

TOWNSHIP OF WEST LAMPETER

Lancaster County, Pennsylvania

ORDINANCE NO. 270

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST LAMPETER, LANCASTER COUNTY, PENNSYLVANIA, TO RESTATE CHAPTER 285 THEREOF, ZONING, IN ITS ENTIRETY BY ADOPTING A NEW ZONING ORDINANCE TO REGULATE THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND; TO REGULATE THE BULK AND SIZE OF BUILDINGS, STRUCTURES AND OTHER USES; TO ESTABLISH ZONING DISTRICTS AND REGULATIONS FOR USES WITHIN EACH SUCH DISTRICT; TO ADOPT A NEW ZONING MAP; TO PROVIDE GENERAL REGULATIONS AND ADDITIONAL REQUIREMENTS FOR SPECIFIC USES AND FOR ENVIRONMENTAL PROTECTION; TO ESTABLISH REQUIREMENTS FOR OFF-STREET PARKING AND LOADING AND FOR SIGNS; TO DEFINE TERMS USED IN THE ZONING ORDINANCE; AND TO PROVIDE FOR THE ENFORCEMENT OF THE ZONING ORDINANCE AND PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. The Code of the Township of West Lampeter shall be amended by deleting the current Chapter 285, Zoning, and by inserting a new Chapter 285, Zoning, which shall be known as the West Lampeter Township Zoning Ordinance and which shall provide as follows:

Section 2. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Chapter is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction or other tribunal, such decision shall not affect or impair the validity of this Chapter as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Chapter. The Board of Supervisors of the Township of West Lampeter, Lancaster County, Pennsylvania, hereby declares that it would have adopted this Chapter 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.

Section 3. All ordinances or parts of ordinances inconsistent with the provisions of this Chapter are hereby expressly repealed. It is specifically provided, however, that the provisions of this Chapter 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 West Lampeter Township, prosecution or enforcement may be continued or 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.

Section 4. This Chapter shall become effective five (5) days after its enactment by the Board of Supervisors of the Township of West Lampeter, Lancaster County, Pennsylvania.

DULY ENACTED this 5th day of June, 2024, by the Board of Supervisors of the Township of West Lampeter, Lancaster County, Pennsylvania, in lawful session duly assembled.

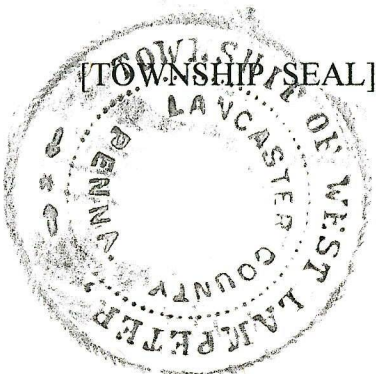
TOWNSHIP OF WEST LAMPETER
Lancaster County, Pennsylvania

Attest:

Bellevue S. Dery
(Assistant) Secretary

By:

[Signature]
(Vice) Chairman
Board of Supervisors



CERTIFICATE

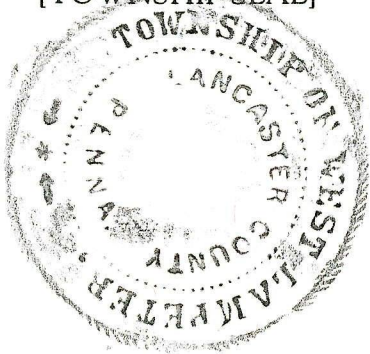
I, the undersigned, (Assistant) Secretary of the Township of West Lampeter, Lancaster County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of West Lampeter at a meeting duly held on the 5TH day of JUNE, 2024; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of West Lampeter met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of West Lampeter or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of West Lampeter, this 5TH day of JUNE, 2024.

Rebecca S. Deaf
(Assistant) Secretary

[TOWNSHIP SEAL]



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ARTICLE I

General Provisions

§ 285-1. Applicability.

This amended Zoning Ordinance shall apply throughout the Township of West Lampeter. Any activity regulated by this chapter shall only occur in such a way that conforms with the regulations of this chapter. See § 285-63A.

§ 285-2. Purposes and community development objectives.

This chapter is hereby adopted:

- A. In accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended.
- B. In accordance with goals and objectives of the West Lampeter Township Comprehensive Plan, which are hereby included by reference.
- C. To carry out the following major objectives:
 - (1) To make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land;
 - (2) To minimize disturbance of creek valleys and steep woodlands;
 - (3) To avoid overextending groundwater supplies and to encourage groundwater recharge;
 - (4) To protect the quality of groundwater and surface waters;
 - (5) Bike racks shall be provided in commercial developments of over three acres;
 - (6) To promote development that retains the rural character of the Township;
 - (7) To encourage rehabilitation and avoid demolition of historic buildings;
 - (8) To direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services;
 - (9) To coordinate development with future public water and sewage service areas;
 - (10) To direct industrial development to locations that will minimize conflicts with homes;
 - (11) To direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes;
 - (12) To promote new business development in appropriate areas that will provide additional tax revenue and job opportunities; and
 - (13) To promote public health, safety and general welfare.

§ 285-3. Appeals to court.

The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

§ 285-4. Limited public utility exemptions.

See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this chapter, such provisions were within Section 619 of such Act.)

§ 285-5. Limited Township and municipal authority exemption.

The minimum lot area, minimum lot width and minimum street frontage requirements of this chapter shall not apply to uses or structures owned by West Lampeter Township or by a municipal authority created solely by West Lampeter Township for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

§ 285-6. Special exception use process.

- A. Purpose. The special exception process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- B. Special exception procedure.
 - (1) A site plan shall be submitted which shall contain the information required in §285-63D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 - (2) The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this chapter.
 - (3) The Zoning Hearing Board shall follow the procedures provided in § 285-62.
 - (4) Time limits. See Section 908 of the State Municipalities Planning Code.
- C. Consideration of special exception applications. When special exceptions are allowed by this chapter, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this chapter, including the following:
 - (1) Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 - (2) Compliance with other laws. The approval may be conditioned upon proof of compliance with other specific applicable Township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.

- (3) Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
 - (4) Site planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter.
 - (5) Neighborhood. The proposed use shall not substantially harm any surrounding residential neighborhood, after considering any proposed conditions upon approval.
 - (6) Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
 - (7) Natural features and agriculture. The proposed use shall be suitable for the site, considering the impacts upon non-manmade steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features. The proposed use shall be designed to minimize conflicts with agricultural activities.
- D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building & Zoning permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this chapter.

§ 285-7. Conditional use process.

- A. Purpose. The conditional use approval process is designed to allow the Board of Supervisors to review and approve or deny certain uses that could have significant impacts upon the community and the environment.
- B. Procedure. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.
 - (1) Submittal. A site plan shall be submitted, which shall contain the information listed in § 285-63D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Any site plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use of the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.
 - (2) Reviews.

- (a) The Zoning Officer should provide a review to the Board regarding the compliance of the application with this chapter.
 - (b) The Township staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
- (3) The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article III and Article IV.
 - (4) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
 - (5) The proposed use shall not effect a negative change in the character of the subject property's neighborhood.
 - (6) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.).
 - (7) The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.
 - (8) Time limit. See Section 913.2 of the State Municipalities Planning Code.
- C. Consideration of conditional use application. The Board of Supervisors shall determine whether the proposed conditional use would meet the applicable requirements of this chapter, including the following:
- (1) Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 - (2) Compliance with other laws. The approval may be conditioned upon proof of compliance with other specific applicable Township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
 - (3) Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
 - (4) Site planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter.
 - (5) Neighborhood. The proposed use shall not substantially harm any surrounding residential neighborhood, after considering any proposed conditions upon

approval.

- (6) Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- (7) Natural features and agriculture. The proposed use shall be suitable for the site, considering the impacts upon non-manmade steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features. The proposed use shall be designed to minimize conflicts with agricultural activities.

D. Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions it considers necessary to protect the public welfare and meet the standards of this chapter. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this chapter.

§ 285-8. Liability.

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on non-manmade steep slopes, preliminary review of a parcel prior to sale, or any other review, approval, communications, or permit under this chapter by an officer, employee, board, commission, solicitor, consultant, agent, volunteer, or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this chapter, the Township shall not be liable for any later lawful withdrawal of such permit.

§ 285-9. Designation of districts and purposes.

A. For the purpose of this ordinance, West Lampeter Township is hereby divided into the following zoning districts, with the following abbreviations:

- A Agricultural
- C Conservation
- RR Residential - Rural
- R-1 Residential - Low Density
- R-2 Residential - Medium Density
- R-3 Residential - High Density
- TV Traditional Village
- MS Main Street
- CN Commercial - Neighborhood
- CH Commercial - Highway

I/M Industrial/Mixed Use

- B. For the purposes of this ordinance, the zoning districts named in Subsection A shall be of the number, size, shape and location shown on the Official Zoning Map.
- C. All those areas of West Lampeter Township identified as being subject to the base flood in the Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRMs) dated April 5, 2016, and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by West Lampeter Township and declared to be a part of this chapter. All those areas identified by the Federal Emergency Management Agency as floodplain areas having special flood hazards.

§ 285-10. Application of district regulations.

- A. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this chapter.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- D. Boundary change. Any territory which may hereafter become part of the Township through annexation, or a boundary adjustment shall be classified as the Conservation Zoning District of West Lampeter Township until or unless such territory is otherwise classified by the Board of Supervisors.

§ 285-11. Zoning Map.

- A. A map entitled "West Lampeter Township Zoning Map" accompanies this chapter and is declared a part of this chapter. The Official Zoning Map, which should bear the adoption date of this chapter and the words "Official Zoning Map," shall be retained in the Township Building.
- B. Map changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change either on the Map or within an appendix to this chapter.
- C. Replacement map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map, which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the

prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

§ 285-12. District boundaries.

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

§ 285-13. Setbacks across municipal boundaries.

- A. Intent. To continue the objective of compatible land uses across municipal boundaries.
- B. This chapter requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within West Lampeter Township regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in West Lampeter Township.

§ 285-14. Sewage and water services.

- A. Central water service. A use shall not be considered to be served by Township-approved central water service unless:
 - (1) All applicable requirements of state regulations and the Subdivision and Land Development Ordinance, and Chapter 273 Water, are met;
 - (2) The applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator; and
 - (3) The applicant proves to the satisfaction of the Township, based upon review of

the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

B. Central sewage service. A use shall not be considered to be served by Township-approved central sewage service unless:

- (1) All applicable requirements of state regulations and the Subdivision and Land Development Ordinance, and Chapter 211 Sewers and Sewerage, are met;
- (2) The applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator; and
- (3) The applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

C. On-lot septic systems.

- (1) Purpose. To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
- (2) This Subsection C shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this zoning chapter.
- (3) Each lot shall include both a primary and a reserve septic system location. Both locations shall be determined by the Township Sewage Enforcement Officer to meet Pennsylvania Department of Environmental Protection regulations for a septic system location prior to approval of the final subdivision or land development plan.
- (4) The requirement for a reserve septic system location shall not apply to the following:
 - (a) A lot of over 10 acres;
 - (b) The simple merger of two or more existing lots or an adjustment to lot lines of an existing lot;
 - (c) A vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot; or
 - (d) Lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township.
- (5) The reserve septic system location shall be kept clear of buildings and parking and shall be shown on any subsequent applications for new or expanded buildings, accessory structures, or parking. The Township may require that the location be recorded on the deed.

D. Well and septic system locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be

served by a well and/or septic system shall designate the proposed well and primary and alternate septic system locations.

- (1) Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
 - (2) A plan may show the outer extent of potential well locations instead of one exact location, provided all of the potential area would still meet the isolation distance.
 - (3) If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
 - (4) It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property owners to meet minimum separation distances between septic systems and wells.
- E. Expansion of septic use. If the Zoning Officer has reason to believe that a proposed increase in the number of bedrooms, dwelling units or expansion or change of a nonresidential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

§ 285-15. Steep slopes.

- A. Purposes. The following provisions are primarily intended to avoid erosion, sedimentation, stormwater management and winter driving hazards, particularly considering the Township's climate, in addition to serving the overall purposes of this chapter.
- B. Regrading. Non-manmade slopes of over 15% shall not be regraded after the adoption of this chapter in such a manner that circumvents the requirements of this chapter. This section shall not regulate slopes that were clearly manmade prior to the adoption of this chapter.
- C. Slopes over 15%. A new principal building shall not be located on a slope greater than 15%.
- D. Single-family dwellings and steep slopes. The following provisions shall only apply to any lot that is submitted for preliminary subdivision approval after the effective date of this section or which is submitted for final subdivision approval if a preliminary plan submittal was not required, if the lot contains areas with slopes of 15% or greater:
 - (1) Any lot proposed to be used for a single-family detached dwelling shall include a proposed building area with a minimum of 4,000 square feet of land area. Such building area shall not include land area restricted by the minimum yard areas. Such building area shall contain the proposed location of the dwelling. The

dwelling shall be built within the proposed building area shown on the plan, except as may be approved under Subsection F.

- (a) If such building area for each lot includes an average slope of greater than 15%, then the minimum lot area shall be two acres, unless a larger lot area is required by another section of this chapter.
 - (b) Through designations on the Township-approved site plan, an applicant may limit the area upon which new principal buildings are permitted. By committing to not place a principal building on slopes over 15%, the applicant can avoid the larger lot size requirement of this subsection.
 - (2) Access. Each lot shall be accessible from an existing or proposed street by means of a driveway with a maximum grade of 15%.
- E. Steep slopes and other uses. A lot shall only be used for a building for principal uses other than single-family detached dwellings if the proposed building area includes an average slope of less than 15%.
 - (1) For such uses, the building area shall include locations of all proposed buildings and parking areas and outdoor storage areas and an area 20 feet around buildings, parking and storage areas. Such building area shall also contain the proposed locations of any primary and alternate on-lot septic systems.
 - (2) Access. Each principal building and each parking area shall have vehicle access from an existing or proposed street by means of a driveway with a maximum grade of 10%.
- F. Changes to building area. The building area may show the outer extent of areas being considered for a proposed building without showing an exact location, provided all of those potential areas still meet the requirements of this section. An applicant may change the proposed building area after subdivision approval is granted, provided that the applicant proves that the new building area will still comply with this section. However, the building area shall not be so large as to attempt to circumvent the average slope provisions of this section that apply to a building site.
- G. Site plan and tree protection. If an applicant proposes to alter or build upon slopes of 15% or greater, then a site plan shall be submitted to the Zoning Officer and the Lancaster County Conservation District. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.
 - (1) Site plan. The site plan shall show:
 - (a) The proposed lot lines;
 - (b) The existing and proposed contours; and
 - (c) Existing and proposed building locations and the outer perimeter of the proposed building area as described above.
 - (d) Limit of disturbance/limit of grading.
 - (2) Mature trees. Where building or alteration is proposed on slopes of over 15%, the applicant shall prove to the satisfaction of the Zoning Officer that the removal

of healthy trees with a trunk width of over six inches (measured at a height four and a half feet above the ground level) and other attractive natural vegetation will be minimized. Where removal of healthy trees with a trunk width of over six inches is unavoidable, the Zoning Officer may require on-site replacement. The Zoning Officer may ask for reviews by the Township Engineer or Lancaster County Conservation District. The site plan shall show wooded areas to be removed or preserved and methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.

§ 285-16. Age-restricted residential development.

- A. This § 285-16 provides a density bonus for a residential development that is age-restricted in compliance with the federal requirements for housing for older persons as specified in the United States Code. (Note: As of 2005, such provisions were in 42 U.S.C. 3607).
- B. In order to be approved by the Township as age-restricted residential development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one head of household of each dwelling unit shall be age 55 years or older or physically disabled as defined by social security disability regulations; and 2) no person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year. Any violation of such age restrictions shall be a violation of this Zoning Ordinance. In addition, in order to be approved as elderly housing, the applicant shall establish an appropriate legal entity, such as a property owners' association that has the duty, authority and responsibility to enforce such age restrictions over time.
- C. If a residential development is approved under this § 285-16, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 15%. An age-restricted residential development shall meet all other requirements of Township ordinances. A medical residential campus development shall not be eligible for age-restricted residential development bonus.

§ 285-17. Historic buildings.

- A. Archaeological investigations. Developments affecting or potentially affecting historical and archaeological properties are subject to review by the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation under the provisions of both Section 106 of the National Historic Preservation Act of 1966 and Section 10 of the 1978 Pennsylvania Historic Preservation Act. No development shall occur on a site identified by the PHMC as containing or likely to contain features of archaeological or historic significance or Table 2-33 of the West Lampeter Comprehensive Plan, *National Register Listed or Eligible Properties*, until procedures for compliance with federal and state regulations have been realized and the review process has been completed. All Development plans which meet the above-mentioned requirements shall provide a letter of determination and/or report from the PHMC and/or the BHP addressing the following:
 - (1) Bureau for Historic Preservation (BHP) letter of determination.

- (a) The BHP letter of determination.
- (2) Additional required action.
 - (a) The BHP letter may require or recommend one or more of the following activities:
 - [1] Phase I survey.
 - [2] Phase II survey.
 - [3] Phase III (mitigation).
 - (b) The applicant shall provide documentation to the Township as to how the requirements or recommendations of the BHP will be or have been satisfactorily addressed.
- B. Purposes. This section implements the mandatory requirements of the Pennsylvania Municipalities Planning Code to use zoning to preserve historic buildings. This section implements Sections 603(b), 603(g), 604(1) and 605 of the Pennsylvania Municipalities Planning Code, which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value.
- C. Consideration of demolition. The following shall apply to buildings that are identified as historic by the BHP. Unless an accessory building is specifically included on the Historic Buildings Table, this § 285-17 shall only apply to principal buildings.
 - (1) General requirement. A building identified as historic by the BHP shall not be demolished in part or in whole or be removed without first obtaining conditional use approval for the demolition, followed by a Township demolition permit.
 - (2) Application procedures. In addition to meeting the conditional use requirements in § 285-7, a demolition permit application under this section shall include the following:
 - (a) A site plan drawn to scale, showing the specific location of the structure proposed to be demolished and its relationship to adjacent property lines and all other buildings, structures and improvements (such as sidewalks, driveways, parking areas, landscape beds, mature trees), and shall indicate the general topography of the property. In addition to the location of the structure(s) to be demolished, the site plan shall include a separate sheet showing the proposed future use of the lot, including any proposed buildings and a scaled elevation/facade drawing of the proposed use/structure.
 - (b) An explanation of why the building is being considered for demolition, removal or relocation. The application shall include an evaluation by a qualified historic preservation professional of the historic and/or architectural significance of the historic building.
 - (c) Proposed use for the property or portion thereof from which the building will be removed and a timeline for the implementation of the proposed use (including other local, county, state and federal approvals).

- (d) Photographs of the existing building proposed to be demolished.
- (3) Approval or disapproval of a demolition permit.
- (a) Demolition permits for the partial or entire demolition of a building regulated by this section shall need approval by the Board of Supervisors, after approval by the Lancaster County Historical Preservation Society and an opportunity for review by the Township Planning Commission and by any appointed Township historical commission or Township historic preservation task force that may exist. A partial demolition shall include, but not be limited to, removal of an attached porch roof, removal of porch columns, and removal of architectural features.
 - [1] A building regulated by this section shall not be demolished, in whole or in part, or removed unless the applicant proves by credible evidence to the satisfaction of the Board of Supervisors that one or more of the following conditions exists:
 - [a] The existing building cannot feasibly and reasonably be reused for a use allowed by this chapter, and that such situation is not the result of intentional neglect or demolition by neglect by the owner, and that the potential for reuse shall consider sale to another party;
 - [b] The denial of the demolition would result in unreasonable economic hardship to the owner, based upon credible evidence, and the hardship was not self-created; or
 - [c] The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the building regulated by this section, and the project needs to occur at this location. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard.
 - [2] An applicant is only required to meet one of the conditions provided in Subsection C(3)(a)(1) above. However, the applicant shall also describe how other conditions in Subsection C(3)(a)(1) apply or do not apply.
 - [3] For approval of a demolition, the standards of this § 285-17 shall apply in addition to any relevant general conditional use standards. In reviewing the application, the Board of Supervisors shall consider the following:
 - [a] The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring historic buildings and on the historic character of the surrounding neighborhood.
 - [b] The feasibility of other alternatives to demolition.

- [4] Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused. The conditions that justify the proposed demolition shall not have been self-created by the applicant.
 - [5] Exceptions. Conditional use approval shall not be needed for the following:
 - [a] Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
 - [b] Removal of features that were added less than 60 years previously, such as a modern porch or aluminum siding or carport.
 - [c] Relocation of a building within the Township, provided that the relocation does not result in a partial or complete demolition that is regulated by this section.
- (4) Conditions. Applicants whose applications for demolition, removal, or relocation are approved shall be subject to conditions that include, in addition to any other appropriate conditions, the following:
- (a) The Township shall have the right, at the Township's expense, to hire and send a person who is skilled in documenting historic structures to the subject property, and the applicant shall have the obligation to cooperate with the Township's efforts to record all relevant information relating to the history of the subject property.
- (5) Demolition by neglect. Demolition by neglect is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation set forth in Chapter 197 of this Code, known as the West Lampeter Township Property Maintenance Code.
- (a) Code violations: If the Code Enforcement Officer has cited a property owner of an historic building for conditions that could lead to structural weakness, decay or deterioration in a building or structure and the property owner fails to correct the condition(s) in the time specified, that property owner may be cited also for demolition by neglect under these provisions and be subject to the penalties contained herein.
 - (b) The owner of unoccupied principal or accessory buildings or structures that have been cited for violations shall develop a written maintenance program for the protection of any and all unoccupied historic buildings. Said maintenance program shall be established in accordance with the West Lampeter Property Maintenance Code, as previously enacted and amended. A copy of the maintenance program shall be filed with the Code Enforcement Officer and implementation begun in accordance with an established timetable.

- [1] The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building or structure. Structural features requiring stabilization include, but are not limited to, roofs, chimneys, cornices, soffit, fascia, spouting, columns, beams, posts, and window and door sills, lintels and jambs.
 - [2] The exterior and interior of the building or structure shall be inspected no less than annually by the Code Enforcement Officer with the owner or the owner's agent to determine compliance with the established maintenance program.
- D. In addition to or in lieu of the penalties and enforcement remedies provided in this chapter, any violations of the provisions of this § 285-38 may be abated or enforced by proceedings seeking equitable relief against the violator.

§ 285-18. Cluster Development

- A. In order to vest the future implementation of large cluster development proposals that may take more than five years to build out, the following procedures are provided. If used, these procedures shall specifically protect the future development rights of any approved cluster development proposal involving 10 or more dwelling units from any subsequent amendments to the Zoning Ordinance or Official Zoning Map for a period of up to five years from the date of Concept Plan approval, as described below.
- B. Concept plan. Prior to, or coincidental with, the approval of a conditional use for a cluster development, an applicant may submit a concept plan for approval by the Township. The Board of Supervisors shall approve concept plans after review by the Township Planning Commission. The Township Planning Commission shall provide its recommendation to the Township Board of Supervisors within 30 days after receipt of the submission of the concept plan application; should the Township Planning Commission fail to make such recommendations within this time frame, the Township Board of Supervisors may render its decision without receipt of the Planning Commission's recommendations. Such concept plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
 - (1) The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
 - (2) The zone and existing use of properties adjoining the site.
 - (3) The name, location, center line and present right-of-way width of all abutting streets.
 - (4) Physical characteristics of the site including slopes exceeding 15%, areas within wetlands, historic and/or archaeological sites, endangered or threatened species habitats, and significant stands of mature trees.
 - (5) A description of the types, mixture and densities of proposed dwellings along with a schematic drawing showing their general locations.
 - (6) A description and schematic drawing showing the various phases of the cluster

development including an anticipated build-out schedule, a general description of the public improvements that would be tied to each phase, and a calculation of proposed versus permitted densities for each phase.

- (7) The existing and proposed road network contained on the site including major points of access, intersections, and a general description of any traffic improvements proposed to accommodate the cluster development.
- (8) Any public improvements that are proposed to serve more than one phase of the cluster development including, but not limited to, stormwater management devices, common open spaces, dedicated parklands and park improvements, pedestrian or bike paths, utility rights-of-way or easements, etc.
- (9) Certified statement by qualified design professionals that the basic design of the concept plan incorporates the following:
 - (a) Acknowledgment and minimal disturbance of significant environmental or topographic features as identified in the Lancaster County Comprehensive Plan's Green Infrastructure Plan (Greenscapes) and Cultural Heritage Element (Heritage) and the West Lampeter Township Comprehensive Plan, as amended, including, but not limited to:
 - [1] Archaeological sites.
 - [2] Cemetery or burial sites.
 - [3] Drainage features.
 - [4] Floodplains.
 - [5] Highly erosive soils.
 - [6] Historic structures/sites.
 - [7] Natural habitat.
 - [8] PNDI sites.
 - [9] Prime agricultural soils.
 - [10] Quarry sites.
 - [11] Solid waste disposal areas.
 - [12] Steep slopes.
 - [13] Waterways.
 - [14] Wetlands.
 - [15] Wooded areas.
 - [16] Underlying geology with any hazardous geology and potential impacts to groundwater noted.
 - (b) Proposed types and densities of residential uses that comply with this chapter.
 - (c) A basic design that is well integrated, functional, efficient and attractive.

- C. Specific phase plan:
- (1) As part of the review of any special exception application for a cluster development for which a concept plan has been approved, a specific phase plan shall be submitted by the applicant for approval by the Township. Such specific phase plan shall include:
 - (a) Any information necessary to demonstrate compliance with all applicable regulations contained within the Zoning Ordinance as it exists or existed on the approval date of the concept plan.
 - (b) A textual and graphic description of how the proposed use complies with the concept plan approved for the cluster development.
 - (2) Should the Township determine that a specific phase plan fails to comply with any applicable provisions of this chapter or the approved Master Plan, the Zoning Hearing Board may:
 - (a) Deny the special exception;
 - (b) Approve the special exception and attach conditions that would, if implemented, bring the specific phase plan into compliance with approved concept plan and zoning regulations that were in effect at that time; or
 - (c) Approve the special exception and amend the concept plan if both the specific phase plan and the concept plan comply with all current applicable zoning provisions.
- D. The minimum area devoted to a cluster development shall be 10 acres.
- E. All units contained within a cluster development shall be served by public sewer and public water utilities.
- F. At least 20% of the cluster development site shall be devoted to common open space, as defined in § 285-33. Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
- (1) Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
 - (2) Protection of important historical and/or archaeological sites.
 - (3) Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development and the Township.
 - (4) Integration of greenbelts throughout the cluster development that link residences with on-site or adjoining parks, schools, or other similar features.
 - (5) Open space to have a minimum five foot setback in all directions to abutting properties.
 - (6) An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific

form of organization proposed.

- G. The Board of Supervisors may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Zoning Hearing Board need not require, as a condition of the approval of a cluster development, that land proposed to be set aside from common open space be dedicated, or made available for public use.
- H. In the event that common open space is not dedicated for public use, the landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved, nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), except by dedication of the same to the public. In any case, the organization provided for the ownership of open space land, not dedicated for public use, shall be either: constituted of the property owners within the cluster development; or consist of a bona fide organization among whose purpose is the preservation, conservation and protection of open space and/or natural features. The plan may provide that the organization may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:
 - (1) That the residents of the cluster development shall at all times have access to the open space lands contained therein.
 - (2) That the operation of open space facilities may be for the use and benefit of the residents only, or may be open to the general public;
 - (3) The plan to provide for the ownership and maintenance of common open space shall include:
 - (a) A complete description of the organization to be established or designated for the ownership of open space, if any, and the methods by which this organization shall be established and maintained.
 - (b) A method reasonably designed to give adequate notice to property owners within the cluster development in the event of the sale or other disposition of common open space lands, and in the event of assumption of the maintenance of common open space lands by the Township as hereinafter provided.
- I. In the event that the organization that owns and maintains common open space, or any successor organization, shall at any time after establishment of the cluster development fail to maintain the common open space in reasonable order and condition in accordance with the development, the Board of Supervisors may proceed to demand that deficiencies of maintenance be correct or that the Township will enter upon and maintain common open space. The Board of Supervisors shall serve written notice upon the property owners' association or trustees, as appropriate, setting forth the manner in which the association or trustees has failed to maintain the common open space in reasonable condition. The cost of such maintenance by the Township shall be assessed ratably against the properties within the cluster development and

shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the cluster development.

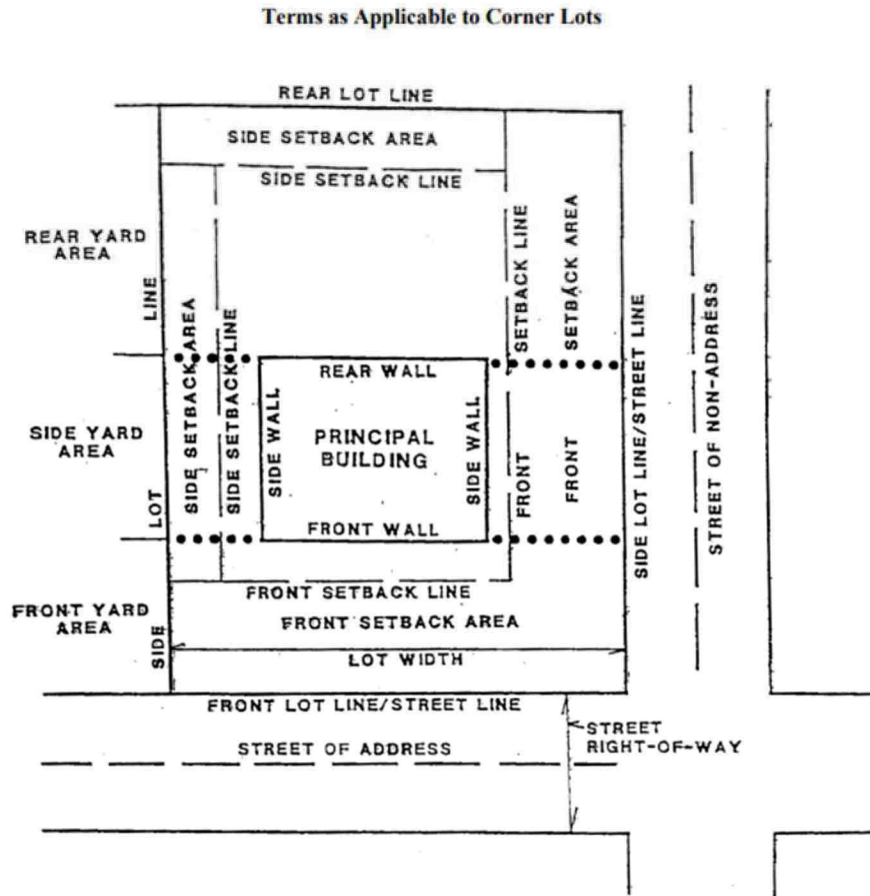
§ 285-19. Frontage onto improved streets; number of uses or buildings; minimum size of dwellings.

- A. Frontage required onto improved street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.
- B. Number of principal uses and principal buildings per lot.
 - (1) A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - (a) For example, if Use One requires a one-acre lot area and Use Two on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of two acres.
 - (b) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this chapter.
 - (c) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property owners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
 - (2) A lot within a residential district and/or a lot with a residential principal use shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this chapter.
 - (a) A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this chapter are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.
 - (b) A lot within the Agricultural district may include two single-family detached

dwellings if the requirements are met so a subdivision could occur in the future so that each single-family detached dwelling could be on its own conforming lot. For example, each dwelling unit shall be able to meet minimum lot area, yards and lot width if the dwelling would be subdivided onto its own lot. See also provisions for the A District in § 285-35.

§ 285-20. Special lot and yard requirements, sight distance and buffer yards.

- A. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to, setback areas, non-impervious areas and off-street parking areas.
- B. Exceptions to minimum lot areas, lot widths and yards.
 - (1) Corner lots. For a corner lot, each yard that abuts a street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "lot, corner" in § 285-33.



- (2) Projections into required yards.
 - (a) Cornices, eaves, roof overhangs, sills or other similar architectural features, rain leads, chimneys, window awnings, chaise for heating pipes, or other

similar structures that do not include space usable by persons, may extend or project into a required yard not more than three feet, except within a drainage or utility easement.

- (b) Steps, stoops, fire escapes, handicapped ramps, exterior stairways, unenclosed fire escapes or other required means of egress, Bilko-type doors for basement access, and landings necessary to provide entrance to a building may be located within a required setback area.
 - (c) For decks and porches: Unenclosed porches may extend 10 feet into a front yard setback. Unenclosed decks may extend 10 feet into a rear yard setback. Such unenclosed porch or deck may or may not be covered by a roof.
- (3) Lot widths around curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60% of the width that would otherwise be required.
- C. Setback from water bodies.
- (a) No buildings, vehicle parking, driveways or business outdoor storage shall be located within 75 feet from any of the following: 1) the average water level of the Conestoga River; 2) the center of the bed of any other perennial creek; or 3) the average water level of a pond or lake.
 - (b) This additional setback shall not apply to boat ramps or boat or canoe storage.

§ 285-21. Flag lots.

- A. As a conditional use, the Board of Supervisors may approve or deny the subdivision of land to create a flag lot only if the applicant proves that a flag lot is necessary to minimize the amount of disturbance of natural features on the tract, such as non-manmade steep slopes and mature woodland. A flag lot shall not be used to increase the number of dwelling units that otherwise would be allowed on a tract of land.
- B. A maximum of one flag lot shall be allowed in any subdivision or land development, except that if a subdivision or land development involves more than 50 dwelling units, then one flag lot may be approved for every 50 dwelling units.
- C. A lot that is deed-restricted or restricted by a conservation easement to not include any building or that only includes a water supply well or wastewater pumping station may be approved by the Township as a flag lot as a permitted use.
- D. If a flag lot is approved, the lot shall meet the minimum lot width requirement at the proposed front yard building setback line, instead of the minimum building setback line. The principal building shall only be placed on portions of the lot where the minimum lot width requirement is met.
- E. The flag lot shall have a minimum of 25 feet of frontage along a public street, measured at the street right-of-way line. The driveway and the street frontage shall be part of the same lot as the proposed building site. No portion of the flag lot shall be less than 25 feet in width.

- F. A flag lot shall only be approved if the applicant agrees to place a permanent deed restriction on the flag lot that prevents the future subdivision of the flag lot.

§ 285-22. Buffer yards.

Buffer yards and screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this chapter.

- A. A minimum 30-foot wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot with a principal nonresidential use that is contiguous to a residentially zoned lot or occupied by a dwelling. The Zoning Officer may require greater buffering requirements, including requiring buffer yards on all sides of a nonresidential use.
 - (1) If a principal business use will include areas used for manufacturing or will have a loading dock area that will be routinely serviced by tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 70 feet, and the minimum initial height of plantings shall be increased to eight feet.
 - (2) If a lot will include more than 100,000 square feet of business building floor area, then the minimum buffer yard width shall be increased to 70 feet and the minimum initial height of plantings shall be increased to eight feet.
 - (3) If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this section.
 - (4) A 10-foot minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public roadway or existing residential subdivision. Zoning Officer may require a great buffer yard.
 - (5) A buffer yard is required to be provided by the following, if they are abutting and visible from a public street:
 - (a) Along lot lines of any newly developed or expanded outdoor industrial storage or loading area; or
 - (b) Along lot lines of any newly developed or expanded area routinely used for the overnight parking of two or more tractor-trailer trucks or trailers of tractor-trailers.
- B. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way.
- C. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage, or display signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- D. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother

than the other side, the more finished or smoother side shall face the outside of the buffer yard.

- E. A well or septic system may be placed within a buffer yard, provided the landscaping and tree preservation provisions are still met.
- F. Each planting screen shall meet the following requirements:
 - (1) Plant materials needed to form the visual screen shall have a minimum height when planted of five feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the finished ground level, shall be placed for each 40 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - (2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three years a mostly solid year-round visual screen at least six feet in height.
 - (3) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - (4) The plant visual screen shall extend the full length of the lot line, except for: 1) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot; 2) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back; and 3) locations needed to meet other specific state, Township and utility requirements, such as stormwater swales.
 - (5) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.
 - (6) Evergreen trees should be planted at diagonal offsets so that there is room for future growth of the trees.
 - (7) The plant screening shall primarily use evergreen trees.
 - (8) If existing healthy trees with a trunk diameter of six inches or greater (measured four and a half feet above the ground level) exist within the buffer yard, they shall be preserved. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.
 - (9) The use of earth berms in combination with landscaping is encouraged within buffer yards to provide additional protection to dwellings and residential areas.
 - (10) If a residential lot abuts a street along its front lot line and another street along its rear lot line, then a buffer yard with plant screening shall be required along the rear lot line. This provision shall not apply to an alley.
- G. Buffer yard plans. Prior to the issuance of a permit under this chapter, where a buffer

yard would be required and on any required subdivision or land development plan, the applicant shall submit plans showing:

- (1) The location and arrangement of each buffer yard;
- (2) The placement, general selection of species and initial size of all plant materials; and
- (3) The placement, size, materials and type of all fences to be placed in such buffer yard.

H. Dumpster screening and location.

- (1) Any newly placed solid waste dumpster shall be screened on all four sides.
- (2) Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance (such as solid vinyl post), or primarily evergreen plantings.
- (3) Setback from dwellings. An outdoor solid waste container (other than for paper or cardboard) with a capacity of over 30 cubic feet shall be kept a minimum of 20 feet from the lot line of a dwelling on an abutting lot.
- (4) If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this § 285-22.H.
- (5) This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises. Temporary dumpsters may not be present for longer than three months without an extension from the Zoning Officer.
- (6) If a building includes four or more dwelling units, then the owner shall provide at least one solid waste dumpster with a lid and have it regularly emptied, in compliance with Chapter 224 Solid Waste; Recycling.

§ 285-23. Landscaping.

- A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative ground cover and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- B. See also the buffer yard provisions in § 285-22.
- C. Street trees. As part of the creation of a new lot or the construction of a new principal nonresidential building or development of parking area for six or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.
 - (1) Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
 - (2) Location. Such trees shall be placed immediately outside of the street right-of-

way or an alternative location acceptable to the Board of Supervisors.

- (3) Ordinance. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.
- (4) Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
- (5) The street trees shall meet the requirements of Subsection D.

D. Parking lot landscaping. See also Design Standards for Off-Street Parking 285-29.

- (1) A minimum of one deciduous tree shall be planted within and around the parking lot for every 15 new off-street parking spaces.
- (2) If a lot will include 30 or more new parking spaces, 5% of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every 10 parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one shade tree shall be provided for each 300 square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet above finished-grade level

- (3) Deciduous trees required by this section shall meet the following standards:
 - (a) Type of trees permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution, and be attractive. If a state or federal government body, such as the Pennsylvania Department of Transportation, requires a different species, the applicant shall supply proof of the requirement to the Zoning Officer. Please note, ash trees (*Fraxinus* species) should not be planted in Pennsylvania.

