

**EDEN TOWNSHIP
ZONING ORDINANCE
OF 1994**

AS AMENDED

June 10, 2002

**With April 12, 2004 Amendments incorporated
and
With July 11, 2005 Amendments incorporated**

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Article 1

Background Provisions

Section 101 Short Title

This Ordinance shall be known and may be cited as the “Eden Township Zoning Ordinance of 1994.”

Section 102 Purpose

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

Section 103 Scope

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

Section 104 Interpretation

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

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the landowner and against any implied extension of the restriction.

Section 105 Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or resolutions, or with any rule, regulation or permit adopted or issued thereunder, except as provided, and only to the extent permitted by the Act. Where this Ordinance imposes greater restrictions upon the use or development of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, except as provided for in Section 210.2 of this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance and any other Township regulations, the regulation which imposes the greater restriction shall apply.

Section 106 Validity

Except as noted in Section 210.3. of this Ordinance, should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

Section 107 Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted nor denied anywhere within the limits of the Township, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors, after receiving the recommendations of the Planning Commission, shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

Section 108 Establishment of Zones

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

Conservation (C)	Residential (R-1)
Agricultural (A)	Neighborhood Commercial (NC)
Agricultural Holding (AH)	Highway Commercial (HC)
Rural Residential (R)	Industrial (I)
Village Overlay (VO)	Floodplain (FP)

Section 109 Zoning Map

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

Section 110 Zone Boundary Lines

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

Section 111 Community Development Objectives

This Ordinance is enacted in accordance with the provisions of the Comprehensive Plan and with regard to the community development objectives listed in Comprehensive Plan.

Section 112 Definitions

112.1. Word Usage - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.

112.2. Language Interpretation - In this Ordinance, when not inconsistent with the context:

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word "person" includes an individual, incorporator's association, member(s) of a partnership or the officers of a corporation, as well as any similarity.
5. The term "shall" or "must" is always mandatory.

112.3. Specific Words and Phrases - The following words and phrases shall have the particular meaning herein indicated.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular

movement between a public street and a lot containing any use other than one single-family detached dwelling or a farm.

ACCESSORY USE OR STRUCTURE - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ACREAGE, NET - The total land area contained within a lot, exclusive of lands within a public or private street right-of-way.

ACT - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

ADULT-RELATED FACILITIES - A business or club which engages in one or more of the following areas of sales, services or entertainment:

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
 - A. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
6. Adult Mini-Motion Picture Theater - An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio"

or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Out-Call Service Activity: Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, poultry, and livestock and poultry products, and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including noncommercial greenhouses and mushroom houses, and including the keeping or raising of livestock, poultry, rabbits, fish, and other similar animals.

AIRPORT - A principle use where one or more aircraft may land, take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

AIRSTRIP, PRIVATE – An accessory use where one or more aircraft may land, take-off and be stored. Such use may also include support services such as fueling and maintenance equipment and storage hangars.

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

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

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 (2) or less such devices as an accessory use.

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

ANIMAL UNIT - One (1) animal unit shall be the equivalent of:

1. Four (4) hogs; or
2. Three hundred (300) chickens; or
3. Each one-thousand (1,000) pounds, total combined live weight, for any animals.

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

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 (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

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

AUTOMOBILE PARTS STORE - Any building used for the retail storage and sales of automobile parts, but where no installation, repair, or servicing of parts and vehicles is provided and where no outdoor storage of parts is provided.

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

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance and reconstruction of

passenger vehicles but not including car washes.

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

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

BASEMENT – means any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST - A secondary use within a single-family detached dwelling, or an accessory building thereto, where between one (1) and five (5) rooms are rented to overnight guests on a daily basis for periods not exceeding two (2) weeks. Meals may be offered only to registered overnight guests.

BEEKEEPING - The raising or keeping of bees.

BILLBOARD - A sign upon which images and/or messages of any kind are printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the lot on which the sign is placed, or to disseminate other messages.

BOARD OF SUPERVISORS - The Board of Supervisors of Eden Township.

BOARDING HOUSE - A detached building arranged or used for sheltering or feeding, or both, for more than three (3) and not more than ten (10) individuals that do not constitute a family.

BUILDING - Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above. Included shall be all manufactured homes and trailers.

1. Building, Accessory: A building whose use is customarily incidental and subordinate to the principal building and located on the same lot with this principal building.
2. Building, Principal: A building containing the principal use within a lot.

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

BUILDING HEIGHT - The vertical measurement of a building from the mean level of the ground abutting the building at its corners to the highest point of the roof.

BUILDING SETBACK LINE - The setback line delineating the required minimum distance between a building and the adjacent lot and street lines.

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

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

CARPORT - An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the principal building to which the carport is accessory.

CARTWAY - That portion of a street, alley, access drive or driveway that is intended for

vehicular movement.

CAR WASH – Any area of a lot, including structures thereon, that is used primarily for the washing, drying, polishing and interior cleaning of automobiles.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof, but not including crematoria.

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by the Township Zoning Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

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

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship, and including rectories, convents, and church-related educational and/or day care facilities.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses and museums, but not including adult-related uses, shooting ranges, amusement arcades, or off-track betting parlors.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within a development and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

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

COMMUNICATION TOWER – A structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support communication antennas.

COMPREHENSIVE PLAN - The most recently adopted version of the Official Comprehensive Plan, Eden Township, Lancaster County, PA, including any amendments.

COMPLETELY DRY SPACE – a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE - A use permitted in a particular zone when specific conditions and criteria prescribed for such uses have been complied with to the satisfaction of the Board of Supervisors.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVATION PLAN - A plan including a map(s) and narrative that, at the very least, outlines an erosion and sediment pollution control plan for an identified lot.

CONVENIENCE STORE - A retail sales business which specializes in providing household products and foods. Convenience stores may also provide for any or all of the following as an accessory use:

1. The rental of video tapes provided that an adult bookstore is specifically prohibited;
2. The preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided; and
3. The use of no more than two amusement devices (e.g., pinball machines, video games, and other similar devices).

Convenience stores shall not include the dispensing of gasoline or other vehicle fuels, unless the appropriate approvals for an automobile filling station have been obtained.

CUL-DE-SAC - A dead-end street equipped with a circular vehicle turnaround at its terminus.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members, but not including the offering of overnight accommodations.

Day-Care Facility, Family: A day-care facility operated as an accessory use to a dwelling unit, in which the care and supervision is offered to no more than six (6) nonresidents of the site during any calendar day.

Day-Care Facility, Commercial: A day-care facility that offers care and supervision to more than six (6) nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses; however, in no case shall a commercial day-care be considered an accessory use to a dwelling unit.

DENSITY - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public and private streets.

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

DEVELOPMENTAL DISABILITY - A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy or autism.
2. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.
3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

DEVELOPMENTALLY DISABLED PERSON-A person with a developmental disability.

DISABLED VEHICLE – A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration

plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public street and a lot serving one single-family detached dwelling or a farm.

DRIVING HORSE BOARDING - An accessory use to a dwelling in which the keeping of one (1) or more driving horses and related carriages, wagons, and buggies, provides the principal mode of transportation for the residents.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, travel trailers and the like, offering overnight accommodations for guests or patients.

