long Lane, which is located at the southeast corner of the intersection of Long Lane and Marticville Road in the Township of Pequea, Lancaster County, Pennsylvania, as described in Exhibit A and as shown in orange on Exhibit B, both attached hereto and made a part hereof, from its present classification as partly Commercial District and partly Agricultural District to entirely Commercial District.

Section 2. The Secretary of the Township is directed to change, and duly certify, the Official Zoning Map of Pequea Township so as to effectuate the zoning reclassification of the tract of land described in Exhibit A and shown in orange on Exhibit B from its present classification as partly Commercial District and partly Agricultural District to entirely Commercial District.

Section 3. All other sections, parts, and provisions of The Zoning Ordinance of Pequea Township - 1992 shall remain in full force and effect as previously enacted and amended.

Section 4. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 5. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Pequea as provided by law.

DULY ORDAINED AND ENACTED this 7th day of June, 2011, by the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PEQUEA
Lancaster County, Pennsylvania

Attest: *Dorcasia Chmiel*
(Assistant) Secretary

By: *[Signature]*
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

ALL THAT CERTAIN tract or parcel of land situate at the Southeast corner of the intersection of Long Lane, Pennsylvania Legislative Route No. 36008, and Marticville Road, Pennsylvania Legislative Route No. 332, in the Township of Pequea, County of Lancaster and Commonwealth of Pennsylvania, more particularly shown on a Final Plan of Richard A. Haas prepared by J. C. Engineering/Survey, Inc., dated March 29, 1982, and recorded June 3, 1982, in the Lancaster County Office of the Recorder of Deeds in Subdivision Plan Book J-129, page 49, and being more fully bounded and described as follows:

BEGINNING at a railroad spike in the intersection of Long Lane, Pennsylvania Legislative Route No. 36008, and Marticville Road, Pennsylvania Legislative Route 332; thence in and along Long Lane, Pennsylvania Legislative Route No. 36008, North eighty-three (83) degrees thirty-two (32) minutes East, a distance of one thousand thirty-four and sixty hundredths (1,034.60) feet to a point, a corner of lands now or late of Richard A. Haas; thence along lands now or late of Richard A. Haas, the following two (02) courses and distances; (1) South six (06) degrees twenty-eight (28) minutes East, a distance of six hundred thirty-eight and twenty-seven hundredths (638.27) feet to a point; and (2) South eighty-three (83) degrees thirty-two (32) minutes West, a distance of five hundred twenty-seven and ninety-two hundredths (527.92) feet to an iron pin, a corner of lands now or late of H. Mervin McMichael; thence along lands now or late of H. Mervin McMichael, South eighty-five (85) degrees forty (40) minutes West, a distance of one hundred eighty-four and sixty-three hundredths (184.63) feet to an iron pin, a corner of lands now or late of Dale E. Shenk; thence along lands now or late of Dale E. Shenk the following two (02) courses and distances; (1) South eighty-five (85) degrees forty (40) minutes West, a distance of two hundred eighty-five and thirty-seven hundredths (285.37) feet to an iron pin; and (2) South eighty-five (85) degrees forty (4) minutes West, a distance of thirty and zero hundredths (30.00) feet to a P.K. spike in the centerline of Marticville Road, Pennsylvania Legislative Route 332; thence in and along the centerline of Marticville Road, Pennsylvania Legislative Route 332, North seven (07) degrees seven (07) minutes West, a distance of six hundred nineteen and seventy hundredths (619.70) feet to the point and place of BEGINNING.

CONTAINING Fifteen (15.000) acres.

EXHIBIT A