Types of Deciduous Trees Permitted to Meet Ordinance Requirements

Acer rubrum - Red Maple

Acer saccharum - Sugar Maple

Celtis occidentalis - Common Hackberry

Fagus sylvatica - European Beech

Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female produces fruit with a noxious odor)

Gleditsia triacanthos var. *inermis* - Thornless Locust

Liriodendron tulipifera - Tulip Poplar
 Quercus - All species of oaks
 Sophora japonica - Scholar Tree/Pagoda Tree
 Tilia americana - American Linden
 Tilia cordata - Little Leaf Linden
 Tilia euchlora - Crimean Linden
 Tilia petiolaris - Silver Linden
 Ulmus hybrids - Homestead or Sapporo Autumn Gold
 Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm
 Zelkova serrata - Zelkova
 Cercis canadensis - Eastern Redbud

Note: This chapter only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- (b) Quality of trees. Required trees shall be of symmetrical growth and free of insects, pests and disease.
- (c) Minimum size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.
- (d) Planting and maintenance. Required trees shall be:
 - [1] Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and
 - [2] Properly protected by curbs, curbstops, distance or other devices from damage from vehicles.
- (4) Parking lot landscaping. A minimum vegetative area shall be provided that includes at least a three-foot minimum radius around all sides of the trunk of each required deciduous tree within or adjacent to a parking lot.
- E. Review and approval. Where landscaping is required by this chapter, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- F. Landscaping maintenance. All shade tree, buffer yard and other landscaping required by this chapter shall be perpetually maintained by the property owner. Any landscaping needed to meet an ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

§ 285-24. Nonconformities.

- A. Proof and registration of legal nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it was lawfully established. A property owner may request a written statement of

legal nonconformity from the Zoning Officer after providing sufficient evidence.

B. Continuation of legal nonconformities.

- (1) A lawful nonconforming use, structure or lot as defined by this chapter may be continued and may be sold and continued by new owners.
- (2) Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
- (3) If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

C. Expansion of or construction upon nonconformities. The following shall apply, unless the structure is approved under Subsection D.

(1) Nonconforming structure (including a dimensionally nonconforming structure).

- (a) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided:

- [1] That such action will not increase the severity or amount of the nonconformity (such as the area or height of the building extending into the required yard) or create any new nonconformity; and
- [2] That any expanded area will comply with the applicable setbacks in that district and other requirements of this chapter.

- (b) In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.

(2) Nonconforming lots.

- (a) Permitted construction on a nonconforming lot. A single permitted-by-right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot, provided all of the following additional requirements are met:

- [1] The lot must be a lawful nonconforming lot of record;
- [2] Minimum setback requirements shall be met;
- [3] State and federal wetland regulations shall be met;
- [4] If a septic or well is used, the requirements for such shall be met.
- [5] The lot must be held in single and separate ownership from any other nonconforming lot.

- (b) Lot width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this chapter shall not by itself cause such lot to be considered to be a nonconforming lot.

- (3) Expansion of a nonconforming nonresidential use. A nonconforming use or a building used by a nonconforming use shall not be expanded except in accordance with the following provisions:

- (a) An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article VII.
 - (b) Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - (c) The total building floor area used by a nonconforming use, or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50% beyond what existed in the nonconforming use at the time the use first became nonconforming.
 - [1] The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - (d) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter unless the Zoning Hearing Board grants a variance.
- (4) Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded as a permitted use, provided that: a) the number of dwelling units or rooming house units are not increased; b) the expansion meets all applicable setbacks; c) no new types of nonconformities are created; and d) a nonconformity is not made more severe. A lawfully nonconforming dwelling in a business district may follow the dimensional requirements for the R-2 District and may add customary accessory uses.
 - (5) Nonconforming sign. The provisions of this chapter shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this chapter.
- D. Damaged or destroyed nonconformities. A nonconforming structure or nonconforming use that has suffered substantial damage as defined in 285-32, may be rebuilt in a nonconforming fashion only if: 1) the application for a building permit is submitted within 18 months after the date of damage or destruction; 2) work begins in earnest within 12 months afterwards and continues; and 3) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a nonconformity.
- (1) If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - (a) As provided for in the "Damaged or destroyed nonconformities" provisions of Subsection D.
 - (2) The applicant shall be responsible to provide clear and convincing evidence that

the nonconformity was not abandoned.

- (3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered abandoned under this chapter, as long as it is maintained in habitable condition based on the requirements of the Township's Property Maintenance Code, Construction Code, Zoning Ordinance, and any other applicable Township Ordinance, except if the utilities have been disconnected or an on-lot system has been taken out of service or abandoned per assessment by the Township's SEO or requirements of Chapter 211.

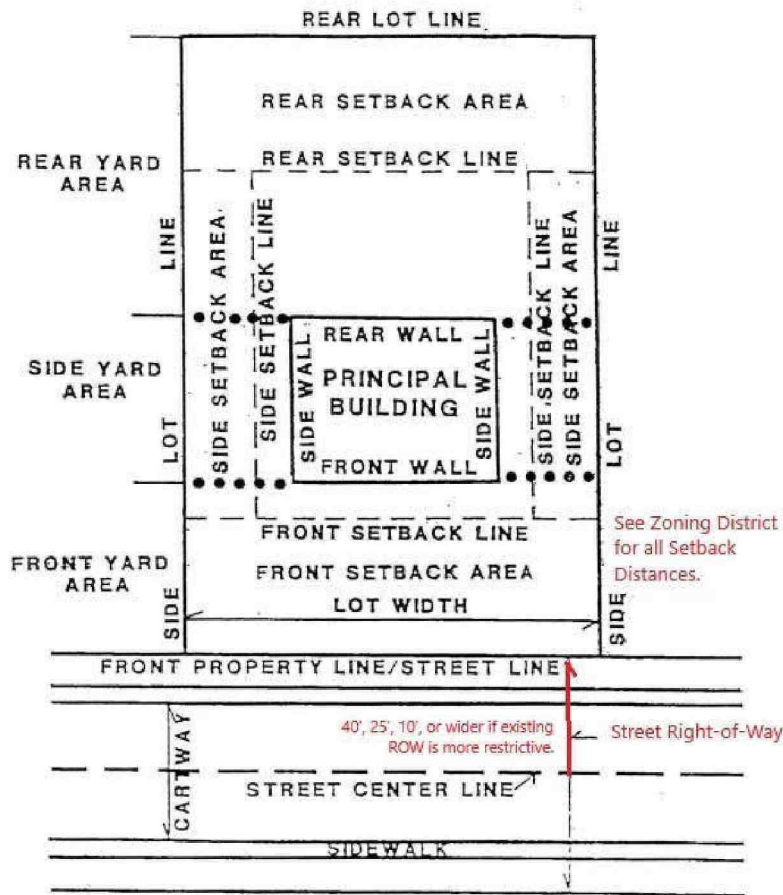
F. Changes from one nonconforming use to another:

- (1) Once changed to a conforming use, a structure or land shall not revert to a nonconforming use. The approval to establish a substituted use shall completely extinguish the right to the previous nonconforming use.
- (2) A nonconforming use may be changed to a different nonconforming use only if approved as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
- (3) Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the preexisting nonconforming use with regard to:
 - (a) Traffic safety and generation (especially truck traffic);
 - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards;
 - (c) Amount and character of outdoor storage;
 - (d) Hours of operation if the use would be close to dwellings; and
 - (e) Compatibility with the character of the surrounding area.
- (4) A nonconforming use shall not be changed to a nonconforming adult use.

G. District changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

§ 285-25. Minimum setbacks from existing streets.

- A. Where a front, side or rear yard would abut an existing street, then such yard shall be measured from the following minimum distances from the center line of the street right-of-way, unless the property line or street right-of-way would provide a wider, more restrictive distance:

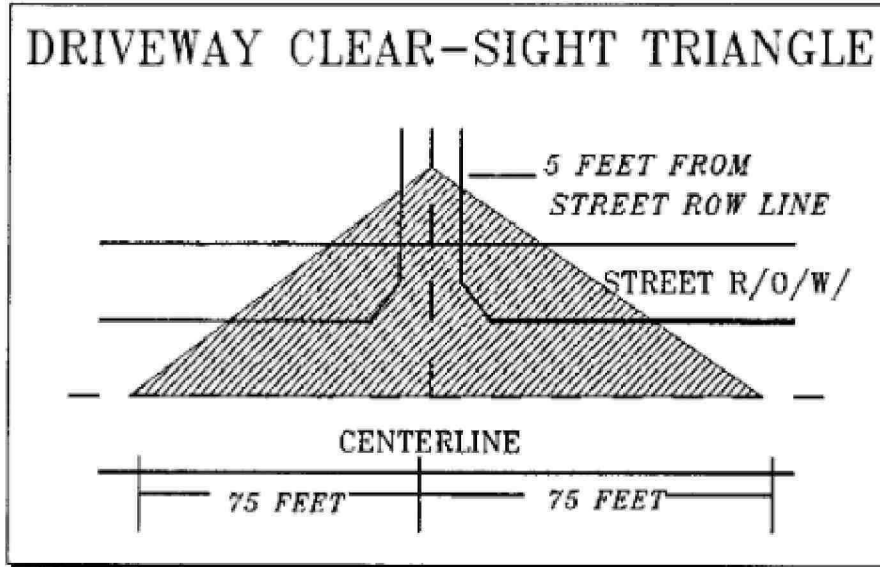


- (1) Forty feet from the center line of an arterial street.
 - (a) Willow Street Pike from Conestoga River to Beaver Valley Pike and from Long Lane to Pequea Twp. Line.
 - (b) Beaver Valley Pike from Long Lane to Strasburg Twp. to Otsu Road.
 - (c) Lampeter Road from Lincoln Highway to Village Road.
 - (d) Village Road.
 - (e) Long Lane.
 - (2) Twenty-five feet from the center line of any other street, and 10 feet from the center line of an alley.
- B. Applicants are strongly encouraged to dedicate additional right-of-way as may be appropriate to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.

- C. No building, fence or other structure (except for mailboxes, utility poles, street signs, and similar structures typically found within a right-of-way) shall be placed within the setback required by Subsection A.

§ 285-26. Residential Driveways and Access Drives.

- A. Number per lot. No more than two driveway connections onto a street per lot shall be permitted.
- B. A lot shall have at least 125 feet of frontage and driveway openings on the same lot shall be a minimum of 40 feet apart.
- C. Setbacks. Driveways shall not connect with a public street within 40 feet of the right-of-way lines of any intersecting streets, nor within five feet of a fire hydrant. Driveways shall be set back at least five feet from any side lot line, unless a common or joint driveway location is proposed.
- D. Slope. No part of a driveway shall have a slope greater than 15%. A driveway shall not exceed a slope of 8% within 25 feet of the street right-of-way lines.
- E. Street classification. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
- F. Driveway openings at the cartway and through the right-of-way, unless otherwise regulated elsewhere in this chapter, shall be a minimum of 12 feet in width and a maximum of 20 feet in width.
- G. PennDOT permit. Any driveway intersecting with a state-owned road shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.
- H. Turnaround. Driveways which intersect an arterial or collector street shall provide adequate turnaround area, minimum 10' by 20' within the lot so that vehicles do not back out onto the street.
- I. Driveways shall be a minimum of 22 feet in length as measured outside the street right-of-way.
- J. Driveways are required to be paved from the cartway through 20 feet into a lot, or more if required by the Roadmaster. The driveway shall be made of a dust-free all-weather surface for its entire length. This does not apply to agricultural farm lanes used solely for access to crop fields by farm equipment.
- K. Clear-sight triangle. Driveways shall be located and constructed so that a clear-sight triangle of 75 feet as measured along the street center line and five feet along the driveway center line is maintained; no permanent obstructions and/or plant materials over three feet high shall be placed within this area.

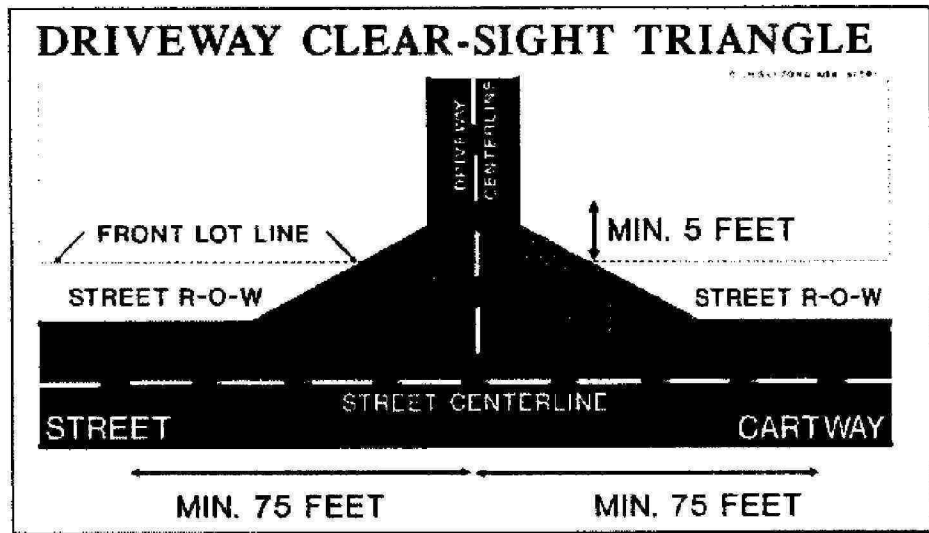


L. Access drives

(1) Sight clearance.

- (a) See the sight clearance triangles and sight distance required in the Subdivision and Land Development Ordinance.
- (b) The following minimum sight clearance triangle shall apply for access drives onto a street:

[1] Access drives shall be located and constructed so that a clear sight triangle of 75 feet, as measured along the street center line, and five feet back from the street right-of-way along the drive center line is maintained; no permanent obstructions shall be placed within this area at a height of between three and 10 feet above the ground level.

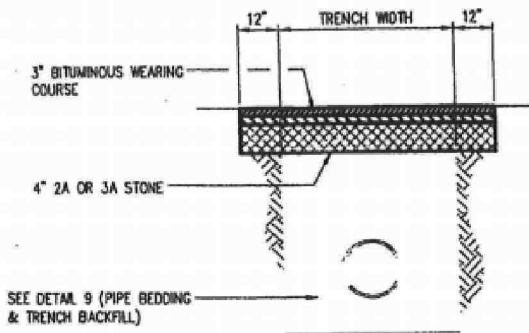


- (2) Width of driveway/access drive at entrance onto a public street, at the edge of the cartway: *

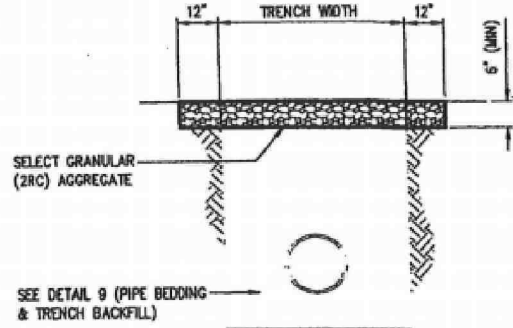
	1-Way Use	2-Way Use
Minimum	12 feet *	25 feet *
Maximum	20 feet *	30 feet *

* Unless a different standard is required by PennDOT for an entrance to a state road or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

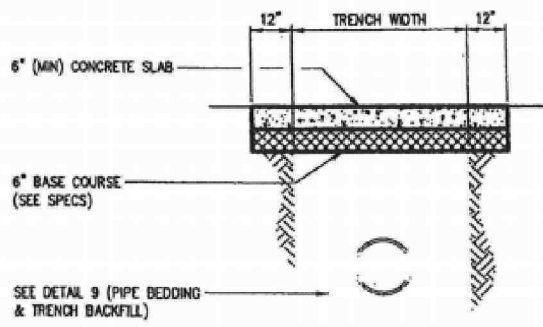
- (3) Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.
- (4) Access drives are required to be paved from the cartway through 10 feet into a lot, or more if required by the Roadmaster. This does not apply to agricultural farm lanes used solely for access to crop fields by farm equipment.
- (5) Access drives that are located on Township utility easements are required to be paved according to the specifications of the Roadmaster. Please see the below specifications for an example. The Roadmaster may update the specifications, to see the current specifications, please visit the municipal office.



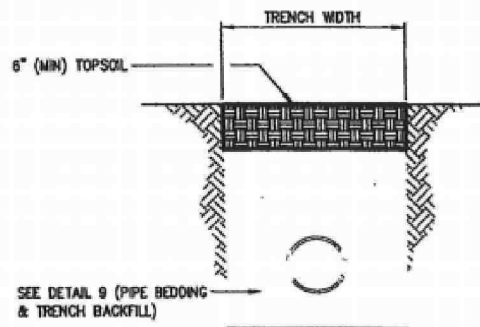
NOTE: MATCH EXISTING WIDTH OF DRIVEWAY
PAVED DRIVEWAY RESTORATION



NOTE: MATCH EXISTING WIDTH OF DRIVEWAY
STONE DRIVEWAY RESTORATION



NOTE: MATCH EXISTING WIDTH OF DRIVEWAY
CONCRETE DRIVEWAY RESTORATION



NOTE: MATCH EXISTING WIDTH OF DRIVEWAY
LAWN RESTORATION

PERMANENT RESTORATION FOR AREAS OTHER THAN ROADWAYS

§ 285-27. Required number of parking spaces.

A. Overall requirements.

- (1) Number of spaces. Each use that is newly developed, enlarged, receives a change of ownership, significantly changed in type of use or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with the Table of Off-Street Parking Requirements and the regulations of this article. For example, for a nursing home with 50 beds and 10 employees, the required parking would be 10 (1 required for every 5 beds) plus 9 (1 for every 1.1 employees), for a total of 19 required off street parking spaces.
- (2) Uses not listed. Uses not specifically listed in the Table of Off-Street Parking Requirements shall comply with the requirements for the most similar use listed in the table, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
- (3) Multiple uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
- (4) Parking landscaping. See §§ 285-20 and 285-23 of this chapter.

TABLE OF OFF-STREET PARKING REQUIREMENTS		
USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
A. RESIDENTIAL USES:	2 per dwelling unit.	
1. Dwelling Unit, other than types listed separately in this table.	If a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot. Off-street parking spaces shall be located outside of the street right-of-way.	
2. Single-family detached dwelling with an accessory apartment within a Neighborhood Development	A combined total of 3 spaces for the 2 dwelling units. Each space shall be designed to allow each vehicle to be moved without first moving another vehicle.	
3. Home Occupation	See § 285-49	
4. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	1 per dwelling/rental unit, except 0.4 per dwelling/rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Nonresident employee
5. Boardinghouse	1 per rental unit or bed for adult, whichever is greater	Nonresident employee
6. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
B. INSTITUTIONAL USES:		
1. Place of Worship or Church	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.2 employees
3. Nursing Home	1 per 5 beds	1.1 employees

4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 employees
5. Day-Care Center	1 per 10 children, with spaces designed for safe and convenient dropoff and pickup	1.1 employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 employees
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 employees
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 square feet of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 employees
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per nonresident intended to be treated on-site at peak times	Nonresident employee
11. Swimming Pool, Nonhousehold	1 per 50 square feet of water surface, other than wading pools	1.1 employees
C. COMMERCIAL USES:	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this chapter	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle, with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"

2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
3. Bed-and-Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Nonresident employee
4. Bowling Alley	2 per lane plus 2 per pool table	1.1 employees
5. Car Wash	Adequate waiting and drying areas	1.1 employees
6. Financial Institution (includes bank)	1 per 200 square feet of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.1 employees
9. Haircutting/Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 employees
11. Laundromat	1 per 3 washing machines	On-site employee
12. Offices or clinic, medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 employees
13. Offices, other than above	1 per 300 square feet of total floor area	
14. Personal Service Use, other than haircutting/hairstyling (minimum of 2 per establishment)	1 per 200 square feet of floor area accessible to customers	1.1 employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 employees

17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center.	1.1 employees
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 square feet of floor area of rooms accessible to customers	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 square feet of floor area of rooms accessible to customers	
20. Shopping Center involving 5 or more retail establishments on a lot	1 per 200 square feet of total floor area, after deleting common areas that are shared among various uses and that do not involve any retail sales	
21. Tavern or Nightclub or After-hours Club	1 per 30 square feet of total floor area	1.1 employees
22. Theater or Auditorium	1 per 4 seats, 1/2 of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 employees
23. Trade/Hobby School	1 per 2 students on site during peak use	1.1 employees
24. Veterinarian Office	4 per veterinarian	1.1 employees
D. INDUSTRIAL USES:	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this ordinance	
1. All industrial uses (including warehousing, distribution and manufacturing)	1 per 1.1 employees, based upon the maximum number of employees on site at peak period of times	1 visitor space for every 10 managers on the site
2. Self-Storage Development	1 per 20 storage units	1.1 employees

§ 285-28. General regulations for off-street parking.

- A. General. Parking spaces and access drives shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. Existing parking.
 - (1) Any parking spaces serving such preexisting structures or uses at the time of adoption of this chapter shall not in the future be reduced in number below the number required by this chapter.
 - (2) If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this chapter, including but not limited to requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- C. Change in use or expansion. A structure or use in existence at the effective date of this chapter that expands or changes in use an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use,
- D. Continuing obligation of parking and loading spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this chapter. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.
- E. Location of parking.
 - (1) Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a nonresidential use. A written and signed lease shall be provided, if applicable.
 - (a) The Zoning Hearing Board may require that the use be approved for a period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.
- F. Reduction of parking requirements as a special exception.
 - (1) Purposes: To minimize the amount of land covered by paving, while making sure adequate parking is provided; to recognize that unique circumstances may justify a reduction in parking.
 - (2) As a special exception, the Zoning Hearing Board may authorize a reduction in

the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.

- (a) The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
- (b) Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.

§ 285-29. Design standards for off-street parking.

A. General requirements.

- (1) Backing onto a street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
- (2) Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
- (3) Parking areas shall not be within a required buffer yard or street right-of-way.
- (4) Separation from street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot. See H.(2) below for requirements.
- (5) Stacking and obstructions. Each lot shall provide adequate area upon the lot to prevent backup of vehicles on a public or private street while awaiting entry to the lot or while waiting for service at a drive-through facility. Stacking that slows or prohibits vehicle movement onto a lot from a private or public roadway is a violation of this ordinance.

B. Size and marking of parking spaces.

- (1) Each parking space shall be a rectangle with a minimum width of nine feet and a minimum length of 18 feet, except the minimum-sized rectangle shall be eight feet by 22 feet for parallel parking.
- (2) For handicapped spaces, see Subsection F below.
- (3) All spaces shall be marked to indicate their location, except those of a one- or

two-family dwelling.

C. Aisles.

- (1) Each aisle providing for one-way traffic to access parking stalls shall have the following minimum mso-element-frame width:

Angle of Parking (degrees)	Minimum Aisle Width (feet)
Parallel or 30	12
45	14
60	18
90	20

- (2) Each aisle providing access to stalls for two-way traffic shall be a minimum of 22 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45° or less.

D. Paving, grading and drainage.

- (1) Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
- (2) Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block or other low-dust materials preapproved by the Township.
- (a) However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, pavers or other suitable surfaces. All areas for vehicle travel and parking are considered impervious, regardless of the materials used or the construction.
- (b) Curbing should not be required in parking areas except where absolutely necessary to control stormwater runoff, or to prevent vehicle movement onto grass areas or open space

E. Lighting of parking areas. See "light and glare control" in Article VI.

F. Parking for persons with disabilities/handicapped parking.

- (1) Number of spaces. Any lot including one or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a different number of spaces is officially required under the Federal Americans With Disabilities Act:

**Total No. of Parking Required
Spaces on the Lot**

**Minimum No./Percentage of
Handicapped Parking Spaces**

1 to 15	1
16 to 40	2
41 to 65	3
66 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

G. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped-accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

- (1) Minimum size. Each required handicapped parking space shall be eight feet by 18 feet. In addition, each space shall be adjacent to a five feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight-foot width instead of five feet.
- (2) Slope. Handicapped parking spaces shall be located in areas of less than 2% slope in any direction.
- (3) Marking. All required handicapped spaces shall be well-marked by clearly visible signs and by pavement markings. Such signs and markings shall be maintained over time. Blue paint is recommended. The amount of the fine for violations shall be noted on signs that are visible to persons parking in the space.
- (4) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

H. Planting Strips and Paved area setbacks (including off-street parking setbacks).

- (1) Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in stormwater management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
- (2) Any new or expanded paved area serving a principal nonresidential use shall be

separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative ground cover. At least 10 feet of the planting strip shall be outside of the existing street right-of-way. This 15 foot width shall be increased to 20 feet for a lot including 100 to 250 parking spaces and to 25 feet for a lot including more than 250 parking spaces.

- (a) The planting strip shall not include heights or locations of plants that would obstruct safe sight distances but may include deciduous trees that motorists can view under the leaf canopy.
- (b) The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT, as applicable, maintain the right to replace planting areas within the right-of-way with future street improvements.
- (c) Township-approved sidewalks, recreation paths and approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
- (d) The following shall be prohibited within the planting strip:
 - [1] Paving, except as allowed by Subsection H(2)(c) above, and except for street widenings that may occur after the development is completed;
 - [2] Fences; and
 - [3] Parking, storage or display of vehicles or items for sale or rent.
- (e) Where feasible, where a sidewalk is not installed, this setback should include an unobstructed, generally level width running parallel to a street that is suitable for a person to walk.

(3) See landscaping requirements in § 285-20 and §285-23.

- I. Parking set back from buildings. Parking spaces serving principal nonresidential buildings, condominiums, and apartment buildings shall be located a minimum of 10 feet from any principal building wall, unless a larger distance is required by another provision. This distance shall not apply at vehicle entrances into or under a building.
- J. Speed bumps. Speed bumps, speed tables and similar raised areas to reduce speeds shall be allowed on private streets and parking areas, provided the raised area is maintained in a highly visible color or pavement markings and a sign warns motorists of the raised pavement.

§ 285-30. Off-street loading.

- A. Each use shall provide off-street loading facilities, which meet the requirements of this section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle in a manner that will not routinely obstruct traffic on

a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

- B. At the time of review under this chapter, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this section, the words "loading" and "unloading" are used interchangeably.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

§ 285-31. Fire lanes and access.

- A. Emergency access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot or, where applicable, by the property owners' association.
- B. Fire lanes shall be provided where required by state or federal regulations or other local ordinances.
- C. Access shall also be provided so that fire equipment can reach all sides of principal nonresidential buildings and multifamily/apartment buildings. This access shall be able to support a loaded fire pumper truck but shall not necessarily be paved.
- D. The specific locations of fire lanes and fire equipment access are subject to approval by the Township, after review by local fire officials. Township Staff will request comments from the local fire officials.

ARTICLE II

Definitions

§ 285-32. General interpretation.

For the purposes of this chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. The words "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. If a word or term is not defined by this chapter, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this chapter nor the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the section. In such case, in case of a dispute, a standard reference dictionary shall be consulted.
- G. The words "such as," "includes," "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association as well as an individual.
- I. Where a term is defined by the Pennsylvania Municipalities Planning Code (MPC), such MPC definition shall apply.

§ 285-33. Terms defined.

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

ABUT or ABUTTING — Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

ACCESS DRIVE — An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit, a duplex or twin dwelling, or farm.

ACCESSORY STRUCTURE (INCLUDES ACCESSORY BUILDING) — A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. An accessory building is any accessory structure that meets the definition of a building. A portion of a principal building used for

an accessory use shall not be considered an accessory building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

ADA — The federal Americans with Disabilities Act, as amended, and all regulations adopted to implement such statute.

ADAPTIVE REUSE — The rehabilitation and conversion of existing structures for the purpose of a new or expanded use.

ADJACENT — Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADULT BOOKSTORE — A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, videotapes, coin- or token- operated films or videotapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities. This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under state law. If such items are within a separate room, then the 10% standard shall apply to the floor area of such room.

ADULT LIVE ENTERTAINMENT FACILITY — A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual specified sexual activities to three or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

ADULT MOVIE THEATER — A use involving the on-site presentation to three or more persons at one time of moving images distinguished by an emphasis on depiction of specified sexual activities and that is related to monetary compensation paid by the persons viewing such matter.

ADULT USE — Adult bookstore, adult movie theater, adult live entertainment facility/ use or massage parlor. These terms shall be distinct types of uses and shall not be allowed as part of any other use.

AFTER-HOURS CLUB — A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

AGRICULTURE — The cultivation of the soil and the raising and harvesting of the products of the land including nursery, horticulture, silvicultural, aquiculture, mushroom culture and animal husbandry.

AGRICULTURAL BUILDING — A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The

term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

AGRICULTURAL DISTRICT — The A District

AGRITAINMENT — Providing the public with fun on-farm or on-ranch activities. Such activities include haunted houses, mazes, miniature golf, horseback riding, hayrides and similar.

AGRIVOLTAICS — The use of land for both agriculture and solar photovoltaic energy generation.

AIRPORT — A principal use where one or more airplanes may land/take off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangers.

ALLEY— A minor right-of-way on which no property fronts, which provides the secondary means of access for two or more properties.

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

ANIMAL CEMETERY — A place used for the burial of the remains of five or more noncremated animals, other than customary burial of farm animals as accessory to a livestock use.

ANTENNA — An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including, without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include standard antenna.

ANTENNA HEIGHT — The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA, STANDARD — A device, partially or wholly exterior to a building, which is used for receiving television or radio signals for use on site, or for transmitting amateur "ham" radio or citizens band radio signals. See also "commercial communications antenna." See § 285-43.

APPLICANT — A landowner or developer, as defined in the State Municipalities Planning Code, who has filed an application for development, including his heirs, successors and assigns.

ASSISTED LIVING FACILITY — Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to

accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

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

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES — This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use, provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in § 285-42.

AUTO REPAIR GARAGE — An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an auto repair garage. This use shall not include activity meeting the definition of a "truck stop." See requirements in § 285-42.

AUTO SERVICE STATION — An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of prepackaged propane. This use may include a convenience store, provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in § 285-42.

BASE FLOOD — A flood which has a one percent chance of being equaled or exceeded in any given year (also called the 100-year flood).

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the FIRM that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on three of four sides.

BED-AND-BREAKFAST INN — A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in § 285-47 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to temporary visitors to the area, employees and their family. Visitors will only be temporary if stays are less than 30 consecutive days. See requirements in § 285-47.

BETTING USE — A place used for lawful gambling activities, including but not limited to off-track pari-mutuel betting and any use of electronic gambling devices. This term shall not regulate state lottery sales or lawful small games of chance.

BILLBOARD — An off-premises sign that has a sign area greater than six square feet.

BIOSOLIDS/SEWAGE SLUDGE — Biosolids may be defined as organic wastewater solids that can be reused after suitable sewage treatment, typically for agriculture.

BOARD – The Zoning Hearing Board of West Lampeter Township.

BOARDINGHOUSE (INCLUDES "ROOMING HOUSE") — A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation; or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boardinghouse shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and-breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boardinghouse shall primarily serve persons residing on site for five or more consecutive days.

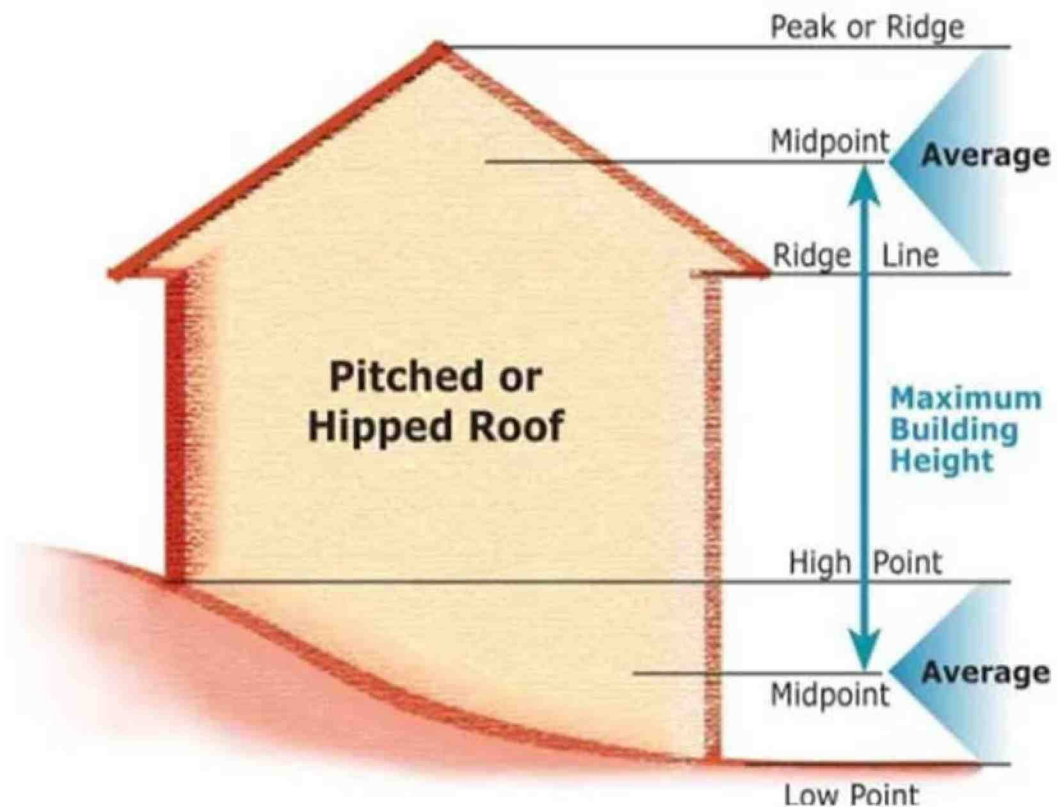
BUFFER YARD — A strip of land that: a) separates one use from another use or feature; and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See § 285-22.

BUILDING — Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

BUILDING COVERAGE — The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

BUILDING HEIGHT — The vertical distance from the average of the finished ground

level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue. The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this chapter, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.



BUILDING, PRINCIPAL — A structure in which is conducted, designed to be conducted or intended to be conducted, the primary use of the lot on which it is located.

BUILDING WIDTH — The horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

BULK RECYCLING CENTER — A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of nonrecycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a

junkyard.

BUTCHER SHOP — A retail facility devoted primarily to the sale of common household raw or semi-prepared meat, poultry and seafood products to the general public, but excludes restaurants, mobile vendors, wholesale butchers, mobile butchers, abattoirs, and retail stores.

CAMP — An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or temporary visitors to the area. Tents and visitors will only be temporary if staying a period less than 30 consecutive days. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5%. This term shall not include a recreational vehicle campground.

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

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

CEMETERY — A place used for the burial of two or more noncremated humans.

CERTIFICATE OF USE AND OCCUPANCY — A statement signed by a duly authorized Township officer setting forth that a building, structure or use legally complies with this Zoning Ordinance and that the same may be used for the purposes stated therein.

CHRISTMAS TREE FARM or TREE FARM — A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

CHURCH — See "place of worship."

CLEAR-CUTTING — A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

CLEAN WOOD — Natural, dry wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA — A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antennas. See standards in § 285-42. This term shall not include a standard antenna.

A. **LATTICE TOWER** — A commercial communications tower that is guyed or self-supporting with an open steel-frame structure.

B. **MONOPOLE TOWER** — A commercial communications tower that involves a single shaft as its structural support.

COMMERCIAL DISTRICT — The MS, CN, and CH Districts.

COMMERCIAL MEAT PROCESSOR — A facility for the slaughtering and processing of animals and the refining of their byproducts; and/or a facility where slaughtered animals (including game) are processed; and/or a facility where meat, poultry, or eggs are cooked, smoked or otherwise processed or packed. This facility will not have retail sales to the public.

COMMERCIAL USE — This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profitmaking nonindustrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

COMMONS — An area of common open space within a neighborhood design development that serves as a focal point for dwellings, a gathering place for residents and location for community functions. The only permanent structures that shall be allowed within a required commons area shall be those directly related to the purpose of the commons, in addition to decorative lighting, landscaping and necessary utilities.

COMMUNITY CENTER — A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a treatment center.

COMPREHENSIVE PLAN — The latest adopted Comprehensive Plan of West Lampeter Township, as amended.

CONDITIONAL USE — A use listed as a conditional use under Article III and IV, which is only allowed after review by the Township Planning Commission and approval by the Board of Supervisors under § 285-7.

CONDOMINIUM — A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

CONFERENCE CENTER — A building and/or land which contains rooms for the gathering of persons suitable for meetings, lectures, presentations and similar activities. A conference center shall not include overnight lodging facilities. If overnight lodging facilities are located on the same tract, such overnight lodging facilities shall be considered a separate use.

CONSERVATION DISTRICT — The Lancaster County Conservation District or any agency successor thereto.

CONSERVATION EASEMENT — A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property.

Such easement shall restrict the original and all subsequent property owners, lessees and all other users of the land.

CONTIGUOUS LOTS — Adjacent parcels of land, including parcels separated by a stream or road.

CONVENIENCE STORE — A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that involves food that is mostly consumed off site and does not have drive-through service, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an auto service station.

CONVENTIONAL DEVELOPMENT — Development that is not approved under the open space development provisions of this chapter. (Note: This type of development typically does not involve the preservation of significant open space.)

COUNTRY CLUB — A privately owned club, often with a membership quota and admittance by invitation or sponsorship, that generally offers both a variety of recreational sports and facilities for dining and entertaining.

CRAFTS OR ARTISAN'S STUDIO — A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

CROP FARMING — The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "livestock, raising of."

CURATIVE AMENDMENT — A process provided in the State Municipalities Planning Code that authorizes certain types of challenges to a zoning ordinance.

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, FAMILY — An accessory use to a detached single-family dwelling in which four to six individuals, who are not related to the residents of the principal dwelling, are cared for or supervised during any calendar day. Family day care use shall be established in accordance with the provisions of West Lampeter Township, the Commonwealth of Pennsylvania and other agencies with jurisdiction.

DCED — The Pennsylvania Department of Community and Economic Development or any agency successor thereto.

DENSITY — The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP — The Pennsylvania Department of Environmental Protection and its relevant bureaus.

DEVELOPMENT — Any man-made change to improved or unimproved real estate,

including, but not limited to, the construction, demolition, 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.

DISTRICT (or ZONING DISTRICT) — A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this chapter.

DORMITORY — A building used as living quarters for the exclusive use of bona fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

DRIVE-THROUGH SERVICE — An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

DWELLING — A building used as non-temporary living quarters, but not including a boardinghouse, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

DWELLING TYPES — This chapter categorizes dwellings into the following types:

- A. **CONVERSION APARTMENT** — A new dwelling unit created within an existing building within the standards of Article V and where permitted by Article III and IV and meeting the floor area requirements of § 285-19.
- B. **DUPLEX** — A building that includes two dwelling units and which is not a "twin dwelling." This building typically involves one dwelling unit located above a second dwelling unit.
- C. **MULTIFAMILY DWELLINGS (or APARTMENTS)** — Three or more dwelling units within a building that do not meet the definition of a single-family detached dwelling, twin dwelling, duplex or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership.
- E. **SECTIONAL OR MODULAR HOME** — A type of dwelling that meets a definition of single-family detached dwelling, single-family semidetached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- F. **SINGLE-FAMILY DETACHED DWELLING** — One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
 - (1) **MOBILE/MANUFACTURED HOME** — A type of single-family detached dwelling that meets all of the following requirements: a) is transportable in a single piece or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing; b) is designed for permanent occupancy; c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly

operations; d) is constructed so that it may be used with or without a permanent foundation; and e) is not a recreation vehicle. The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a sectional home, which is defined above. See standards in § 285-48.

G. TOWNHOUSE or ROWHOUSE — One dwelling unit that is attached to two or more dwelling units and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in § 285-48.