1. Single-Family Detached: A building containing only one dwelling unit for one family.
2. Duplex : A building containing two and only two dwelling units arranged in a side-by-side or over-and-under configuration.
3. Multiple Family: A building containing between three (3) and eight (8) dwelling units, at least one of which must be located above or below the remaining units.
4. Townhouse: A building containing between three (3) and eight (8) dwelling units arranged in a side-by-side configuration with two or more common party walls.
5. Quadraplex: A building that contains four (4) dwelling units, all of which share one (1) or two (2) points of exterior access.

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

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

EMPLOYEE – A person employed, for wages or salary or other compensation, for any length of time at a use on a lot.

ESSENTIALLY DRY SPACE – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXTENDED FAMILY HOUSING – A use in which an existing single-family detached dwelling served by a single driveway is enlarged or converted into two (2) dwelling units for occupancy by the landowner and his or her family.

FAMILY - An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one (1) common household and live within one dwelling unit. Additionally, up to three (3) unrelated individuals who maintain a common household and live within one (1) dwelling unit may be considered a family. A family shall also expressly include any number of unrelated persons who reside within a licensed group home.

FARM - Any lot which is used in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary agricultural use.

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

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

FENCE - A structure designed as a barrier to restrict the movement or view of persons, animals, property, or vehicles, but not including ornamental fence treatments that are located in the front yard and extend less than one-half the width and/or depth of the front yard.

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 - A bank, savings and loan association, credit union, finance or loan company, or similar facility.

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

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.

FLOODPROOFING - Any combination of structural and non structural 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.

FLOODWAY - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

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

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

FLOOR AREA, GROSS LEASABLE - The total floor area designed for occupancy by a landowner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

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

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

FRONT BUILD-TO-LINE - An area establishing the required location for all, or a portion of the front façade of a building, as measured from the street line.

FRONTAGE - The horizontal distance shared between a public or private street, and an adjoining lot.

FUEL STORAGE – A structure with a fixed location used to store or contain fuel.

FUNERAL HOME - A principal use for the preparation and viewing of the dead prior to burial or cremation, including mortuaries and crematoria, but not including cemeteries, columbariums, mausoleums, or entombments.

GARAGE, PRIVATE - An accessory building for the storage of one or more automobiles or other vehicles which is accessory and incidental to the primary use of the lot; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises.

GOLF COURSE - A golf course with a minimum of 1500 yards of play in nine (9) holes.

GROUP HOME - A dwelling operated by an individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse.

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

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

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

HEALTH AND FITNESS CLUB - A commercial business that offers active recreational or fitness activities to club members and their guests. Such facilities do not include golf courses.

HEAVY EQUIPMENT - Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, yachts, industrial machinery, etc.

HELICOPTER PAD, PRIVATE - An accessory use where one or more helicopters may land, take-off and be stored. Such use may also include support services such as fueling and maintenance equipment and storage hangars.

HELIPORT - A principal use where one or more helicopters may land, take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HISTORIC STRUCTURE - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as

meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior or
 - B. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a single-family detached dwelling unit, except that a limited business or commercial activity which meets all of the following criteria is not considered a home occupation and is permitted by right in any dwelling unit:

1. No exterior evidence of the business shall be permitted that is uncharacteristic of a residential setting;
2. No retail sales or display of goods, exclusive of telephone solicitation, is permitted;
3. No on-site storage of commercial vehicles shall be permitted except as may be provided under the definition of "Garage, Private";
4. Only residents of the lot may be engaged in the business or commercial activity;
5. The business or commercial activity may be conducted only within the dwelling unit and may not occupy more than fifteen percent (15%) of the habitable floor area;
6. The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks; and,
7. The use shall not involve regular visitation by customers, clients, salespersons, or suppliers.

HORTICULTURE – The science and art of growing fruits, vegetables, flowers, or ornamental plants.

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

HOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

IDENTIFIED FLOODPLAIN AREA – the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

IMPERVIOUS SURFACE - Any material that covers the land which inhibits the percolation

of storm water directly into the soil, including but not limited to buildings, pavement, and storm water facilities that discharge storm water off the land.

INTENSIVE AGRICULTURAL OPERATION – A farm building, mushroom house, kennel, structure and/or facility specially designed, constructed and/or operated for the intensive and accelerated raising of poultry, animal or agricultural produce and/or processing of byproducts of the same for commercial sale, including, but not limited to:

1. Any confined housing for poultry, animals, mushrooms and/or byproducts which structure contains a gross floor area of five thousand (5,000) square feet or more; or
2. The keeping of more than two (2) animal units per spreadable acre of land.

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

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same and the deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof.

KENNEL – A structure or enclosure in which four (4) or more dogs or ten (10) or more cats are kept, boarded, raised, bred, treated or trained.

LAND DEVELOPMENT – Any of the following activities:

- C. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - A. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - B. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.

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

LANDSCAPE SCREEN - A planted visual barrier composed of shrubs and trees arranged to visually separate a use or structure from the adjoining lands.

LIQUOR (STATE) STORE - A facility offering the retail sales of packaged liquor products.

LIVESTOCK – Animals, other than poultry, kept or raised for use, profit or pleasure.

LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods, materials, equipment or any other items associated with the use, and having direct usable access to a street or alley.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted

by law and to be used, developed or built upon as a unit.

1. Lot, Corner: A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two front yards, one side, and one rear yard.
2. Lot, Flag: A lot whose frontage does not satisfy the minimum lot width requirements for the respective zone but has sufficient lot width away from the frontage of the lot.
3. Lot, Interior: A lot other than a corner lot, the sides of which do not abut a street.
4. Lot, Reverse Frontage: An interior lot having frontage on two parallel or approximately parallel streets.

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

LOT COVERAGE - The area of a lot which is covered with an impervious surface.

LOT OF RECORD - A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania.

LOT WIDTH - The horizontal distance measured between side lot lines. On corner lots, lot width shall be measured between the street line for the non-address street and the directly opposite lot line. Unless specifically noted otherwise, lot width shall be measured at the building setback line paralleling the street line.

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

MANUFACTURE - A function involving either the processing or production of materials, goods, or products.

MANUFACTURED HOME – a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

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

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

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

MANURE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities include underground storage, in ground storage, earthen bank, stacking area, and above ground storage 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.

MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

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

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

MOBILE HOME – see MANUFACTURED HOME

MOBILE HOME LOT – see MANUFACTURED HOME LOT

MOBILE HOME PARK - see MANUFACTURED HOME PARK

MOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after January 13, 1981, and includes any subsequent improvements thereto.

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

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

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to 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 structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its

location by reason of annexation.

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

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

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

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

OFF-TRACK BETTING PARLOR - A commercial use at which persons can visit to wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

ON-LOT SEWAGE DISPOSAL - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

PA DEP - Pennsylvania Department of Environmental Protection.

PARENT TRACT – An existing lot of record proposed for development.

PARKING COMPOUND - A primary retail sales business where passenger vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided.