H. TWIN DWELLING UNIT — One building with two dwelling units that are completely separated by a vertical listed fire-rated assembly (fire-resistant wall). One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

DWELLING UNIT — A single habitable living unit occupied by only one family for non-transient use. Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities; b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level; and c) each dwelling unit shall include a minimum of 800 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level. A dwelling unit shall not include either or both of the following: a) two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another; or b) two separate and distinct sets of kitchen facilities. The following are separate and distinct uses: bed and breakfast, boardinghouse, dormitory, hotel, motel, hospital, nursing home or short-term rental.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) — Equipment that connects an electric vehicle (EV) to a source of electricity to recharge electric cars, neighborhood electric vehicles and plug-in hybrids. Some charging stations have advanced features such as Smart metering, cellular capability and network connectivity, while others are more basic.

EMERGENCY SERVICES STATION — A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See also provisions for this use in § 285-48.

EMPLOYEES — The highest number of workers (including both part-time and fulltime, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site. Persons working will be considered temporary if the employment period is less than 31 consecutive, calendar days.

ESSENTIAL SERVICES or ESSENTIAL PUBLIC UTILITY SERVICES — Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, waterlines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, streetlights

and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment, or bulk storage of materials.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION — A manufactured home park or subdivision for which the construction or facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Township.

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

FAMILY — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit, who are not related by blood, adoption, or marriage, do not constitute the functional equivalent of a traditional family. This definition does not intend to prohibit group homes and/or community living arrangements that are determined to be protected by the Federal Fair Housing law, provided such facilities are licensed and permitted under the authority of the Department of Welfare of the Commonwealth of Pennsylvania or other state department or agency. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- The group shares the entire dwelling unit.
- The group lives and cooks together as a single housekeeping unit.
- The group shares expenses for food, rent, utilities or other household expenses.
- The group is permanent and stable, and not transient or temporary in nature.
- Any other factor reasonably related to whether the group is the functional equivalent of a family.

FARM — A lot used for the raising of agricultural or dairy products and/or the raising of livestock or poultry for commercial purposes. This term may include one dwelling unit (unless additional units are allowed by another section of this chapter), buildings used for the agricultural activities and the storage of equipment used for the agricultural activities. To qualify for Pennsylvania’s Right to Farm Act (RTFA), 3 P.S. § 954, a farm must be at least 10 connected acres, or make approximately \$10,000 per year in farm income, have been operating mostly unchanged for a year, or include changed activities in a nutrient management plan, and produce raw agricultural commodities on the farm.

FARM SERVICE BUSINESS — A low-intensity commercial or industrial activity that primarily serves other farms or the agricultural community in general with the sale and/or production of agricultural goods, materials, supplies, and/ or services. Farm service businesses are not required to be operated in connection with or supplementary to an existing farm. Examples of farm service businesses include, but shall not be limited to

farm equipment, small engine, and/or vehicle repair; custom blacksmithing or sharpening services; processing and storage of agricultural products; farm or agricultural retail sales; welding, metal fabrication, and custom machining of parts; and offices needed in connection with the farm service business. Farm service businesses are distinct from farm-related businesses, as defined in § 285-49.

FEMA — The Federal Emergency Management Agency or any entity successor thereto.

FENCE — A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a wall. See § 285-49.

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

FINANCIAL INSTITUTION — An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

FLAG LOT — A lot intended for a single-family detached dwelling that does not meet the minimum required lot width at the minimum front yard building setback line. A flag lot may involve a narrower "flagpole" extension of the lot that includes a driveway that connects the bulk of the lot to a street.

FLOOD — A temporary inundation of normally dry land areas.

- A. FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the FEMA or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township.
- B. FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- C. FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- D. FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- E. FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- F. REGULATORY FLOOD ELEVATION — The Base Flood Elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of two feet.

- G. REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on an average, equals or exceeds 25% of the market value of the structure before the damages occurred.
- H. SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM.

FLOOR ELEVATION, FINISHED — the elevation of the top of the floor to which flooring finishes and materials are to be applied

FLOOR AREA, TOTAL — The total floor space within a building(s) measured from the exterior faces of exterior walls or from the center lines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches; and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least six and a half feet. Floor area shall not include unenclosed structures.

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, and which does not involve any land development. See "timber harvesting" in this section and § 285-48.

GARAGE, PRIVATE — An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided, however, that one commercial vehicle of not more than three-quarter-ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a nonoccupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GARAGE SALE — The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See §285-49.

GLARE — A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See § 285-55.

GOLF COURSE — A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining area and snack bar, pro shop, and practice facilities.

GOVERNMENT FACILITY, OTHER THAN TOWNSHIP-OWNED — A use owned by a government, government agency or government authority for valid public health, public safety, or similar governmental purpose, and which is not owned by West Lampeter Township or an authority created solely by West Lampeter Township. This term shall not include uses listed separately in the table of uses in Article III, such as publicly owned recreation. This term shall not include a prison.

GREENHOUSE — An accessory or principal use consisting of a building in which the roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GREENS — An area of landscaped common open space designed to serve a variety of noncommercial recreational and social interaction purposes.

GROUP HOME — A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A group home shall not include a treatment center.
- D. See standards in § 285-48.

NOTE: The Federal Fair Housing Amendments Act defines "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) a record of having such an impairment; or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

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

HAZARDOUS SUBSTANCES — A product or waste or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment, which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous substances," as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

- B. "Hazardous substances," as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

HAZARDOUS SUBSTANCES, EXTREMELY — Hazardous substances included on the list of Extremely Hazardous Substances in 29 Code of Federal Regulations Part 355, or its successor provisions, and that are stored or used in quantities above the threshold reportable limits in such regulations.

HEALTH AND RECREATION CLUB — A commercial business that offers active fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEIGHT — See "building height." To measure the height of a sign or any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure.

HELIPORT — An area used for the takeoff and landing of helicopters and related support facilities. A private heliport shall be limited to 15 total takeoffs and landings in any seven-day period and is not open to the general public. A public heliport is one that does not meet the definition of a "private heliport."

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC RESOURCE — Any building, structure, site, object or district that is included on the National Register of Historic Places, individually or as a contributing resource in a National Register Historic District.

HOME OCCUPATION — A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the home occupation requirements of § 285-49. A no-impact home occupation shall be a home occupation that meets the additional requirements for a no-impact home occupation, as stated in § 285-49. The term no-impact home occupation includes, but is not limited to, the term "no-impact home occupation," as defined in the State Municipalities Planning Code. A "general home occupation" shall be a home occupation that does not meet the requirements for a light home occupation.

HORSE BOARDING FACILITY — A principal use whereby equestrian instruction is offered, and horses are kept, bred, trained and/or exercised upon land not occupied by the owner of the horse(s).

HOSPITAL — A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an office. A hospital may involve care and rehabilitation for medical, dental or mental health but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

HOTEL or MOTEL — A building or buildings including rooms rented out to persons as clearly temporary living quarters. Any such use that customarily involves the housing of

persons for periods of time longer than 90 days shall be considered a "boardinghouse" and shall meet the requirements of that use. See also "bed-and-breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

HUNTING AND FISHING CLUB — Land owned by an organized group of persons formed as a club that is used for hunting, fishing and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

INDUSTRIAL DISTRICT — The I/M Zoning District.

IMPERVIOUS COVERAGE — The percentage that results from dividing the land area on a lot covered by all impervious surfaces by the total land area of the lot, such as (but not limited to) pools, decks, patio pavers, and crushed stone. Impervious surfaces shall be defined as areas covered by buildings, paving or concrete or other manmade surfaces, and hard surfaced areas which either prevent or retard the entry of water into the soil, and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undisturbed property. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the Zoning Ordinance.

- A. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the Zoning Ordinance.
- B. Water surfaces of pools are impervious.
- C. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way does not exist), as opposed to regulating each individual townhouse lot.

INTENSIVE RAISING OF LIVESTOCK OF POULTRY — This term refers to the raising of livestock or poultry use involving an average of 2,000 pounds of live weight per acre of livestock or poultry, on an annualized basis. This agricultural use is also known as a Concentrated Animal Operation (CAO), which is determined by the Commonwealth of Pennsylvania {Pennsylvania Department of Environmental Protection and Pennsylvania Department of Agriculture) and/or other agencies with jurisdiction, and involves the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2,000 pounds per acre, which are suitable for the application of manure on an annualized basis. An operation with fewer than eight (8) AEU's is not considered to be a CAO, regardless of animal density.”

INVASIVE SPECIES — Plant species that are non-native (or alien) to the ecosystem under consideration and, whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

JUNK — Any discarded, unusable, scrap or abandoned man-made or man-processed

material or articles stored outside of a completely enclosed building. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal; b) toxic substances; c) yard waste or tree trunks; d) items clearly awaiting imminent recycling at an appropriate location; e) building materials awaiting imminent use at an ongoing building site; or f) "clean fill," as defined by state environmental regulations.

JUNK VEHICLE —

- A. Includes any vehicle or trailer that meets any of the following conditions:
 - (1) Cannot be moved under its own power, in regard to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs;
 - (2) Cannot be towed, in regard to a trailer designed to be towed;
 - (3) Has been demolished beyond repair;
 - (4) Has broken windows, doors, or trunk and cannot be secured;
 - (5) Has been separated from its axles, engine, body or chassis; and/or
 - (6) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.
- B. See also the definition of "unregistered vehicle."

JUNKYARD —

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
 - (1) "Junk" (see definition) covering more than 1% of the lot area.
 - (2) Two or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage within the requirements of § 285-48.
 - (3) One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

KENNEL — Any lot on which more than five animals that are older than six months (except relating to a farm) are kept, boarded, raised, bred, treated, or trained for a fee, including, but not limited to, dog or cat kennels.

LANDFILL — A parcel of ground, a portion of which has received a permit from the Pennsylvania Department of Environmental Protection, to receive solid waste intended

for permanent disposal on the parcel by covering the solid waste with soil or other cover materials, and the associated liners, solid waste deposits, earthen berms, mechanically stabilized earthen berms, temporary and permanent cover, and leachate collection on the parcel.

LANDOWNER — The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a landowner.

LIGHTING, DIFFUSED — Illumination that passes from the source through a translucent cover or shade.

LIVESTOCK OR POULTRY, RAISING OF — The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the keeping of pets section of § 285-43 and beyond what is customarily incidental to a principal crop farming use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

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

- A. When used in Article VII, the word "lot" shall mean 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: such as the area used by a dwelling unit in a townhouse structure or a tenant space in a multiple tenant building.

LOT, CORNER — A lot abutting on two or more intersecting streets which has an interior angle of less than 135° at the intersection of right-of-way lines of two streets.

LOT AREA — The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the existing legal rights-of-way of: 1) any proposed or existing public streets or alleys; or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this chapter, such as townhouse development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this chapter, such as open space development, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Features required to be excluded from "lot area" under Article III and IV of this chapter; wetlands (as officially defined under federal and/or state regulations), ponds and lakes shall not be counted toward the minimum lot area of any lot or tract of land.

LOT COVERAGE — A percentage of the lot area which is covered by impervious or

pervious man-made materials. This shall include all buildings, patios, walking paths, pools, decks, and other similar structures whether impervious or pervious.

LOT LINES — The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. **FRONT LOT LINE (STREET LINE)** — A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see § 285-20.
- B. **REAR LOT LINE** — Any lot line which is parallel to or within 45° of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. **SIDE LOT LINE** — Any lot line other than a front or rear lot line.

LOT WIDTH — The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75% of the width that would otherwise be required.

MASSAGE PARLOR — A type of adult use that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the state as a health care professional or a massage therapist certified by a recognized professional organization that requires substantial professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semiprivate rooms.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area, including any basement. An unfinished flood-resistant partially enclosed area used solely for the 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 nonelevation design requirements of this ordinance.

MANUFACTURED HOME — A type of single-family detached dwelling that meets all of the following requirements:

- A. It is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing;
- B. It is designed for permanent occupancy;
- C. It arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations;
- D. It may be constructed so that it may be used without a permanent foundation.
- E. It is not a recreation vehicle.

MANUFACTURED HOME PARK or SUBDIVISION — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile/manufactured home lots for the placement thereon of mobile/ manufactured homes.

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

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

MEMBERSHIP CLUB — An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests and persons specifically invited to special celebrations, but which is not routinely open to members of the general public, and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boardinghouse, tavern, restaurant or retail sales unless that particular use is permitted in that district and the requirements of that use are met.
- B. See § 285-48. See also "after-hours club" and "hunting and fishing clubs," which are distinct uses.

MINERAL EXTRACTION — The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

MINIWAREHOUSE — A building and/or series of buildings divided into separate

storage units for personal property and/or property associated with some business or other organization. The storage units within a miniwarehouse shall be used solely for storage and no nonstorage uses shall be permitted. Users of the facility shall not visit the site on a frequent basis (fewer than once a week). Outdoor storage of motor vehicles, recreational vehicles, boats and similar items may also be permitted as a part of a miniwarehouse.

MOBILE/MANUFACTURED HOME — See definition under "dwelling types."

MOBILE/MANUFACTURED HOME PARK — A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes and shall not be considered to be a "mobile home park." See § 285-42.

MOTOR VEHICLE — An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate to carry persons or cargo on roads and that is powered by mechanized means.

MUNICIPALITIES PLANNING CODE (MPC) or STATE PLANNING CODE — 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.

NEIGHBORHOOD CENTER — A facility within a development designed to provide space for one or more neighborhood facilities. A neighborhood center may also include small retail or personal service establishments which are designed to serve a pedestrian-oriented clientele from the development.

NEIGHBORHOOD CENTER, RECREATION — A facility within a development designed to provide space for customary recreational activities, such as exercise facilities.

NEIGHBORHOOD FACILITY — Shall include any of the following: a) meeting rooms, multipurpose spaces, and similar spaces available for the use of residents of the neighborhood development; b) adult education classroom; c) satellite offices for municipal agencies (such as police); or d) offices of social service agencies or nonprofit organizations.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of the floodplain regulations that were adopted by the Township, and includes any subsequent improvements thereto. Any construction started after April 17, 1978, and before the effective date of these floodplain regulations is subject to the regulations in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK or SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Township.

NIGHTCLUB — An establishment that offers amplified live music performances or

amplified music for dancing, sells alcoholic beverages primarily for on-site consumption, is open to patrons after 12:00 midnight and has a building capacity of over 200 persons.

NONCONFORMING LOT — A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but which was lawfully in existence prior to the effective date of this chapter or amendments hereinafter enacted.

NONCONFORMING 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 USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendment(s), where such use was lawfully in existence prior to the enactment of this chapter or applicable amendment(s). A use granted by variance is not a nonconforming use. See § 285-24.

NONTRANSIENT — Residing within a structure for a period greater than 30 days.

NORMAL AGRICULTURAL OPERATIONS — The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production AND preparation for market or poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

NURSING HOME — A facility licensed by the state for the housing and intermediate or fully skilled nursing care of three or more persons. See § 285-48.

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

OFFICE — A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

OPEN SPACE, PRESERVED OR COMMON — A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- B. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.
- C. Will be deeded to the Township and/or preserved by a deed restriction or

conservation easement to permanently prevent uses of land other than "preserved open space" and noncommercial recreation or a golf course.

- D. Does not use any of the following areas to meet minimum preserved open space requirements:
- (1) Existing street rights-of-way;
 - (2) Vehicle streets or driveways providing access to other lots;
 - (3) Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation);
 - (4) Off-street parking (other than that clearly intended for noncommercial recreation);
 - (5) Area(s) needed to meet a requirement for an individual lot;
 - (6) For land intended to be open to the public, which does not have provisions for entry with a 15-foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street;
 - (7) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions; or b) serve as a scenic asset resembling a natural pond;
 - (8) Portions of land that have a width of less than 50 feet;
 - (9) Areas that are under water during normal weather conditions; and
 - (10) Areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- E. Each square foot of preserved open space that is of 25% or greater slopes and each square foot within the 100-year floodplain shall only count as 1/2 square foot for the purposes of determining the amount of preserved open space.

ORDINANCE, THIS — The West Lampeter Township Zoning Ordinance, including the Official Zoning Map, as amended.

OUTDOOR HYDRONIC HEATER — Any equipment, device or apparatus which is installed, affixed or situated outdoors, and not situated within a building intended for habitation by humans or domestic animals, which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system or component thereof, which provides heat or hot water to the principal structure, to a structure used for human or animal habitation, or to any accessory uses or structures, including, but not limited to, greenhouses, conservatories, and swimming pools. For the purposes of this particular appliance, a chimney shall mean any vertical structure enclosing a flue or flues that carry

off smoke or exhaust from an outdoor hydronic heater. Such appliances are also commonly referred to as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor solid fuel fired boilers heaters.

PA — The Commonwealth of Pennsylvania.

PARENT TRACT — An existing lot from which one or more new lots are subdivided.

PARKING — Off-street parking and aisles for vehicle movement unless otherwise stated.

PENNDOT — The Pennsylvania Department of Transportation or its successor, and its subparts.

PERMITTED BY-RIGHT USES — Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A nonconforming use shall not be considered to be a permitted by-right use, a special exception use or a conditional use.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME OR CENTER — See "assisted living facility."

PERSONAL SERVICE — An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, custom detailing of private motor vehicles and other similar establishments, but shall not include any adult uses, as herein defined.

PETS, KEEPING OF — The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See § 285-49.

PICNIC GROVE, PRIVATE — An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

PLACES OF WORSHIP AND RELATED USES — A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day-care facilities.

PRINCIPAL BUILDING — A principal structure which is also a building.

PRINCIPAL STRUCTURE — The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

PRINCIPAL USE — A dominant use(s) or main use on a lot, as opposed to an accessory use.

PRISON — A correctional institution within which persons are required to inhabit by

criminal court actions or as the result of a criminal arrest.

PUBLIC NOTICE — Notice required by the Pennsylvania Municipalities Planning Code. (Note: As of the adoption date of this chapter, for a Zoning Hearing Board hearing or an amendment to this chapter, such Act generally required a legal advertisement published once each week for two successive weeks in a newspaper of general circulation in the Township, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication not less than seven days from the meeting/ hearing date.)

PUBLICLY OWNED RECREATION — Leisure facilities owned, operated or maintained by governmental entities for use by the general public. Publicly owned recreation is a distinct use from indoor recreation or outdoor recreation.

RAISING OF LIVESTOCK OR POULTRY — The raising and keeping of livestock or poultry beyond the number and type allowed under the Keeping of Pets section, but less than Intensive Raising of Livestock. The term shall be synonymous with the term “farm animals” and are those animals typically associated with a farm or agricultural operation, as further defined by the Pennsylvania Department of Agriculture. It is also known as a Concentrated Animal Feeding Operation (CAFO), which is an agricultural use regulated by the Commonwealth of Pennsylvania (Pennsylvania Department of Environmental Protection and Pennsylvania Department of Agriculture) and/or other agencies with jurisdiction, which are involved with the commercial keeping and handling of livestock. A "farm animal" shall not be considered as a "domestic pet" or an "exotic animal", as defined by this Zoning Ordinance. This term shall also exclude deer, elk and other large game animals. See Stable for the keeping of non-household horses. See also Kennel. See also Keeping of Bees.

RECREATION — The offering of leisure-time activities to unrelated persons. This term shall not include any adult use. For the purposes of this chapter, recreation facilities shall be permitted as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. **INDOOR RECREATION** — A type of recreation use that: a) does not meet the definition of outdoor recreation; and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use in Article III and IV.
- B. **OUTDOOR RECREATION** — A type of recreation use that: a) has a total building coverage of less than 15%; and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, frisbee golf, amusement park and similar uses. This term shall not include any use listed separately as a distinct use in Article III and IV, such as a firearms target range.

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a driver with a legal Class C driver’s license; and not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLING COLLECTION CENTER — A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by-right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station. Storage of more than 500 pounds of common household materials for recycling will be considered temporary if materials are kept for a period of less than 31 days.

RELATED or RELATIVE — Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "dwelling unit."

REPAIR SERVICE — Shops for the repair of appliances, watches, guns, bicycles and other household items.

RESIDENTIAL ACCESSORY STRUCTURE (INCLUDES "BUILDING") OR USE — A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

RESIDENTIAL DISTRICT(S) — The RR, RV, R-1, R-2 and R-3 Zoning Districts.

RESIDENTIAL LOT LINES — The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than 10 acres; or b) is undeveloped and zoned as a residential district.

RESTAURANT —

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern or nightclub, as applicable, must be met.
- C. See "drive-through service" in this section.

RETAIL STORE — A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, or any restaurant.

RETREAT CENTER — A facility where groups may gather for the purpose of religious worship, seminars, fellowship, family gatherings, nature and historical studies, and similar

activities, and which may involve overnight stays, meals to persons attending other activities on site, and accessory outdoor active and passive recreation.

RIDING STABLE — A commercial enterprise which provides horses for rent and equestrian instruction.

RIGHT-OF-WAY — An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "right-of-way" by itself shall mean the street right-of-way unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. **STREET RIGHT-OF-WAY, EXISTING OR LEGAL** — The official established street right-of-way that either the Township or the state presently owns or holds another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this chapter, whether by dedication or otherwise.
- B. See also "right-of-way, future or ultimate" in the Subdivision and Land Development Ordinance.

ROOMING HOUSE — See "boardinghouse."

SCHOOL, PUBLIC OR PRIVATE, PRIMARY OR SECONDARY — An educational institution primarily for persons between the ages of five and nineteen that primarily provides state-required or largely state-funded educational programs. This term shall not include trade schools.

SCREENING — Year-round plant material of substantial height and density designed to provide a buffer. See requirements in § 285-22.

SELF-STORAGE DEVELOPMENT — A building or group of buildings divided into individual separate access units, which are rented or leased for the storage of personal and small business property.

SETBACK LINE — A line separating a yard from the area within which a building or use is allowed. See **YARD**.

SEWAGE SERVICE, CENTRAL — Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves five or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

SEWAGE SERVICE, ON-LOT — Sanitary sewage service to a building that does not meet the definition of "central sewage service," such as but not limited to an individual on-lot septic system.

SEWAGE SERVICE, PUBLIC — Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

SHOPPING CENTER — A lot that contains five or more retail sales establishments on a lot and which may also include other allowed commercial uses.

SHORT-TERM RENTAL — A single family, owner-occupied, detached dwelling where accommodators are rented to an individual or a family, on a daily basis for less than 30

consecutive days. The term owner-occupied requires the owner to be living on the property for a minimum of nine months in a calendar year.

SIGHT TRIANGLE — An area required to be kept free of certain visual obstructions to traffic.

SIGN — A device for visual communication that is used to bring the subject to the attention of the public.

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

B. Signs do not include the following: signs within a building that are not readable from outside of the building; flags of governments or government agencies; decorative seasonal and holiday banners on residential properties; and displays of merchandise either behind store windows or outdoors. See also Article VII.

(1) **BUILDING** — A sign attached to or painted on a building or attached to an awning that is attached to a building. This term includes wall signs and roof signs. A window sign shall also be regulated as a building sign, except as provided in the definition of "window sign" below.

(2) **BUSINESS** — A sign that directs attention to any business, professional, commercial or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "center sign.")

(3) **CENTER** — A business sign that provides identification at the entrance to a center such as a shopping center, office complex or industrial park.

(4) **CONTRACTOR** — A temporary sign that carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.

(5) **DEVELOPMENT (RESIDENTIAL)** — An identification sign at the entrance to a residential development.

(6) **ELECTION** — A type of "issue sign" that directs attention to a candidate or candidates for public office, a political party or a ballot issue.

(7) **FREESTANDING** — A sign not attached to or painted on a building, or a sign attached to or painted on a building that has no use in addition to supporting the sign.

(8) **GARAGE/YARD SALE** — A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.

- (9) GOVERNMENT — An off-premises sign placed by a governmental unit, such as a traffic, directional, informational or street name sign, or an historical marker.
- (10) HOME OCCUPATION — A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.
- (11) IDENTIFICATION — A sign used to identify the name and display information about the individual, organization, agency, institution, facility or development located on the premises on which the sign is located but not including a business sign. (Also see "development sign" and "public use sign.")
- (12) INCIDENTAL — An informational sign, no more than two square feet in size, that carries a message such as "enter," "open," "telephone," "rest rooms," "no parking," "no trespassing," "warning," a listing of hours when open, an on-site direction, or anything similar. Incidental signs may not include any commercial message or logo, except that one "enter" sign per entrance may include a logo or business name, as long as the entrance is exclusively for that business and the logo or business name is subordinate to the word "enter."
- (13) ISSUE — A temporary sign that directs attention to a candidate(s) for elective office or to an opinion of a public or private nature, such as, but not limited to, a community, social, religious, judicial, political or ballot issue . A sign including commercial advertising shall not be considered an issue sign. If such type of sign exceeds the maximum size for an issue sign, then it shall be regulated as a billboard.
- (14) NONPROFIT ORGANIZATION — An off-premises sign displaying information about a church, service club or other organization that does not operate for the purpose of making a profit.
- (15) OFF-PREMISES — A sign that advertises a service, product, activity, business or activity that is not offered or located on the lot upon which the sign is located. A political, election or issue-oriented sign that exceeds the size limits for an issue sign shall also be regulated as an off-premises sign. See also "billboard," which is a type of off-premises sign.
- (16) ON-PREMISES — A sign that applies to the property on which it is displayed.
- (17) OPEN HOUSE — A temporary sign that provides information about a real estate open house, including the words "open house," the day and time of the open house, and the name of the realtor.
- (18) OVERHEAD — A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.
- (19) PERMANENT — A sign intended to be displayed for an unlimited period of time.

- (20) PUBLIC USE — An identification sign used to identify the name and display information about a public use, such as a government building, school, park, firehouse or church.
- (21) PUBLIC UTILITY — Signs that are necessary for a sewage service, water supply, land-line telephone or electricity provider to post in the performance of their responsibilities, such as warning signs and utility pole identification numbers.
- (22) REAL ESTATE — A temporary sign that provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental or property available for or in the process of development, but not including an open house sign.
- (23) ROOF — A sign attached to or painted on a roof.
- (24) SIDEWALK — A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign or a special event sign.
- (25) SPECIAL EVENT — A temporary sign that carries information about a special event, such as an auction, flea market, festival, carnival, meal or fundraising event that benefits a charity, place of worship, school, fire company or similar nonprofit organization. This term shall not include any business sign, such as a "sale" sign at a store.
- (26) TEMPORARY — A sign that is displayed for no more than three months in any year, including consecutively from year to year, unless stated otherwise in this chapter.
- (27) WALL — A sign attached to or painted on the wall of a building.
- (28) WINDOW — A sign of more than one square foot that is attached to a window or visible through a window. A temporary window sign made of paper on a commercial building is not regulated by this chapter. Any other window sign shall be regulated as a building sign.
- (29) SIGN AREA — The area of a sign shall be the area of the smallest rectangle, triangle or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs or other display.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE ALTERATIONS — This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than 1/2 acre, other than selective thinning of existing vegetation or trees;
- C. Regrading, stripping, earth disturbance of 5,000-sf or more.

SLAUGHTERHOUSE — A commercial establishment used for slaughtering and dressing of animals, the meat of which is intended for human consumption. Sometimes also referred to as a meat processing plant.

SLSA — Suburban Lancaster Sewer Authority.

SOLID WASTE-TO-ENERGY FACILITY — An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

SOLID WASTE LANDFILL — An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

SOLID WASTE TRANSFER FACILITY — Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

SPECIAL EXCEPTION — A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided the use complies with the conditions and standards required by this chapter. See § 285-6.

SPECIFIED SEXUAL ACTIVITIES — One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of "adult use."

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE — The Commonwealth of Pennsylvania and its agencies.

STOCKYARD — A large yard containing pens and sheds, typically adjacent to a slaughterhouse, in which livestock is kept and sorted.

STORY — A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of six and a half feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than six feet below the finished grade level for more than 50% of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than six and a half feet shall be considered a "half-story."

STREET — A public or private thoroughfare which provides the principal means of vehicle access to three or more lots or that is an expressway, but not including an alley or a driveway. The terms "street," "highway" and "road" have the same meaning and are used interchangeably.

STREET CLASSIFICATION — The functional classification of streets, roads and highways that is provided in the Township Comprehensive Plan shall apply. Such classifications may be revised by written resolution of the Board of Supervisors.

STRUCTURE — Any man-made object having a stationary location on, below, or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter. For the purposes of this chapter, utility poles, stormwater basins, stormwater inlets and outlets, wells, and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

SUBDIVISION — The definition in the Subdivision and Land Development Ordinance shall apply.

SUBDIVISION ORDINANCE or SUBDIVISION AND LAND DEVELOPMENT ORDINANCE — The West Lampeter Township Subdivision and Land Development Ordinance, as amended.

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

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss, regardless of the actual repair work performed. The term does not include either 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 Township code enforcement official and which are the minimum necessary to assure safe living conditions.

SWIMMING POOL, HOUSEHOLD OR PRIVATE — A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See § 285-49.

SWIMMING POOL, NONHOUSEHOLD — A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

STORAGE POD — A portable on demand storage container or other self-storage container, including, but not limited to, containers commonly known as "portable storage containers" or "PODS®." For the purposes of this ordinance, "storage pod" shall be defined as those with greater than one cubic yard of storage volume.

TAVERN — A place where alcoholic beverages are served as a primary or substantial portion of the total trade, and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See also the definition of "restaurant."

THEATER — A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

TIMBER HARVESTING (INCLUDES LOGGING) — The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. For the purposes of timber harvesting, the following terms shall have the following meanings:

- A. **BASAL AREA** — The area in square feet per acre occupied by tree stems four and a half feet above the ground, normally measured by a calibrated prism or angle gauge.
- B. **BEST MANAGEMENT PRACTICES** — Universally accepted activities that have a positive effect or minimize a negative effect on the forest ecosystem. They provide minimum acceptable standards for good forest management. Examples of such practices may be found in the publication entitled, "Best Management Practices for Pennsylvania Forests," published by Penn State University, College of Agricultural Sciences, dated 1996, or a successor version.
- C. **FELLING** — The act of cutting a standing tree so that it falls to the ground.
- D. **LANDING** — A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.
- E. **LITTER** — Discarded items not naturally occurring on the site, such as tires, oil cans, garbage, equipment parts and other rubbish.
- F. **LOP** — To cut tops and slash into smaller pieces to allow the material to settle close to the ground.
- G. **NONCOMMERCIAL TIMBER STAND IMPROVEMENT** — A forest practice, such as thinning or pruning, which results in better growth, structure, species composition or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- H. **SKIDDING** — Dragging trees on the ground from the stump to the landing by any means.
- I. **SLASH** — Woody debris left in the woods after logging, including logs, chunks,

bark, branches, uprooted stumps and broken or uprooted trees or shrubs.

- J. STAND — Any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.
- K. TIMBER OPERATOR — An individual, partnership, company, firm association, corporation or other entity engaged in timbering harvesting, including the agents, subcontractors and employees thereof.
- L. TOP — The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

TIRE STORAGE, BULK — The storage of more than 30 used tires on a lot, except that a tire retail store may include the storage of up to 100 used tires on a lot without being regulated by this term. See "outdoor storage" in § 285-49.

TOWNHOUSE — See "dwelling types."

TOWNSHIP — West Lampeter Township, Lancaster County, Pennsylvania.

TRADE/HOBBY SCHOOL or TRADE SCHOOL — A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby; and b) does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

TRADESPERSON — A person involved with building trades, such as, but not limited to, plumbing, electrical work, building construction, building remodeling, and roofing.

TRANSFER OF DEVELOPMENT RIGHTS — An optional process, authorized under § 285-33, that allows the residential density that would otherwise be allowed on one tract to be transferred to increase the density on another tract. The developer of the second tract compensates the owner of the first tract for preserving his/her land, based upon an agreement negotiated and accepted by both parties.

TRANSIENT — Less than 30 full consecutive days.

TREATMENT CENTER —

- A. A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:
 - (1) Criminal rehabilitation, such as a criminal halfway house;
 - (2) Current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
 - (3) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- B. See standards in § 285-48. Also, a group home that exceeds the number of residents allowed by this chapter within a group home shall be regulated as a treatment center, unless approved otherwise under § 285-60.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly applicable to new construction in all municipalities,

whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the UCC adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

UNREGISTERED VEHICLE — A vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than 90 days beyond the expiration date.

USE — The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

VARIANCE — The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code. See § 285-61.

VIOLATION — The failure of a structure or other development to be fully compliant with the Township's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3),(e)(2), (e) (4), (e) (5) is presumed to be in violation until such time as that documentation is provided.

WALL — See "fence."

WAREHOUSE — A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

WATERCOURSE — A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER SERVICE, CENTRAL — Water supply service to a building by a Township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

WATER SERVICE, ON-LOT — Water supply service to a building that does not meet the definition of "central water service," such as but not limited to an individual on-lot well.

WATER SERVICE, PUBLIC — Central water service by a system owned and/or operated by a municipality or a municipal authority.

WETLANDS — An area of land and/or water meeting one or more definitions of a "wetland" under federal and/or Pennsylvania law and/or regulations.

WIND ENERGY CONSERVATION SYSTEM (WECS) - Any device which converts

wind energy to mechanical or electrical energy.

WINDOW DISPLAY — An exhibit behind a window that is intended to draw attention to a product, service, business or cause.

YARD — An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting lot line, existing street right-of-way or setback required from a street under § 285-25, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in § 285-20.
- B. Private streets: For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

YARD, FRONT or FRONT SETBACK — A land area measured a distance from and running parallel to the front lot line, street right-of-way line or setback required by § 285-25, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a street, whenever one street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side the front door or front display windows of the principal building faces upon.
- B. See § 285-20 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this chapter.
- D. Every lot shall include at least one front lot line.

YARD, REAR or REAR SETBACK —

- A. A yard extending the full width of the lot, and which is measured from along the rear line, and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this chapter.
- C. Every lot shall include a rear lot line and a rear yard.

YARD, SIDE OR SIDE SETBACK —

- A. A yard which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this chapter.

C. See "corner lot" provision in § 285-20.

D. A triangular lot shall include one side yard. All other lots shall include at least two side yards, except for a corner lot.

ZONING MAP — The Official Zoning Map of West Lampeter Township, Lancaster County, Pennsylvania.

ZONING OFFICER — The person charged with the duty of enforcing the provisions of this Zoning Ordinance, and any officially designated assistant.

ZONING ORDINANCE — The West Lampeter Township Zoning Ordinance, as amended.

ARTICLE III

Residential / Agricultural Districts

§ 285-34. General Regulations

- A. Unless otherwise provided by state or federal law or specifically stated in this chapter (including § 285-64), any land or structure shall only be used or occupied for a use specifically listed in this chapter as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this chapter.
- B. See § 285-64, which generally provides a process for approval of a use that is not listed, based upon similarity to permitted uses and other criteria. Except as provided in such § 285-64, any other principal use that is not specifically listed as permitted, requiring conditional use or special exception in the applicable district in the following sections is prohibited in that district.
- C. For temporary uses, see § 285-62.
- D. Agricultural setback requirement. No dwelling unit shall be located within 75 feet of the boundary line of any actively farmed parcel within the Agricultural Zone. In addition, no shrub nor tree shall be planted within 10 and 20 feet, respectively, of any parcel within the Agricultural Zone.
- E. On lots abutting streets on more than one side, the front setback requirements shall apply to each of the abutting streets.
- F. Any new nonresidential principal structure adjacent to a lot with a dwelling shall provide a landscape buffer in accordance with § 285-20 within the required setback.
- G. Permitted accessory uses in all districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this chapter. The following are permitted as accessory uses to a lawful principal use in all districts, within the requirements of § 285-49 and all other requirements of this chapter:
 - (1) Garage sale.
 - (2) Pets, keeping of.
 - (3) Parking or loading, off-street, only to serve a use that is permitted in that district.
 - (4) Recreational facilities, limited to use by residents of a development or students at a primary or secondary school or center for the care and treatment of youth and their occasional invited guests.
 - (5) Residential accessory structure (see definition in Article II).
 - (6) Signs, as permitted by Article VII.
 - (7) No-impact home occupation as accessory to a principal residential use.
 - (8) Roof-mounted solar panels accessory to a residential dwelling use.
 - (9) Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted, special

exception or conditional principal use.

H. Permitted accessory uses to business and institutional uses. The following are permitted accessory uses only to a permitted, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this chapter are met:

- (1) Storage of fuels for on-site use or to fuel company vehicles.
- (2) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - (a) Internal cafeteria without drive-through service;
 - (b) Day-care center; or
 - (c) Recreational facilities.
- (3) EV Charging Station with dedicated parking spot. §285-49.
- (4) Automatic transaction machine (ATM).
- (5) Storage sheds meeting the requirements of § 285-49.

I. Accessory structures and uses.

- (1) Accessory structures and uses shall meet the minimum yard setbacks provided for in Article III and IV, unless otherwise provided for in this chapter, including this Subsection C.
- (2) The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the R, RR and R-1 Districts and five feet in other districts:
 - (a) A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - (b) A residential porch or deck that is unenclosed may extend a maximum of 10 feet into the required rear setback. Such porch or deck may or may not be covered by a roof or awning.
 - (c) If any accessory building or pool is constructed adjacent to a street (such as a rear yard on a lot that is adjacent to a street along the front lot line and another street along the rear lot line), then the building or pool shall be separated from such street by a buffer yard meeting § 285-20.
 - (d) Residential detached accessory buildings that are 400-sf and larger shall meet side and rear setbacks of 10 feet.
 - (e) Swimming pools, whether in-ground or above, shall meet side and rear setbacks of 10-feet, including decking and/or hardscaping.
- (3) No accessory structure shall be allowed within the front yard setback

§ 285-35. A - Agricultural District.

A. Purpose. WLT has significant amounts of land designated for agricultural future land use. Large portions of this land consist of prime farmland that is in need of protection from development if the agricultural economic base, rural character, and way of life is to be maintained. Many areas of prime farmland have already been lost to development pressures. Currently, a majority of the remaining prime farmland is utilized for agriculture, with some land designated for open space and park uses. A significant portion of prime agricultural land can be found surrounding WLT's historical features (e.g., Hans Herr House) or abutting natural features such as Mill Creek and Pequea Creek. A fair portion of these lands are already enrolled in the Agricultural Preservation Program or are designated as Agricultural Security Areas, while additional acreage is enrolled in the Clean and Green (Act 319) program. WLT should continue taking steps to preserve its agricultural land, making continued efforts to enroll more farmland in agricultural land preservation programs. This is particularly important for land adjacent to the growth boundaries to create a greenbelt buffer, which not only protects WLT's character but also acts as a development control when used in conjunction with other policies. These areas adjacent to the growth boundaries are the most threatened because they are closest to areas where public infrastructure could be extended and development correspondingly occur. WLT's Agricultural Preservation Committee should also take a proactive role in identifying farms and farmers interested in enrolling in land protection programs or seek outside preservation groups to purchase development rights or conservation easements.

B. Permitted Uses.

(1) Primary:

- (a) Single Family Dwelling
- (b) Cemetery
- (c) Crop Farming
- (d) Group Home
- (e) Nature Preserve / Education Center
- (f) Public Recreation Park
- (g) Raising Livestock (not intensive and intensive)
- (h) Township Government
- (i) Wholesale Greenhouse

(2) Accessory:

- (a) Accessory Day Care
- (b) Accessory Roof Mounted Solar
- (c) Home Occupation (no impact)
- (d) Keeping of bees

- (e) Retail Sales of Agricultural Products
 - (f) Stable (household)
 - (g) Timber Harvesting
 - (h) Windmill
- C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.
- (1) Primary:
 - (a) Bed and Breakfast
 - (b) Daycare
 - (c) Government Facility
 - (d) Hunting and Fishing Club
 - (e) Place of Worship
 - (f) Public Utilities Facility
 - (g) Short Term Rental
 - (h) Solar, Ground Mounted and Grid
 - (2) Accessory:
 - (a) Accessory Dwelling Unit
 - (b) Composting
 - (c) Home Occupation (general)
 - (d) Sewage Sludge
 - (e) Stable (non-household)
- D. Conditional Uses, The establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.
- (1) Primary and/or Accessory:
 - (a) Communications Tower (freestanding)
 - (b) Land Smoothing
 - (c) Groundwater/Spring Water Withdraw
 - (d) Kennel
 - (e) School
 - (f) Sewage Treatment
 - (g) Windmill (2 or more)
 - (h) Farm Related Business

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building / Maximum)	Height (# stories / feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Residential	35,000 SF	200	20/	2.5/40	50	25	50	50
Ag Structure			10/	150	50	50	50	50
Accessory					-	10	20	10

- E. Lot area requirements. The following area, yard and building requirements shall apply, unless a more restrictive requirement for a specific use is required by § 285-48 and 285-49 or another section of this chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as "lot width") in § 285-20.
- (1) Agricultural, horticultural and/or forestry-related uses: 20 acres minimum for uses existing as of March 16, 1996; 50 acres minimum for uses established after March 16, 1996.
 - (2) Single-family detached dwellings: 35,000 square feet, minimum lot area; two acres, maximum lot area.
 - (a) The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot: 1) does not predominately consist of Class I, II and/or III soils, as identified in the soil survey; or 2) is generally unsuitable for agricultural purposes, to be determined through submissions of professional analysis of the conditions of the parcel. The Zoning Officer shall make final determination of parcel suitability based on submissions.; or 3) where additional lot area is needed to improve septic or water supply facilities for the lot. Where an applicant proposes to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling rather than on a proposed dwelling to be constructed on the remainder of the parent tract.
 - (b) The Township may also allow one lot to exceed the two-acre maximum lot area if the applicant proves that the resulting land that is removed from the parent tract will not be greater than would result if a larger number of allowed lots would be subdivided. For example, if an applicant was allowed three new lots on a tract and only proposed one new lot, then that one new lot could have a six-acre maximum lot area, which is equivalent to three lots of two acres each. However, in this example, that six-acre lot would be designated on deeds and the record plan as having the right to subdivide the two additional lots, and the remaining parent lot would not have a right of further subdivision.

- F. Other allowed uses. Unless otherwise specified, all other principal uses shall contain at least one acre. Except as specifically stated, in no case shall any nonagricultural use contain more than five acres.
- G. See § 285-19, which may allow a lot to include two single-family detached dwellings if the applicant proves to the Township that each dwelling could be lawfully subdivided in the future to have each dwelling on its own lot meeting Township requirements.
- H. Minimum lot width: 200 feet at the minimum front yard setback line; 150 feet at the lot frontage.
- I. Minimum lot depth: 200 feet.
- J. Minimum setbacks and maximum height requirements.

(1) Agricultural uses (other than farm dwellings).

- (a) Front yard setback: 50 feet.
- (b) Side yard setback: 50 feet on each of two sides.
- (c) Rear yard setback: 50 feet.
- (d) Additional setbacks. Except as provided for in the following paragraph, no new slaughter area, area for the storage or processing of garbage, or spent mushroom compost, or structures for the cultivation of mushrooms shall be permitted within 300 feet of any land within the R-1, R-2 and/or R-3 Zones. See additional setbacks in § 285-48 under "Livestock and Poultry, Raising of."

[1] The Zoning Hearing Board may as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than 100 feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

(2) Single-family detached dwellings (including farm dwellings).

- (a) Front yard setback: 50 feet.
- (b) Side yard setbacks: 25 feet on each of two side yards.
- (c) Rear yard setback: 50 feet.
- (d) Maximum permitted height: 35 feet.

(3) Other permitted or special exception uses. Unless otherwise specified, the following requirements shall apply to all other principal uses permitted within the A District:

- (a) Front yard setbacks: 50 feet.

- (b) Side yard setbacks: 50 feet each of two side yards.
 - (c) Rear yard setback: 50 feet.
 - (d) Maximum permitted height: 35 feet.
 - (4) Residential accessory uses. Unless otherwise specified, the following requirements shall apply to accessory uses:
 - (a) Front yard setback: No accessory use (except permitted signs) shall be located within the front yard.
 - (b) Side yard setbacks: 10 feet on each of two side yards.
 - (c) Rear yard setback: 10 feet.
 - (d) Maximum permitted height: 15 feet.
 - (5) Maximum permitted height is 35 feet for principal nonagricultural buildings; 150 feet for agricultural buildings and structures, provided all structures are set back a distance at least equal to their height from all property lines.
- K. Maximum total impervious coverage:
- (1) Agricultural uses: 10%.
 - (2) Single-family dwellings: 20%.
 - (3) Places of worship or primary or secondary schools: 60%.
 - (4) Other uses (unless otherwise specified): 20%.
- L. Limitations on subdivision/land development.
- (1) In order to preserve the agricultural tracts, it is the express intent of the A District regulations that the subdivision of lots from farms or the development of nonagricultural uses and structures on existing farms shall be limited. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Pennsylvania Municipalities Planning Code to preserve prime agricultural land through the enactment of these regulations. The provisions of the zoning ordinance shall be designed to preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - (2) Each tract existing on April 20, 1988, shall be permitted to subdivide new lots from the tract or establish new principal uses on the tract based upon the lot area of the tract as it existed on April 20, 1988, as follows:

**Number of New Lots Which May Be
Subdivided and/or Number of New Principal
Uses Which May Be Established**

Lot Area (acres)		
At Least	Less Than	
2	20	1
20	40	2
40	60	3
60	80	4
80	100	5
100	120	6
120	140	7
140	160	8
160	180	9
180	200	10
200	220	11

- (3) A purpose of the A District is to limit the development of agricultural tracts. It is the further purpose of this A District to limit the number of single-family dwellings or other principal uses which may be established on any tract within the A District. The condition of the tract on April 20, 1988, or on the date on which the tract was first zoned A District shall be the basis from which the maximum development set forth above shall be calculated.
- (4) No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as provided in Subsection B(2). Any lot existing as of March 16, 1996, which is two or fewer acres in size, shall be presumed to be used for residential purposes.
- (5) 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 tract from which the land is taken and the tract to which the land is added will be 20 acres or greater after such subdivision, shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Subsection B(2) above.
- (6) A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Subsection N(2) above.
- (7) Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of a parent tract shall specify which lot or lots shall carry with it a right of further subdivision or establishment of principal uses, if any such right remains from the quota allocated to the parent tract on April 20, 1988, or on the date when such land was first included within the A District. The right of further subdivision or establishment of principal uses shall also be included in the deed for the newly

created lot. If the designation of the right of further subdivision or establishment of principal uses 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 establishment of principal uses.

- (8) In the event that a tract which was not classified as part of the A District on April 20, 1988, is or was thereafter classified as part of the A District, the size and ownership of the tract and the development existing on the tract on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided from or the number of principal uses which may be established on such tract.
- (9) The number of lots which may be created or principal uses which may be established shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision or land which was formerly part of a parent tract shall be bound by the actions of his predecessor.
- (10) In submitting an application for a subdivision/land development for a dwelling unit within the A District, the applicant shall demonstrate that measures have been used to:
 - (a) Minimize the loss of valuable farmland by directing development away from prime agricultural soils;
 - (b) Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
 - (c) Minimize the length of property lines shared by all residential lots and adjoining farms;
 - (d) Assure adequate vehicular access to future residences not currently proposed;
 - (e) Assure that the proposed plan can comply with the Township's Subdivision and Land Development Ordinance;
 - (f) Make use of existing public sewer and/or public water facilities; and
 - (g) Minimize the clearing or cutting of mature trees and hedgerows.
 - (h) The applicant shall furnish evidence regarding how these objectives have been satisfied.
- M. Farm Access lanes. All lanes exclusively serving agricultural, horticultural and/or forestry-related activities shall be exempt from driveway and access drive requirements.
- N. Warehousing and storage as a principal use. Warehousing and storage shall be permitted as a principal use when meeting all of the following criteria:
 - (1) Minimum lot size of two acres and maximum lot size of 10 acres.

- (2) Maximum of one such building per lot.
 - (3) The use shall not be used for any commercial purposes.
 - (4) The storage area may not be sublet.
 - (5) Maximum floor area of 5,000 square feet.
 - (6) All buildings shall maintain a residential or agricultural appearance, as viewed from the street.
 - (7) All other requirements shall be in compliance except as specified in this chapter.
- O. Agricultural nuisance disclaimer. All lands within the A 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, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Right to Farm Law, 3 P.S. § 951 et seq., as amended, may bar them from obtaining a legal judgment against such normal agricultural operations.

§ 285-36. RR - Rural Residential District.

- A. Purpose. Rural Residential areas are suitable for a number of uses including residential, home occupations, parks and open space, agriculture, and public uses. Residential uses should be limited to single-family homes on individual lots to provide sufficient open space to retain the rural character of the area, protect natural resources, and provide sufficient room for on-lot utilities. Future public infrastructure extensions into these areas should be limited and are not supported by Vision 2040 unless and until specific clusters of need are identified during inspections of OLDS systems. WLT has 502 acres of land designated for Rural Residential future land use - no major changes are suggested. Many of these lands are adjacent to natural resources such as Mill Creek and Pequea Creek; therefore, they are particularly suited to less intense residential development.
- B. Permitted Uses:
- (1) Primary:
 - (a) Single Family Dwelling
 - (b) Cemetery
 - (c) Communication Antenna
 - (d) Golf Course
 - (e) Group Home
 - (f) Maintenance Facility for Residential Community

- (g) Nature Preserve / Education Center
- (h) Raising of Livestock (not intensive)
- (i) Recreation Park
- (j) Township Government

(2) Accessory:

- (a) Accessory Daycare
- (b) Accessory Roof Mounted Solar
- (c) Crop Farming and Wholesale Greenhouse
- (d) Home Occupation (no impact)
- (e) Retail Sales of Agricultural Products
- (f) Stable (household and non-household)
- (g) Timber Harvesting

C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.

(1) Primary:

- (a) Bed and Breakfast
- (b) Daycare
- (c) Government Facility
- (d) Place of Worship
- (e) Public Utilities Facility
- (f) Raising Livestock (intensive)
- (g) Retreat Center
- (h) Short Term Rental
- (i) Swimming Pool (non-household)

(2) Accessory:

- (a) Accessory Dwelling Unit
- (b) Biosolids/Sewage Sludge
- (c) Composting
- (d) Home Occupation (general)
- (e) Keeping of Bees

D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.

(1) Primary and/or Accessory:

- (a) 10 or more new Single Family Dwellings
- (b) Camp
- (c) Farm Related Business
- (d) Groundwater/Spring Water Withdraw
- (e) School (50 or more students)
- (f) Sewage Treatment
- (g) Windmill

E. Lot Requirements:

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building /Maximum)	Height (# stories/ feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Single Family Dwelling	2 acres	200	15/20	2.5 / 40'	50	15	30	50
Accessory Use			(2) structures or 1000 SF	2 /25'		10	20	10
Other Principal Use								

§ 285-37. R-1 Low-Density Residential District.

A. Purpose. Low-density residential lands are appropriate for multi-lot residential development and are generally found within the growth boundaries, although some significant areas of low-density residential land can be found outside the growth boundaries. New developments within Low-Density Residential lands should provide public sewer and water to serve development units. They should also provide the required road improvements necessary to permit sufficient ingress and egress without increasing congestion or safety hazards on adjacent roadways. Appropriate uses include single-family detached dwellings and accessory structures; public uses may be permitted by right while other civic uses may be permitted by conditional use and the provision of open space and parkland should be encouraged.

B. Permitted Uses:

(1) Primary:

- (a) Single Family Dwelling
 - (b) Communication Antenna
 - (c) Community Recreation Center or Library
 - (d) Golf Course
 - (e) Group Home
 - (f) Maintenance Facility for Residential Community
 - (g) Nature Preserve / Education Center
 - (h) Public Recreation Park
 - (i) Township Government
- (2) Accessory:
- (a) Accessory Daycare
 - (b) Accessory Roof Mounted Solar
 - (c) Bus Shelter
 - (d) Crop Farming and Wholesale Greenhouse
 - (e) Home Occupation (no impact)
 - (f) Retail Sales of Agricultural Products
 - (g) Stable (household)
 - (h) Timber Harvesting
- C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.
- (1) Primary:
- (a) Bed and Breakfast
 - (b) Government Facility
 - (c) Place of Worship
 - (d) Public Utilities Facility
 - (e) Swimming Pool (non-household)
- (2) Accessory:
- (a) Accessory Dwelling Unit
 - (b) Home Occupation (general)
 - (c) Raising of Livestock (not intensive and intensive)
 - (d) Stable (non-household)
- D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth

in Article I herein.

(1) Primary and/or Accessory:

- (a) 10 or more new Single Family Dwellings
- (b) Farm Related Business
- (c) Groundwater/Spring Water Withdraw
- (d) Medical Residential Campus
- (e) School (50 or more students)
- (f) Sewage Treatment
- (g) Windmill

E. Lot Requirements:

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories / feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
On-lot	1 acre	150	30/40	2.5 / 40'	35	15	30	35
One public Utility	39,000	150						
Public Water & Sewer	15,000	100						
Accessory Use			(2) structures or 1000 SF	2 / 25'		10	20	10
Other Principal Use	1 acre	150						

§ 285-38. R-2 Medium Density Residential District.

A. Purpose. Medium-density residential lands are generally considered appropriate for multi-lot residential development. These lands should be located within the growth boundaries and developments should be served with public water and sewer. If public water is not available, a hydrogeologic study or water feasibility study should be required for development to ensure sufficient water is available for residential uses. Appropriate uses in these areas include single-family detached homes, townhomes, and duplexes.

B. Permitted Uses:

(1) Primary:

- (a) Single Family Dwelling
- (b) Twin Dwelling
- (c) Duplex Dwelling
- (d) Community Recreation Center
- (e) Golf Course
- (f) Group Home
- (g) Maintenance Facility for Residential Community
- (h) Nature Preserve / Education Center
- (i) Public Recreation Park
- (j) Township Government

(2) Accessory:

- (a) Accessory Daycare
- (b) Accessory Roof Mounted Solar
- (c) Bus Shelter
- (d) Crop Farming
- (e) Home Occupation (no impact)
- (f) Retail Sales of Agricultural Products
- (g) Stable (household)
- (h) Timber Harvesting

C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.

(1) Primary:

- (a) Bed and Breakfast
- (b) Daycare

- (c) Emergency Services Station
 - (d) Government Facility
 - (e) Place of Worship
 - (f) Swimming Pool (non-household)
- (2) Accessory:
- (a) Accessory Dwelling Unit
 - (b) Home Occupation (general)
 - (c) Raising of Livestock (not intensive)
 - (d) Stable (non-household)
- D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.
- (2) Primary and/or Accessory:
- (a) Ten or more new Single Family, Twin and Duplex Dwellings
 - (b) Farm Related Business
 - (c) Communications Antenna
 - (d) Groundwater/Spring Water Withdraw
- E. Lot Requirements:

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories / feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
On-lot	1 acre	150	50/60	2.5 / 40'	30	15	30	30
One public Utility	39,000 SF	150				8	20	
Public Water & Sewer	9,000 SF	70				8	20	
Accessory Use			(2) structures or 1000 SF	2 / 25'		5	10	5
Other Principal Use	20,000 SF	100				15	30	

§ 285-39. R-3 High-Density Residential.

- A. Purpose. High-density residential lands are generally considered appropriate for multi-lot development and should be located within the growth boundaries with developments served by public water and sewer. Appropriate uses include single-family detached homes, duplexes, townhouses, and multifamily dwellings.
- B. Permitted Uses:
- (1) Primary:
 - (a) Single Family Dwelling
 - (b) Twin Dwelling (less than 10 units)
 - (c) Duplex Dwelling (less than 10 units)
 - (d) Townhouse (less than 10 units)
 - (e) Community Recreation Center or Library
 - (f) Golf Course
 - (g) Group Home
 - (h) Maintenance Facility for Residential Community
 - (i) Nature Preserve / Education Center
 - (j) Public Recreation Park
 - (k) Township Government
 - (2) Accessory:
 - (a) Accessory Roof Mounted Solar
 - (b) Bus Shelter
 - (c) Home Occupation (no impact)
 - (d) Retail Sales of Agricultural Products
 - (e) Stable (household)
 - (f) Timber Harvesting
- C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.
- (1) Primary:
 - (a) Bed and Breakfast
 - (b) Boarding House
 - (c) Conversion Apartment
 - (d) Emergency Services Station

- (e) Government Facility
- (f) Place of Worship
- (g) Public Utilities Facility
- (h) Raising of Livestock (not intensive)
- (i) Swimming Pool (non-household)

(2) Accessory:

- (a) Accessory Dwelling Unit
- (b) Accessory Daycare
- (c) Home Occupation (general)
- (d) Stable (non-household)

D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.

(1) Primary and/or Accessory:

- (a) Ten or more new Single Family, Twin, Duplex, Townhouse and multifamily Dwellings
- (b) Farm Related Business
- (c) Communications Antenna
- (d) Groundwater/Spring Water Withdraw
- (e) Medical Residential Campus
- (f) Mobile Home Park
- (g) Nursing Home
- (h) Sewage Treatment Plant

E. Lot Requirements:

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/ feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
On-lot	1 acre	150	50/60	2.5 / 40'	25	15	30	25
Public Water & Sewer	7,000 SF	55				5	15	
Accessory Use			(2) structures or 1000 SF	2 /25'		5	10	5

§ 285-40. TV – Traditional Village District.

- A. Purpose. The area around the Village of Lampeter, encompassed by part of the growth boundary, is designated for Traditional Village land use. It is typified by the presence of a village square, centered on the intersection of Village and Lampeter Roads, and surrounded by a variety of other uses. This area encourages a mix of compatible residential and non-residential uses within the same block and adaptive re-use of historic structures is encouraged. These should all yield a revitalization of the Village area, characterized by an active, pedestrian friendly community with a variety of residential uses and densities, retail, professional and institutional uses, eateries, and recreational facilities.
- B. Permitted Uses:
- (1) Primary:
 - (a) Single Family Dwelling
 - (b) Dry Cleaners
 - (c) Emergency Service Station
 - (d) Financial Institution
 - (e) Offices
 - (f) Personal Services
 - (g) Place of Worship
 - (2) Accessory:
 - (a) Accessory Roof Mounted Solar
 - (b) Home Occupation (no impact)
- C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.
- (1) Primary:
 - (a) Auto Filling Station
 - (b) Bed and Breakfast
 - (c) Clubhouses for Private Clubs
 - (d) Public/Non-profit Parks
 - (e) Public Uses
 - (f) Restaurant
 - (g) Retail Sales <8,000 SF
 - (h) Veterinarian Office
 - (2) Accessory:
 - (a) Home Occupation (general)

D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.

(1) Primary:

(a) Ten or more new Single Family, Twin, and Duplex Dwellings

E. Lot Requirements:

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Residential	7,000 SF	55	50/65	2.5/40	25	10	20	30
Commercial Uses	25,000 SF	55	40/80	2.5/40	15	10	20	30
Accessory			(2) structures or 1000 SF	2/25	-	10	10	10

§ 285-41. C - Conservation

A. Purpose. Low-density residential lands are appropriate for multi-lot residential development and are generally found within the growth boundaries, although some significant areas of low-density residential land can be found outside the growth boundaries. New developments within Low-Density Residential lands should provide public sewer and water to serve development units. They should also provide the required road improvements necessary to permit sufficient ingress and egress without increasing congestion or safety hazards on adjacent roadways. Appropriate uses include single-family detached dwellings and accessory structures; public uses may be permitted by right while other civic uses may be permitted by conditional use and the provision of open space and parkland should be encouraged.

B. Permitted Uses:

(1) Primary:

- (a) Single Family Dwelling
- (b) Cemetery
- (c) Community Recreation Center
- (d) Crop Farming and Wholesale Greenhouse
- (e) Golf Course
- (f) Hunting and Fishing Club
- (g) Nature Preserve / Education Center
- (h) Plant Nursery or Tree Farm

- (i) Public Recreation Park
- (j) Township Government Uses
- (k) Raising Livestock (not intensive)
- (2) Accessory:
 - (a) Accessory Daycare
 - (b) Accessory Roof Mounted Solar
 - (c) Home Occupation (no impact)
 - (d) Retail Sales of Agricultural Products
 - (e) Stable (household and non-household)
- C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.
 - (1) Primary:
 - (a) Bed and Breakfast
 - (b) Cultural Center/Museum
 - (c) Emergency Services Station
 - (d) Government Facility
 - (e) Public Utilities Facility
 - (f) Retreat Center
 - (g) Swimming Pool (non-household)
 - (2) Accessory:
 - (a) Accessory Dwelling Unit
 - (b) Composting
 - (c) Home Occupation (general)
 - (d) Keeping of Bees
 - (e) Sewage Sludge
- D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.
 - (1) Primary and/or Accessory:
 - (a) Camp
 - (b) Groundwater/Spring Water Withdraw
 - (c) Sewage Treatment
 - (d) Farm Related Business

E. Lot Requirements:

Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
				Front	Side	Total Both Sides	Rear
3 acres	250	10/20	2.5/40	50	15	30	50

ARTICLE IV

Commercial / Industrial Districts

§ 285-42. General Regulations

- A. Unless otherwise provided by state or federal law or specifically stated in this chapter (including § 285-64), any land or structure shall only be used or occupied for a use specifically listed in this chapter as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this chapter.
- B. See § 285-64, which generally provides a process for approval of a use that is not listed, based upon similarity to permitted uses and other criteria. Except as provided in such § 285-64, any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.
- C. For temporary uses, see § 285-62.
- D. Agricultural setback requirement. No building or dwelling unit shall be located within 75 feet of any actively farmed parcel within the Agricultural Zone. In addition, no shrub nor tree shall be planted within 10 and 20 feet, respectively, of any parcel within the Agricultural Zone.
- E. On lots abutting streets on more than one side, the front setback requirements shall apply to each of the abutting streets. A principal structure need not be set back more than the average of the setback of the principal structures on contiguous abutting lots existing as of the date of the enactment of this chapter. If a vacant lot exists on one or both sides of the lot, the front yard setback shall not be less than 40 feet.
- F. Any new nonresidential principal structure adjacent to an existing residential lot shall provide a landscape buffer in accordance with § 285-20 within the required setback.
- G. Unless otherwise provided by state or federal law or specifically stated in this chapter (including § 285-64), any land or structure shall only be used or occupied for a use specifically listed in this chapter as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this chapter.
 - (1) See § 285-64, which generally provides a process for approval of a use that is not listed, based upon similarity to permitted uses and other criteria. Except as provided in such § 285-64, any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.
 - (2) For temporary uses, see § 285-62.
- H. Permitted accessory uses in all districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this chapter. The following are permitted as accessory uses to a lawful principal use in all districts, within the requirements of § 285-49 and all other requirements of this chapter:
 - (1) Garage sale.

- (2) Pets, keeping of.
 - (3) Parking or loading, off-street, only to serve a use that is permitted in that district.
 - (4) Recreational facilities, limited to use by residents of a development or students at a primary or secondary school or center for the care and treatment of youth and their occasional invited guests.
 - (5) Residential accessory structure (see definition in Article II).
 - (6) Signs, as permitted by Article VII.
 - (7) No-impact home occupation as accessory to a principal residential use.
 - (8) Roof-mounted solar panels accessory to residential dwelling use.
 - (9) Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted, special exception or conditional principal use.
- I. Permitted accessory uses to business and institutional uses. The following are permitted accessory uses only to a permitted, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this chapter are met:
- (1) Storage of fuels for on-site use or to fuel company vehicles.
 - (2) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - (a) Internal cafeteria without drive-through service;
 - (b) Day-care center; or
 - (c) Recreational facilities.
 - (3) EV Charging Station with dedicated parking spot §285-49.
 - (4) Automatic transaction machine (ATM).
 - (5) Storage sheds meeting the requirements of § 285-49.
- E. Accessory structures and uses.
- (1) Accessory structures and uses shall meet the minimum yard setbacks, unless otherwise provided for in this chapter, including this Subsection C.
 - (2) The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the R, RR and R-1 Districts and five feet in other districts. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - (3) A residential porch or deck that is unenclosed may extend a maximum of 10 feet into the required rear setback. Such porch or deck may or may not be covered by a roof or awning. Swimming pools, whether in-ground or above, shall meet side

and rear setbacks of 10-feet, including decking and/or hardscaping.

- (4) Residential detached accessory buildings that are 400-sf and larger shall meet side and rear setbacks of 10 feet.
- (5) No accessory structure and no swimming pool shall be allowed within the front yard .

§ 285-43. MS - Main Street District.

A. Purpose. To provide business opportunities while seeking to develop a central community focus for the Township. To promote a pedestrian-friendly and bicycle-friendly environment. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic character and most likely to cause conflicts with homes. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

B. Permitted Uses:

(1) Primary:

- (a) Single Family Dwelling
- (b) Twin Dwelling
- (c) Townhome
- (d) Multifamily Dwelling
- (e) Conversion of Existing Building into Dwellings
- (f) Dry Cleaners
- (g) Emergency Service Station
- (h) Financial Institution
- (i) Office
- (j) Personal Services
- (k) Place of Worship

(2) Accessory:

- (a) Accessory Roof Mounted Solar
- (b) Home Occupation (no impact)

C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.

(1) Primary:

- (a) Auto Filling Station
- (b) Bed and Breakfast

- (c) Clubhouse for Private Club
 - (d) Contractor Shop
 - (e) Daycare
 - (f) Group Home
 - (g) Indoor Theaters
 - (h) Indoor / Outdoor Recreation
 - (i) Public/Non-profit Parks
 - (j) Public Uses / Public Utilities Structures
 - (k) Restaurants
 - (l) Retail Sales
 - (m) Veterinarian Office
- (2) Accessory:
- (a) Home Occupation (general)

D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.

- (1) Primary:
- (a) Conference Center
 - (b) Hotel/Motel

E. Lot Requirements:

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Residential Sewer & Water	7,000 SF	55	50/60	2.5/40	25	15	30	25
Commercial	10,000 SF	80	40/80	2.5/40	15	10	20	25
Accessory				2/25	-	10	20	10

F. Buildings may be developed in a condominium arrangement without each building being on its own minimum-sized lot, provided the applicant proves that the same dimensional requirements could be met as if the dwellings were in fee-simple ownership. For example, if a ten-foot side yard is required on each side of two buildings, then a 20 foot separation shall be provided, although a lot line would not

need to exist between the two buildings.

- G. Before zoning approval is granted for any new principal building, a conceptual architectural plan shall be submitted to the Township for review. Such plans shall show the front elevation of the building and shall list the types of exterior building materials of the front facade. A Township disapproval decision shall not be based upon such architectural plans.
- H. Individual buildings and pedestrian entrances and parking areas shall be laid out to promote pedestrian access among different uses.
- I. Buildings of over 100 feet in length should be designed to have the appearance of interconnected buildings and to avoid the appearance of monotony. This should be accomplished through variations in rooflines, overhangs, setbacks, colors and facade materials and use of canopies, porches and awnings.
- J. Buildings should have the appearance of having a pitched or peaked roof as viewed from a street or have a decorative cornice roof.
- K. Retail stores should have display windows facing onto the street.
- L. Buildings should be designed and arranged to provide a character similar to an older village. Street level storefronts shall be inviting to pedestrians.
- M. No off-street parking spaces shall be located within: a) 40 feet from the right- of-way of Route 272 Willow Street Pike or Village Road; and b) 10 feet from the curblineline of any other street. To the maximum extent feasible, off-street parking should be located to the rear or side of nonresidential buildings. Existing parking spaces may be rearranged, provided they do not result in an increase in the land area covered by off-street parking spaces in such location.
- N. Walkways through parking lots shall be well-defined and separated from major vehicle corridors, except where crosswalks are provided.
- O. Loading and unloading spaces for trucks shall not block major pedestrian ways or create blind spots.
- P. Bike racks shall be provided in commercial developments of over three acres.
- Q. As viewed from a street, buildings should be constructed of materials using the following exterior materials or other materials with a closely similar appearance: brick, stone or clapboard.
- R. Design guidelines. The following design guidelines are recommended to be used by the Township and applicants when considering changes to the MS District.
 - (1) Every effort should be made to preserve and reuse older buildings and to rehabilitate historic features. Modern additions and features should be placed towards the rear of the property.
 - (2) Uninterrupted continuity of pedestrian-related uses and activities should be encouraged along Willow Street Pike, particularly in areas of present activity. Outward street orientation is encouraged, with storefronts, entrances, window displays and other windows relating to Willow Street Pike.

- (3) Lighting. Privately installed light fixtures should be similar in design to decorative public streetlights. Excessive illumination and glare should be avoided.
 - (4) Signs. If more than one sign is used, the signs should be consistent in design. Signs should not cover historic architectural features.
 - (5) Parking. Parking areas should be well-screened from Willow Street Pike by landscaping and a decorative masonry wall.
 - (6) Patterns. Where existing older buildings have a certain horizontal or vertical orientation or pattern, that orientation or pattern should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued. When larger buildings are proposed, they should be articulated so that the major elements of the facade reflect the width and proportion of the surrounding buildings.
 - (7) Blank walls. Blank walls without door and window openings should be avoided along a street. Overly modernistic or bland buildings devoid of details should be avoided when adjacent buildings have architectural details.
 - (8) Fencing. Chain link metal fencing should be avoided in the front yard.
 - (9) Materials. On sides visible from a street, new construction should use building materials that are similar to appearance to older buildings. Artificial materials are acceptable if they have a truly realistic appearance.
- S. Subject to any special or more particular provisions of this chapter, any building exceeding 100 feet in length which is proposed as part of multiple buildings on a lot may be set back greater than the maximum setback required, provided it is screened and buffered from the front of the lot by plantings or other approved materials.
- T. Circulation, traffic access and streets.
- (1) Street standards. As authorized by the traditional neighborhood provisions of the State Municipalities Planning Code, the Board of Supervisors shall have the authority to modify specific street requirements of the Subdivision and Land Development Ordinance to result in a development that is pedestrian- oriented and that promotes low-speed traffic.
 - (a) For example, the Board of Supervisors may approve reduced street cartway widths, street right-of-way widths and street curve radii.
 - (b) The applicant shall submit a request for modifications in writing, which shall state the reasons why the modification would be consistent with the purposes for a traditional neighborhood development as stated in the State Municipalities Planning Code and would be in the public interest while protecting public safety.

§ 285-44. CN - Neighborhood Commercial District.

- A. Purpose. Anticipated services are generally those used by residents on a regular basis including professional and business offices, retail sale of goods and services, banks,

personal services, medical services, and public use facilities.

B. Permitted Uses:

(1) Primary:

- (a) Computer Services
- (b) Dry Cleaners
- (c) Emergency Service Station
- (d) Financial Institution
- (e) Funeral Homes
- (f) Medical Professional Services
- (g) Nursery and Garden Center
- (h) Offices
- (i) Personal Services
- (j) Place of Worship
- (k) Restaurant
- (l) Retail Sales less than 8,000 square feet
- (m) Veterinarian Office

(2) Accessory:

- (a) Accessory Roof Mounted Solar
- (b) Home Occupation (no impact)

C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.

(1) Primary:

- (a) Auto Repair Facility
- (b) Clubhouse for Private Club
- (c) Indoor / Outdoor Commercial
- (d) Indoor Recreation
- (e) Theaters and Auditoriums
- (f) Public / Non-profit Parks
- (g) Public Uses
- (h) Short Term Rental

D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.

- (1) Primary:
 - (a) Multifamily Dwelling

E. Lot Requirements:

Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/ feet)	Minimum Yard Setbacks			
				Front	Side	Total Both Sides	Rear
30,000 SF	100	40/70	2.5/40	30	15	30	30

§ 285-45. CH - Highway Commercial District.

A. Purpose. Anticipated uses are generally more dependent on traffic generated by a major road or thoroughfare and are therefore grouped to facilitate automobile-oriented shopping and to promote the safe and expedient conveyance of expected high-traffic volumes. Expansion of highway commercial/ strip-type development is discouraged by Vision 2040.

B. Permitted Uses:

- (1) Primary:
 - (a) Emergency Service Station
 - (b) Financial Institution
 - (c) Funeral Homes
 - (d) Golf Course
 - (e) Hotel
 - (f) Indoor Theaters
 - (g) Laboratories
 - (h) Medical Professional Services
 - (i) Nursery and Garden Center
 - (j) Offices
 - (k) Personal Services
 - (l) Place of Worship
 - (m) Restaurant
 - (n) Retail Sales less than 8,000 square feet
 - (o) Trade School

(2) Accessory:

(a) Accessory Roof Mounted Solar

C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.

(1) Primary:

- (a) Auto Filling Station
- (b) Auto Repair Facility
- (c) Billboard
- (d) Campground
- (e) Car Wash
- (f) Clubhouse for Private Club
- (g) Contractor Shop
- (h) Hospital
- (i) Indoor / Outdoor Recreation
- (j) Miniwarehouse
- (k) Public / Non-profit Parks
- (l) Public Uses
- (m) Retail sales of or greater than 8,000 square feet
- (n) Sales of Motorized Vehicles and Equipment
- (o) Schools
- (p) Short Term Rental

D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.

(1) Primary:

- (a) Nursing, Rest / Retirement Home
- (b) Conference Center

E. Lot Requirements:

Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/ feet)	Minimum Yard Setbacks			
				Front	Side	Total Both Sides	Rear
30,000 SF	100	40/70	2.5/40	30	15	30	30

§285-46. I/M - Industrial/Mixed Use District.

- A. Purpose. This area is intended to promote industrial and manufacturing development, warehousing, and other intense forms of development within limits of the land's physical conditions and available transportation system. Anticipated uses include fabricating, packaging, laboratories or experimental research facilities, warehousing, wholesaling, repair garages, and transportation facilities.
- B. Permitted Uses:
- (1) Primary:
 - (a) Single Family Dwelling
 - (b) Twin Dwelling (less than 10 units)
 - (c) Duplex Dwelling (less than 10 units)
 - (d) Townhouse (less than 10 units)
 - (e) Auto Repair Facility
 - (f) Emergency Service Station
 - (g) Hotels
 - (h) Hospital
 - (i) Industrial Involving Manufacturing and/or Packing
 - (j) Laboratories
 - (k) Miniwarehouse
 - (l) Parking Lot
 - (m) Place of Worship
 - (n) Printing or Publishing
 - (o) Restaurant
 - (p) Retail sales of less than 8,000 Square feet
 - (q) Sales of Motorized Vehicles and Equipment
 - (r) Schools
 - (s) Trade School
 - (t) Wholesale Sales and Storage
 - (2) Accessory:
 - (a) Accessory Roof Mounted Solar
 - (b) Home Occupation (no impact)
- C. Special Exception Uses, the establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article VIII herein.

- (1) Primary:
 - (a) Adult Use
 - (b) Airport
 - (c) Billboard
 - (d) Campground
 - (e) Contractor Shops
 - (f) Golf Course
 - (g) Indoor Theater / Auditorium
 - (h) Nursing, Rest / Retirement Home
 - (i) Public / Non-profit Parks
 - (j) Public Uses / Public Utilities Structures
 - (k) Recycling Facilities
 - (l) Recycling Station
 - (m) Retail sales equal to or greater than 8,000 square feet
 - (n) Short Term Rental
 - (o) Solar, Ground Mounted or Grid
 - (p) Truck Terminals

D. Conditional Uses, the establishment and/or expansion of the following uses may be permitted by the Board of Supervisors pursuant to standards and criteria as set forth in Article I herein.

- (1) Primary:
 - (a) 10 or more new Single Family, Twin, Duplex, Townhouse or Multifamily Dwellings
 - (b) Conference Center
 - (c) Junkyard
 - (d) Medical Residential Campus
 - (e) Mobile Home Park

E. Lot Requirements:

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/ feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
	2 acres	200	40/70	2.5/40	30	25	50	30
Apartment w/ Public Utilities	7,000 SF	55	50/60		25	5	15	25

ARTICLE V

Specific Criteria

§ 285-47. Applicability.

A. This article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.

- (1) For uses allowed within a specific zoning district as special exception uses, see also the procedures and standards in § 285-6. For conditional uses, see also §285-7.

§ 285-48. Additional requirements for specific principal uses.

A. Each of the following uses shall meet all of the following requirements for that use:

- (1) Adult use. (This is limited to the following: adult bookstore, adult movie theater, massage parlor, or adult live entertainment facility.)

(a) Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this chapter.

[1] To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to, increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that adult uses typically involve insufficient self-regulation to control these secondary effects.

[2] To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.

[3] To not attempt to suppress any activities protected by the free speech protections of the State and U.S. Constitutions, but instead to control secondary effects.

(b) An adult use and its parking area shall not be located within any of the following distances, whichever is most restrictive:

[1] Seven hundred fifty lineal feet from the lot line of an existing dwelling;

[2] Seven hundred fifty lineal feet from the lot line of any residential

zoning district,

[3] One thousand lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, day-care center, child nursery or other location where minors congregate.

- (c) No adult use shall be located within 750 lineal feet from any existing adult use.
- (d) A 50-foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of five feet.
- (e) No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
- (f) No adult use shall be used for any purpose that violates any federal, state or municipal law.
- (g) Obscene or pornographic signs shall be prohibited.
- (h) The adult use shall not include the sale or display of obscene materials, as defined by Pennsylvania Criminal Law, as may be amended by applicable court decisions.
- (i) A minimum lot area of two acres is required.
- (j) For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- (k) No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor between employees or entertainers and customers. At an adult live entertainment use, employees or entertainers shall maintain a minimum distance of three feet from customers.
- (l) Only "lawful" massages, as defined by state court decisions, shall be performed in a massage parlor.
- (m) All persons within any adult use shall wear nontransparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment facility.
- (n) Any application for such use shall state the names and home addresses of:
 - a) all individuals intended to have more than a five-percent ownership in such use or in a corporation owning such use; and
 - b) an on-site manager responsible to ensure compliance with this chapter on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
- (o) The use shall not operate between the hours of 12:00 midnight and 7:00 a.m.