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

PARKS, PUBLIC AND/OR NONPROFIT - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult-related facilities, amusement arcades, off-track betting parlors and shooting ranges.

PennDOT - Pennsylvania Department of Transportation.

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.

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

PLANNING COMMISSION - The Planning Commission of Eden Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street lot provided on the property as an integral part of the unit.

POULTRY – Animals, such as birds, chickens, turkeys and pheasant, kept or raised for use, profit or pleasure.

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

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

PRIME AGRICULTURAL LAND – Land used for agricultural purposes that contain soils of the first, second or third class as defined by the Soil Survey.

PRINCIPAL WASTE HANDLING FACILITY - A principal use whereby waste is brought to the lot for storage, processing, treatment, transfer, or disposal.

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

PROCESSING - A function which involves only the cleaning, sorting, sizing and/or packaging of products and materials.

PUBLIC - Owned, operated, or controlled by a governmental agency, including a corporation created by law for the performance of certain specialized governmental functions, but not including the local school district

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning committee, intended to inform and obtain public comment, prior to taking action

on zoning-related matters.

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

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing.

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

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

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

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

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR - A function involved in correcting deficiencies of products that affect its performance or appearance.

REPETITIVE LOSS - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

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

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

RETAIL - Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related facilities.

RIDING STABLE - 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).

RIGHT-OF-WAY - A corridor of publicly owned or leased land for purposes of maintaining primary vehicular and pedestrian access to abutting lots, including but not limited to, streets and sidewalks.

ROADSIDE STAND – An accessory structure located on a farm and used for the seasonal sale of agricultural products.

RURAL OCCUPATION - A commercial or industrial activity that is conducted as an accessory use to the primary residential use of a lot, which is clearly incidental and subordinate to the residential use of the lot.

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

SAWMILL – The cutting, trimming, planing, chipping, sanding or other processing of logs into any usable product.

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

1. Commercial School: A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools) that may, or may not, be operated as a gainful business by some person or organization other than the school district.
2. Private School: A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.
3. Public School: A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the local school district.
4. Vocational-Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - A. Truck driving;
 - B. Engineer repairs;
 - C. Building construction and general contracting;
 - D. Woodworking;
 - E. Masonry;
 - F. Plumbing;
 - G. Electrical contracting; and,
 - H. Other similar trades, as determined by the Zoning Hearing Board.

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

- 1 Setback, Front: The distance between the street line and the front setback line projected the full width of the lot.
- 2 Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot.
- 3 Setback, Side: The distance between the side lot line and the side setback line projected from the front setback line to the rear setback line.

SETBACK LINE - A line within a lot and parallel to a lot or street line which delineates the

required minimum distance between some particular use of lot and such lot or street line.

SHADE TREE - A deciduous tree that shall have a clear trunk at least five (5) feet above the finished grade.

SHARED DRIVEWAY - A common driveway that serves two adjoining single-family detached dwellings.

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

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

SIGN - A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure, or flags or other insignia of any government, fraternal, or similar organization.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

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

SPECIAL EXCEPTION - A use permitted in a particular zone when specific conditions and criteria prescribed for such uses have been complied with to the satisfaction of the Zoning Hearing Board.

SPECIAL PERMIT – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

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

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

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

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

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

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way, or private right-of-way, used or intended to be used by vehicular traffic and/or pedestrians.

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

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting lots. The street line shall be the same as the legal right-of-way line currently in existence.

STRUCTURE – anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

- 1 Structure, Accessory: A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds).
- 2 Structure, Principal: A structure associated with a principal use.

Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar non-permanent improvements.

STRUCTURAL HEIGHT – The vertical measurement of a structure from the mean level of the ground abutting the structure to the highest point of the structure.

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

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

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds fifty (50) percent of the

market value of the structure before the “start of construction” of the improvements. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however include either:

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

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

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

TEMPORARY FARM EMPLOYEE HOUSING - A dwelling unit within a single mobile home and located on a farm for the use of farm workers and their families for a limited period of time.

TOWNSHIP - Eden Township.

UNIFORM CONSTRUCTION CODE (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 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 Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

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

- 1 Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
- 2 Use, Principal: The main or primary use of a lot or structures.

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

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board.

VETERINARY OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted.

WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid,

semi-solid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential, and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. Waste shall expressly include those materials defined, at any given time, as “waste” by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency. For the purposes of this Ordinance, the difference between “waste” and “junk” or “recyclables” is that waste shall include materials that have entered a reasonably continuous process by which their ultimate disposal is imminent; whereas, junk includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas, recyclables include materials that have entered a reasonably continuous process whereby their reuse is imminent.

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

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

WECS UNIT (Wind Energy Conservation System) - Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WETLAND - Area with the characteristics of wetland, as defined by the U. S. Environmental Protection Agency, U. S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, and the U. S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

WHOLESALE - Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

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

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

1. Yard, Front: The area contained between the street line and the principal structure.
2. Yard, Rear: The area contained between the rear lot line and the principal structure. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the lot line directly opposite the street of address. For flag lots, the rear yard shall be all areas between the principle structure and every lot line.
3. Yard, Side: The area between a principal structure and any side lot line. On corner lots, the side yard shall be considered those areas between the principal structure and the lot lines directly opposite the non-address street

ZONING HEARING BOARD - The Zoning Hearing Board of Eden Township.

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

Article 2

Zone Regulations

Section 201 Agricultural Zone (A)

201.1. Purpose - The primary purpose of the Agricultural Zone is to protect and promote agriculture in areas that have been identified as having prime agricultural soils. Therefore, the provisions of this Zone have been designed to meet the requirements of the Municipalities Planning Code, which requires the local zoning ordinance to “preserve prime agricultural and farmland considering topography, soil type and classification, and present use.”

Specifically, this Zone provides for a greater variety of farming activities as permitted uses; and flexible design standards have been included in order to keep farming a viable economic resource within the Township. Since the purpose of this Zone is to encourage agricultural activities, nonfarm residents must be willing to accept the impacts associated with normal farming practices.

201.2. Permitted Uses

1. Agriculture (see Section 318.2), excluding intensive agricultural operations.
2. Horticulture and forestry.
3. Public and/or nonprofit parks.
4. Public uses.
5. Public utilities.
6. Single-family detached dwelling (see Section 318.1).
7. Extended family housing (see Section 318.8).
8. Riding stable (see Section 318.6).
9. Public and/or private school, provided that the curriculum consists of between kindergarten and grade eight, and no more than two (2) acres are utilized.
10. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Roadside stand (see Section 318.4).
 - B. Family day-care facility.
 - C. Manure storage facility (see Section 318.3).
 - D. Beekeeping (see Section 318.5).
 - E. ECHO housing (see Section 318.9).
 - F. Temporary farm employee housing (see Section 318.10).
 - H. Driving horse boarding (see Section 318.7).
 - I. Private airstrip (see Section 301.9).
 - J. Private helicopter pad (see Section 301.10).

201.3. Special Exception Uses (Subject to the review procedures listed in Section 604.3.)

1. Kennel (see Section 431).
2. Bed and breakfast (see Section 407).
3. Farm occupation (see Section 420).
4. Home occupation (see Section 427).
5. Rural occupation (see Section 445).

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

1. Airport/heliport (see Section 403).
2. Septage and spent mushroom compost processing and/or commercial mushroom operations (see Section 447).

3. Mineral extraction (see Section 433).
4. Churches and related uses (see Section 413).
5. Cemetery (see Section 412).
6. Intensive agricultural operation (see Section 429).

201.5. Maximum Number of Permitted Lots

1. For each parent tract as of December 17, 1987, there may be one (1) lot subdivided according to the following schedule:

Lot Area (Acres)		Number of Lots Which May be Created*
At Least	Less Than	
2	20	1
20	40	2
40	60	3
60	80	4
80	100	5
100	120	6
120	140	7
140	160	8
160	180	9
180	200	10
200	220	11
220	240	12
240	260	13
260	280	14
280	300	15
300	320	16

*For undeveloped parcels not containing a single-family detached dwelling on December 17, 1987, there may be a single-family detached dwelling constructed on the parent tract in addition to the number of lots permitted to be subdivided in the above schedule.

2. The above schedule shall not apply to ECHO housing, extended family housing or temporary farm employee housing, unless new lots are created for such uses.
3. Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of lots or single-family detached dwellings permitted to be created in the above schedule.
4. Any subdivision or land development plan hereafter filed for a parent tract in the Agricultural Zone shall specify which lot or lots shall carry with them the right to further subdivide lots as determined by the provisions of this section. Any subsequent owner of any portion of the parent tract legally existing on December 17, 1987, shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional lots, if any, remaining from the original number

permitted by this section.

5. In the event a lot which was not classified as part of the Agricultural Zone on December 17, 1987 is hereafter classified as part of the Agricultural Zone, the size and ownership of such lot shall be determined as of the effective date of the change in the zoning classification.

201.6. Design Standards

1. Agriculture, horticulture, and forestry:
 - A. Minimum lot area - Twenty (20) acres.
 - B. Minimum lot width - Two hundred (200) feet at building setback line.
 - C. Maximum lot coverage - Ten percent (10%).
 - D. Maximum permitted height.
 - a. Principal agricultural uses and structures - Fifty (50) feet.
 - b. All other principal uses and structures - Thirty-five (35) feet.
 - E. Minimum setback requirements.
 - a. Front setback - Thirty-five (35) feet.
 - b. Side setbacks - Fifty (50) feet on each side.
 - c. Rear setback - Fifty (50) feet.
2. Single-family detached dwellings:
 - A. Minimum lot area - One (1) acre per dwelling.
 - B. Maximum lot area - Two (2) acres per dwelling, except that such requirement 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 prime agricultural soils, or (2) is generally unsuitable for agricultural purposes.
 - C. Where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling rather than on a proposed dwelling located on the remainder of the parent tract.
 - D. The maximum lot area requirements imposed by this section assume compliance with all PA DEP regulations pertaining to sewage disposal. For those lots using on-lot sewage disposal systems, Section 316 shall apply.
 - E. Minimum lot width - One hundred fifty (150) feet.
 - F. Maximum lot coverage - Twenty-five percent (25%).
 - G. Maximum permitted height - Thirty-five (35) feet.
 - H. Minimum setback requirements:
 - a. Front setback - Thirty-five (35) feet;
 - b. Side setbacks - Twenty-five (25) feet on each side.
 - c. Rear setback - Fifty (50) feet
3. Other principal uses:
 - A. Minimum lot area - One (1) acre, provided that public and/or nonprofit parks and public utilities shall have no minimum lot area or lot width requirements.
 - B. Minimum lot width - Two hundred (200) feet.
 - C. Maximum lot coverage - Thirty percent (30%).
 - D. Maximum permitted height - Thirty-five (35) feet.
 - E. Minimum setback requirements:
 - a. Front setback - Thirty-five (35) feet;
 - b. Side setbacks - Thirty-five (35) feet on each side.
 - c. Rear setback - Fifty (50) feet.
4. Accessory uses and structures:
 - A. Maximum permitted height - Twenty (20) feet, provided all structures are set back from each lot line a distance at least equal to their height.

- B. Minimum setback requirements:
- a. Front setback – Except for a roadside stand, no accessory uses are permitted in the front setback unless the use complies with all principal use setbacks.
 - b. Side setbacks - Ten (10) feet on each side.
 - c. Rear setback - Ten (10) feet.

201.7. Agricultural Nuisance Disclaimer - All lots within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of such lots 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 such lots should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.

201.8. Compliance with General Provisions - All uses permitted within this Zone shall also comply with all applicable General Provisions contained within Article 3.

201.9. Flag Lots - Within the Zone, the use of flag lots is permitted for single-family detached dwellings, subject to the standards of Section 318.1.

Section 202 **Agricultural Holding Zone (AH)**

- 202.1. Purpose** - This Zone represents staged future growth areas of the Township that are not yet needed for intensive development. The locations of these zones coincide with large concentrations of farming amid the Township's long-range growth areas. Because of the need to stage development within the Township, areas within this Zone will be subject to less intensive development so that more suitable sites will be developed, while these areas can continue to farm.

Although public utilities are expected here within the future, their use will not increase potential development intensity now. Rather, strict density limitations will be imposed that provide for reasonable use of the land, yet provide some disincentive for premature development. In addition, dwellings will be required to locate to one side of a wider lot so that future development potentials can be protected. Any development that is proposed within these areas could severely limit future development potential that could provide for more intensive land use. Prior to development, landowners are urged to refer to a description of this category within the Comprehensive Plan to further understand the potential consequences of premature development of these areas.

202.2. Permitted Uses

1. Agriculture (see Section 318.2), excluding intensive agricultural operations.
2. Horticulture and forestry.
3. Public and/or nonprofit parks.
4. Public utilities.
5. Single-family detached dwelling (see Section 318.1).
6. Extended family housing (see Section 318.8).
7. Riding stable (see Section 318.6)
8. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Roadside stand (see Section 318.4).
 - B. Family day-care facility.
 - C. Beekeeping (see Section 318.5).
 - D. ECHO housing (see Section 318.9).
 - E. Temporary farm employee housing (see Section 318.10).
 - F. Driving horse boarding (see Section 318.7).
 - G. Private helicopter pad (see Section 301.10).

202.3. Special Exception Uses (Subject to the review procedures listed in Section 604.3 of this Ordinance.)

1. Bed and breakfast (see Section 407).
2. Home occupation (see Section 427).
3. Public uses (see Section 441).

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

1. Golf course (see Section 422).
2. Churches and related uses (see Section 413).
3. Cemetery (see Section 412).

202.5. Design Standards - Except as otherwise noted, all principal uses shall comply with the following:

Minimum Lot Area	Minimum Lot Width ¹	Maximum Lot Coverage	Minimum Setbacks				Maximum Permitted Height
			Front	One Side	One Side	Rear	
43,560 sq. ft.	360 ft.	20%	35 ft.	285 ft.	15 ft.	40 ft.	35 ft.

¹Minimum lot width shall be measured at the building setback line and the street line.