- (p) As specific conditions of approval under this chapter, the applicant shall prove compliance, where applicable, with the following state laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2:00 a.m. and 8:00 a.m.); Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to adult-oriented establishments and which limits enclosed viewing booths, among other matters).
 - (q) An adult use shall not exist within the same building as a use with a liquor license.
 - (r) The use shall comply with the Township Obscenity Ordinance (Ordinance No. 86, 1986), as amended
- (2) Adult day-care center.
- (a) The use shall be fully licensed by the state, if required by the state.
 - (b) The use shall include constant supervision during all hours of operation.
 - (c) The use shall not meet the definition of a “treatment center.”
- (3) After-hours club. This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
- (4) Airport.
- (a) The minimum lot area shall be 30 acres.
 - (b) All facilities shall be designed and operated in strict compliance with all applicable state and federal laws and regulations.
 - (c) The applicant shall furnish evidence of the obtainment of a license from the PennDOT Bureau of Aviation prior to the approval of the conditional use application.
 - (d) No part of the takeoff/landing strip and/or pad shall be located nearer than 500 feet from any property line.
 - (e) Clear zones established as required by applicable state and federal laws and regulations shall not infringe on the existing development rights of adjoining properties as allowed by current applicable zone.
 - (f) Any takeoff or landing strip and/or pad must be certified by a professional structural engineer for the sufficiency of its load bearing capacity to adequately handle all aircraft.
- (5) Animal cemetery.
- (a) All the regulations for a cemetery in this section shall apply.
 - (b) The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
- (6) Assisted living facility/personal care center. The standards for nursing homes in this section shall apply.

- (7) Auto, boat or mobile/manufactured home sales.
 - (a) No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in § 285-65.
 - (b) See light and glare standards in § 285-50.
 - (c) Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- (8) Auto repair garage.
 - (a) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
 - (b) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article V. See buffer yard requirements in § 285-22.
 - (c) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
 - (d) Overnight outdoor storage of junk other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
 - (e) Any junk vehicle (as defined by Article II) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - (f) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
 - (g) Any auto repair garage as defined in § 285-33 proposed to be located within the MS District as a conditional use must also comply with all requirements of § 285-7 as well as the additional provisions and design guidelines for uses within the MS Districts contained in § 285-43.
 - (h) Any building housing an auto repair garage as defined in § 285-33 proposed to be located in the MS District as a conditional use which is located on a lot with multiple buildings, and which exceeds 100 feet in length shall be located within the interior of the lot and must be screened and buffered from the front of the lot by plantings or similar means as determined by the Board of Supervisors. Any building proposed for such a use which exceeds 50 feet in length must submit design guidelines at the time of application for the conditional use. Auto service station.
- (9) Auto repair garage.

- (a) See definition of this term and "auto repair garage" in Article II. The uses may be combined if the requirements for each are met.
 - (b) All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
 - (c) Fuel pumps shall be at least 30 feet from the existing street right-of-way and shall meet side yard principal building setback requirements. Required parking for fuel pumps is in addition to those adjacent to the fuel pumps themselves.
 - (d) Overnight outdoor storage of junk shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - (e) Any junk vehicle (as defined by Article II) shall not be stored for more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than six junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
 - (f) The use may include a convenience store if the requirements for such use are also met.
 - (g) A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - [1] Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign; b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line; and c) necessary warning signs.
 - [2] Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
 - (h) Fuel tanks and dispensers and ventilation equipment shall be set back a minimum of 100 feet from the lot line of any residential or institutional use (such as a school or nursing home).
- (10) Bed-and-breakfast inn. Where authorized in a zoning district, bed-and-breakfasts are permitted by special exception subject to the following criteria:
- (a) A bed-and-breakfast may erect one sign which shall comply with Article VII.
 - (b) The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
 - (c) The applicant shall furnish proof of any needed approvals from the

Department of Labor and Industry, or its official successor review agency.

- (d) The operator of the bed-and-breakfast shall be required to keep an annual register with the name of all guests and their length of stay, which shall be made available for inspection by the Zoning Officer, upon request.
 - (e) One off-street parking space shall be provided for each room available for rent in addition to those required for the dwelling unit. Such off-street parking shall be set back at least 25 feet from any adjoining land within the Rural Agricultural District and/or the Rural Residential District; in other districts, such off-street parking shall be set back at least 10 feet, and screened, from adjoining properties.
 - (f) Within the R-1 Residential District, R-2 Residential District and/or the R-3 Residential District, a bed-and-breakfast shall only be permitted within a single-family detached dwelling that contains at least 3,000 square feet of indoor floor space. No modifications to the external appearance of the building that would alter its residential character shall be permitted unless such modifications are required by other state and local regulations and the applicant can demonstrate that such alterations cannot be accomplished in a manner that is consistent with its residential appearance. Also, the subject property shall front on an arterial or collector road.
 - (g) Within the Agricultural and/or the Rural Residential Districts, a bed-and-breakfast must have a minimum lot size of two acres.
 - (h) For the purposes of this chapter, a bed-and-breakfast shall be defined as a single-family detached dwelling, where between one and five rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Breakfast may be offered only to registered overnight guests.
 - (i) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
 - (j) Applicant must provide documentation of hotel tax registration and compliance.
 - (k) The number and location of bedrooms within a bed-and-breakfast establishment shall be limited as follows:
 - [1] Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign; b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line; and c) necessary warning signs.
 - [2] Within the Rural Agricultural District and within the Rural Residential District, a bed-and breakfast may contain up to five bedrooms.
- (11) Boardinghouse (includes rooming house).
- (a) Minimum lot area: one acre.

- (b) Minimum side yard building setback: 30 feet on each side.
- (c) Maximum density: six bedrooms per acre, but in no case shall the lot serve a total of more than 20 persons.
- (d) Each bedroom shall be limited to two adults each.
- (e) A buffer yard with screening meeting § 285-22 shall be provided between any boardinghouse building and any abutting dwelling.
- (f) Note: There are separate standards for an assisted living facility, which is not considered a boardinghouse.
- (g) Signs shall be limited to two wall signs with a maximum of two square feet each.
- (h) Rooms shall be rented for a minimum period of five consecutive days.

(12) Campground or camp

- (a) Within a residential district, for each acre of total lot area, there shall be a maximum average of: a) five recreational vehicle sites (where allowed); b) 10 tent sites; or c) cabin sleeping capacity for 20 persons. Such sites may be clustered in portions of the tract. Such maximum density shall not apply within a commercial district.
- (b) Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
- (c) For a campground, the requirements of the Subdivision and Land Development Ordinance shall also apply.
- (d) Minimum lot area: 10 acres.
- (e) All campsites and principal commercial buildings shall be set back a minimum of 75 feet from any contiguous lot line of an existing dwelling that is not part of the campground or camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.

[1] The screening of evergreens provided in § 285-65 between business and residential uses is not required if the tree buffer would essentially serve the same purpose or if removal of mature trees would be needed to plant the shrubs.

[2] Removal of trees within this buffer shall be allowed for necessary approximately perpendicular street, stormwater channel, driveway and utility crossings and to provide safe sight distance.

- (f) Buildings used for sleeping quarters shall not be within the 100-year floodplain. See maximum steep slope disturbance provisions in the

Subdivision and Land Development Ordinance.

- (g) Maximum impervious coverage. Within a residential district: 10%, which shall include the typical lot area covered by recreational vehicles at full capacity. Within any other district, the maximum impervious coverage shall be the percentage that applies to that zoning district.
- (h) No person other than a bona fide resident manager/caretaker shall reside on the site for more than six months in any calendar year. No recreational vehicle shall be occupied on the site for more than six months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

(13) Car wash.

- (a) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- (b) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- (c) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- (d) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (e) No portion of a car wash shall be located within 100 feet from the center line of a perennial waterway.
- (f) Each washing bay shall provide a 50-foot long on-site stacking lane.
- (g) All structures housing washing apparatuses shall be set back 25 feet from any side lot line.
- (h) Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.
- (i) The subject property shall front on an arterial or collector road.
- (j) Gray water recycling and treatment equipment shall be incorporated as part of the facility operations. All such equipment shall include provisions for the collection of waste, grease, oil, soap, wax, and other materials that can't be recycled or utilized as part of the operations.
- (k) The side and rear lot lines of the facility shall be adequately screened with a 15 foot wide landscaped strip or buffer yard,
- (l) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other sounds are not audible at any street

line or property line.

(14) Cemetery.

- (a) Minimum lot area: two acres.
- (b) A crematorium, where allowed by Article III, shall be set back a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- (c) All structures and graves shall be set back a minimum of: 30 feet from the future right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be set back a minimum of 50 feet from all lot lines.
- (d) No grave sites and no structures shall be located within the 100-year floodplain.
- (e) The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

(15) Commercial communications antenna/tower as principal or accessory use.

- (a) A cell site with antenna that is attached to an existing communications tower, smokestack, water tower, farm silo, or other tall structure, is permitted in all zones, provided:
 - [1] That the height of the antenna shall not exceed the height of the existing structure by more than 10 feet.
 - [2] All other uses associated with the cell site antenna, such as a business office, maintenance depot, or vehicle storage, shall not be located on the cell site, unless the use is otherwise permitted in the zone in which the cell site is located.
- (b) A cell site with antenna that is either not mounted on an existing structure or is more than 10 feet higher than the structure on which it is mounted is permitted subject to the following:
 - [1] The applicant shall be required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
 - [2] If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of all tall structures and cell site antenna within a one-quarter-mile radius of the proposed site, asked for permission to install the antenna on those structures, and was denied for reasons other than economic reasons. This shall include smokestacks, water towers, tall buildings, antenna support structures of other cellular phone companies, other communications towers, farm silos, and other tall structures.

- [3] The applicant must demonstrate that the antenna is the minimum height required to function satisfactorily.
- [4] If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following: (1) 30% of antenna height, (2) the minimum setback in the underlying zone, or the height of the support structure, whichever is greater, or (3) 40 feet.
- [5] The applicant shall demonstrate that the proposed antenna support structure is safe, and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.
- [6] A fence shall be required around the antenna support structure and other equipment unless the antenna is mounted on an existing structure. The fence shall be a maximum of eight feet in height.
- [7] The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground-level features (such as a building).
 - [a] An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six feet at planting, and shall grow to a minimum of 15 feet at maturity.
 - [b] All elements of the evergreen screen shall be properly maintained according to standard arborist practices and replaced in kind should any element die.
 - [c] In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- [8] The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground-level features (such as a building).
- [9] The applicant must be licensed by the Federal Communications Commission (FCC).
- [10] If a cell site is fully automated, two off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two off-street parking spaces.
- [11] No antenna support structure may be artificially lighted, except when required by the Federal Aviation Administration (FAA).
- [12] All other uses associated with the cell site antenna, such as a business office, maintenance depot, or vehicle storage shall not be located on the cell site, unless the use is otherwise permitted in the zone in which

the cell site is located.

- [13] The applicant shall submit a plan for the removal of the facility when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the facility within three months from the date the applicant ceases use of the facility, or the facility becomes obsolete.

(16) Conversion apartment.

- (a) A single-family detached dwelling existing on March 14, 1978, may be converted into, and used as, a two-family dwelling, in the RR, TV, and MS Districts, when authorized as a special exception in accordance with the following standards and criteria:

- [1] 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 families are to be housed above the ground floor.
- [2] Such drawings shall provide adequate and suitable parking space at a safe distance from the public highway. There shall be at least three parking spaces per dwelling unit.
- [3] Such dwelling shall be subject to the height, area, width and yard regulations effective in the district wherein such dwelling is situated except that there shall be a lot area not less than the product of the minimum lot area prescribed in the district regulations and the number of families for the use for which such dwelling is to be converted.
- [4] 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.
- [5] No dwelling unit shall have less than 800 square feet of habitable floor area
- [6] 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.
- [7] If such single-family detached dwelling is served by an individual on-lot sewage system, the applicant shall present evidence that such sewage system has been designed so that it has a capacity to properly treat and dispose of the sewage to be generated by the additional dwelling unit and that it has been properly maintained, unless the system shall be suitably expanded and/or repaired. Any connections to and/or expansion of and/or repair of the individual on-lot sewage disposal system shall be reviewed by the Township Sewage Enforcement Officer. The applicant shall present evidence of such review and all necessary approvals.

(17) Day-care, Commercial

(a) See also "day care " as an accessory use in § 285-49.

- [1] The pick-up area and drop-off area shall be designed so that passengers do not have to cross traffic lanes within or adjacent to the site. The pick-up area and drop-off area shall be designed with sufficient on-site stacking or queuing lanes in order to prevent the traffic congestion and/or the back-ups onto adjoining roads or adjacent properties.
- [2] One off-street parking space shall be provided for each six individuals enrolled plus one space per employee.
- [3] An outdoor play area shall be provided which shall meet all regulations set forth by the Commonwealth of Pennsylvania as part of the licensing requirements for day-care facilities.
- [4] Outdoor play areas shall not be located within the front yard and shall be set back at least 25 feet from all property lines. Outdoor play areas shall be completely enclosed by a four-foot to six-foot-high fence and screened from adjoining residentially zoned properties.
- [5] The day care facility shall be serviced by public water supply facilities (where available), which shall be consistent with any plans and ordinances adopted by West Lampeter Township.
- [6] The day care facility shall be serviced by public sanitary sewer facilities, which shall be planned in accordance with the most recent update to the West Lampeter Township Sewage Facilities Plan as well as any ordinances adopted by West Lampeter Township.

(18) Emergency services station.

- (a) The following uses shall be allowed as accessory uses to the principal use of a fire company station or ambulance station: a banquet hall, bingo games, fairgrounds for periodic special events, indoor rental storage, and auction house. Any building(s) detached from the fire company station that are used for such purposes shall: 1) not cover more than 10% of the total lot area; and 2) be set back a minimum of 60 feet from the lot line of an existing dwelling and be separated from such residential lot line by a buffer yard meeting § 285-22.

(19) Forestry. See "timber harvesting" in this section.

(20) Golf course. A golf course may include a restaurant or clubhouse, provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5% of the total lot area of the golf course.

- (a) In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
- (b) Golf cart paths shall be graded so as to discharge stormwater runoff. Surface

conditions of paths shall be adequately protected from an exposed soil condition.

- (c) The golf course design shall minimize golf cart path crossings of streets, access drives and driveways. Easily identifiable golf cart paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf cart path crossings of streets, access drives and driveways. Golf cart path crossings shall conform with the following:
 - [1] Each crossing shall be perpendicular to the traffic movements.
 - [2] Golf cart path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.
 - [3] The golf cart path shall not exceed a slope of 8% within 25 feet of the cartway crossing.
 - [4] Golf cart path crossings shall be signed warning motorists and pedestrians and golfers.
 - [5] The surface of the golf cart path shall be brightly painted with angle stripes.
 - [6] Golf cart path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial street crossing of the tunnel shall comply with PennDOT standards.
- (d) All golf course buildings shall be set back 75 feet from any adjoining streets and 100 feet from adjoining residential structures or lots.
- (e) Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
 - [1] Clubhouse, which may consist of: Restaurant, snack bar, lounge, and banquet facilities; Locker and rest rooms; Pro shop; Administrative offices; Golf cart and maintenance equipment storage and service facilities; Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms; Baby-sitting rooms and connected fence-enclosed playlots.
 - [2] Accessory recreation amenities located outside of a building, including: Driving range, provided that no lighting is utilized; Practice putting greens; Swimming pools; Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts; Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses; Picnic pavilions, picnic tables, park benches, and barbecue pits; Hiking, biking, horseback riding, and cross-country ski trails; and Playground equipment and play lot games, including four-square,

dodge ball, tetherball, and hopscotch.

[3] Freestanding maintenance equipment and supply buildings and storage yards.

- (f) All outdoor storage of maintenance equipment and/or golf carts shall be set back at least 100 feet and screened from adjoining residential structures and streets.
- (g) All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining streets.

(21) Groundwater or spring water withdrawal involving removal of an averaging of more than 10,000 gallons per day from a lot for off-site consumption. (Note: If the water is being utilized for use on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.

- (a) See § 285-14. The regulations of this Subsection A (21) shall not apply to water used by a principal agricultural use within the Township.
- (b) If the water will be trucked off site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.
- (c) If the water will be trucked off site, any area used for loading or unloading of tractor-trailer trucks shall be set back a minimum of 150 feet from any adjacent residential lot.
- (d) Minimum lot area: five acres, plus an additional five acres for each 20,000 gallons per day of capacity of withdrawal, up to a maximum of 100 acres.
- (e) Any bottling or processing operations shall be considered a distinct use and shall only be allowed if “food or beverage manufacturing” is an allowed use under Article III or Article IV.

(22) Group homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- (a) The use shall meet the definition in § 285-33.
- (b) Minimum lot size of one acre.
- (c) A group home shall not include any use meeting the definition of a treatment center.
- (d) A group home shall include the housing of a maximum of six unrelated persons, except:

[1] If a more restrictive requirement is established by another Township Code;

[2] The number of bona fide paid professional staff shall not count towards such maximum; and

[3] As may be approved by the Zoning Hearing Board under § 285-11D.

- (e) The facility shall have adequately trained staff supervision for the number and type of residents. If the facility involves five or more residents, then 24-hour on-site staffing shall be provided.
- (f) The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.
- (g) The group home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- (h) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons at one time.
- (i) Parking. See § 285-27.
- (j) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- (k) The persons living on site shall function as a common household unit.
- (l) The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- (m) An off-street parking space shall be provided for the largest vehicle that serves the use.
- (n) The building shall have lighted exit lights, emergency lighting and interconnected smoke alarms.

(23) Heliport.

- (a) The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- (b) The Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities and hours of operation to minimize nuisances and hazards to other properties.

(24) Hotel or motel.

- (a) See definitions in § 285-33, which distinguish a hotel/motel from a boardinghouse.
- (b) Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any residential lot line.
- (c) Every owner and/or operator of a hotel or motel in the Township shall maintain a register of all persons provided with accommodations at the hotel.

- (d) On arrival of a guest, the hotel owner and/or operator or his or her agent shall require the guest to enter into the register, or shall enter for the guest, the following: The name and address of the guest; The make, model, and color of any guest's vehicle parked on hotel property; The guest's date and time of arrival and scheduled departure date; The room number assigned to the guest; The number of persons in the guest's room; The rate charged and amount collected for the room; and The method of payment.
- (e) The hotel owner and/or operator or his or her agent shall view photo identification of a guest and record the number and date of such identification in the following circumstances: when a guest has no reservation; or when a guest pays for accommodations in cash; or when a hotel rents a room to a guest for less than 10 hours.
- (f) The guest register may be maintained in either electronic or paper form.
- (g) The guest register shall be kept for a period of 90 days either on the hotel premises, in the guest reception or guest check-in area or in an office adjacent thereto, or, if not on the premises, in a location where it can be obtained within two hours of any request therefore.
- (h) The hotel owner and/or operator or his or her agent shall not provide accommodations to any person who fails to provide the information required by this subsection. However, this subsection shall be read consistently with Pennsylvania law, including the Pennsylvania Human Relations Act, 43 P.S. § 951, et seq. (the "Act"), and any similar law, and accommodations shall not be refused or denied based upon the factors set forth in Section 3 of the Act.

(25) Indoor & Outdoor Commercial Recreation

- (a) If the subject property contains more than two acres, it shall front on an arterial or collector road, as identified in the SALDO.
- (b) Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- (c) Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional 50 feet. Furthermore, such structures shall not be used for occupancy.
- (d) The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution.
- (e) Required parking will be determined based upon the types of activities proposed and the schedule listed in this ordinance. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak-use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot.

Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

- (f) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion.
- (g) Any outside pedestrian waiting lines shall be provided with a means of shade.

(26) Junkyard (includes automobile salvage yard). Within the I/M Zone, junkyards are permitted by conditional use, subject to the following criteria:

- (a) The minimum lot area shall be 10 acres.
- (b) The outdoor area devoted to the storage of junk shall be completely enclosed by an eight-foot-high, sight-tight fence which shall be set back at least 50 feet from all property lines and 100 feet from residentially zoned properties.
- (c) The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
- (d) All wholly enclosed buildings used to store junk shall be set back at least 50 feet from all property lines.
- (e) No material may be stored or stacked so that it is visible from adjoining properties and roads.
- (f) All additional federal and state laws shall be satisfied.
- (g) All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight feet.
- (h) No material shall be burned at any time.
- (i) Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.
- (j) No junkyard shall be located on land with a slope in excess of 5%.

(27) Kennel.

- (a) All kennels and all animal boardinghouses, whether new or existing, shall require a building/zoning permit. The application shall contain a description of the proposed use and occupancy of all buildings, including the maximum number and type of animal to be housed or bred by the kennel. The

application shall be accompanied by sketch plans, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use or building, distance from existing lot lines and existing residences on adjacent properties, and street right-of-way lines, parking areas and other pertinent information.

- (b) The kennel facility shall occupy no more than 3,000 square feet of total gross floor area.
- (c) All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 300 feet from all residential lot lines or dwelling. This 150-foot setback shall be increased to 400 feet if more than 20 dogs are kept overnight on the lot and be increased to 450 feet if more than 50 dogs are kept overnight on the lot. The Zoning Hearing Board may require greater setbacks.
- (d) No area for storage, processing or application of animal waste shall be situated within 300 feet of a street or property line.
- (e) All kennels and animal boarding buildings that are not fully enclosed in a building and any outdoor animal pens, stalls or runways shall be located within the rear yard.
- (f) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- (g) The applicant shall furnish evidence of an effective means of animal waste collection and disposal that shall be continuously implemented.
- (h) The operation of the kennel shall comply with the Dog Law, Act of December 7, 1982, P.L. 784, No. 225, as amended, 3 P.S. § 459-101 et seq., and all applicable regulations of the Department of Agriculture.
- (i) No animal shall be permitted to use outdoor runs from 9:00 p.m. to 8:00 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
- (j) See state law regulating kennels.
- (k) Minimum lot area: 20 acres, unless a larger lot area is required by another section of this chapter.
- (l) Plant materials used in screen planting shall be at least six feet in height when planted, and be of suitable vegetation in order to produce, within three years, a complete year-round visual screen of at least eight feet in height. Fence shall be six feet in height and materials shall be of suitable masonry, wood, or composite materials to block the total view from all on the outside. A screen planting and fence plan shall accompany permit application and shall be approved by the Zoning Officer. Fence shall be installed and plant materials shall be planted prior to issuance of occupancy permit.

(m) The site shall front on and gain access from an arterial or collector road; buildings and loading areas and/or other impervious surfaces.

(28) Land Smoothing

(a) Fill placed or covering an area over 5,000 square feet requires the following:

- [1] Approval from the Board of Supervisors for Conditional Use.
- [2] Submission of a master plan showing overall extent of area to receive fill. The master plan must contain: 1. depths fill to be placed and 2. quantities and material origin. If the plan changes at any time it must be submitted for review and approval.
- [3] Erosion and Sedimentation plan must be approved by the Lancaster County Conservation District. All inspections required must be completed.
- [4] Preparation of placement of fill must be cleared of vegetative matter and trash. The ground surface shall be plowed or disced prior to placement. Land clearing wood, such as stumps, logs, and wood chips, are not permitted as clean fill material.
- [5] Asphalt is not permitted as clean fill material.
- [6] Fill can only be received during the hours of 7 am and 5 pm weekdays, unless the Board of Supervisors authorizes otherwise.
- [7] All fill must be clean approved fill, parcel owner is responsible for certifying material used for fill. Landowner to maintain records of all loads received on the parcel. The records must include name of the site and address from which the fill came from, National Pollutant Discharge Elimination System permit number of site exporting fill, as well as name and contact information of the hauler.
- [8] Dredged Material quantity and material composition must be approved by a Pennsylvania Department of Environmental Protection Official.
- [9] Applicant shall employ dust control measures, as described in the Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Control Program Manual, Appendix H. This includes such practices as sprinkling/irrigation, vegetative cover, mulching, and/or spray-on chemical soil treatments.
- [10] Prior to any land smoothing use, fencing that restricts the access of individuals unaffiliated with the work of no less than eight foot in height must be installed around the area for the proposed usage. This fencing may be of a chain link construction or similar nature.
- [11] Prior to any land smoothing use, a paved entrance in compliance with §285-26 will be installed to allow access to the land smoothing site. A construction entrance shall be installed that branches off or continues from the paved entrance. The construction entrance must include a wash rack, tire scrubbers, or similar sediment control devices, as described in

as described in the Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Control Program Manual.

- (29) Livestock and poultry, raising of.
- (a) Minimum lot area is 10 acres for the raising of livestock or poultry. Minimum lot area is 50 acres for the Intensive raising of livestock or poultry.
 - (b) For raising of livestock or poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of 300 feet from all lot lines and street rights-of-way.
 - (c) For an intensive raising of livestock or poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 600 feet from a lot in a residential district; 2) 200 feet from wetlands, floodplains or streams. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
 - (d) The setbacks from property lines provided in this Subsection A for this use shall not apply from dwellings or lots owned by the operator or owner of the livestock use.
 - (e) Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property through a zoning permit.
 - (f) The keeping of putrescent garbage-fed swine shall meet the setbacks for an intensive raising of livestock or poultry use. See the State Domestic Animal Law provisions regarding garbage-fed animals.
 - (g) For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Township to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying state regulations.
 - (h) Buildings used for the keeping of livestock or poultry shall:
 - [1] Meet Township floodplain regulations;
 - [2] Not be located within 200 feet of a perennial stream, river, spring, lake, pond or reservoir; and
 - [3] Not be located within 200 feet of an active public water supply drinking well or an active intake for a public water supply.
 - (i) For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management Regulations, that state setback shall apply. For any other manure storage facilities, a one-hundred-foot minimum setback shall apply from all lot lines.
 - (j) The following additional requirements shall apply to an intensive raising of

livestock or poultry use:

- [1] The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay its review fees.
- [2] The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
- [3] The Township is not intended to be the enforcement body for water pollution, odor and insect issues involving livestock and poultry uses. This Subsection A(27)(j) shall not apply to land application of biosolids.
- [4] The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
- [5] An area shall be provided for trucks to turn around on the property that avoids the need to back out onto a public road.

(30) Medical residential campus (MRC).

- (a) The MRC shall primarily serve the needs of retirement-aged persons. At least one resident of each household shall be at least 55 years old, or possess a physical disability or illness that causes a need for a setting like the medical residential campus.
- (b) The MRC 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 activity centers.
- (d) Commercial, medical and recreational uses shall be grouped together and located near the populations being served.
- (e) Minimum tract area: 25 contiguous acres.
- (f) The site shall front on and have access to a collector or arterial road as identified in the Comprehensive Plan.
- (g) All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least 75 feet from all adjoining residentially zoned land and 50 feet from all other lot lines of the campus property. All other requirements relating to buffering and screening

shall be applied in accordance with § 285-20.

- (h) The maximum permitted overall density is 10 dwelling units per acre, except such density shall be six dwelling units per acre in the R-1 District. The R-1 District may be increased to a maximum of up to eight dwelling units per acre if transfer of development units is used under § 285-33. For purposes of this section, any two beds that are not within a dwelling unit shall be calculated as one dwelling unit for the purposes of density. No more than 50% of the total number of permitted dwelling units shall consist of beds that are not within dwelling units. Examples of such beds would include, but not be limited to, those associated with medical and/ or nursing care or those associated with congregate or communal living quarters.
- (i) All buildings or structures used solely for residential purposes shall be set back at least 50 feet from all lot lines of the campus property. Within the R-1 District, the only type of principal building that shall be allowed within 150 feet from an existing lot that is occupied by a dwelling as of the enactment date of this chapter, and that is zoned R-1 or R-2, shall be a single-family detached dwelling.
- (j) The maximum permitted height is 60 feet, provided that an additional two feet of required building setback shall be provided for that portion of building height exceeding 35 feet. However, within the R-1 District, no building shall exceed 35 feet.
- (k) No more than 60% of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces.
- (l) Parking spaces for persons with disabilities shall meet the requirements of Article VI. Such spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they serve.
- (m) 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. Allowed uses in a district other than R-1 shall include the following:
 - [1] Dwellings, nursing homes, personal care/assisted living centers, and congregate living facilities for persons aged 55 or older or persons with physical disabilities;
 - [2] Medical facilities, including offices, laboratories, clinics, professional or para-medical training centers, and ambulatory care facilities;
 - [3] Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off- campus area;

[4] Recreational and social uses, such as athletic facilities, community centers and assembly halls, limited to use only by campus residents, employees or visitors.

(n) Allowed uses in the R-1 District shall only include the following:

[1] Single-family detached dwellings, twin dwellings, townhouses and apartments, provided at least one resident of each dwelling shall be aged 55 or older or a person with physical disabilities.

[2] Personal care/assisted living centers.

[3] Accessory recreational facilities and activity rooms for residents of the MRC.

[4] Accessory maintenance and housekeeping facilities to serve the MRC.

[5] Nursing and emergency medical services to serve residents of the MRC.

[6] A nonresidential building in the R-1 District shall not exceed a total aboveground building floor area of 3,000 square feet.

(31) Membership Club.

(a) See definition in Article II.

(b) Any active outdoor play areas shall be set back at least 30 feet from any abutting residential lot line.

(c) This use shall not include an after-hours club.

(32) Mineral extraction.

(a) If a mineral extraction use involves mining activities over more than two acres of land in any calendar year, then the following additional requirements shall be met:

[1] The applicant shall prove that a continuous route over roads will be available and will be used by trucks leaving the use that entirely involves roads with a minimum paved cartway width of 18 feet from the exit driveway of the mineral extraction use to reach Routes 222, 30 or 272. This route shall consider any improvements that the applicant proposes to fund.

[2] A copy of all information submitted to state agencies shall also be submitted to the Zoning Officer at the same time.

[3] A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.

[4] After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state, permitting some productive or beneficial future use.

[5] A 50-foot-wide yard covered by natural vegetative ground cover

(except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of six feet and an average of one shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.

- [a] New trees shall not be required where preserved trees will serve the same purpose.
- [6] The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - [a] 150 feet from the existing right-of-way of public streets and from all exterior lot lines of the property;
 - [b] 150 feet from a nonresidential principal building, unless released by the owner thereof;
 - [c] 400 hundred feet from the lot line of a dwelling;
 - [d] 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion.
- [7] The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
- [8] Truck access to the use shall be located to reasonably minimize hazards on public streets and dust and noise nuisances to residences.
- [9] Fencing. Fencing shall be required in locations where needed to protect public safety. As an alternative, the Board of Supervisors may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
- [10] Hours of operation. The Board of Supervisors, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- [11] The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- [12] The Township may require that the applicant post financial security to cover the costs of damage that may occur to entrances and exits to public roads as a result of the trucks carrying mining materials.
- [13] A plan shall be submitted showing sequential phases of mining activities on the land. Mining activities shall be conducted on a maximum of 50 acres at a time. Reclamation shall be initiated on one phase before the next phase is opened for mining.

[14] A plan shall be submitted showing how dust will be controlled.

(33) Miniwarehouse

- (a) Miniwarehouses shall not exceed an aggregate total of 40,000 square feet of floor area
- (b) Off-street parking shall be provided for miniwarehouses according to the schedule listed in this ordinance.
- (c) Parking shall be provided by parking/driveway lanes adjacent to the buildings. These lanes shall be a minimum of 26 feet wide when cubicles open onto one side of the land only and a minimum of 30 feet wide when cubicles open onto both sides of the lane.
- (d) Required parking shall not be rented as, or used for, vehicular storage. Additional external storage area may be provided for the storage of privately owned recreational vehicles, travel trailers and/or boats, so long as such external storage area is fenced, comprised of a paved surface, and a buffer screen in accordance with § 802.21 of this ordinance is provided between any residentially zoned land and/or existing dwellings and from adjoining roads. The storage yard shall observe the minimum yard setbacks. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative motor vehicles or equipment.
- (e) Except as provided in Subsection D, all storage shall be kept within an enclosed building. 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) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint remover, and other flammable materials, activities which use such materials, including but not limited to the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, are prohibited.
- (g) Miniwarehouses shall be used solely for the storage of property. The following lists examples of uses expressly prohibited upon the site. The applicant shall adequately demonstrate that all miniwarehouse rental and/or use contracts shall specifically prohibit these uses.
 - [1] Auctions, commercial wholesale or retail sales, or garage sales.
 - [2] The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - [3] The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - [4] The establishment of a transfer and storage business.
 - [5] Any use that is noxious or offensive because of odors, dust, noise,

fumes, or vibrations.

[6] Any storage of materials that meet the definition of “junk,” as previously defined in this Ordinance.

- (34) Mobile/manufactured home. Installed on an individual lot or within a mobile/manufactured home park approved after the adoption of this chapter.
- (a) Construction. Any mobile/manufactured home placed on any lot after the adoption of this chapter shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These federal standards supersede local construction codes for the actual construction of the home itself.)
 - (b) Each site shall be graded to provide a stable and well-drained area.
 - (c) Each home shall have hitch and tires removed.
 - (d) Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the construction codes shall apply, in addition to the manufacturer's specifications for installation.
 - (e) Foundation treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This Subsection A(30)(e) shall not apply within a manufactured/mobile home park. Metal skirting may only be permitted within a manufactured/mobile home park. Provisions shall be provided for access to utility connections under the home.
 - (f) If a mobile/manufactured home is in a R-1 or R-2 District and is not within a mobile/manufactured home park, it shall have a minimum roof pitch of 5/12.
- (35) Mobile/manufactured home park.
- (a) Construction. Any mobile/manufactured home placed on any lot after the adoption of this chapter shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These federal standards supersede local construction codes for the actual construction of the home itself.)
 - (b) Each site shall be graded to provide a stable and well-drained area.
 - (c) Each home shall have hitch and tires removed.
 - (d) Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the construction codes shall apply, in addition to the manufacturer's specifications for installation.

- (e) Foundation treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This Subsection A(31)(e) shall not apply within a manufactured/mobile home park. Metal skirting may only be permitted within a manufactured/mobile home park. Provisions shall be provided for access to utility connections under the home.
- (f) If a mobile/manufactured home is in a R-1 or R-2 District and is not within a mobile/manufactured home park, it shall have a minimum roof pitch of 5/12.
- (g) Plans and permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this section).
- (h) The minimum tract area shall be three contiguous acres, unless a larger tract area is required in a particular zoning district. This minimum tract area shall be under single ownership.
- (i) Density. The maximum average density of the tract shall be four dwelling units per acre.
 - [1] To calculate this density land in common open space or proposed streets within the park may be included, but land within the one-hundred-year floodplain, wetlands and slopes over 25% shall not be included.
- (j) Landscaped perimeter. Each mobile/manufactured home park shall include a 50-foot-wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Board of Supervisors as part of any required conditional use approval. Such landscaped area shall not be required between adjacent mobile home park developments. The same area of land may count towards both the landscaped area and the building setback requirements.
- (k) A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- (l) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- (m) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of preexisting public streets shall be 50

feet.

- (n) Each home shall comply with the requirements for "mobile/manufactured homes" stated in the preceding subsection.
- (o) Accessory structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- (p) Common open space for a mobile home park. A minimum of 20% of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.
- (q) Streets.
 - [1] Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - [2] Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - [3] Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
- (r) Utilities. All units within the mobile home park shall be connected to a central water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
- (s) Along through-streets, a minimum nighttime lighting level of 0.2 footcandle shall be maintained, at no expense to the Township.

(36) Motor vehicle racetrack.

- (a) All areas used for the racing, testing and maintenance of motor vehicles shall be set back a minimum of 400 feet from the lot line of an existing dwelling.
- (b) All buildings, parking, loading and unloading areas shall be set back a minimum of 150 feet from the lot line of an existing dwelling.
- (c) The applicant shall prove that the standards of Article V will be met, including noise, lighting and dust.

- (d) Minimum lot area: 50 acres.
- (37) Multifamily dwellings. See "Townhouses and multifamily dwellings" in this section.
- (38) Non-household stable
- (a) Minimum lot area shall be 10 acres.
 - (b) Any structure for the boarding of horses shall be set back 200 feet from all property lines.
 - (c) All stables shall be maintained to minimize odors perceptible at the property line.
 - (d) All outdoor training and show facilities or arenas shall be set back 100 feet from all property lines.
 - (e) All outdoor training, show, riding, boarding, or pasture area shall be enclosed by a minimum four-foot-high fence.
 - (f) All parking compounds and unimproved overflow parking areas shall be set back at least 20 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.
 - (g) All manure storage facilities shall be subject to the requirements for such facilities described in the (A) Agricultural Zone.
 - (h) For those riding stables proposed to include shows or events open to attendance or participation by the general public, the applicant must submit credible evidence that demonstrates that the proposed show or event can be effectively accommodated without adverse impact to adjoining uses due to traffic, number of participants or spectators, hours of operation, parking, noise, light, litter, dust, and pollution.
- (39) Nursing home.
- (a) Licensing. See definition in Article II.
 - (b) A minimum of 20% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
 - (c) The standards for nursing homes in this section shall apply to Assisted living facility/personal care centers.
- (40) Outdoor storage and display. The provisions listed for this use under § 285-43 shall apply.
- (41) Picnic grove, private.
- (a) All activity areas shall be a minimum of 250 feet from an existing dwelling on another lot. All parking areas shall be set back 100 feet from any residential lot line. The use shall not operate between the hours of 11:00 p.m.

and 7:00 a.m.

(b) See noise and glare standards in Article VI.

(c) Minimum lot area: five acres.

(42) Place of worship.

(a) Minimum lot area: Two acres in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article III for that district. Maximum lot area in the A District: five acres.

(b) Weekly religious education rooms and meeting rooms are permitted accessory uses, provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult daycare center may be approved on the same lot as a place of worship, provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.

(c) A maximum of one dwelling unit may be accessory to a place of worship on the same lot to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a family. No other residential use shall be allowed.

(d) If within a residential district, any new place of worship shall be adjacent to an existing collector or arterial street that is in public ownership.

(e) Minimum building setback from a lot line of an existing dwelling in a residential district: 60 feet.

(f) Minimum parking setback from a lot line of an existing dwelling in a residential district: 20 feet.

(g) Maximum impervious coverage: 60% unless a less restrictive standard is provided in the applicable zoning district under § 285-27.

(43) Recreation, outdoor.

(a) Active outdoor recreation facilities (not including trails) and buildings shall be set back a minimum of 50 feet from the lot line of an existing dwelling.

(b) This term shall not include “publicly owned recreation” or a golf course.

(c) See provisions for a nonhousehold swimming pool in this section.

(d) Lighting, noise and glare control. See Article VI.

(e) In a residential district, the minimum lot area shall be two and a half acres, unless a more restrictive lot area is established by another section of this chapter.

- (f) Maximum impervious coverage in any residential district: 20%. In any other district, the use shall meet the district provisions of Article III and Article IV.
- (g) Maximum building coverage in any residential district: 15%.
- (h) A site plan meeting the requirements of Article IX shall be submitted to the Township.
- (i) Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20-foot-wide buffer yard in accordance with § 285-20 shall be required.
- (j) Hours of operation. In a residential district, active recreation facilities shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m., unless differing hours are established as a condition of any needed Zoning Hearing Board or Board of Supervisors approval.
- (k) Any restaurant, tavern, retail store, target range, camp, campground or commercial picnic ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

(44) Recycling collection center.

- (a) This use shall not be bound by the requirements of a solid waste disposal facility.
- (b) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- (c) Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- (d) A 20-foot-wide buffer yard with screening as described in § 285-22 shall be provided between this use and any abutting residential lot line.
- (e) This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
- (f) Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- (g) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely

occur at the site other than operations such as baling of cardboard.

- (h) The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- (i) The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

(45) Residential conversions. See "Conversions of an existing building" within this section.

(46) Restaurant.

- (a) Screening of dumpster and waste container: see § 285-22.H.
- (b) See "drive-through" service in § 285-49. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.

(47) Retreat center.