202.6. Principal Agricultural Uses and Structures

Maximum permitted height – Fifty (50) feet.

202.7. Accessory Uses and Structures

1. Maximum permitted height – Twenty (20) feet.
2. Minimum setback requirements:
 - A. Front setback – Except for a roadside stand, no accessory uses are permitted in the front setback.
 - B. Side setbacks - Ten (10) feet on each side.
 - C. Rear setback - Ten (10) feet.

202.8. Agricultural Nuisance Disclaimer - All lots within the Agricultural Holding Zone are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of such lots 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 such lots should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.

202.9. Compliance with General Provisions - All uses permitted within this Zone shall also comply with all applicable General Provisions contained within Article 3.

Section 203 Rural Residential Zone (R)

- 203.1. Purpose** - This Zone acknowledges rural residential development that has occurred within the Township's agricultural landscape. These areas are provided only for limited infilling around existing dwellings. Because no public utilities exist or are planned, overall permitted densities are low. Nonetheless, the Zone employs flexible lot design requirements to facilitate small groupings of dwellings and shared driveways.
- 203.2. Permitted Uses**
1. Single-family detached dwelling (see Section 318.1).
 2. Public and/or nonprofit parks.
 3. Public uses.
 4. Public utilities.
 5. Forestry.
 6. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Family day-care facility.
 - B. ECHO housing (see Section 318.9).
 - C. Driving horse boarding (see Section 318.7).
 - D. Beekeeping (section 318.5)
- 203.3. Special Exception Uses** (Subject to the review procedures listed in Section 604.3.)
1. Home occupation (see Section 427).
- 203.4. Conditional Uses** (Subject to the review procedures listed in Section 704.)
1. Churches and related uses (see Section 413).
 2. Cemetery (see Section 412).
- 203.5. Minimum Lot Area** - One (1) acre.
- 203.6. Minimum Lot Width** - One hundred twenty-five (125) feet at the building setback line and ninety (90) feet at the street line; except for flag lots conforming to Section 318.1.
- 203.7. Maximum Lot Coverage** - Twenty percent (20%).
- 203.8. Minimum Setback Requirements**
1. Principal uses and structures:
 - A. Front setback – Thirty-five (35) feet.
 - B. Side setbacks - Twenty (20) feet on each side.
 - C. Rear setback - Forty (40) feet.
 2. Accessory uses and structures:
 - A. Front setback - No accessory uses are permitted in the front setback.
 - B. Side setbacks - Ten (10) feet on each side.
 - C. Rear setback - Ten (10) feet.
- 203.9. Maximum Permitted Height**
1. Principal uses and structures - Thirty-five (35) feet.
 2. Accessory uses and structures - Twenty (20) feet.
- 203.10. Compliance with General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions contained in Article 3.

203.11. **Flag Lots** - Within the Zone, the use of flag lots is permitted for single-family detached dwellings, subject to the standards of Section 318.1.

Section 204 Residential Zone (R-1)

204.1. Purpose - This Zone represents the Township's residential growth area. Because of the proximity with Quarryville Borough and the planned provision of public services and utilities, overall permitted densities are higher here than elsewhere within the Township. A wide range of housing types are permitted by right, at up to four units per acre, beyond which density bonuses are offered for the cluster development or village overlay development styles. When residential developments are proposed without the use of public utilities, such developments will be (1) comparatively less dense, (2) designed to promote future infill, and (3) subject to a capped sewer ordinance.

204.2. Permitted Uses

1. Agriculture (see Section 318.2), excluding intensive agricultural operations.
2. Horticulture and forestry.
3. Public and/or nonprofit parks.
4. Public utilities.
5. Single-family detached dwelling (see Section 318.1).
6. Duplex dwelling.
7. Townhouse dwelling.
8. Multiple family dwelling.
9. Public school.
10. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Family day-care facility.
 - B. Beekeeping (see Section 318.5).

204.3. Special Exception Uses (Subject to the review procedures listed in Section 604.3..)

1. Home occupation (see Section 427).
2. Boarding house (see Section 409).
3. Public uses (see Section 441).

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

1. Nursing, rest or retirement homes (see Section 436).
2. Cluster developments (see Section 414).
3. Village Overlay Zone developments (see Section 210).
4. Mobile home park (subject to the Eden Township Mobile Home and Mobile Home Park Ordinance).
5. Churches and related uses (see Section 413).
6. Cemetery (see Section 412).

204.5. Design Requirements - See table below:

Use	Required Public Utilities	Minimum Lot Area	Maximum Density (du/ac)	Minimum Lot Width	Maximum Lot Coverage	Minimum Setbacks ⁴			
						Front	One Side	Both Sides	Rear
Single-Family Detached	None, Public Water, or Public Sewer	43,560 sq. ft. ¹	1	360 ft.	20%	35 ft.	285 ft.	300 ft.	40 ft.
Single-Family Detached	Both Public Water and Public Sewer	10,000 sq. ft.	4	90 ft. ²	40%	35 ft.	15 ft.	30 ft.	30 ft.
Duplex	Both Public Water and Public Sewer	5,500 sq. ft. per unit	4	50 ft. ² per unit	45%	35 ft.	15 ft.	(N/A)	30 ft.
Townhouse ³	Both Public Water and Public Sewer	2,000 sq. ft. per unit	4	20 ft. per unit	60%	35 ft.	15 ft. (End Units)	(N/A)	30 ft.
Multiple ³ Family	Both Public Water and Public Sewer	5,500 sq. ft. ¹ per unit	4	150 ft. ²	60%	35 ft.	15 ft.	30 ft.	30 ft.
Other Uses	None	5,400 sq. ft.	N/A	60 ft.	40%	35 ft.	30 ft.	60 ft.	50 ft.

¹All uses relying upon on-lot sewage disposal must comply with the Eden Township Capped Sewer Ordinance.

²Minimum lot width shall be measured at the building setback line, and in no case shall the lot width, as measured along the street line, be less than seventy percent (70%) of that required at the building setback line. Minimum lot width, as measured along the street line, shall follow such line, even if it is curvilinear.

³No more than twenty percent (20%) of the total number of townhouse or multiple family dwellings shall contain more than six (6) dwelling units, and in no case shall any dwelling contain more than eight (8) dwelling units. For each townhouse or multiple family dwelling containing more than four (4) dwelling units, no more than sixty percent (60%) of such dwelling units shall have the same front setback; the minimum variation of setback shall be two (2) feet. All townhouse and multiple family dwellings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouse and multiple family dwellings shall be set back at least thirty (30) feet from any perimeter boundary of the development site.

⁴In those instances where several townhouse dwellings are located on the same lot, the following separation distances will be provided between each dwelling:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

204.6. Maximum Permitted Height

- 1. Principal agricultural uses and structures - Fifty (50) feet.
- 2. All other principal uses and structures - Thirty-five (35) feet.
- 3. Accessory uses and structures - Fifteen (15) feet.

204.7. Minimum Accessory Uses and Structures Setbacks

- 1. Front setback - No accessory uses are permitted in the front setback.
- 2. Side and rear setbacks - Six (6) feet.

204.8. **Compliance with General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions contained in Article 3.

Section 205 Neighborhood Commercial Zone (NC)

205.1. Purpose - The purpose of this Zone is to provide basic convenience commercial goods and services to local residents of the Township's rural landscape. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone. The area where this Zone occurs has been sized to permit a grouping of several businesses. This area has been located at a crossroads serving several adjoining townships so to avoid additional congestion to and from larger commercial centers. Strict design standards have been imposed to keep uses in this Zone compatible with nearby homes.

205.2. Permitted Uses

1. Offices.
2. Financial institutions.
3. Restaurants, but not including drive-thru or fast-food restaurants or nightclubs.
4. Retail sale and/or rental of goods, including convenience stores, provided the total sales and/or display area is less than three thousand six hundred (3,600) square feet.
5. Retail services, including barber/beauty salons, music, dance, art or photographic studios, repair of clocks and small appliances.
6. Medical or dental clinics.
7. Veterinary offices, provided no outdoor keeping of animals is permitted.
8. Public uses.
9. Public utilities.
10. Shopping centers with any of those uses permitted in this section.
11. Single-family detached dwelling, subject to the requirements of the Rural Residential Zone (R).
12. Recycling collection facilities, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
13. Forestry.
14. Commercial school.
15. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Family day-care facility.
 - B. Beekeeping (see Section 318.5)
 - C. ECHO housing (see Section 318.9)

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

1. Commercial day-care facility (see Section 415).
2. Private school, excluding vocational and mechanical trade schools (see Section 439).
3. Dry cleaners, laundries and laundromats (see Section 419).
4. Automobile filling stations, including minor incidental repair (see Section 405).

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

Public Utilities Utilized	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.	200 ft.	60%

- 205.5. Minimum Setback Requirements** (Principal and Accessory Uses)
1. Front setback - All buildings, structures (except permitted signs), and off-street loading areas shall be set back at least thirty-five (35) feet from the street right-of-way; off-street parking lots shall be set back a minimum of twenty (20) feet from the street right-of-way.
 2. Side setbacks - All buildings and structures (except permitted signs) shall be set back at least fifteen (15) feet from the side lot lines. Off-street parking lots and loading areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side setbacks can be waived solely for parking and/or loading facilities.
 3. Rear setback - All buildings, structures, and off-street parking lots and loading areas shall be set back at least twenty (20) feet from the rear lot line.
 4. Residential buffer strip - Any lot adjoining a residential zone shall maintain a twenty-five (25) foot setback for nonresidential buildings, structures, and off-street parking lots and loading areas from the residentially-zoned lots. Such areas shall be used for a landscape strip and screen.
- 205.6. Maximum Permitted Height** - Thirty-five (35) feet.
- 205.7. Off-Street Loading** - Off-street loading shall be provided as specified in Section 312. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lots within a residential zone, nor any side of a building facing an adjoining street.
- 205.8. Off-Street Parking** - Off-street parking shall be provided as specified in Section 311.
- 205.9. Signs** - Signs shall be permitted as specified in Section 314.
- 205.10. Driveway and Access Drive Requirements** - All driveways serving single-family detached dwellings shall be in accordance with Section 309. All access drives serving other uses shall be in accordance with Section 310.
- 205.11. Screening** - A visual screen must be provided along any adjoining lots within a residential zone, regardless of whether or not the residentially-zoned parcel is developed (see Section 313).
- 205.12. Landscaping** - Any portion of the lot not used for buildings, structures, parking lots, loading areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313). A minimum fifteen (15) foot wide landscape strip shall be provided along all lot lines. Such landscape strip can be waived for that portion of the lot occupied by a joint parking lot and/or loading area shared by adjoining uses.
- 205.13. Waste Receptacles** - Dumpsters may be permitted within the side or rear setback, provided such dumpsters are screened from any adjoining streets and lots. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining lot lines. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
- 205.14. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these

governmental bodies.

205.15. Outdoor Storage - Within this Zone, no outdoor storage or display is permitted.

205.16. Compliance with General Provisions - All uses permitted within this Zone shall also comply with the applicable General Provisions contained in Article 3.

Section 206 Highway Commercial Zone (HC)

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

206.2. Permitted Uses

1. Agriculture (see Section 318.2), excluding intensive agricultural operations.
2. Horticulture and forestry.
3. Offices.
4. Financial institutions.
5. Restaurants and taverns, but not including drive-thru or fast-food restaurants or nightclubs.
6. Retail sale of goods and services, including automobile parts stores.
7. Hotels and motels.
8. Retail sale of automobiles, motorcycles, boats, farm machinery, and trailers, including service or repair facilities as an accessory use if conducted within a completely enclosed building.
9. Theaters and auditoriums.
10. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry and cabinet-making, and other structural components of buildings.
11. Public uses.
12. Public utilities.
13. Dry cleaners, laundries and laundromats.
14. Funeral home.
15. Health and fitness club.
16. Commercial school.
17. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Beekeeping (see Section 318.5).
 - B. Private helicopter pad (see Section 301.10).
18. Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

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

1. Amusement arcade (see Section 404).
2. Automobile filling stations, including minor incidental repair (see Section 405).
3. Automobile service, including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield,

- auto body, car radio, and upholstery shops (see Section 406).
- 4. Car wash (see Section 411).
- 5. Home improvement and building supply stores (see Section 426).
- 6. Mini-warehouse (see Section 434).
- 7. Liquor store (see Section 432).
- 8. Commercial recreation facility (see Section 416).
- 9. Drive-thru or fast-food restaurant (see Section 418).
- 10. Nightclub (see Section 435).
- 11. Adult-related facilities (see Section 402).
- 12. Shopping centers involving any use permitted in this section (see Section 448).
- 13. Off-track betting parlor (see Section 437).
- 14. Farmers' and/or flea market (see Section 421).
- 15. Hospital (see Section 428).

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

Public Utilities Utilized	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.	200 ft.	35%
Public Water	32,670 sq. ft.	150 ft.	40%
Public Sewer	20,000 sq. ft.	125 ft.	50%
Both Public Sewer and Public Water	15,000 sq. ft.	100 ft.	70%

206.5. Minimum Setback Requirements (Principal and Accessory Uses)

1. Front setback - All buildings, structures (except permitted signs), and off-street loading areas shall be set back at least thirty-five (35) feet from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of fifteen (15) feet from the street right-of-way.
2. Side setbacks - All buildings and structures (except permitted signs) shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots and loading areas, and outdoor storage, areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side setbacks can be waived solely for parking and/or loading facilities.
3. Rear setback - All buildings, structures, off-street parking lots and loading areas, and outdoor storage areas, shall be set back at least fifteen (15) feet from the rear lot line.
4. Residential buffer strip - Any lot adjoining a residential zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off-street parking lots and loading areas, and outdoor storage areas, from the residentially-zoned lots. Such areas shall be used for a landscape strip and screen.

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

206.7. Off-Street Loading - Off-street loading shall be provided as specified in Section 312. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lots within a residential zone, nor any side of a building facing an adjoining street.