- (a) Minimum lot area: 10 acres.
- (b) A retreat center may be used for scheduled activities for groups, which shall include seminars, lectures and worship and accessory overnight accommodations, meals and active or passive recreation for persons attending the scheduled activity. A retreat center may also be used for individually scheduled events such as weddings or family reunions, provided that meals are restricted to persons attending the event and there is no separate charge or donations for the meals. Active and passive recreation facilities may be open to the general public.
- (c) A retreat center shall not contain a commercial recreation or entertainment facility.
- (d) Overnight accommodations shall be provided for participants at retreats only. Overnight accommodations shall not be provided to individuals who are not part of a scheduled retreat being held at the facility.
- (e) Meals shall be provided only to persons participating in an activity at the center. Dining areas shall not be open to the general public.
- (f) Outdoor activities shall conclude by 11:00 p.m., and any lights for outdoor recreational facilities shall be extinguished by 11:15 p.m.
- (g) Retreat centers may contain facilities for active recreation or passive recreation. Amusement arcades, amusement rides and adult-related facilities shall not be permitted within a retreat center.
- (h) For any use not listed in § 285-27, a minimum of one parking space shall be provided for each 200 square feet of gross floor area of such building area. For any use not listed in § 285-27 and which does not contain a building, it shall be the responsibility of the applicant to provide credible evidence that adequate parking is provided for such use.

- (i) 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 DEP.
 - (j) The applicant shall furnish credible evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, pollution and traffic.
 - (k) All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
 - (l) Where existing buildings or sites of historical significance exist on the property, the applicant shall show how these buildings or sites will be utilized by the proposed use and, if any such buildings or sites are to be removed, the applicant shall provide credible evidence as to why such buildings or sites need to be removed and cannot be utilized for the proposed use. Where such buildings or sites are to be renovated, the applicant shall provide credible evidence that the renovations will not adversely alter the historic significance of the building or site. Buildings or sites of historic significance shall include any building or site identified as a historic site by the West Lampeter Township Comprehensive Plan, the National Register of Historic Places or the Historic Preservation Trust of Lancaster County.
 - (m) A public greenway easement shall be provided along any watercourse within or adjacent to the retreat center where such easement could be an extension of an existing greenway easement or public open space area or where a greenway easement could be consistent with any designated greenway as shown in a plan or study by the Township or by any state, county or regional governmental agency. The location and dimensions of the easement shall be adequate to accommodate the existing or planned greenway.
- (48) School, public or private, primary or secondary.
- (a) Minimum lot area: two acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
 - (b) No children's play equipment, basketball courts or illuminated recreation facilities shall be within 30 feet of a residential lot line.
 - (c) The use shall not include a dormitory unless specifically permitted in the district.
- (49) Self-storage development.
- (a) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No junk vehicles shall be stored within view of a public street or a dwelling.
 - (b) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - (c) Nothing shall be stored in interior traffic aisles, required off-street parking

areas, loading areas or access drives.

- (d) The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- (e) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- (f) See § 285-20 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting § 285-20. Any fencing shall be placed on the inside of the plantings.
- (g) Minimum separation between buildings: 20 feet. Maximum length of any building: 300 feet.

(50) Short Term Rentals:

- (a) Permits shall not be transferable to new owners.
- (b) Owner of property shall reside within the Township, or within 15 miles of the closest Township boundary.
- (c) No more than one short term rental unit may be located on a parcel or lot.
- (d) The short term rental unit shall be located within a principal or accessory structure that legally existed on January 1, 2023. No addition to a structure existing on January 1, 2023, shall be permitted to create the short term rental unit. Any alteration to a structure that existed on January 1, 2023, for the purpose of establishing a short term rental unit shall be limited to alterations to address accessibility, fire and life safety, or UCC requirements. No modifications to the external appearance of the structure (except fire escapes) which would alter its residential character shall be permitted.
- (e) An emergency management plan shall be developed by the owner in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event.
- (f) Where applicable, approval in writing of the proposed rental use by the homeowner's association, condominium association or other ruling body is submitted to the Township with the permit application.
- (g) No meals shall be provided or served to the renters by the short term rental property owners.
- (h) The length of stay for any guest at a short term rental shall not exceed 29 consecutive days.
- (i) A minimum of one off street parking space per bedroom shall be provided, and the owner shall demonstrate that adequate off-street parking on a Township-approved surface is provided for the short term rental use.
- (j) Signage is limited to a one square foot nameplate, excluding any signage identifying street address of the property.
- (k) No modifications to the exterior of the building which would alter its

residential character shall be permitted.

- (l) The short term rental unit shall not adversely affect the character of the neighborhood. Occupants may not generate noise, vibration, glare, odors or other effects that unreasonably interfere with any person's enjoyment of his or her residences. Occupants may not engage in, nor tolerate, nor permit any other person, including but not limited to each guest on the premises and within his or her short term rental unit with his or her consent, to cause damage to the short term rental unit or engage in disruptive conduct, or other violations of this section, any code, any Township ordinance, or any applicable federal, state and local law or regulation.
 - (m) The applicant shall provide to the Zoning Hearing Board a notice which shall be prominently and continuously posted in the short term rental units containing the following information:
 - [1] The name of the owner of the short term rental unit and a telephone number at which that party or a contact person designated may be reached on a 24-hour basis.
 - [2] Occupancy limits shall comply with UCC requirements and will be set by the Building Code Inspector.
 - [3] The maximum number of vehicles allowed to be parked on the lot and the requirement that parking is not permitted in any public right of way or on the grass.
 - [4] The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
 - [5] Notification that trash and refuse shall not be left or stored on the exterior of the structure except in Township approved containers following the requirements of the Township unless the short term rental is located on a property not subject to Township regulations.
 - [6] Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of Township Ordinances including parking and occupancy limits.
 - [7] A list of legibly written house rules, relevant contact information including the property owner and/or property manager and all local emergency numbers including the 911 address of the property shall be posted in all short term rentals at a clearly visible location.
 - (n) There shall be quiet hours between 9:00 p.m. to 8:00 a.m. on weekdays, and between 11:00 p.m. to 8:00 a.m. on weekends and holidays.
 - (o) A placard shall be erected showing the floor plan to the front door exit. The placard shall be posted on the interior side of the front exit door or in an alternate location approved by the Zoning Officer.
- (51) Solar Energy Systems, Ground Mounted or Grid Scale

(a) General Requirements.

- [1] A single assemblage of solar panels, regardless of the number, and supporting equipment constitutes a solar energy system. Conduit and other utility connections are not considered to be part of the system.
- [2] The solar energy system, and surrounding fence, shall not display off-site advertising. The manufacturer's or installer's identification and appropriate warning or cautionary notices may be displayed, provided they comply with municipal sign regulations. On-site business signs are allowed in accordance with the sign regulations applicable to the zoning district.
- [3] Solar panels are considered as impervious for purposes of this ordinance.
- [4] Ground-mounted solar for use of parcel shall be no more than 5% of total lot area.
- [5] A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- [6] At the time of issuance of the permit for the construction of the facility, the owner shall provide financial security in a form and amount acceptable to the Township to secure the expense of decommissioning the solar energy system.
- [7] The principal grid scale solar energy system, with the exception of transmission lines, shall not be located on Class 1, 2 or 3 prime agricultural soils, as established by the Soil Survey of Lancaster County, Pennsylvania (latest edition), unless roof-mounted on an existing building. Such systems shall not be allowed on a structure constructed or converted for the purpose of accommodating a solar energy system on Class 1, 2 or 3 prime agricultural soils. Soil data can be found using resources such as the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey.
- [8] For grid scale solar systems, emergency responders must approve the proposed layout.
- [9] Ground-mounted solar energy systems shall be set back at least 100 feet from abutting residential parcel lines, 50 feet from all other parcel lines, and 150 feet from any street right-of-way lines.
- [10] The area devoted to the solar energy system shall be limited to a maximum of five acres or 5% of the total lot area, whichever is less, unless located on the roof of an existing building.
- [11] All on-site utility and transmission lines shall be placed underground, unless demonstrated by the applicant to not be feasible. All utility and transmission lines associated with the ground mounted solar energy system will be connected to structures on site, to the

utility main, or to a nearby property.

- (a) All properties that the utility and transmission lines travel through must be owned by the applicant or a letter of support from the parcel owner must be provided with the application.

[12] All ground-mounted solar energy systems shall have screening consisting of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance (such as solid vinyl post), or primarily evergreen plantings.

(b) Development Standards

- [1] Ground-mounted systems are permitted only on lots larger than one acre within lot areas not subject to floodplain or steep slope overlay restrictions.
- [2] Ground-mounted systems shall be located in accordance with the setback requirements for principal uses of the applicable zone.
- [3] For purposes of determining compliance with the lot coverage standards of the zoning district, the total surface area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, and solar hot air or water collector devices, in addition to any other related structures, shall be considered as impervious surface, unless the applicant can demonstrate by credible evidence that stormwater will infiltrate into the ground beneath the solar energy system at a rate equal to that of the infiltration rate of the existing condition of the subject surface area.
- [4] The perimeter of the area devoted to the solar energy system and related structures and mechanical equipment shall be secured by an eight-foot chain-link fence and screened in accordance with § 285 – 22.

(c) Required Permits and Construction Requirements.

- [1] In addition to any other requirements for submittal of a special-exception request, the application shall include the following supplemental information:
 - [a] A detailed written description of the proposed project, including a general description of the project site.
 - [b] A legal description of the project site.
 - [c] A site plan drawn in sufficient detail to clearly depict the following:
 - 1) On-site areas of Class 1, 2 or 3 prime agricultural soils. This information can be found using services such as the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey.

- 2) Existing topographic features.
 - 3) Physical features of the project site, both before and after construction of the energy facility, including existing structures and land uses.
 - 4) Dimensions of the project site.
 - 5) Locations and approximate dimensions of all equipment, devices, structures and power transmission lines associated with the proposed system.
 - 6) Identification and area calculation of the area devoted to the solar energy system.
 - 7) Identification of existing and proposed areas of impervious coverage.
 - 8) Location of existing or proposed electrical transmission lines and facilities on the proposed location.
 - 9) Setback in feet from the site property boundaries of each principal solar energy system and each proposed structure.
- [2] In Prior to the start of construction, principal solar energy systems require the submittal and approval of a land development plan and stormwater management plan in accordance with adopted Township ordinances.
- [3] The design and installation of the principal solar energy system shall conform to applicable industry standards and the UCC. At the time of application for a building permit, the applicant shall submit manufacturer certificates of design compliance obtained by the system manufacturer from a reputable certifying organization.
- [4] The applicant shall provide written authorization from the power utility for connection to the power utility grid. Interconnection and net metering shall be in accordance with the policies of the power utility.

(d) Decommissioning.

- [1] At the expense of the owner or operator of the solar facility, a cost estimate for the decommissioning of the solar facility shall be prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation. At a minimum, the cost estimate shall be recalculated every five years and the financial security referenced herein shall be updated in kind.
- [2] Prior to recording of the final land development plan for the solar facility, the full decommissioning cost shall be guaranteed by a surety bond or letter of credit in favor of West Lampeter Township, in form and amount acceptable to West Lampeter Township.

- [3] Solar facilities which have reached the end of their useful life or have not been in active service for a period of one year shall be removed at the owner or operator's expense. The owner or operator shall have twelve months to complete decommissioning of the solar facility.
- [4] Decommissioning shall include, but not be limited to, removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the solar facility was located is again tillable and suitable for agricultural uses. Disturbed earth shall be graded and reseeded unless the landowner request in writing that the land surface area not be reseeded. Hazardous materials shall be disposed of in accordance with federal and state law.
- [5] If the owner or operator fails to remove the solar facility in accordance with the requirements of the Zoning Ordinance, West Lampeter Township shall have the right to collect the bond or letter of credit and West Lampeter Township, and its agents and third party contractors, may enter the property to physically remove the solar facility.

(52) Solid waste transfer facility, solid waste landfill or solid waste-to-energy facility.

- (a) All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water-filled quarry) or wetland of more than 1/2 acre in area.
- (b) All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- (c) The use shall be served by a minimum of two paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- (d) No burning or incineration shall occur, except within an approved waste-to-energy facility.
- (e) The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable state and federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this chapter.
- (f) Open dumps and open burning of refuse are prohibited.
- (g) The applicant shall prove to the satisfaction of the Board of Supervisors that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash-hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.

- (h) The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract.
- (i) A chain link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Board of Supervisors that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees, as needed, be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- (j) A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- (k) Health hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- (l) Attendant. An attendant shall be present during all periods of operation or dumping.
- (m) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- (n) Emergency access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- (o) Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m.
- (p) Tires. See "outdoor storage and display" in § 285-43.
- (q) Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- (r) Dangerous materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed of or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- (s) The applicant shall provide sufficient information for the Township to determine that the requirements of this chapter will be met.
- (t) State requirements. Nothing in this chapter is intended to supersede any state requirements. It is the intent of this chapter that when similar issues are regulated on both the Township and state levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual state regulation preempts Township regulation in a particular aspect. The

applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA DEP at the same time as they are submitted to the Department of Environmental Protection.

- (u) For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building and over an impervious surface which drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
 - (v) A solid waste landfill shall only be approved if the applicant proves that a continuous route over roads is available that entirely involves roads with a minimum paved cartway width of 18 feet between the exit driveway of the landfill and Route 222 or 272.
- (53) Stable, nonhousehold. (Includes riding academies; see also "keeping of pets" in §285-49.)
- (a) Minimum lot area: Two and a half acres for the first horse or similar animal, plus one acre for each additional horse or similar animal.
 - (b) Any animal barn, feed areas, manure storage areas or stable shall be a minimum of 100 feet from any residential lot line. Any corral or fenced-in area shall be set back a minimum of 50 feet from any residential lot line.
 - (c) Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway. Manure management plan shall be submitted to Township before approval of usage.
- (54) Swimming pool, nonhousehold.
- (a) The water surface shall be set back at least 50 feet from any existing dwelling.
 - (b) Minimum lot area: one acre.
 - (c) Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting § 285-22.
 - (d) The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
 - (e) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
- (55) Target range.
- (a) All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect public safety.
 - (b) The design of the outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be

the generally accepted standard for the safety of these facilities.

- (c) An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any residential lot line, unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
- (d) An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing, as necessary.
- (e) The applicant shall provide evidence that the noise limits of Article V will be met.
- (f) An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
- (g) A target range shall only be used for types of firearms or other weapons for which it was specifically designed.
- (h) An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
- (i) Minimum lot area for an outdoor firearms target range: 10 acres, unless a more restrictive provision is established by another provision of this chapter.
- (j) See § 285-65. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.

(56) Timber harvesting.

- (a) Purposes: to promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on forestry.
- (b) Applicability: Timber harvesting shall be permitted in all zoning districts, provided it complies with the requirements of this chapter. This section shall regulate all timber harvesting when the total harvesting area is 1/2 acre or greater in a calendar year, which shall require a permit.

[1] These provisions shall not regulate the following:

- [a] Cutting of up to 10% of trees with a trunk diameter of six inches or greater (measured three and a half feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear-cutting but instead involves routine thinning of woods;
- [b] Cutting of trees with a trunk diameter of less than six inches (measured three and a half feet above the ground level);
- [c] Cutting of dead trees; and

- [d] Cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility or use.
- (c) Application requirements. An application for timber harvesting shall be made a minimum of 30 days prior to the start of work. No forestry shall occur until a permit has been issued by the Zoning Officer.
- [1] The application shall include a written timbering plan, which shall be prepared by a qualified professional. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
 - [2] The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the timber harvesting plan and permit.
- (d) Timber harvesting plan.
- [1] The applicant shall specify, in writing, the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for up to two years from the date of issuance.
 - [2] The timber harvesting plan shall include, at a minimum, the following information:
 - [a] A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - [b] An erosion and sedimentation control plan approved by the County Conservation District if over one acre will be disturbed;
 - [c] All timbering activities shall use best management practices (BMPs), which shall be shown on the plan;
 - [d] A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - [e] All Township and/or PennDOT highway occupancy permits, if applicable;
 - [f] An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines and proposed harvest areas.
 - [g] The application shall also include the name and address of the property owner and the person who will be responsible to oversee the timber harvesting.
 - [h] The application shall also show proposed erosion and sedimentation control measures, proposed crossings of

waterways and proposed vehicle entrance and exit points onto streets.

(e) Timber harvesting practices.

- [1] Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
- [2] No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
- [3] All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than four feet above the surface of the ground.
- [4] Streams are an important natural resource that provide for water quality, flood control, bank stabilization and other ecological benefits. To ensure their adequate protection, timber harvesting is prohibited within 100 feet of the top of the bank on each side of all perennial waterways, except this distance may be reduced to 50 feet if all of the following conditions are met:
 - [a] The basal area of trees in that area within the one-hundred-foot setback shall not be reduced below 50% of the basal area present before cutting.
 - [b] Trees to be cut within the one-hundred-foot zone described shall be marked with paint or ribbons prior to the start of timber harvesting.
 - [c] All earthmoving within this area shall be minimized or fully avoided.
- [5] No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within 50 feet from the center of a waterway.
- [6] The use of clear-cutting must be fully justified by a timber harvesting plan prepared by a qualified professional. Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clear-cutting shall not be allowed on contiguous areas greater than 1/2 acre. Clear-cutting shall be prohibited on slopes greater than 25%.
- [7] A 20-foot minimum setback shall be maintained for timber harvesting from a public street right-of-way and from any lot line of property, except such lot line setback shall not apply if the adjoining property owner provides a written, notarized and signed waiver of the setback to the Zoning Officer.

[8] If timber harvesting involves more than two acres, a minimum of 30% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote reforestation.

- (f) Public road responsibility. The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond to guarantee the repair of such damages. Such bond shall remain in full force until the Zoning Officer issues a written notification that all provisions of this chapter and the permit have been complied with. In lieu of such bond, the operator or landowner may post a cash deposit or certified check with the Township.

(57) Townhouses and multifamily dwellings.

- (a) Maximum length and width of an attached grouping of townhouses or multifamily dwellings: 150 feet. Maximum number of multifamily dwellings that shall be within a building: 12, except no maximum shall apply in a building in which all units are permanently age-restricted to at least one resident age 55 and older.

[1] In the I/M Zoning District, the maximum number of multifamily dwellings within a building shall be 36.

- (b) Paved area setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- (c) Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- (d) Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- (e) Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- (f) Public sewer and public water shall be required for all Townhouses and multifamily dwellings proposed on lots greater than 25 acres in size.
- (g) In the I/M Zoning District, the maximum building height shall be raised to 60’.

- (h) In the I/M Zoning District, that maximum density of units will be nine units per acre.
- (i) Common open space. Unless a higher amount of open space is required under the conservation development provisions, a minimum of 30% of the total lot area of the development involving townhouses and multifamily dwellings and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. This subsection shall not apply to the neighborhood development option.

[1] If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older and will not be time-share dwellings, then the common open space shall at a minimum include a rectangular grass field 50 feet by 150 feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.

[2] A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.

(58) Treatment center.

- (a) See definition in § 285-33.
- (b) The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.
- (c) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
- (d) The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- (e) If the use involves five or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

(59) Veterinarian office (includes animal hospital).

- (a) Minimum lot area: one acre.
- (b) Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be

adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.

- (c) Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

§ 285-49 Additional requirements for accessory uses.

- A. General. Accessory buildings, structures or uses are clearly customary and incidental to a permitted, special exception or conditional use Principal Use. Requirements for accessory structures and uses are listed in this subsection.
- B. Accessory setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, swimming pools, fences or permitted accessory signs, which have their own specific setbacks.
- C. Yard setback. No accessory structure, use or building shall be permitted in a required minimum front yard in any district, unless specifically permitted by this chapter.
- D. Standards. Each accessory use shall comply with all of the following standards listed for that use:
 - (1) Accessory dwelling unit (ADU).
 - (a) One ADU may be permitted per principal single-family detached dwelling for use by a relative.
 - (b) The owner of the property must occupy either the principal dwelling or the ADU as the owner's primary residence.
 - (c) Each year the owner of the property shall provide the Township with a written statement in a form prepared by the Township, together with the applicable fee, certifying compliance with this section. In the event that the owner fails to comply with this section, the owner shall be required to reconvert the ADU into part of the principal dwelling unit or completely remove the ADU.
 - (d) One additional off-street parking space shall be provided for the ADU.
 - (e) An ADU must be contained in, or attached to, the principal dwelling.
 - (f) The addition of an ADU shall be designed so that the appearance of the building remains that of a single-family detached dwelling. Any necessary additional entrances or exits shall be located to the side or rear of the building.
 - (g) The maximum size of an ADU shall not exceed 40% of the principal dwelling total floor area or more than 800 square feet, whichever is less, nor have more than two bedrooms.
 - (h) Any on-lot sewage disposal system shall be certified by the Sewage

Enforcement Officer to meet all applicable requirements as a result of the inclusion or addition of the ADU.

- (i) The ADU permit shall be deemed to be automatically revoked if the Zoning Officer determines that the owner of the property no longer meets the requirements of this section, upon vacation of the ADU or principal dwelling unit by the owner or by the relatives, or if the property is sold.
- (j) Upon sale of the property, the new owner shall apply for a permit under this section and comply with the Zoning Ordinance prior to permitting occupancy of the ADU. Failure to comply with this section shall be a violation of the Zoning Ordinance.
- (k) The addition of an ADU to a single-family detached dwelling shall conform to all other zoning and building code requirements, unless modified herein.
- (l) The owner of the property shall present evidence of recording of an agreement between the owner and the Township, in a form acceptable to the Township Solicitor, which sets forth that the occupancy of the ADU is limited as set forth in this section.
- (m) The following accessory dwelling units may be approved as a conditional use in the A-Agricultural District, subject to the following specific criteria, by the Board of Supervisors:
 - [1] An ADU the maximum size of which is not more than 60% of the principal dwelling total floor area or 1,200 square feet, whichever is less.
 - [2] The ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family detached dwelling. If an ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding and windows.
 - [3] All other applicable standards for an ADU shall apply.

(2) Accessory office.

- (a) This use specifically was written to apply within the RV District, through a Special Exception For other types of home offices and home-based businesses, see the provisions in this section for "Home occupations."
- (b) Use shall be limited to an existing detached building that includes more than 500 square feet of floor area. Building Code and SALDO requirements shall apply. This use shall only include a professional office, which shall be accessory to a dwelling on the lot. The use shall be conducted by a resident of the principal dwelling on the lot and a maximum of four other persons working on site at one time, who may or may not live in the dwelling.
- (c) One off-street parking space shall be required per nonresident employee, plus parking for the dwelling, plus Zoning Parking requirements for customers shall apply

- (d) The use shall not involve loading or unloading by tractor-trailer trucks.
 - (e) Use shall not be conducted in a manner that is perceptible to residents of other lots between the hours of 9:00 p.m. and 7:30 a.m.
 - (f) A maximum of one sign shall be permitted, with a maximum of two square feet on each of two sides and a maximum height of five feet, and which shall not be illuminated. This sign shall not be located in a clear sight triangle or in the street right-of-way.
 - (g) The Zoning Hearing Board may limit the intensity of the use if determined to be necessary considering the location and the proximity of surrounding uses.
- (3) Antenna, standard (includes amateur radio antenna).
- (a) Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - (b) Anchoring. An antenna shall be properly anchored to resist high winds, and is subject to building code requirements
 - (c) Setback. Antennas shall be setback a minimum distance of 100 feet from all lot lines. See § 285-69 for front yard setback measurements.
- (4) Bees, keeping of.
- (a) The applicant shall maintain the bees in a manner that does not create a public nuisance. A permit is required for all zoning districts.
 - (b) Bee colonies shall be maintained within hives.
 - (c) Hives shall be located a minimum of 100 feet from any lot line, except this setback shall be reduced to 50 feet if a six-foot-minimum-height fence or solid hedge is located along the adjoining lot line for a distance of at least 100 feet from the hives.
 - (d) The approval to keep bees shall be revoked if the use is maintained in a way that results in unprovoked stinging of persons who are located on other lots or on streets or sidewalks.
- (5) Bus shelter.
- (a) A bus shelter may be constructed in any zoning district, provided the shelter is served by a regularly scheduled public bus route or a retirement community shuttle service.
 - (b) A building & zoning permit shall be required by the Township.
 - (c) If the bus shelter will be constructed within a street right-of-way, written permission shall be obtained from PennDOT or the Township, as applicable.
 - (d) A bus shelter shall have a maximum floor area of 60 square feet and be firmly anchored on a hard surface.
 - (e) A bus shelter shall be constructed primarily using clear shatter-resistant

materials.

- (f) A written agreement shall establish the party that will be responsible for maintaining the shelter. The Township may require that an escrow be provided to ensure proper maintenance and/or removal of the shelter.
 - (g) A bus shelter shall not obstruct a clear sight triangle.
 - (h) The Zoning Officer shall require the removal of a bus shelter within 60 days if the Zoning Officer becomes aware that the shelter is not being properly maintained or if it is no longer served by a bus route.
- (6) Composting as an accessory use in all zoning districts (other than raising of mushrooms).
- (a) All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying-insect hazard and does not cause noxious odors off of the subject property.
 - (b) Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves, bark and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
 - (c) Minimum lot area for composting of manure that was not generated on site: 25 acres. Any composting of manure shall comply with the latest edition of the Pennsylvania Manure Management Manual.
 - (d) Setbacks. Composting areas of greater than one acre shall be set back 100 feet from lot lines of abutting residential lot lines, except that a three-hundred-foot minimum setback shall apply from all lot lines for composting of manure that was not generated on site.
- (7) Day care, Family: as accessory to a dwelling.
- (a) An accessory use to a detached single-family dwelling in which four to six individuals, who are not related to the residents of the principal dwelling, are cared for or supervised during any calendar day. Care for more than six individuals is not a permitted use. Family day cares use shall be established in accordance with the provisions of West Lampeter Township, the Commonwealth of Pennsylvania and other agencies with jurisdiction.
 - (b) The use is permitted in the residential zoning districts.
 - (c) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - (d) The use shall be actively operated by a permanent resident of the dwelling.
 - (e) Off-street parking is required for dropping off and picking up children.
 - (f) See also "day-care" as a principal use in § 285-42, and day care as accessory to a place of worship in § 285-26B.
 - (g) A day care use shall have a minimum setback for outdoor play areas of 25

feet from an abutting residential lot line. The day care outdoor recreation area shall comply with the Commonwealth of Pennsylvania and other agencies that may have jurisdiction.

- (8) Drive-through facilities.
 - (a) As accessory to an approved commercial use, a drive-through is permitted in the Commercial / Industrial and the TV Zoning Districts.
 - (b) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets and is subject to review by the Township Engineer through the SALDO process.
 - (c) On-lot traffic circulation and parking areas shall be clearly marked.
 - (d) A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
 - (e) Drive-through design shall include a pass-through lane.
- (9) Farm-related business. This use may be approved on a lawful existing lot with a minimum lot area of 20 acres that includes a principal agricultural use.
 - (a) A farm-related business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming and to provide needed services to other farmers. A farm related business is a new use and therefore requires zoning approval through Conditional Use approval from the Board of Supervisors. SALDO, Stormwater Management and Building Code requirements may also apply. Farms under a preservation program and/or Clean and Green shall provide the Township with written approval by the authority governing the specific program.
 - (b) A farm related business shall be conducted by a resident or owner of the property, his/her relatives, and a maximum total of six other employees working on site at one time, in addition to employees of the agricultural use.
 - (c) Use of an agricultural building for business or commercial use shall require additional building code approvals. If a building(s) that existed prior to the effective date of this section are approved for use as a farm related business, they must meet a 100-ft minimum setback from an adjacent residential use lot, unless a larger setback is required by another section of this chapter. Any new building constructed for a farm related business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line, unless a larger setback is required by another section of this chapter. The total of all building floor areas used for a farm related business shall not exceed 12,000 square feet. If an existing building is used, a larger building size may be approved at the discretion of the Zoning Hearing Board or Board of Supervisors, depending on whether a special exception or conditional use

is required. The total area used by buildings, parking and storage for the farm related business shall not exceed four acres or 10% of the lot area, whichever is less restrictive.

- (d) The farm related business shall not routinely require the overnight parking of more than two tractor-trailer trucks, other than trucks serving agricultural use.
- (e) Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
- (f) The business shall not generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Nonagricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m.
- (g) Any retail sales shall only be occasional in nature and shall occur by appointment or during a maximum of 30 hours per week. This provision shall not restrict permitted sale of agricultural products.
- (h) Only one sign shall advertise a farm related business, which shall have a maximum sign area of 10 square feet on each of two sides, which shall not be internally illuminated, and which shall have a maximum height of eight feet. The sign shall not be placed in a clear sight triangle or street right-of-way.
- (i) The following activities shall be permitted by Conditional Use from the Board of Supervisors as a farm related business. Through Conditional Use approval, the Board of Supervisors may approve any usage not listed below.
 - [1] Farm equipment/vehicle/small engine repair and modification, limited to one vehicle owned/leased by off parcel individuals. This usage shall not include a junkyard, auto body shop or spray painting.
 - [2] Animal husbandry, such as non-household stable and kenneling of animals, which includes boarding, treating, training, breeding, raising, five or more animals that are older than six months of age.
 - [3] Office, construction tradesperson's, or landscaping business' headquarters.
 - [4] Educational tours and services, including music, hobby, trade or art instruction for up to 10 persons at a time.
 - [5] Artisan services, such as custom woodworking or butchering. This shall not include a commercial slaughterhouse or stockyard.
 - [6] Sawmill, welding, and custom machining of parts.
 - [7] Processing and storage of agricultural products produced on the premises.
 - [8] Use of a building for rental storage, such as for boats or recreational

vehicles.

[9] Sales, processing or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark composting or mulch.

[10] Commercial farm tourism and special events, such as holiday activities and corn mazes.

- (j) This subsection shall not regulate agricultural uses that are permitted under other provisions of this chapter.
- (k) If an activity would be permitted as either a farm related business or a home occupation, then the applicant may choose which set of provisions shall apply.
- (l) One off-street parking space shall be provided per nonresident employee, plus parking for any dwelling. In addition, the applicant shall prove that sufficient parking will be available for customers, per the Zoning Parking Requirements.
- (m) All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
- (n) The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
- (o) Landscaping buffer shall be placed between any outdoor storage of nonagricultural materials or products and any adjacent dwelling from which storage would be visible.
- (p) The lot shall have provisions for trucks to turn around on the site without backing onto a public street. The Zoning Hearing Board shall consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.

(10) Fences and walls.

- (a) Fences and walls are permitted in all districts. Any fence or wall shall be durably constructed and well-maintained. Fences and walls that have deteriorated shall be replaced or removed.
- (b) No fence, wall or hedge shall obstruct the sight distance as required by § 285-65C and/or the Subdivision and Land Development Ordinance or placed in the street right-of-way. A fence or wall shall not be placed in an easement.
- (c) Fences

[1] Front yard. Any fence located in the required minimum front yard of a lot in a residential district shall:

- [a] Be an open-type of fence (such as picket, wrought iron, vinyl post, chain link or split rail) with a minimum ratio of 1:1 of open to structural areas; and

- [b] Not exceed four feet in height.
- [2] On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be placed in an intersection or driveway clear sight triangle.
- [3] Height. A fence located in a residential district in a location other than a required front yard shall have a maximum height of six feet, and eight feet in any other district, except a maximum of height of 12 feet shall be permitted around a tennis court or where the applicant proves to the Zoning Hearing Board through a Special Exception that such taller height is necessary to protect public safety around a specific hazard. Fences that exceed six feet in height shall comply with building code requirements.
- [4] Setbacks. No fence shall be built within a street right-of-way listed in 285-69 or a utility or drainage easement. Property owners are responsible for knowing where their property boundaries are located. A fence may be constructed along a lot line, but not on the lot line itself. However, a fence shall be located on the inside of any buffer plantings required by § 285-65. A fence shall not cross a property line or connect to a fence on an adjacent property. Property owners are responsible for maintaining the other side of their fence without trespassing.
- [5] Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.

(d) Walls.

- [1] Engineered retaining walls necessary to hold back slopes are exempted from setbacks and are permitted by as needed in all districts. However, if a retaining wall is over eight feet in height, it shall be set back a minimum of 15 feet from a lot line of an existing dwelling. Engineered retaining walls and walls that are four foot in height or greater require building code approvals.
- [2] No wall of greater than two and a half feet shall be located in the required front yard, except as a backing for a permitted sign as permitted in § 285-59. No wall shall be constructed in the street right-of-way referenced in §285-69. Accessory structure side yard setbacks shall apply to walls.
- [3] A wall in a residential district outside of a required front yard shall have a maximum height of three feet and shall meet the accessory structure setback.
- [4] Walls that are attached to a building shall be regulated as a part of that

building.

(11) Food truck.

- (a) Applicant shall provide with their application a complete parking plan and schedule, liabilities, state and county licenses and approval.
- (b) The use is only permitted in the zoning district in which the use is already permitted.
- (c) The food truck may not be parked in a residential area, or on public streets.
- (d) If the parking plan contains areas of an existing business, an affidavit from the owner granting permission to park will be required.
- (e) The use will only be granted a temporary use certificate, associated with one
- (f) location. The certificate will only be granted for a term of three months.

(12) Garage sale (includes yard sale, moving sale and porch sale).

- (a) See definition in Article II. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
- (b) Each dwelling may have a maximum of six garage sales in any calendar year. Each sale shall be at least one month apart. Each sale shall last a maximum of three days.
- (c) The use shall be clearly accessory to the principal use.
- (d) No outdoor storage shall be permitted when the sale is not in operation.
- (e) All items shall be placed and offered for sale within the confines of the property described in the permit.
- (f) No toxic or alcoholic beverages shall be offered for sale at a garage sale.
- (g) See the sign provisions for garage sales in Article VII.

(13) Home occupations.

- (a) All home occupations shall meet the following requirements:
 - [1] The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on site at any one time who does not reside within the dwelling. A maximum of one nonresident employee shall visit the property on a daily basis or operate a vehicle based at the property.
 - [2] The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - [3] An accessory building or structure can be utilized as the location for a home occupation, provided that said area shall be included in the total area permitted for a home occupation use, which is limited to 20% of the floor area of the principal dwelling.

- [4] One off-street parking space shall be required per nonresident employee. In addition, for a general home occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
- [5] The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks or more frequently than normal residential delivery.
- [6] The regulations of Subsection D(14)(d) regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
- [7] No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of toxic or highly hazardous substances.
- [8] A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
- [9] Any tutoring or instruction shall be limited to a maximum of three students at a time.
- [10] A barber or beauty shop shall not include any nonresident employees.
- [11] The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
- [12] A home occupation may include one two-square-foot nonilluminated sign, as permitted by Article VII.
- [13] The Zoning Hearing Board shall deny a general home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic; the types of operations involved and related nuisances; the amount of off-street and on-street parking that is available; the density of the neighborhood; whether the use would be adjacent to another dwelling; visitation of customers and clients (including time of visitation and amount); and setbacks from other dwellings.
- [14] The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
- [15] The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of

hair care products as accessory to a barber/beauty shop.

[16] If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this chapter.

[17] A zoning permit shall be required for any home occupation.

[18] One, non-illuminated building or hanging sign may be permitted and shall be no greater than 2 square feet.

[19] This use would be subject to further Township approvals under the West Lampeter Township Construction Code.

[20] The applicant shall submit evidence of all applicable county, state and federal approvals.

(b) In addition to the requirements listed in Subsection D(10)(a) above, the following additional requirements shall apply to a home occupation, no-impact:

[1] The use shall not routinely involve routine visits to the home occupation by customers.

[2] The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes.

[3] Only residents of the dwelling may be engaged in the home occupation use.

[4] Home occupations shall be limited to not more than 20% of the floor area of the dwelling unit.

[5] The home occupation shall not alter the appearance of the building as a dwelling unit, and no signs shall be displayed for the usage.

[6] No outdoor storage is allowed. No goods shall be displayed so as to be visible from the exterior of the premises.

[7] No sales of any goods or merchandise shall occur on the premises.

[8] No manufacturing shall occur on the premises other than the products of customary arts, hobbies and fabrication of garments by a seamstress.

[9] The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks or more frequently than normal residential delivery.

[10] The use shall only involve the following activities:

[a] Work routinely conducted within an office;

[b] Custom sewing and fabric and basket crafts;

[c] Cooking and baking for off-site sales and use;

[d] Creation of visual arts (such as painting or wood carving);

[e] Repairs to and assembly of computers and computer peripherals;

and

- [f] A construction tradesperson, provided that a maximum of one nonresident employee shall routinely operate from the lot.

(14) Outdoor storage and display, commercial or industrial, as a principal or accessory use. (For residential outdoor storage, see “residential accessory use” in this section.)

- (a) Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area. Storage area shall be in compliance with any recorded land development plan.
- (b) No such storage or display shall occur on areas with a slope in excess of 25% or within the 100-year floodplain.
- (c) Screening. See § 285-22.
- (d) Tire storage.

- [1] For tires not mounted on a motor vehicle, any outdoor storage of more than five tires on a lot in a residential district or more than 50 used tires in a nonresidential district shall only be permitted as part of a Township-approved junkyard.

- [2] The outdoor storage of less than 50 used tires shall be limited to the Commercial Highway and Industrial Mixed Districts.

- [3] If the same set of tires is stored on a lot for more than six months, they shall be stored within a completely enclosed building.

- [4] The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

(15) Parking and storage of motor vehicles, recreational vehicles, boats and trailers.

- (a) No abandoned, junked, or dismantled motor vehicles and/or motor vehicles without current license plates and current inspection stickers shall be parked or stored in any zoning district outside of an enclosed building.
- (b) The storage or parking of any commercial motor vehicle upon any lot within a residential zone or any other lot that is used principally for residential purposes is prohibited. For purposes of this section, commercial trucks shall include those that exceed a one ton capacity. In addition, the parking or storage of any trailer other than those accessory to a principal residential use is expressly prohibited on any residentially zoned lot or lot used principally for residential purposes.
- (c) Recreational vehicles, boats, campers, and trailers. Within any residential zone, or upon any property used principally for residential purposes, the storage of recreational vehicles, travel trailers, trucks, boats and trailers used solely for the transport of the residents' recreational vehicle(s) is

permitted only according to the following requirements:

- [1] For the purposes of this section, recreational vehicles, travel trailers, boats (including trailers) and other trailers used solely for transport of the residents' recreational vehicle(s) are divided into two separate categories, as follows:
 - [a] Class I vehicles. Those recreational vehicles, travel trailers, boats (including trailers) and other vehicles used solely for the transport of the residents' recreational vehicle(s) that possess no more than 200 square feet, as measured to the vehicle's outermost edges, nor exceed a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not include vehicle accessories, such as air conditioners, vents, hatches, masts, antennas, outrigging, fishing poles, etc., but will be measured to the highest point of any flybridge or other boat console.
 - [b] Class II vehicles. Those recreational vehicles, travel trailers, boats (including trailers) and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess more than 200 square feet, as measured to the vehicles outermost edges, nor exceed a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not include vehicle accessories, such as air conditioners, vents, hatches, masts, antennas, outrigging, fishing poles, etc., but will be measured to the highest point of any flybridge or other boat console.
- [2] The temporary parking of one Class I or Class II vehicle for periods not to exceed one week during any given 30 day period is permitted on a paved or gravel surface of a driveway, so long as the vehicle is set back no less than 10 feet from any street right-of-way, and five feet from adjoining property line. The temporary storage of such vehicle shall not obstruct the view of any motorists leaving adjacent driveways or at a street intersection.
- [3] The storage of one Class I vehicle shall be permitted per lot behind any building setback line, so long as the unit is set back no less than five feet from any adjoining property line. All areas used for the storage of the Class I vehicles shall be maintained so as to keep vegetation properly trimmed in accordance with Chapter 96, Property Maintenance, and all debris or litter shall be disposed of regularly. All grass surfaces shall not be permitted to become deteriorated to an erodible state. All vehicles shall maintain a required licensure and prevent the leakage of fuels and/or lubricants into the ground.
- [4] Except as permitted in Subsection C(ii) above, and as permitted below, the parking or storage of any Class II vehicle is expressly prohibited in any residential zone, or on any property used principally for

residential purposes. The storage of one Class II vehicle on a residentially zoned parcel, or a parcel used for a principal residence, is permitted, subject to the following requirements:

- [a] In no case shall the vehicle contain more than 320 square feet, as measured to the vehicles outermost edges, nor exceed a height of 13 feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not include vehicle accessories, such as air conditioners, vents, hatches, masts, antennas, outrigging, fishing poles, etc., but will be measured to the highest point of any flybridge or other boat console.
- [b] All vehicles shall be set back a horizontal distance equal to the zone's principal use setbacks
- [c] No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.
- [d] Screening, as described in this ordinance, shall be provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one lot, and stores the vehicle on an adjacent vacant lot that they own. One ten-foot-wide break in the required screening may be provided along one rear or side lot line for vehicular access onto an adjoining alley.
- [e] All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground. Grass surface areas shall not be permitted to become deteriorated to an erodible state.