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- 206.8. Off-Street Parking** - Off-street parking shall be provided as specified in Section 311.
- 206.9. Signs** - Signs shall be permitted as specified in Section 314.
- 206.10. Access Drive Requirements** - All access drives shall be in accordance with Section 310.
- 206.11. Screening** - A visual screen must be provided along any adjoining lots within a residential zone, regardless of whether or not the residentially-zoned lot is developed (see Section 313).
- 206.12. Landscaping** - Any portion of the lot not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313). A minimum ten (10) foot wide landscape strip shall be provided along all lot lines. Such landscape strip can be waived for that portion of the lot occupied by a joint parking lot and/or loading area shared by adjoining uses.
- 206.13. Waste Receptacles** - Dumpsters may be permitted within the side or rear setback, provided such dumpsters are screened from any adjoining streets or lots. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining lot lines. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
- 206.14. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- 206.15. Outdoor Storage** - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining streets and lots, and they comply with all of those setbacks specifically imposed thereon, listed in this section. Outdoor storage or display areas for retail automobile, motorcycle, or boat sales, need not be screened from adjoining streets.
- 206.16. Compliance with General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3.

Section 207 Industrial Zone (I)

207.1. Purpose - This Zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This Zone provides for light industrial uses as permitted by right, but requires obtainment of a conditional use for heavier and potentially more-objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major streets. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

207.2. Permitted Uses

1. Agriculture (see Section 318.2), excluding intensive agricultural operations.
2. Horticulture and forestry.
3. Laboratories for medical, scientific, or industrial research and development;
4. Manufacturing, packaging, storage and/or wholesaling of the following:
 - A. Furniture, cabinets, fixtures, office supplies, and other household appointments.
 - B. Scientific, specialized and technical instruments and equipment.
 - C. Audio visual components, computers, vending machines, electronic equipment and video games.
 - D. Finished textile products.
 - E. Brushes, brooms, and combs.
 - F. Hot tubs, spas, saunas, and swimming pools.
 - G. Jewelry, and other precious metals.
 - H. Photographic, lighting, and timekeeping equipment.
 - I. Small household appliances, excluding major appliances.
 - J. Musical instruments and sporting equipment.
 - K. Cosmetics, toiletries, and pharmaceuticals.
 - L. Optical, dental, and medical supplies and equipment.
 - M. Small or novelty products from prepared materials.
5. Processing, packaging, storage and/or wholesaling of food products, excluding:
 - A. Breweries and distilleries.
 - B. Pickling processes.
 - C. Rendering or slaughtering operations.
 - D. Sugar refineries.
6. Sales, storage and/or wholesaling of the following:
 - A. Home and auto-related fuels.
 - B. Nursery and garden materials, and stock.
 - C. Contractor supplies.
 - D. Plumbing, heating, air conditioning, electrical, and other structural components of buildings.
7. Bookbinding, printing, and publishing operations.
8. Machine shop.
9. Repair shops for products permitted to be manufactured in this section.
10. Small engine repair shops.
11. Welding shops.

12. Sign makers.
13. Offices.
14. Public uses.
15. Public utilities.
16. Agricultural support businesses, including:
 - A. Facilities for the commercial processing and warehousing of agricultural products, but excluding septage and spent mushroom compost processing and/or commercial mushroom operations.
 - B. Facilities for the warehousing, sales, and service of agricultural equipment, vehicles, feed, or supplies.
 - C. Veterinary offices, animal hospitals, or kennels.
17. Vocational and mechanical trade school.
18. Commercial day-care facility.
19. Private club.
20. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Accessory retail sale of products produced on-lot so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less.
 - B. Beekeeping (see Section 318.5).
 - C. Private helicopter pad (see Section 301.10).
21. Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

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

1. Heavy industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, including those industries performing conversion, assembly, or non-toxic chemical operations (see Section 425).
2. Warehousing and wholesale trade establishments (see Section 450).
3. Heavy equipment sales, service, and repair, such as excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers, and other similar machinery (see Section 424).
4. Billboards (see Section 408).
5. Truck or motor freight terminals (see Section 449).
6. Recycling facilities for paper, plastic, glass and metal products (see Section 443).
7. Principal waste handling facility (see Section 438).
8. Communication antennas, towers and equipment (see Section 417).
9. Mini-warehouse (see Section 434).
10. Junkyard (see Section 430).
11. Wholesale produce and tobacco auctions (see Section 451).
12. Sawmill (see Section 446).
13. Rendering or slaughter operations (see Section 444).
14. Hazardous waste facility (see Section 423).

207.4. Minimum Lot Area Requirements - Unless otherwise specified, the minimum lot area for each use shall be forty-three thousand, five hundred sixty (43,560) square feet.

207.5. Maximum Lot Coverage - Seventy percent (70%).

- 207.6. Minimum Lot Width** - Two hundred (200) feet.
- 207.7. Minimum Setback Requirements** (Principal and Accessory Uses)
1. Front setback - All buildings, structures (except permitted signs), off-street loading areas, dumpsters, and outdoor storage areas, shall be set back at least thirty-five (35) feet from the street right-of-way; off-street parking lots shall be set back a minimum of twenty (20) feet from the street right-of-way.
 2. Side setbacks - All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas shall be set back at least thirty (30) feet from the side lot lines. Outdoor storage areas and off-street parking lots shall be set back at least twenty (20) feet from the side lot lines, unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side setbacks can be waived solely for parking and/or loading facilities.
 3. Rear setback - All buildings, structures, dumpsters, and off-street loading areas shall be set back at least thirty-five (35) feet from the rear lot lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five (25) feet from the rear lot lines.
 4. Residential buffer strip - Any lot adjoining a residential zone, or across a street from a residential zone, shall maintain a seventy-five (75) foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas from the residential zone. Off-street parking lots shall be set back at least fifty (50) feet from adjoining residentially-zoned lots. All of these setback areas shall be used for a landscape strip and screen.
 5. Accessory recreation uses - Accessory recreational facilities related to principal uses within this Zone may be provided in any side or rear yard to within fifty (50) feet of any lot line.
- 207.8. Maximum Permitted Height** - Thirty-five (35) feet.
- 207.9. Off-Street Loading** - Off-street loading shall be provided as specified in Section 312. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lots within a residential zone, nor any side of a building facing an adjoining street.
- 207.10. Off-Street Parking** - Off-street parking shall be provided as specified in Section 311.
- 207.11. Signs** - Signs shall be permitted as specified in Section 314.
- 207.12. Access Drive Requirements** - All access drives shall be in accordance with Section 310.
- 207.13. Screening** - A visual screen must be provided along any adjoining lots within a residential zone, regardless of whether or not the residentially-zoned lot is developed (see Section 313).
- 207.14. Landscaping** - Any portion of the lot not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313). A minimum twenty (20) foot wide landscape strip shall be provided along all lot lines. Such landscape strip can be waived for that portion of the lot occupied by a joint parking lot and/or loading area shared by adjoining uses.