- (d) All boats shall be appropriately tarped to prevent the accumulation of water or other debris inside the boat.
- (e) The requirements of this section shall not be applicable to agriculturally used lots that are parking and storing farm implements and other farm vehicles not normally used as a means of conveyance upon public streets.

(16) Pets, keeping of.

- (a) This is a permitted accessory use in all districts. No Zoning Permit is required.
- (b) No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a

residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner. See also State Dog Law and Libre's Law.

- (c) A maximum combined total of five dogs and cats are be permitted to be kept by residents of each dwelling unit.
 - [1] Such limits shall only apply to dogs or cats over six months of age.
 - [2] Any greater number of dogs and/or cats shall need approval as a kennel.
 - [3] No limit shall apply to the number of cats kept on a farm of more than 20 acres.
- (d) Up to five Pigeons, chickens, roosters, ducks, geese and/or similar fowl may be kept on a lot that contains at least one acre.
- (e) Any keeping of pets shall only be permitted, provided it does not create unsanitary conditions or noxious odors for neighbors.
- (f) Horses. Minimum lot area: two acres for first horse or similar animal, plus one acre for each horse or similar animal in excess of one. A maximum of 10 horses or similar animals may be kept, unless the use is approved as a nonhousehold stable or is a farm that is managed by a Conservation and Nutrient Management Plan. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 75 feet from any residential lot line, unless or more restrictive setback applies elsewhere in this Chapter.
 - [1] However, as a special exception, the minimum lot area for keeping one horse may be reduced to one acre, as an accessory use to a detached dwelling, provided: 1) the horse is the principal mode of transportation for the resident; and 2) adequate, safe and healthful means of disposal of animal waste is used at all times.
- (g) Only those pets that are domesticated and are compatible with a residential character shall be permitted as keeping of pets. Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards.
 - [1] The following and similar animals shall not be kept as pets, except that the Zoning Hearing Board may approve a particular number and type of species as a special exception if the applicant proves they will not cause nuisances or hazards: goats, cows, hogs or sheep.
- (h) It shall be unlawful on a residential lot to keep any "exotic wildlife," as defined by the Pennsylvania Game and Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

(17) Residential accessory structure or use (see definition in Article II).

- (a) Accessory structures and uses (other than fences) shall not be located within the required accessory use setback, unless specifically exempted by this chapter. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a

street on a corner lot.

- (b) Accessory buildings in a residential district on a lot of less than two acres shall meet the following requirements:
 - [1] Maximum total floor area of all accessory buildings: 1,000 square feet.
 - [2] Maximum of two accessory buildings per lot.
- (c) Parking of commercial trucks. The overnight outdoor parking of commercial trucks or the trailer from a tractor-trailer combination on a principal residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
 - [1] The parking of a maximum of one vehicle of up to 14,000 pounds aggregate gross vehicle weight; or
 - [2] The parking of one vehicle with an aggregate gross vehicle weight of over 14,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 100 feet from any dwelling on another lot and provided a row of evergreen trees meeting § 285-22 is planted to buffer views of the vehicle from the street and dwellings on other lots.
 - [3] Construction equipment that is not primarily intended for on-road use shall not be stored overnight in a residential district.
- (d) Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 14,000 pounds shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her relative shall not occur on a residential lot.
- (e) See setback exceptions in Article III and VI.
- (f) Unregistered vehicles and junk vehicles. A maximum of one unregistered vehicle may be kept outside of an enclosed building on a residential lot, provided it is not disassembled or damaged to the degree that it is inoperable or would not pass a safety inspection. A maximum of two unregistered vehicles may be kept outside of an enclosed building on any other lot, except as specifically permitted otherwise for a certain use. No junk vehicle may be kept on a residential lot unless it is kept within an enclosed building. See also the definition of "junkyard."
- (g) Parking. All areas used for the parking or overnight storage of vehicles, recreational vehicles and boats shall be made of Township approved surfaces such as concrete, asphalt, or compacted gravel.
- (h) No outdoor overnight storage shall be allowed in a minimum front yard of a dwelling, except for firewood. No outdoor overnight storage of materials or items shall be allowed for more than 90 days on a residential lot outside of the minimum front yard, other than firewood. No outdoor storage of trash shall be allowed in a front yard unless the trash is awaiting imminent

pickup on that day.

(18) Retail sales of agricultural products as an accessory use.

- (a) The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use. The retail sales shall be located on land owned by the operator of the market or upon a tract of five acres or more which the operator of the market actively farms.
- (b) The only retail sales shall be of seasonal agricultural products and horticultural products, in addition to any handmade crafts produced by the operator of the market and/or his/her family. An average of not less than 50% of the products sold on site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
- (c) Off-street parking shall be provided in compliance with the provisions of Article VI. No parking shall be permitted in such a way that it creates a safety hazard. See also requirements in Chapter 240 Subdivision and Land Development.
- (d) Any structure erected for this use that is not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale. No more than one structure per parcel of land will be permitted.
- (e) Signs. See Article VII.
- (f) No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-way at a street intersection,
- (g) The structure shall be open on at least 25% of the perimeter of the structure when in operation.
- (h) The structure shall not exceed 1,000 square feet of floor area.

(19) Sewage sludge/biosolids, land application of.

- (a) The applicant shall provide written evidence to the Township that sufficient safeguards will be in place to protect the public health and safety and the water quality of groundwater and surface waters. This should include, but not be limited to, provisions for regular testing of the material that is spread and for ongoing water quality monitoring.
- (b) A copy of all test results of the material that is spread, and any test results of water quality shall be provided to the Zoning Officer within six days after they are received by the operator of the use or the landowner.

(20) Stable, household. See "Pets, keeping of" in this § 285-49.

(21) Swimming pool, household (referred to hereafter as "pool").

- (a) A swimming pool capable of holding 24 inches or more of water requires zoning, building and stormwater approvals.
- (b) A swimming pool shall not be located in a front yard. The water surface

and any raised decking of an above-ground swimming pool shall be set back a minimum of eight feet from side and rear lot lines. An in-ground swimming pool with concrete decking and all surrounding hardscaping shall meet a side and rear setback minimum of 10 feet.

ARTICLE VI
Conservation

§ 285-50. Erosion control.

The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of waterways and water bodies.

- A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- B. Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate erosion and sedimentation control plan to the County Conservation District.
- C. See state erosion control regulations (Note: as of 2006, in 25 Pa. Code Chapter 102).

§ 285-51. Nuisances and hazards to public safety.

- A. No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
 - (1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
 - (2) A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
 - (3) Pollution to groundwaters or surface waters, other than as authorized by a state or federal permit.
 - (4) Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
 - (5) Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- B. Additional information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

§ 285-52. Wetlands and lakes.

- A. Lot area. Wetlands (as officially defined under federal and/or state regulations), ponds and lakes shall not be counted toward the minimum lot area of any lot or tract of land. This Subsection A shall only apply to a lot within a subdivision or land development submitted for approval after the adoption of this chapter.
- B. Wetland studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the federal or state definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable

wetland delineation study prepared by a qualified professional.

- C. Wetland setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this chapter and any wetland. Please note, wetlands are regulated on a Municipal, State, and Federal level. State and Federal entities may require a greater setback than 20 feet. The Township engineer may require a greater setback due to considerations such as poor soil, high ground water, or other environmental concerns.

§ 285-53. FP Floodplain District (flood-prone areas).

A. Purpose and authorization.

- (1) This section serves the following major purposes:
 - (a) Promote the general health, welfare, and safety of the Township.
 - (b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - (c) Minimize danger to public health by protecting water supply and natural drainage.
 - (d) Reduce financial burdens imposed on the Township and its residents by preventing excessive development in areas subject to flooding.
 - (e) Comply with federal and state floodplain management requirements.
- (2) The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. The Board of Supervisors has enacted this section in accordance with the Flood Plain Management Act, the Second Class Township Code, and the MPC.

B. FP Floodplain District applicability and administration.

- (1) The regulations of the FP Floodplain District shall apply throughout the entire Township as overlay zoning regulations that supplement the zoning district regulations. Where the regulations of this section differ from the regulations of any other section of this chapter, the provision that is more restrictive on development shall apply.
 - (a) The inclusion of construction and floodproofing standards in this section shall not be interpreted to allow any structure or construction that is not expressly authorized by this section. If the Zoning Hearing Board grants a variance to allow a structure or construction not authorized by this section, such structure or construction shall comply with all construction and floodproofing standards in this section.
- (2) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur, or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings

restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

- (3) This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter and provisions of other ordinances, the more restrictive shall apply.
- (4) The Zoning Officer is hereby appointed to administer and enforce this section and for all purposes shall be considered and may sometimes be referred to as the Floodplain Administrator. The Floodplain Administrator may fulfill the duties and responsibilities set forth in these regulations, delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR § 59.22. In addition to the powers and duties generally set forth in this chapter, when serving as Floodplain Administrator the Zoning Officer shall have the following powers and duties:
 - (a) The Floodplain Administrator shall issue a 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.
 - (b) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made. In the case of existing structures, prior to the issuance of any permit the Floodplain Administrator shall also review the history of repairs to the subject building so that any repetitive loss concerns can be addressed before the permit is issued.
 - (c) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township ordinances. He/she shall make

as many inspections during and upon completion of the work as are necessary.

- (d) In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this section.
- (e) In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- (f) The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- (g) The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning Township participation in the National Flood Insurance Program.
- (h) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated, but the ultimate responsibility lies with the Zoning Officer.
- (i) The Floodplain Administrator shall consider UCC requirements.

C. Floodplain compliance.

- (1) No structure shall be used or located, relocated, constructed, reconstructed, enlarged or structurally altered or land used except in full compliance with these floodplain regulations and other provisions of applicable Township ordinances. A Township zoning permit is required for any development within the 100-year floodplain.
- (2) Any alteration to a waterway, drainage channel or the 100-year floodplain, including development, redirecting drainage ways, changes in grade or filling in, shall only occur after a determination by the Zoning Officer that all Township ordinances have been complied with and after any needed state or federal permits are received.
- (3) Any municipality that will be affected by a change in an alteration or relocation of a waterway shall be given prior notice of such proposal, with copies of such notice provided to the DCED and FEMA.

D. Permits for uses, structures and grading within the identified floodplain area. Applications for such a permit shall be made in writing to the Zoning Officer.

- (1) All permit applications shall include the following:
 - (a) The name and address of the applicant.

- (b) The name and address of the owner of land on which proposed construction is to occur.
 - (c) The name and address of the contractor.
 - (d) The site location.
 - (e) A brief description of the proposed work and estimated costs.
 - (f) A site plan showing the exact size and location of the proposed construction, as well as any existing buildings or structures, and also showing the 100-year flood line.
 - (g) A brief description of proposed work and estimate cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
- (2) If any proposed construction or development is located entirely or partially within any identified floodplain area, permit applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
- (a) The proposal is consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
 - (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (d) Structures will be anchored to prevent flotation, collapse, or lateral movement.
 - (e) Building materials are flood-resistant.
 - (f) Appropriate practices that minimize flood damage have been used.
 - (g) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- (3) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
- (a) A completed permit application form.
 - (b) A plan of the entire site, clearly and legibly drawn in at a scale of one inch being equal to 100 feet or less, showing the following:
 - [1] North arrow, scale, and date.
 - [2] Topographic contour lines, if applicable.
 - [3] The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or

proposed subdivision and development.

[4] The location of all existing streets, driveways and other access ways.

[5] The location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(c) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

[1] The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.

[2] The BFE.

[3] Supplemental information as may be necessary under the UCC.

(d) The following data and documentation:

[1] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

[2] Detailed information concerning any proposed floodproofing measures and corresponding elevations.

[3] Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any identified floodplain area, when combined with all other existing and anticipated development, will not cause any increase in the BFE.

[4] A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

(e) Detailed information needed to determine compliance within § 285-53Q(6), Storage, and § 285-53R, Development which may endanger human life, including:

[1] The amount, location and purpose of any materials or substances referred to in § 285-53Q(6) and § 285-53R which are intended to be used, produced, stored or otherwise maintained on site.

[2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 285-47R during a base flood.

(f) The appropriate component of the DEP Planning Module for Land

Development.

- (g) Where any excavation or grading is proposed, a plan meeting DEP requirements to implement and maintain erosion and sedimentation control.
- E. Review of permit applications by Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.
- F. Review of permit applications by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.
- G. Changes to permits. After the issuance of a permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- H. Placards. In addition to the permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the dated of its issuance, and be signed by the Zoning Officer.
- I. Start of construction.
 - (1) Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under the proposed subsurface footings, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.
 - (2) Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.
- J. Identification of FP Floodplain District.
 - (1) The FP Floodplain District is all those areas of West Lampeter Township, Lancaster County, Pennsylvania, classified as special flood hazard areas in the Flood Insurance Study (FIS) and the accompanying FIRM dated April 5, 2016, and issued by FEMA, or the most recent version thereof, including all digital data developed as part of the FIS and FIRM.

- (2) The above referenced FIS and FIRM, and any subsequent revisions and amendments are hereby adopted by West Lampeter Township, and declared to be a part of this section and the FP Floodplain District.

K. Description and special Requirements of identified floodplain areas of the FP Floodplain District.

(1) Floodway area.

(a) Description. The area identified as floodway in the FIS and FIRM which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.

(b) Special requirements.

[1] Any encroachment that would cause any increase in flood heights shall be prohibited.

[2] No new construction or development shall be allowed unless a permit is obtained from the DEP Regional Office.

(2) Special flood hazard area.

(a) Description. The areas identified as Zones AE and A1-30 in the FIS and FIRM which are subject to inundation by the one-percent-annual chance flood event determined by detailed methods and have BFEs shown.

(b) Special requirements.

[1] No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the DEP Regional Office.

[2] In special flood hazard areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.

(c) Permitted uses.

[1] The following uses and no others are permitted in the FP Floodplain District, and they are permitted only if done under and in accordance with the provisions of the State Clean Streams Law, as amended; rules and regulations of DEP; § 285-53K(2)(c), § 285-53O, and § 285-53Q; and all other applicable provisions of this chapter:

[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

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, day camps, campgrounds (excluding camp sites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any 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 U.S. List of Endangered and Threatened Plant Species maintained by the U.S. Fish and Wildlife Service.
- [e] Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboreta, excluding any structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
- [f] Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Fish and Boat Commission and reviewed by the Conservation District, and subject to the provisions of § 285-53Q.
- [g] One- or two- or multiple-strand fences, so long as all strands run in a horizontal direction.
- [h] Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- [i] Blinds for the shooting or observation of wildlife, provided that such blinds may only be placed, erected and maintained during the open season established by the Game Commission for the taking of migratory waterfowl and the three weeks immediately preceding and three weeks immediately following that open season. Blinds must be removed during all other times of the year.
- [j] Circuses, carnivals and similar temporary enterprises, provided that natural vegetative ground cover is not destroyed, removed or covered in such a way as to create erosion or sedimentation.
- [k] Farm ponds which are constructed in accordance with a conservation plan reviewed by the Conservation District and which do not create any increase in flood heights or frequency, and subject to the provisions of § 285-53Q.

- [l] Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.
- [m] Public utility facilities (except buildings) under the exclusive jurisdiction of the Public Utility Commission and specifically exempted from control by municipal zoning ordinances, subject to the provisions of § 285-53Q.
- [n] Marker buoys.
- [o] Culverts, bridges, stormwater facilities, pump stations and street and driveway crossings that have been reviewed and approved by the Township Engineer.
- [p] Utility lines, poles and manholes and water monitoring devices.

(d) Special exception uses.

- [1] If the following uses are listed as allowed permitted or special exception uses in the applicable underlying zoning district, then special exception approval shall also be required to determine compliance with § 285-53.
 - [a] Parking lots, loading areas and driveways, if they are consistent with the provisions of Subsection G, except that parking lots designed or used for storage and parking lots for hotels, motels and other temporary lodgings are prohibited.
 - [b] Water-oriented uses such as docks, piers, wharves and boat launching ramps.
 - [c] Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
 - [d] Other uses similar to the above, provided the use will not reduce the cross-sectional area of the floodplain.

(e) Prohibited uses.

- [1] The following uses are prohibited in the FP 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 § 285-53K(2)(c) and § 285-53K(2)(d).
 - [c] Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
 - [d] Placing, depositing or dumping any spoil, fill or solid waste, except such grading or filling necessary to accomplish and carry out those uses permitted in § 285-53K(2)(c) and § 285-53K(2)(d); provided, however, that no grading or filling is permitted which

would cause any increase in flood heights or frequency.

- [e] Removal of topsoil, excluding sod production and nursery activities as allowed in § 285-53K(2)(c) and § 285-53K(2)(d), and excluding such grading or filling necessary to accomplish and carry out those uses which are permitted in § 285-53K(2)(c) and § 285-53K(2)(d); 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 § 285-53K(2)(c) and § 285-53K(2)(d).
- [g] Any parts of any on-site sewage disposal systems.
- [h] Swimming pools.
- [i] Fences, except horizontal strand fences.
- [j] Stockpiling, storage or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal or plant life.
- [k] Cemeteries for humans or animals.
- [l] Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
- [m] The floodproofing of new residential structures.
- [n] Any development, structure or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this section:
 - [i] Endanger human life.
 - [ii] Obstruct, impede, retard, change or increase the velocity, direction or flow of floodwaters.
 - [iii] Increase the surface elevation of floods or the frequency of floods.
 - [iv] Catch or collect debris carried by floodwaters.
 - [v] Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the FP Floodplain District.
 - [vi] Degrade the water-carrying capacity of any watercourse, channel or floodplain.

- [vii] Increase the rate of local runoff, erosion or sedimentation.
 - [viii] Degrade the quality of surface water or the quality or quantity of groundwater.
 - [ix] Be susceptible to flotation and subsequent movement which would cause damage to other property.
 - [x] Create unhealthful ponding or other unsanitary conditions.
 - [xi] Not be in harmony with the intent and purpose of this section, as set forth in § 285-47A.
- [o] Feedlots.
- [p] The construction, expansion or enlargement of any structure or building associated with the following uses:
- [i] Hospitals.
 - [ii] Nursing homes.
 - [iii] Jails.
 - [iv] Prisons.
 - [v] Mobile/manufactured home parks.
- [q] Any new structure or building, or any expansion or addition to an existing structure or building that will be used for the production or storage of any of the following dangerous materials or substances, or that will be used for any activity requiring the maintenance of a supply of any of the following substances in quantities exceeding 550 gallons:
- [i] Acetone.
 - [ii] Ammonia.
 - [iii] Benzene.
 - [iv] Calcium carbide.
 - [v] Carbon disulfide.
 - [vi] Celluloid.
 - [vii] Chlorine.
 - [viii] Hydrochloric acid.
 - [ix] Hydrocyanic acid.
 - [x] Magnesium.
 - [xi] Nitric acid and oxides or nitrogen.
 - [xii] Petroleum products (gasoline, fuel oil, etc.).
 - [xiii] Phosphorus.

[xiv] Potassium.

[xv] Sodium.

[xvi] Sulfur and sulfur products.

[xvii] Pesticides (including insecticides, fungicides and rodenticides).

[xviii] Radioactive substances, insofar as such substances are not otherwise regulated.

[r] Fully and partially enclosed space below the lowest floor (including basement).

(3) Approximate floodplain area.

(a) Description. The areas identified as Zone A in the FIS which are subject to inundation by the one-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

(b) Special requirements.

[1] No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the DEP Regional Office.

[2] When available, information from other federal, state, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

[3] In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

(c) The provisions of § 285-47K(2)(c), (d), and (e), are applicable to the approximate floodplain area.

L. Changes in identified floodplain area. 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 documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. As soon as practicable, but not later than six months after the date such information becomes available, the Township shall notify FEMA of the changes by submitting technical or scientific data.

- M. Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
- N. Technical provisions.
- (1) Alteration or relocation of watercourse.
 - (a) No encroachment, alteration, or improvement of any kind shall be made to any watercourse 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 Regional Office. It is the responsibility of the applicant to provide all required studies and pay all fees.
 - (b) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
 - (c) FEMA and DCED shall be notified prior to any alteration or relocation of any watercourse.
 - (2) Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
 - (3) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, ordinances and regulations.
- O. Elevation and floodproofing requirements. Within any identified floodplain area any new construction or substantial improvements other than those expressly authorized by § 285-53K shall be prohibited. If a variance is obtained for new construction or substantial improvements in the identified floodplain area in accordance with § 285-53X, or a use is permitted by § 285-53K then the following provisions shall apply:
- (1) Residential structures.
 - (a) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - (b) In A Zones, where there are no BFEs specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 285.53K(3)(b)[2] and [3].
 - (c) The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized, where they are more restrictive.
 - (2) Nonresidential structures.
 - (a) In AE, A1-30 and AH Zones, any new construction or substantial

improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

- [1] Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - [2] Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (b) In A Zones, where there are no BFEs specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 285-47K(3)(b)[2] and [3].
 - (c) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 - (d) The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized, where they are more restrictive.
- (3) Space below the lowest floor.
- (a) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - (b) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - [2] The bottom of all openings shall be no higher than one foot above grade.
 - [3] Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

P. Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- (1) The accessory structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- (2) Floor area shall not exceed 150 square feet.
- (3) The accessory structure will have a low damage potential.
- (4) The accessory structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- (5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
- (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (7) Sanitary facilities are prohibited.
- (8) The accessory structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. 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) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Q. Design and construction standards. Within any identified floodplain area any new construction or substantial improvements other than those expressly authorized by § 285-53K shall be prohibited. If a variance is obtained for new construction or substantial improvements in the identified floodplain area in accordance with § 285-53X or if a use is authorized by § 285-53K, then the following minimum standards shall apply for all construction and development proposed within any identified floodplain area.

- (1) Fill. If fill is used, it shall:
 - (a) Extend laterally at least 15 feet beyond the building line from all points.
 - (b) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

- (d) Be no steeper than one vertical to two horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer.
 - (e) Be used to the extent to which it does not adversely affect adjacent properties.
- (2) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (3) Water and sanitary sewer facilities and systems.
 - (a) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and Township regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (d) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damage and The International Private Sewage Disposal Code shall be utilized.
- (4) Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (5) Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- (6) Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 285-47R, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.
- (7) Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- (8) Anchoring.
 - (a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral

movement.

- (b) All air ducts, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

(9) Floors, walls and ceilings.

- (a) 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 causing structural damage to the building.
- (b) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
- (c) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (d) Windows, doors, and other components at or below the regulatory flood elevations shall be made of metal or other water-resistant material.

(10) Paints and adhesives.

- (a) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
- (b) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
- (c) All wooden components (doors, trims, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

(11) Electrical components.

- (a) Electrical distribution panels shall be at least three feet above the BFE.
- (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(12) Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

(13) Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

(14) Uniform Construction Code coordination. The standards and specifications of the UCC shall apply to the above and other sections and subsections of this section, to the extent that they are more restrictive and/or supplement the requirements of this section.

R. Development which may endanger human life.

- (1) In accordance with the Pennsylvania Flood Plain Management Act, and the

regulations adopted by the DCED as required by the Act, any new or substantially improved structure which: will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances, shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (a) Acetone.
 - (b) Ammonia.
 - (c) Benzene.
 - (d) Calcium carbide.
 - (e) Carbon disulfide.
 - (f) Celluloid.
 - (g) Chlorine.
 - (h) Hydrochloric acid.
 - (i) Hydrocyanic acid.
 - (j) Magnesium.
 - (k) Nitric acid and oxides of nitrogen.
 - (l) Petroleum products (gasoline, fuel, oil, etc.).
 - (m) Phosphorus.
 - (n) Potassium.
 - (o) Sodium.
 - (p) Sulfur and sulfur products.
 - (q) Pesticides (including insecticides, fungicides, and rodenticides).
 - (r) Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any floodway area, any structure of the kind described in § 285-5R(1) shall be prohibited.
- (3) Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in § 285-53R(1) shall be:
- (a) Elevated or designed and constructed to remain completely dry up to at least one and a half feet above BFE.
 - (b) Designed to prevent pollution from the structure or activity during the course of a base flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in

accordance with the standards for completely dry floodproofing contained in the publication. "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

- (4) Within any identified floodplain area, any new or substantially improved structure of the kind described in § 285-53R(1) shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- S. Special Requirements for subdivisions. All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in flood hazard areas where BFE data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision or letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- T. Special requirements for manufactured homes and recreational vehicles. Within any identified floodplain area any manufactured homes or recreational vehicles shall be prohibited. If a variance is obtained for erection of manufactured homes or placement of recreational vehicles in the identified floodplain area in accordance with § 285-53X, then the following provisions shall apply:
- (1) Within any floodway, manufactured homes and recreational vehicles shall be prohibited.
 - (2) Within approximate floodplain or special flood hazard area, manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any new watercourse.
 - (3) Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - (a) Placed on a permanent foundation.
 - (b) Elevated so that the lowest floor of the manufactured home is at least one and a half feet above BFE.
 - (c) Anchored to resist flotation, collapse, or lateral movement.
 - (4) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the International Residential Building Code adopted as part of the UCC or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, or latest revision thereto shall apply.
 - (5) Consideration shall be given to the installation requirements of the UCC where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

- (6) Within approximate floodplain or special flood hazard area, recreational vehicles must either:
 - (a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or
 - (b) Meet all of the requirements for manufactured homes in § 285-53T(2),(3), (4) and (5).
- U. Prohibitions. In accordance with the administrative regulations promulgated by the DCED to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area.
 - (1) The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (a) Hospitals.
 - (b) Nursing homes.
 - (c) Jails or prisons.
 - (2) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- V. Existing structures. The provisions of this section do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 285-53W shall apply. Historic structures as defined in this section undergoing repair or rehabilitation that would constitute a substantial improvement as also defined in this section must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places must be obtained from the Secretary of the Interior. An exemption from ordinance requirements will be the minimum necessary to preserve historic character and design of the structure.
- W. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
 - (1) 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 BFE.
 - (2) No expansion or enlargement of an existing structure shall be allowed within any special flood hazard area that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
 - (3) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this section.
 - (4) The above activity shall also address the requirements of the UCC.

- (5) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (6) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this section.

§ 285-54. Odors and dust.

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot, except for odor and dust nuisances that are allowed for normal farming operations under the state's Right to Farm Act.

§ 285-55. Control of light and glare.

This § 285-55 shall only regulate exterior lighting that spills across lot lines or onto public streets.

- A. Streetlighting exempted. This § 285-55 shall not apply to streetlighting that is owned, financed or maintained by the Township or the state or an individual porch light of a dwelling (not including a spotlight).
- B. Height of lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.
- C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for nonadvertising seasonal lights between October 25 and January 10.
- F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal footcandle at a distance 20 feet inside the residential lot line.
- G. Gasoline sales canopies. All light fixtures under the canopy shall be recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- H. Horizontal surface lighting. For the lighting of predominantly horizontal surfaces, such as but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle-fueling facilities, vehicle sales areas, loading docks, recreational areas and building entrances, fixtures shall be aimed downward

and shall meet the standards for a full-cutoff light fixture. A full-cutoff light fixture shall be a fixture in which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane at all lateral angles around the fixture. Fixtures with an aggregate-rated lamp lumen output per fixture that does not exceed the rated output of a standard one-hundred-watt incandescent lamp are exempt from the requirements of this subsection.

- I. Nonhorizontal lighting. For lighting of predominantly nonhorizontal surfaces, such as but not limited to facades, signs and displays, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures with an aggregate-rated lamp lumen output per fixture that does not exceed the rated output of a standard one-hundred-watt incandescent lamp are exempt from the requirements of this subsection.
 - (1) However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag

ARTICLE VII

Signs

§ 285-56. Sign purposes.

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

§ 285-57. Sign area and height.

- A. Sign area. The area of a sign shall be the area of the smallest rectangle, triangle or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs or other display.
- (1) When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.
 - (2) When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork or other means used to differentiate the sign from the surface upon which it is placed.
 - (3) When a single sign structure has more than one face with the same message, and no two sign faces are more than three feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.
- B. Sign height. The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including without limitation existing topographic maps, aerial photographs, photographs of the site or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.

- (1) No sign shall be higher than the height limitation of the district in which it is located.
- (2) The height of freestanding signs shall be controlled by the regulations in Sign Tables 1 and 2.
- (3) Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
- (4) Roof signs may extend no more than five feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

SIGN TABLE 1A - REGULATIONS FOR PERMANENT SIGNS (All signs listed in this Table 1 shall be required to have a Township sign permit, except "Incidental Signs.")						
Type Of Sign	Zoning District	Freestanding Signs (For Setbacks - See Note 5)			Building Signs	
		Maximum Permitted Number of Signs	Maximum Permitted Sign Area Per Sign (See Note 2)	Maximum Permitted Height	Maximum Permitted Number of Signs	Maximum Permitted Total Sign Area
a) Business sign (except Center Signs that are provided for below) Identification sign (except Development Signs and Public Use Signs) (For Home Occupation Sign - See Note 4)	a) R, RR, R-1, R-2, R-3 and TR	a) 1 per lot	a) 2 square feet except 12 square feet for a principal nonresidential use. See also "Public Use Signs" for schools and places of worship. Freestanding signs in these districts shall not be internally illuminated	a) 6 feet	a) 2 per lot	a) 2 square feet, except 20 square feet for a principal nonresidential use per building side up to 2 sides of a building
b) Same as a)	b) A	b) 1 per lot	b) 8 square feet	b) 6 feet	b) 2 per lot	b) 8 square feet
c) Same as a)	c) MS, and CN	c) 1 per street frontage per lot. On a lot with multiple uses, individual freestanding signs shall not be allowed for each use. See Note 2	c) 40 square feet	c) 12 square feet	c) 3 per establishment, per building side	c) 1.5 square feet per linear foot of facade to which sign is attached, up to a maximum of 200 square feet of signage per lot. Also see Note 3. See Note 1 for projecting signs
d) Same as a)	d) CH and I/M	d) Same as c)	d) See Note 2	d) 20 feet	d) 3 per building side, per establishment	d) Same as c)
NOTES:						
1	In the MS, or NC District, up to 10 square feet of the allowed building sign area may be used for a sign that projects outward perpendicular to the front of the building. Such sign shall project a maximum of four feet from the side of the building and shall not be internally illuminated. See Note 5 below, which provides an exception from the setback from the right-of-way. A projecting sign face shall have an appearance similar to relief-cut wood or a fabric					

	banner hung from a post. See minimum clearance in § 285-59A(14). See also Sidewalk Signs in Table 2.
2	The area permitted on each street frontage is 40 square feet for street frontage up to 80 feet, plus 1 square foot per two feet of street frontage over 80 feet, up to a maximum of 80 square feet. If a lot includes 10 or more separate establishments, then a maximum sign area of 100 square feet shall be allowed on each street frontage, if the additional sign area is used to identify the various establishments.
3	The length of the facade of an irregularly shaped building (such as a circular building, an "S" shaped building, or a building with one or more inserts on the side in question) is the straight-line distance between the two ends of the building. In any case, each principal commercial establishment shall be allowed a minimum building sign area of 30 square feet. The Township may require a business in a multitenant building with a rear service door to include an identification sign on that door, to assist fire fighters and delivery persons.
4	A home occupation sign shall be limited to the following information: name, an address, telephone number, an occupation or activity, and a logo or trademark; there may be no internal or spotlight illumination, except that a sign for a medical office or emergency service may be externally illuminated when the business is open. The sign shall have a maximum sign area of two square feet on a maximum of two sides. The sign shall have a maximum height of six feet. The sign may be attached to a building, a mailbox, a light post or a freestanding post.
5	For all of the signs listed in Table 1, a ten-foot minimum setback shall apply from the legal street right-of-way, except that no setback from the right-of-way is required if the existing principal building has a front setback of less than 12 feet.

SIGN TABLE 1B - REGULATIONS FOR PERMANENT SIGNS (continued)

(All signs listed in this Table 1 shall be required to have a Township sign permit, except "Incidental Signs.")

Type of Sign	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area for Each Sign	Maximum Permitted Height for Freestanding Signs	Minimum Required Setback From Street Right-of-Way for Freestanding Signs	Other Requirements
Billboard - shall only be allowed in the I/M and CH Districts	See "Other Requirements"	300 square feet per surface, whether or not messages are the same	25 feet	30 feet	A billboard structure shall have a maximum of two surfaces. The second surface shall only be allowed if the surfaces are back-to-back or at an angle of less than 45°. The minimum setback shall be 15 feet or the minimum building setback line, whichever is greater, from property lines other than street. Each billboard structure must be at 1,000 feet from any other billboard and at least 300 feet from any residential or RR district or a public park or occupied principal dwelling
Bus Shelter Signs					A sign attached to a bus shelter shall only be allowed in conformance with the Bus Shelter regulations in § 285-43D(4)
Center Sign (Business)	For each center, 1 per principal entrance, up to maximum of 2, except there may be more than 2 if all entrances are at least 1,200 feet apart	20 square feet in C, A, RR, R-1, R-2, R-3 and TV Districts; 80 square feet in all other districts	6 feet in C, A, RR, R-1, R-2, R-3 and TV Districts; 20 feet in all other districts	10 feet	Center signs are allowed only for centers such as shopping centers, office complexes, and industrial parks which meet at least two of the following three minimums: (1) 5 units; (2) 20,000 square feet of building area; and (3) 5 acres of land
Development Sign (Residential)	For each residential development, 1 per principal entrance, up to maximum	20 square feet	6 feet in C, A, RR, R-1, R-2, R-3 and TV Districts; 20 feet in all other districts	10 feet	Development signs are allowed only for residential developments. They may include only the name of the development and may not include any commercial advertising. Such signs shall not be internally illuminated. Such sign may be attached to a decorative masonry wall with a maximum height of 6 feet and a maximum length of 8 feet, provided that the sign does not obstruct the sight distance triangle

	of 2 entrances					
Government Sign	These signs may be placed within street rights-of-way. These signs are not regulated by Article VII, Signs.					
Incidental Sign	Maximum of 5 per establishment per street frontage	2 square feet	6 feet	10 feet, except no setback is required if sign is no more than 30 inches high		
Nonprofit Organization Sign	As approved by the Board of Supervisors	4 square feet	6 feet	Not applicable	The location shall be approved by the Board of Supervisors. The location may be approved in street rights-of-way or designated entrances to the community or on common display panels. If the sign will not be within the right-of-way, then permission shall be obtained from the landowner	
Public Use Sign (such as for a place of worship or primary or secondary school)	1 building sign per lot and 1 freestanding sign per principal entrance	40 square feet	6 feet in C, A, RR, R-1, R-2, R-3, and TV Districts; 10 feet in all other districts	10 feet		
SIGN TABLE 2 - REGULATIONS FOR TEMPORARY SIGNS (Sign permits are not required for the signs listed in this Table 2.)						
Kind of Sign	Permitted Time for Display	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area (per sign)	Maximum Permitted Height for Freestanding Signs	Minimum Required Setback From Street Right-of-Way for Freestanding Signs	Other Requirements
Contractor Sign	During construction that is actively occurring on site	1 per contractor or financing provider per lot	6 square feet. If one sign is used for multiple contractors, then the maximum sign area shall be an average of 6 square feet per contractor, up to a maximum of 24 square feet	6 feet	See "Other Requirements"	Must be set back at least 10 feet from cartway or at building face, whichever is less; may not be in side yard setback. May not be illuminated. Not permitted off premises. A contractor sign may be combined with another permitted sign onto the same structure, such as a real estate sign. In such case, the sign area permitted on the structure for each type of sign may be added together.
Garage/Yard Sale Sign (includes sign for auction of private property)	From 48 hours before sale to end of day of sale or auction	1 on-site and 1 off-site sign per dwelling unit having the sale/auction	6 square feet	6 feet	10 feet	Also see Note 1
Issue Sign (includes political election signs for candidates)	Any sign that relates to an election, vote or referendum shall be removed within 7	2 sign faces per candidate or issue per lot or dwelling unit, per street frontage.	32 square feet in MS,, CN, CH, I/M Districts; 6 square feet in other districts	10 feet in MS, MSL, CN, CH, I/M Districts; 6 feet in other districts	10 feet	See Note 2. If a lot includes more than 250 feet of street frontage, then one additional sign face per candidate or issue shall be allowed for each additional 250 feet of street frontage

	days after such event					
Open House Sign	From 5 days before open house to 2 hours after open house. Display may not exceed 6 days per month per lot	Maximum 1 on premises; maximum 1 off premises; for a subdivision of new homes, open house signs shall be limited to a maximum total of 2 signs per subdivision	6 square feet	6 feet in C, A, RR, R-1, R-2, R-3, and TV Districts; 10 feet in all other districts	Not applicable	Must include the words "Open House" and day and time of open house. Open house must be attended by the seller or the seller's representative during entire advertised time of open house. Must not interfere with pedestrian or vehicular traffic. Also see Note 1
Real Estate Sign (in OSR, A, RR, R-1, R-2, R-3 and RV Districts)	While offered for sale, auction or rent, until five days after settlement of sale or occupancy of rental space or end of auction	1 per street frontage, up to 2 per lot	6 square feet	6 feet	10 feet	Not permitted off-premises. Also see Note 1. Such sign shall not be illuminated
Real Estate Sign (in all districts other than in the preceding row)	While offered for sale or rent, until 5 days after settlement of sale or occupancy of rental space or end of auction	1 per street frontage, up to 2 per lot	32 square feet	10 feet	10 feet	Not permitted off-premises. Also see Note 1. Such sign shall not be illuminated
Sidewalk Sign	May only be displayed during hours when the business is open to the public	1 per street frontage, up to 2 per lot	See "Other Requirements"	See "Other Requirements"	Not applicable	Shall not be more than 24 inches wide and 48 inches high if placed next to curb; if placed next to buildings having obstructions, such as steps, shall not be more than 42 inches wide and 72 inches high. The distance between sidewalk signs shall be at least 15 feet. A minimum of 4 feet of unobstructed walkway shall be maintained. A sidewalk sign shall only be allowed in the MS and MSL Districts or in front of a commercial use in a Neighborhood Design Option Development. Such sign shall not be internally lit. A sidewalk sign may only be placed in front of the building of principal commercial use. Only one sign shall be allowed per business
Special Event Sign (may include a banner)	From 21 days before event to 5 days after event, up to a maximum total of 45 days. See also "Other Requirements"	1 per lot per event; maximum 10 off-premises signs per event	16 square feet if on premises; 6 square feet if off premises	6 feet	10 feet	Off-premises special event signs shall only be allowed for events to benefit a charity, nonprofit, or public service. Off-premises special events are only allowed along an arterial or collector street and shall need permission of the property owner. Also see Note 1. However, an on-premises sign advertising an allowed commercial auction (not involving a single household) may be displayed a

						maximum of 21 days before and one day after the auction
Temporary Banner	A maximum total of 30 days per calendar year	1 per business establishment	25 square feet	6 feet	10 feet	Allowed for a principal commercial business. This type of sign is intended for special sales
NOTES:						
1	Signs which are not removed within the time limits may be removed and impounded by the Township, and the Township may recover a fee equal to the cost of removal and storage.					
2	Signs which are not removed within the time limits may be removed and discarded by the Township, and the Township may recover a fee equal to the cost of removal, storage and disposal.					

§ 285-58. General sign regulations.

A. The following regulations shall apply to all signs, in addition to the specific regulations contained in the following provisions of this article. Where the general regulations are contradicted by a specific regulation, the specific regulation shall control:

- (1) All signs shall reflect the general character of the neighborhood.
- (2) All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
- (3) When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
- (4) The areas surrounding all signs shall be maintained in a neat, clean and attractive condition.
- (5) All signs shall be removed within three months if the purpose for which they were erected no longer exists.
- (6) Each property that displays one or more permanent freestanding signs and that is in an area where street addresses have been assigned must prominently display the address on one permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of 100 feet (such as three-inches-high lettering/numerals with a three-fourth-inch stroke). The area taken up by the address does not count as part of the sign area. Center signs are exempt from this requirement.
- (7) No temporary signs shall be permitted except as authorized elsewhere in this article.
- (8) No sign shall be located within a street right-of-way, except a government sign, a public utility sign or an allowed sidewalk sign.
- (9) No sign within the clear sight triangle should obstruct vision between the heights of three feet and 10 feet above the elevation of the center line of the street.

- (10) No signs shall be painted, pasted, nailed, stapled or otherwise attached to utility poles, trees or fire hydrants, except for government signs, and except that public utility signs may be attached to utility poles, and except that "no trespassing" and "no hunting" signs may be attached to trees in a manner that does not harm the tree.
- (11) Any freestanding sign within a 100-year floodplain shall be designed with a single post and an elevated sign face so as not to inhibit floodwaters or catch debris in floodwaters.
- (12) No sign shall be placed so as to obstruct any door, stairway, window, fire escape, sidewalk or other means of egress or ingress.
- (13) No sign shall be placed so as to obstruct ventilation or light from a building.
- (14) No overhead sign shall have a clearance of less than eight feet between any pedestrian walk and the lowest part of the sign and less than 17.5 feet between any roadway/access drive and the lowest part of the sign.
- (15) No sign that is parallel to and attached to the face of a building shall project more than 18 inches over a public sidewalk.
- (16) No sign that is perpendicular to and attached to the face of a building shall project more than 48 inches from the building.
- (17) No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
- (18) No sign shall be permitted that imitates or that might be confused with an official traffic sign or signal, such as by containing the words "stop" or "danger" or by including red, green or yellow lights.
- (19) No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
- (20) No sign shall advertise activities or products that are illegal under federal, state, or Township laws or regulations.
- (21) No sign shall include statements, words or pictures that are considered to be vulgar, obscene or pornographic.
- (22) No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons of greater than 50 cubic feet, or similar materials shall be displayed outside a building. (See "special event sign" in Sign Table 2²⁸ for regulations that apply to banners used as special events signs.)
- (23) Flags. In addition to any other allowed signage, each commercial or industrial property may display one flag not to exceed 35 square feet with a company or corporate identification logo for a business on the premises or that announces that a business is "open." See also the definition of "sign," which exempts certain types of flags.
- (24) No animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted except for time and temperature signs.
- (25) No sign shall emit smoke, visible vapors, particles, sound or odor.

- (26) No sign shall be placed on a motor vehicle or trailer if the vehicle/trailer is being used primarily for displaying such sign.
- (27) No inflatable signs shall be permitted.
- (28) No open flames shall be permitted as part of a sign or in any other way to attract attention.
- (29) Advertising painted upon or displayed upon a barn, hay bale, or other structure shall be considered a sign and shall comply with the regulations of this article.
- (30) Any sign that has been authenticated as historically significant and accurate for its specific location, whether original or a replica, may be exempted from the regulations of this article as a special exception.
- (31) Signs may be interior lighted with nonglaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- (32) The light from any illuminated sign shall not adversely affect: a) safe vision of operators of vehicles moving on public or private streets or parking areas; b) any residential district; or c) any part of a building or property used for residential purposes. Lighting of signs shall also meet the light and glare control requirements of Article VI.
- (33) No lighting shall be permitted to outline buildings or structures or parts thereof through the use of neon lighting, strings of lights, or other means with the exception of customary holiday decorations, which may be installed between October 30 and January 10.
- (34) Business signs that are not within commercial and industrial districts shall not be illuminated when the business is closed.
- (35) All electrically illuminated signs shall comply with the electrical code that is currently in effect in West Lampeter Township.
- (36) Signs that are not readable from any street and from any lot line are not regulated by this chapter in number or in sign area, provided such signs meet the following requirements: they have a maximum height of eight feet for a freestanding sign; they are not taller than the attached building for a building sign; and they have a maximum sign area of 20 square feet, except a maximum of 40 square feet shall be allowed for an outdoor menu board for a drive-through of a restaurant. This exemption shall not apply to signs in a shopping center, other than a menu board for a drive-through restaurant.

§ 285-59. Regulations for specific types of signs.

Sign Tables 1 and 2 provide regulations for specific kinds of signs in each zoning district. Sign Table 1 provides regulations for permanent signs; Sign Table 2 provides regulations for temporary signs. Types of signs that are not provided for in Sign Table 1 or 2 or anywhere else in this article shall not be allowed. § 285-61. Sign permit procedures and fees. Permits for the placement of signs are required as indicated in Sign Tables 1 and 2. Sign permit application requirements, such as forms, plans and fees, shall be established by the Board of Supervisors.

§ 285-60. Nonconforming signs.

A. Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:

- (1) There may be no expansion or increase in the nonconformity in any way. This provision includes but is not limited to billboards.
- (2) Maintenance and repair of the sign are permitted; if necessary, up to 50% of the entire area of a sign and its supporting structure may be replaced in the event of damage; any such replacement must be completed within six months of the damage occurring.
- (3) The sign must be brought into conformity if, for a period of at least three months, the message has no longer applied to an activity on the premises (this does not apply to billboards that are actively offered for rent). However, if a vacant business space is actively being offered for sale or lease, and the sign is intended to be reused by the future business, then the sign may continue in place, provided the sign is changed to a blank sign face within 60 days.

ARTICLE VIII

Zoning Hearing Board

§ 285-60. Zoning Hearing Board actions and variances.

- A. Membership of Board. The Zoning Hearing Board shall consist of three residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being three years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.
- (1) Alternate members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. [Note: As of the adoption date of this chapter, such provisions were in Section 903(b) of such Act.]
 - (2) Expenditures. Within the maximum amount of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Members and alternate members may receive compensation, within limits established by the Board of Supervisors, for the performance of their duties.
- B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (As of the adoption date of this chapter, these provisions were in Sections 906(a), (b) and (c) of such Act.)
- D. Zoning Hearing Board jurisdiction and functions. The Zoning Hearing Board shall be responsible for the following:
- (1) Appeal of a decision by the Zoning Officer.
 - (a) The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this chapter.
 - (b) See time limitations for appeals in Subsection F.
 - (2) Challenge to the validity of the Zoning Ordinance or Map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were primarily in Sections 909.1 and 916 of such Act.)
 - (3) Variance.
 - (a) The Board shall hear requests for variances filed with the Township staff in writing.
 - (b) Standards. The Board may grant a variance only within the limitations of state law. [Note: As of the adoption date of this chapter, the Municipalities Planning Code provided that all of the following findings must be made where relevant:

[1] There are unique physical circumstances or conditions (including

irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;

[2] Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is, therefore, necessary to enable the reasonable use of the property;

[3] Such unnecessary hardship has not been created by the appellant;

[4] 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; and

[5] 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.

(c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

(4) Special exception.

(a) The Board shall hear and decide requests for all special exceptions filed with the Township staff in writing. The Board shall only permit a special exception that is authorized by this chapter. See § 285-16.

(b) Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes and intent of this chapter.

(5) Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have "disabilities," as defined in and protected by such laws.

(a) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Amendments Act and/or the Americans with Disabilities Act, as amended.

(b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this

chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.

- (c) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
- (6) The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this chapter, such provisions were primarily within Section 909.1 of such law.)
- E. Time limits for appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were in Section 914.1 of such Act.)
- F. Stay of proceedings. The stay of proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, such provisions were in Section 915.1 of such Act.)
- G. Time limits on permits and approvals. The following time limits shall apply unless a different time limit is provided by the Zoning Hearing Board in a decision granting approval.
 - (1) After a variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.
 - (2) In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit in which to obtain a permit and/or for the completion of work to a maximum of 24 months each.
 - (3) If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this chapter and all such approvals, variances and permits shall be deemed automatically rescinded by the Township.
- H. Multiple applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

§ 285-61. Zoning Hearing Board hearings and decisions.

The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

- A. Notice of hearings. Notice of all hearings of the Board shall be given as follows:
 - (1) Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.

- (2) Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
 - (3) Persons given notice. The Township shall provide written notice to the applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.
- B. Initiation of hearings. A hearing required under this chapter shall be initiated within 60 days of the date of an applicant's request for a hearing unless the applicant has agreed in writing to an extension of time.
- C. Decision/findings.
- (1) The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board unless the applicant has agreed in writing to an extension of time.
 - (2) Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
 - (3) References shall be provided to the most pertinent section(s) of this chapter and/or the State Municipalities Planning Code.
- D. Notice of decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. [Note: As of the adoption date of this chapter, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties.]
- E. See also Section 908 of the Pennsylvania Municipalities Planning Code.

ARTICLE IX

Administration

§ 285-62. Permits and certificates.

A. Applicability.

- (1) Any of the following activities or any other activity regulated by this chapter shall only be carried out in conformity with this chapter:
 - (a) Erection, construction, movement, placement or extension of a structure, building or sign;
 - (b) Change of the type of use or expansion of the use of a structure or area of land;
 - (c) Creation of a lot or alteration of lot lines; and/or
 - (d) Creation of a new use.
- (2) Zoning permit. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the applicable Township staff.
 - (a) A zoning permit is required to be issued prior to the start of any of the following activities:
 - [1] Erection, construction, movement, placement, relocation or expansion of a structure, building or sign;
 - [2] Change of the type of use or expansion of the use of a structure or area of land;
 - [3] Creation of a new use;
 - [4] Demolition of a building or partial demolition of the exterior of a building;
 - [5] Site alterations or mineral extraction as defined by § 285-33;
 - [6] Excavation or grading in preparation for the construction of a building or a change in use of a property; and/or
 - [7] Construction or installation of any animal waste impoundment, lake, pond, dam or other water retention basin.
 - (b) The Township may, at its option, issue combined or separate building permits and zoning permits and/or may utilize a single or separate applications for the permits.
 - (c) See the provisions in § 285-14 regarding applications involving wells or septic systems.
- (3) Certificate of use and occupancy.
 - (a) It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made

at the same time an application for a zoning permit is filed with the Zoning Officer as required herein. (Note: A certificate of occupancy may also be required in additional situations under the Construction Code, which is a separate ordinance.)

- (b) The Township staff may permit the zoning permit application to serve as the application for the certificate of use and occupancy.
- (c) The certificate of occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this chapter, to the best knowledge of the Zoning Officer. The Township may also withhold issuance of the certificate until there is compliance with other Township ordinances.
- (d) The applicant shall keep a copy of the certificate of occupancy available for inspection.
- (e) Upon the request of an applicant, the Zoning Officer may issue a temporary certificate of occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work covered by the permit has been completed.

[1] However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.

[2] The temporary certificate shall establish in writing a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified. The Zoning Officer may provide written time extensions for good cause.

[3] Failure to receive a permanent certificate of use and occupancy within such time period shall be a violation of this chapter.

[4] The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

[5] See also § 285-62.

B. Repairs and maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this chapter. Examples of such work include replacement of a roof that does not involve enclosure of space. (However, a construction permit under any Township building code may be needed for such work.)

C. Types of uses.

- (1) Permitted uses. The Zoning Officer shall issue a permit under this chapter in response to an application for a use that is permitted if it meets all of the requirements of this chapter.
- (2) Special exception use or application requiring a variance. A permit under this chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

- (3) Conditional use. A use requiring zoning approval by the Board of Supervisors under § 285-7.

D. Applications.

- (1) Submittal. All applications for a zoning permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
- (2) Site plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new building, expansion of a building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
 - (a) Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;
 - (b) Notes showing the dimensions of all buildings from lot lines and street rights-of-way;
 - (c) Locations of any watercourses and any 100-year floodplain;
 - (d) Proposed lot areas, lot widths and other applicable dimensional requirements;
 - (e) Locations and sizes of any easements.
 - (f) Locations and widths of existing and proposed sidewalks;
 - (g) A North arrow and scale; and
 - (h) Well and primary and alternate septic system locations, if applicable. See § 285-14.
- (3) Additional information. Any application under this chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this chapter:
 - (a) The address of the lot;
 - (b) Name and address of the applicant, and of the owner of the property if different from the applicant;
 - (c) If the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application;
 - (d) A current deed for the property;
 - (e) A description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this chapter;
 - (f) All other applicable information listed on the official Township application form;
 - (g) If the applicant is incorporated, the legal names and day telephone numbers

of officers of the organization/corporation;

- (h) Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this chapter; and
 - (i) A listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relates to this application.
- (4) Submittals to the Board. In addition to the information listed in Subsection D(3) above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this chapter:
- (a) The present zoning district and major applicable lot requirements.
 - (b) For a nonresidential use:
 - [1] A description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
 - [2] A list of the maximum hours of operation.
 - (c) The existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management.
 - (d) A listing of any sections of this chapter being appealed, with the reasons for any appeal.
 - (e) Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract and description of uses of adjoining properties (such as "drugstore" or "single-family detached dwelling").
 - (f) Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.
 - (g) Name and address of person who prepared the site plan.
 - (h) Signed acknowledgement of the application by the applicant.
 - (i) Such additional information required under applicable sections of this chapter.
- (5) Ownership. No person other than a landowner or his/her specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).

E. Issuance of permits.

- (1) At least one copy of each permit application and any other zoning approval shall be retained in Township files.

- (2) PennDOT permit. Where necessary for access onto a state road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT highway occupancy permit.

F. Revocation of permits; appeal of permit or approval.

- (1) Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - (a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - (b) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance.
 - (c) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application.
 - (d) For any other just cause set forth in this chapter.
- (2) Appeals. A party with legitimate standing, or as otherwise provided by state law, may appeal decisions under this chapter within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code. (As of the adoption date of this chapter, such provisions were in Sections 914.1 and 1002.A.)

G. Zoning permit for temporary uses and structures.

- (1) A zoning permit for a temporary use or structure may be issued by the Zoning Officer for any of the following.
 - (a) A temporary permit may be issued for customary, routine and accessory short-term special events, provided that:
 - [1] Only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;
 - [2] Such total events shall be limited to a maximum of 45 days for Christmas tree sales and 10 total days per calendar year for all other activities; and
 - [3] The applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event without obstructing parking that is required to serve other uses on the site.
 - (b) A temporary permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction while such construction is actively underway under a valid Township permit.

- (2) Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a seven-day maximum period shall apply. A temporary permit may be renewed for just cause.
- (3) Temporary retail sales. Except as provided for in Subsection G(1)(a)[1] above, and except for agricultural sales allowed by § 285-26, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - (a) The property shall be located within a zoning district that allows retail sales.
 - (b) The operator shall have received any business permits required by the Township.
 - (c) No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - (d) Any signs visible from a public street shall comply with this chapter.
 - (e) If food or beverages are sold that are not prepackaged, the applicant shall prove compliance with state health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
 - (f) Any structure shall meet applicable minimum setbacks.
 - (g) A permit under this chapter shall be required from the Township, which shall be displayed while the activity is open for business.
 - (h) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
 - (i) Applicable state highway occupancy permit requirements shall be met.

H. Compliance with Township Subdivision and Land Development Ordinance. If an application under this chapter would also be regulated by the Township Subdivision and Land Development Ordinance (SALDO), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "land development" and "subdivision" in the SALDO.

- (1) For example, if an applicant applies for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

§ 285-63. General procedure for permits.

- A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this chapter has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty-day appeal period shall be at the risk of the applicant.

§ 285-64. Interpretation and uses not listed.

- A. Minimum requirements. Where more than one provision of this chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this chapter are in addition to any other applicable Township ordinance.
- B. Uses not specifically regulated. If a use clearly is not listed as permitted, as a conditional use, or as a special exception use by this chapter within any zoning district, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
 - (1) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the district;
 - (2) The proposed use would be closely similar in impacts and character to uses permitted in that district, considering the standards in § 285-67F;
 - (3) The use would meet the standards that would apply under § 285-17 to a conditional use; and
 - (4) The use is not specifically prohibited in that district.
 - (5) The proposed use is a single discreet use and not a combination of uses allowed individually within this chapter.
- C. Interpretation of ordinance text and boundaries.
 - (1) The Zoning Officer shall literally apply the wording of this chapter and the location of all district boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
 - (2) If an applicant disagrees with the Zoning Officer's determination and believes that the ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See § 285-11.
 - (3) See §285-24.
- D. Undefined terms/interpretation of definitions. See § 285-19.
- E. In the event any provision, section, sentence, clause or part of this chapter 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 chapter, it being the intent of the Board of Supervisors that the remainder of the chapter shall be and shall remain in full force and effect.

§ 285-65. Enforcement, violations and penalties.

All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this chapter by reference. (Note: As of the adoption date of this chapter, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this chapter:
- (1) Failure to secure a zoning permit prior to any of the following: a change in use of land or structure; or the erection, construction or alteration of any structure or portion thereof; or the placement of a sign; or a change in the area of a use or the land coverage or setback of a use; or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
 - (2) Placement of false statements on or omitting relevant information from an application for a zoning permit;
 - (3) Undertaking any action in a manner which does not comply with a zoning permit;
 - (4) Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval;
 - (5) Violation of any condition imposed by a decision of the Board of Supervisors in granting a conditional use or other approval; or
 - (6) Violation of any condition imposed by a decision of a court of competent jurisdiction where such court has granted zoning approval with conditions.
- B. Enforcement notice. If the Township has reason to believe that a violation of a provision of this Zoning Ordinance has occurred, the Zoning Officer or his/her designee shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- C. Time limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this chapter, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- D. Causes of action; enforcement remedies. The causes of action and enforcement remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note: As of the adoption date of this chapter, such provisions were in Section 617 of such Law.)
- (1) Enforcement action. If compliance with this chapter is not achieved following sending of an enforcement notice, the Zoning Officer shall institute a civil enforcement proceeding before a District Justice, as provided under state law.
 - (2) Violations and penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable

rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.

- (3) 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 chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter 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, 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.

- E. Enforcement evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

§ 285-66. Fees.

A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.

§ 285-67. Amendments to this chapter.

Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this chapter on its own motion or after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

§ 285-68. Curative amendments.

The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this chapter, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

§ 285-69. Zoning Officer.

- A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors. The Board of Supervisors may designate other Township staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township but may hold other appointed offices.

- B. Duties and powers. The Zoning Officer's duties and powers shall include the following:
- (1) Administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this chapter, and issue or refuse permits within the provisions of this chapter;
 - (2) Conduct inspections to determine compliance and receive complaints of violation of this chapter;
 - (3) Keep records of applications, permits, certificates, written decisions and variances granted by the Zoning Hearing Board and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
 - (4) Review proposed subdivisions and land developments for compliance with this chapter;
 - (5) Take enforcement actions as provided by the State Municipalities Planning Code, as amended;
 - (6) Maintain available records concerning nonconformities, provided that the Township is not required to document every nonconformity; and
 - (7) Serve such other functions as are provided in this chapter.

A Agricultural Zoning District

Section 285-35

Purpose. WLT has significant amounts of land designated for agricultural future land use. Large portions of this land consist of prime farmland that is in need of protection from development if the agricultural economic base, rural character, and way of life is to be maintained. Many areas of prime farmland have already been lost to development pressures. Currently, a majority of the remaining prime farmland is utilized for agriculture, with some land designated for open space and park uses. A significant portion of prime agricultural land can be found surrounding WLT's historical features (e.g., Hans Herr House) or abutting natural features such as Mill Creek and Pequea Creek. A fair portion of these lands are already enrolled in the Agricultural Preservation Program or are designated as Agricultural Security Areas, while additional acreage is enrolled in the Clean and Green (Act 319) program. WLT should continue taking steps to preserve its agricultural land, making continued efforts to enroll more farmland in agricultural land preservation programs. This is particularly important for land adjacent to the growth boundaries to create a greenbelt buffer, which not only protects WLT's character but also acts as a development control when used in conjunction with other policies. These areas adjacent to the growth boundaries are the most threatened because they are closest to areas where public infrastructure could be extended and development correspondingly occur. WLT's Agricultural Preservation Committee should also take a proactive role in identifying farms and farmers interested in enrolling in land protection programs or seek outside preservation groups to purchase development rights or conservation easements.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling	Cemetery	Crop Farming
Group Home	Nature Preserve/Education Center	Public Recreation Park
Raising Livestock (not intensive & intensive)	Township Government	Wholesale Greenhouse

Accessory:

Accessory Day Care	Accessory Roof Mounted Solar	Home Occupation (no impact)
Keeping of Bees	Retail Sales of Agricultural Products	Stable (household)
Timber Harvesting	Windmill	

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Bed & Breakfast	Daycare	Government Facility
Hunting & Fishing Club	Place of Worship	Public Utilities Facility
Short Term Rental	Solar, Ground Mounted and Grid	

Accessory:

Accessory Dwelling Unit	Composting	Home Occupation (general)
Sewage Sludge	Stable (non-household)	Warehousing and Storage

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

Communications Tower (freestanding)	Farm Related Business	Groundwater/Spring Water Withdraw
Kennel	Land Smoothing	School
Sewage Treatment	Windmill (2 or more)	

Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Residential	35,000 Sq. Ft.	200'	20% ¹	2.5 ¹ /40'	50'	25'	50'	50'
Ag Structure			10% ¹	150'	50'	50'	50'	50'
Accessory					-	10'	20'	10'

C Conservation Zoning District

Section 285-41

Purpose. Areas planned for parks and recreation facilities or land preservation activities are appropriate for this Future Land Use category. It is also used to delineate intended areas for a greenbelt around the villages to separate them from nearby, more intense uses.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling	Cemetery	Community Recreation Park
Crop Farming & Wholesale Greenhouse	Golf Course	Hunting & Fishing Club
Nature Preserve / Education Center	Plant Nursery or Tree Farm	Public Recreation Park
Raising Livestock (not intensive)	Township Government Uses	

Accessory:

Accessory Day Care	Accessory Roof Mounted Solar	Home Occupation (no impact)
Retail Sales of Agricultural Products	Stable (household and non-household)	

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Bed & Breakfast	Cultural Center / Museum	Emergency Services Station
Government Facility	Public Utility Facility	Retreat Center
Swimming Pool (non-household)		

Accessory:

Accessory Dwelling Unit	Composting	Home Occupation (general)
Keeping of Bees	Sewage Sludge	

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

Camp	Farm Related Business	Groundwater/Spring Water Withdrawal
Sewage Treatment Plant		

Dimensional Requirements

Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
				Front	Side	Total Both Sides	Rear
3 acres	250'	10'/20'	2.5'/40'	50'	15'	30'	50'

RR Rural Residential Zoning District

Section 285-36

Purpose. Rural Residential areas are suitable for a number of uses including residential, home occupations, parks and open space, agriculture, and public uses. Residential uses should be limited to single-family homes on individual lots to provide sufficient open space to retain the rural character of the area, protect natural resources, and provide sufficient room for on-lot utilities. Future public infrastructure extensions into these areas should be limited and are not supported by Vision 2040 unless and until specific clusters of need are identified during inspections of OLDS systems. WLT has 502 acres of land designated for Rural Residential future land use—no major changes are suggested. Many of these lands are adjacent to natural resources such as Mill Creek and Pequea Creek; therefore, they are particularly suited to less intense residential development.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling	Cemetery	Communication Antenna
Golf Course	Group Home	Maintenance Facility for Residential
Nature Preserve / Education Center	Raising of Livestock (not intensive)	Recreation Park
Township Government		

Accessory:

Accessory Day Care	Accessory Roof Mounted Solar	Crop Farming & Wholesale Greenhouse
Home Occupation (no-impact)	Retail Sales of Agricultural Products	Stable (Household & Non-household)
Timber Harvesting		

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Bed & Breakfast	Daycare	Government Facility
Place of Worship	Public Utilities Facility	Rasing of Livestock (intensive)
Retreat Center	Short Term Rental	Swimming Pool (non-household)

Accessory:

Accessory Dwelling Unit	Biosolids/Sewage Sludge	Composting
Home Occupation (general)	Keeping of Bees	

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

10 or more new Single Family Dwellings	Camp	Farm Related Business
Groundwater / Spring Water Withdraw	School (50 or more students)	Sewage Treatment
Windmill		

Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Single Family Dwelling	2 acres	200'	15'/20'	2.5'/40'	50'	15'	30'	50'
Accessory Use			(2) structures or 1000 SF	2'/25'		10'	20'	10'

R-1 Low Density Residential Zoning District

Section 285-37

Purpose. Low-density residential lands are appropriate for multilot residential development and are generally found within the growth boundaries, although some significant areas of low-density residential land can be found outside the growth boundaries. New developments within Low-Density Residential lands should provide public sewer and water to serve development units. They should also provide the required road improvements necessary to permit sufficient ingress and egress without increasing congestion or safety hazards on adjacent roadways. Appropriate uses include single-family detached dwellings and accessory structures; public uses may be permitted by right while other civic uses may be permitted by conditional use and the provision of open space and parkland should be encouraged.

Permitted Uses (The Use is permitted by right in this district)

Primary:

- | | | |
|------------------------------------|------------------------|--|
| Single Family Dwelling | Communication Antenna | Community Recreation Center or Library |
| Golf Course | Group Home | Maintenance Facility for Residential Community |
| Nature Preserve / Education Center | Public Recreation Park | Township Government |

Accessory:

- | | | |
|---------------------------------------|------------------------------|---------------------------------------|
| Accessory Daycare | Accessory Roof Mounted Solar | Bus Shelter |
| Crop Farming and Wholesale Greenhouse | Home Occupation (no impact) | Retail Sales of Agricultural Products |
| Stable (household) | Timber Harvesting | |

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

- | | | |
|---------------------------|-------------------------------|------------------|
| Bed & Breakfast | Government Facility | Place of Worship |
| Public Utilities Facility | Swimming Pool (non-household) | |

Accessory:

- | | | |
|-------------------------|---------------------------|--|
| Accessory Dwelling Unit | Home Occupation (general) | Raising of Livestock (not intensive & intensive) |
| Stable (non-household) | | |

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

- | | | |
|--|------------------------------|-------------------------------------|
| 10 or more new Single Family Dwellings | Farm Related Business | Groundwater / Spring Water Withdraw |
| Medical Residential Campus | School (50 or more students) | Sewage Treatment |
| Windmill | | |

Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
On-lot	1 acre	150'	30'/40'	2.5' / 40'	35'	15'	30'	35'
One public Utility	39,000'	150'						
Public Water & Sewer	15,000'	100'						
Accessory Use			(2) structures or 1000 Sq.Ft.	2' / 25'		10'	20'	10'
Other Principal Use	1 acre	150'						

R-2 Medium Density Residential Zoning District

Section 285-38

Purpose. Medium-density residential lands are generally considered appropriate for multi-lot residential development. These lands should be located within the growth boundaries and developments should be served with public water and sewer. If public water is not available, a hydrogeologic study or water feasibility study should be required for development to ensure sufficient water is available for residential uses. Appropriate uses in these areas include single-family detached homes, townhomes, and duplexes.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling	Twin Dwelling	Duplex Dwelling
Community Recreation Center	Golf Course	Group Home
Maintenance Facility for Residential Community	Public Recreation Park	Township Government
Nature Preserve / Education Center		

Accessory:

Accessory Daycare	Accessory Roof Mounted Solar	Bus Shelter
Crop Farming	Home Occupation (no impact)	Retail Sales of Agricultural Products
Stable (household)	Timber Harvesting	

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Bed & Breakfast	Daycare	Emergency Services Station
Government Facility	Place of Worship	Swimming Pool (non-household)

Accessory:

Accessory Dwelling Unit	Home Occupation (general)	Raising of Livestock (not intensive)
Stable (non-household)		

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

10 or more new Single Family Dwellings, Twin, and Duplex Dwellings	Farm Related Business
Communications Antenna	Groundwater/Spring Water Withdraw

Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
On-lot	1 acre	150'	50%/60'	2.5 ' / 40'	30'	15'	30'	30'
One public Utility	39,000 Sq. Ft.	150'				8'	20'	
Public Water & Sewer	9,000 Sq. Ft.	70'				8'	20'	
Accessory Use			(2) structures or 1000 Sq. Ft.	2 ' / 25'		5'	10'	5'
Other Principal Use	20,000 Sq. Ft.	100'				15'	30'	

R-3 High Density Residential Zoning District

Section 285-39

Purpose. High-density residential lands are generally considered appropriate for multi-lot development and should be located within the growth boundaries with developments served by public water and sewer. Appropriate uses include single-family detached homes, duplexes, townhouses, and multifamily dwellings.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling	Twin Dwelling (less than 10 units)	Duplex Dwelling (less than 10 units)
Townhouse (less than 10 units)	Community Recreation Center or Library	Golf Course
Group Home	Maintenance Facility for Residential Community	Nature Preserve / Education Center
Public Recreation Park	Township Government	

Accessory:

Accessory Roof Mounted Solar	Bus Shelter	Home Occupation (no impact)
Retail Sales of Agricultural Products	Stable (household)	Timber Harvesting

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Bed & Breakfast	Boarding House	Conversion Apartment
Emergency Services Station	Government Facility	Place of Worship
Public Utilities Facility	Raising of Livestock (not intensive)	Swimming Pool (non-household)

Accessory:

Accessory Dwelling Unit	Accessory Daycare	Home Occupation (general)
Stable (non-household)		

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

10 or more new Single Family Dwellings, Twin, Duplex, Townhouse, and Multifamily Dwellings	Groundwater/Spring Water Withdraw	Farm Related Business
Communications Antenna	Nursing Home	Medical Residential Campus
Mobile Home Park		Sewage Treatment Plant

Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
On-lot	1 acre	150'	50%/60'	2.5'/ 40'	25'	15'	30'	25'
Public Water & Sewer	7,000 Sq.Ft.	55'				5'	15'	
Accessory Use			(2) structures or 1000 Sq. Ft.	2' /25'		5'	10'	5'

TV Traditional Village Zoning District

Section 285-40

Purpose. The area around the Village of Lampeter, encompassed by part of the growth boundary, is designated for Traditional Village land use. It is typified by the presence of a village square, centered on the intersection of Village and Lampeter Roads, and surrounded by a variety of other uses. This area encourages a mix of compatible residential and non-residential uses within the same block and adaptive re-use of historic structures is encouraged. These should all yield a revitalization of the Village area, characterized by an active, pedestrian friendly community with a variety of residential uses and densities, retail, professional and institutional uses, eateries, and recreational facilities.

Bike racks shall be provided in commercial developments of over three acres.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling
Financial Institution
Place of Worship

Dry Cleaners
Offices

Emergency Service Station
Personal Services

Accessory:

Accessory Roof Mounted Solar

Home Occupation (no impact)

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Auto Filling Station
Public / Non-profit Parks
Retail Sales < 8,000 Sq.Ft.

Bed and Breakfast
Public Uses
Veterinarian Office

Clubhouses for Private Clubs
Restaurant

Accessory:

Home Occupation (general)

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

10 or more new Single Family Dwellings, Twin, and Duplex Dwellings

Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Residential	7,000 Sq. Ft.	55'	50'/65'	2.5'/40'	25'	10'	20'	30'
Commercial Uses	25,000 Sq. Ft	55'	40'/80'	2.5'/40'	15'	10'	20'	30'
Accessory			(2) structures or 1000 SF	2'/25'	-	10'	10'	10'

Main Street Zoning District

Section 285-43

Purpose. To provide business opportunities while seeking to develop a central community focus for the Township. To promote a pedestrian-friendly and bicycle-friendly environment. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic character and most likely to cause conflicts with homes. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling	Twin Dwelling	Townhome
Multifamily Dwelling	Conversion of Existing Building into Dwellings	Dry Cleaners
Emergency Service Station	Financial Institution	Office
Personal Services	Place of Worship	

Accessory:

Accessory Roof Mounted Solar	Home Occupation (no impact)
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Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Auto Filling Station	Bed and Breakfast	Clubhouse for Private Club
Contractor Shop	Daycare	Group Home
Indoor Theaters	Indoor / Outdoor Recreation	Public / Non-profit Parks
Public Uses / Public Utilities Structures	Restaurants	Retail Sales
Veterinarian Office		

Accessory:

Home Occupation (general)

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

Conference Center	Hotel / Motel
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Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
Residential Sewer & Water	7,000 Sq.Ft	55'	50'/60'	2.5'/40'	25'	15'	30'	25'
Commercial	10,000 Sq.Ft.	80'	40'/80'	2.5'/40'	15'	10'	20'	25'
Accessory				2'/25'	-	10'	20'	10'

CN Commercial-Neighborhood

Section 285-44

Purpose. Anticipated services are generally those used by residents on a regular basis including professional and business offices, retail sale of goods and services, banks, personal services, medical services, and public use facilities.

Permitted Uses (The Use is permitted by right in this district)

Primary:

- | | | |
|---------------------------|---------------|-------------------------------------|
| Computer Services | Dry Cleaners | Emergency Service Station |
| Financial Institution | Funeral Homes | Medical Professional Services |
| Nursery and Garden Center | Offices | Personal Services |
| Place of Worship | Restaurant | Retail Sales less than 8,000 Sq.Ft. |
| Veterinarian Office | | |

Accessory:

- | | |
|------------------------------|-----------------------------|
| Accessory Roof Mounted Solar | Home Occupation (no impact) |
|------------------------------|-----------------------------|

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

- | | | |
|----------------------|----------------------------|-----------------------------|
| Auto Repair Facility | Clubhouse for Private Club | Indoor / Outdoor Commercial |
| Indoor Recreation | Theaters and Auditoriums | Public / Non-profit Parks |
| Public Uses | Short Term Rental | |

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

- Multifamily Dwelling

Dimensional Requirements

Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
				Front	Side	Total Both Sides	Rear
30,000 Sq.Ft.	100'	40'/70'	2.5'/40'	30'	15'	30'	30'

CH Commercial-Highway

Section 285-45

Purpose. Anticipated uses are generally more dependent on traffic generated by a major road or thoroughfare and are therefore grouped to facilitate automobile-oriented shopping and to promote the safe and expedient conveyance of expected high-traffic volumes. Expansion of highway commercial/ strip-type development is discouraged by Vision 2040.

Permitted Uses (The Use is permitted by right in this district)

Primary:

- | | | |
|---------------------------|-------------------------------|---------------------------|
| Emergency Service Station | Financial Institution | Funeral Homes |
| Golf Course | Hotel | Indoor Theaters |
| Laboratories | Medical Professional Services | Nursery and Garden Center |
| Offices | Personal Services | Place of Worship |
| Restaurant | Retail Sales < 8,000 Sq.Ft. | Trade School |

Accessory:

- Accessory Roof Mounted Solar

Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

- | | | |
|---|----------------------|-----------------------------|
| Auto Filling Station | Auto Repair Facility | Billboard |
| Campground | Car Wash | Clubhouse for Private Club |
| Contractor Shop | Hospital | Miniwarehouse |
| Public / Non-profit Parks | Public Uses | Retail Sales > 8,000 Sq.Ft. |
| Sales of Motorized Vehicles and Equipment | Schools | Indoor / Outdoor Recreation |
| Short Term Rental | | |

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

- | | |
|---------------------------------|-------------------|
| Nursing, Rest / Retirement Home | Conference Center |
|---------------------------------|-------------------|

Dimensional Requirements

Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
				Front	Side	Total Both Sides	Rear
30,000 Sq.Ft.	100'	40'/70'	2.5'/40'	30'	15'	30'	30'

I/M Industrial-Mixed Use

Section 285-46

Purpose. This area is intended to promote industrial and manufacturing development, warehousing, and other intense forms of development within limits of the land's physical conditions and available transportation system. Anticipated uses include fabricating, packaging, laboratories or experimental research facilities, warehousing, wholesaling, repair garages, and transportation facilities.

Permitted Uses (The Use is permitted by right in this district)

Primary:

Single Family Dwelling	Twin Dwelling (less than 10 units)	Duplex Dwelling (less than 10 units)
Townhouse (less than 10 units)	Auto Repair Facility	Emergency Service Station
Hotels	Hospital	Industrial Involving Mfrg and/or Packing
Laboratories	Miniwarehouse	Parking Lot
Place of Worship	Printing or Publishing	Restaurant
Retail Sales < 8,000 Sq. Ft	Sales of Motorized Vehicles and Equipment	Schools
Trade School	Wholesale Sales and Storage	

Accessory:

Accessory Roof Mounted Solar	Home Occupation (no impact)
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Special Exception Uses – (The Use needs the permission of the Zoning Hearing Board)

Primary:

Adult Use	Airport	Billboard
Campground	Contractor Shops	Golf Course
Indoor Theater / Auditorium	Nursing, Rest / Retirement Home	Public / Non-profit Parks
Public Uses / Public Utilities Structures	Recycling Facilities	Recycling Station
Retail Sales > 8,000 Square feet	Short Term Rental	Solar, Ground Mounted or Grid
Truck Terminals		

Conditional Uses – (The Use needs the permission of the Board of Supervisors)

10 or more new Single Family, Twin, Duplex, Townhouse or Multifamily Dwellings	Conference Center
Junkyard	Medical Residential Campus
	Mobile Home Park

Dimensional Requirements

	Minimum Lot Area	Minimum Lot Width @ building setback	Maximum Lot Coverage (Building/ Maximum)	Height (# stories/feet)	Minimum Yard Setbacks			
					Front	Side	Total Both Sides	Rear
	2 acres	200'	40%/70'	2.5'/40'	30'	25'	50'	30'
Apartment w/ Public Utilities	7,000 SF	55'	50%/60'		25'	5'	15'	25'



Zoning Map

West Lampeter Township

Lancaster County, PA