- 207.15. Waste Receptacles** - Dumpsters may be permitted within the side or rear setback, provided such dumpsters are screened from any adjoining streets or lots. All dumpsters shall be set back a minimum of seventy-five (75) feet from any adjoining lot lines. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
- 207.16. Industrial Operations Standards** - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- 207.17. Outdoor Storage** - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining streets and lots, and they comply with all of those setbacks specifically imposed thereon, listed in this section. Outdoor storage and display areas for heavy equipment and vehicles need not be screened from adjoining streets.
- 207.18. Compliance with General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions contained in Article 3.

Section 208 Conservation Zone (C)

208.1. Purpose - This Zone seeks to protect large concentrations of environmentally-sensitive features that also have significant value for passive and active recreational pursuits. Specifically, forested areas, steep slopes, stream and creek valleys, lakes and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas; however, some forms of development are allowed under prescribed criteria. The provisions of this Zone have been specifically formulated to satisfy Section 604.(1) of the Pennsylvania Municipalities Planning Code, which requires local zoning ordinances to “promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.”

208.2. Permitted Uses

1. Forestry.
2. Public utilities.
3. Single-family detached dwelling (see Section 318.1).
4. Extended family housing (see Section 318.8).
5. Riding stable (see Section 318.6).
6. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Roadside stand (see Section 318.4).
 - B. Family day-care facility.
 - C. Beekeeping (see Section 318.5).
 - D. ECHO housing (see Section 318.9).
 - E. Driving horse boarding (see Section 318.7).

208.3. Special Exception Uses (Subject to the review procedures of Section 604.3.)

1. Kennel (see Section 431).
2. Home occupation (see Section 427).
3. Rural occupation (see Section 445).
4. Bed and breakfast (see Section 407).

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

1. Campgrounds (see Section 410).
2. Communication antennas, towers and equipment (see Section 417).
3. Public and/or nonprofit park (see Section 440).

208.5. Maximum Number of Permitted New Dwellings or Lots

1. For each five (5) acres of a parent tract in single ownership as of December 17, 1987, there may be one (1) lot subdivided from the parent tract.
2. For each parent tract of contiguous land in single ownership that is two (2) acres or more, but less than five (5) acres, as of December 17, 1987, there may be only one (1) lot subdivided from the parent tract.
3. The above schedule shall not apply to ECHO housing or extended family housing unless new lots are created for such uses.

4. Any subdivision or land development plan hereafter filed for a parent tract in the Conservation Zone shall specify which lot or lots shall carry with them the right to further subdivide lots as determined by the provisions of this section. Any subsequent owner of any portion of the parent tract legally existing on December 17, 1987, shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional lots, if any, remaining from the original number permitted by this section.
5. In the event a lot which was not classified as part of the Conservation Zone on December 17, 1987 is hereafter classified as part of the Conservation Zone, the size and ownership of such lot shall be determined as of the effective date of the change in the zoning classification.
6. For those vacant lots in existence on December 17, 1987 and containing less than one acre, there may be one single-family detached dwelling constructed, subject to the design standards listed for such dwellings in this section.

208.6. Design Standards

1. Forestry:
 - A. Minimum lot area - Ten (10) acres.
 - B. Minimum lot width - Two hundred (200) feet at building setback line; except for flag lots conforming to Section 318.1.
 - C. Maximum lot coverage - Ten percent (10%).
 - D. Maximum permitted height - Thirty-five (35) feet.
 - E. Minimum setback requirements.
 - a. Front setback – Thirty-five (35) feet.
 - b. Side setbacks - Fifty (50) feet on each side.
 - d. Rear setback - Fifty (50) feet.
2. Public utilities and public and/or nonprofit parks:
 - A. Minimum lot area – Five thousand four hundred (5,400) square feet.
 - B. Minimum lot width - Sixty (60) feet at building setback line.
 - C. Maximum lot coverage - Forty percent (40%).
 - D. Maximum permitted height - Thirty-five (35) feet.
 - E. Minimum setback requirements.
 - a. Front setback – Thirty-five (35) feet.
 - b. Side setbacks - Thirty (30) feet on each side.
 - e. Rear setback - Fifty (50) feet.
3. Single-family detached dwellings:
 - A. Minimum lot area - One (1) acre per dwelling.
 - B. Minimum lot width – One hundred fifty (150) feet.
 - C. Maximum lot coverage – Ten percent (10%).
 - D. Maximum permitted height – Thirty-five (35) feet.
 - E. Minimum setback requirements:
 - a. Front setback – Thirty-five (35) feet.
 - b. Side setbacks - Thirty (30) feet on each side.
 - c. Rear setback - Fifty (50) feet
4. Other principal uses:
 - A. Minimum lot area - One (1) acre.
 - B. Minimum lot width - Two hundred (200) feet.
 - C. Maximum lot coverage - Thirty percent (30%).
 - D. Maximum permitted height - Thirty-five (35) feet.

- E. Minimum setback requirements:
 - a. Front setback – Thirty-five (35) feet.
 - b. Side setbacks - Thirty-five (35) feet on each side.
 - c. Rear setback - Fifty (50) feet.
- 5. Accessory uses and structures:
 - A. Maximum permitted height - Twenty (20) feet, provided all structures are set back from each lot line a distance at least equal to their height.
 - B. Minimum setback requirements:
 - a. Front setback – Except for a roadside stand, no accessory uses are permitted in the front setback unless the use complies with all principal use setbacks.
 - b. Side setbacks - Ten (10) feet on each side.
 - c. Rear setback - Ten (10) feet.

208.7. Woodland Preservation Requirements - In existing wooded areas, a plan shall be approved by the Board of Supervisors to protect and prevent unnecessary destruction of existing trees. At least sixty (60) percent of the number of trees (minimum trunk caliper of five (5) inches at six (6) inches above ground) that exist at the time of plan submission shall be maintained or replaced within 90 days following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade and located within unbuildable sections of the site (i.e. floodplain, steep slope, and setback areas).

208.8. Compliance with General Provisions - All uses permitted within this Zone shall also comply with the applicable General Provisions contained in Article 3.

208.9. Flag Lots - Within the Zone, the use of flag lots is permitted for single-family detached dwellings, subject to the standards of Section 318.1.

Section 209 *[Reserved for Future Use]*

Section 210 Village Overlay Zone (VO)

210.1. Purpose and Intent - In compliance with Sections 605.(2) and 605.(3) of the Act, this Zone provides an optional set of design standards that can be applied to property located within the R-1 Residential Zone. These optional design standards seek to achieve a “village” type setting that is characteristic of much of Lancaster County's built environment and heritage. All of the design standards of this Zone are vital if the “village” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

It is the further intent of the Board of Supervisors to encourage flexibility, economy and ingenuity in the development of lots within this Zone. To this end, the Board of Supervisors shall, by conditional use approval, permit the developer to modify the design standards of this Section if such modification will enable the design of a better development. It is the specific intent of the Board of Supervisors to permit developers to consider and utilize innovative methods of design.

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

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

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

210.2. Relationship to Other Ordinances and Sections of this Zoning Ordinance - The provisions of this Section create a conditional use overlay zone which may be applied to lands within the R-1 Residential Zone. This Zone may only be applied to property upon approval by the Board of Supervisors and written acceptance by the landowner of all requirements of this Section, and any valid conditions of approval attached by the Board of Supervisors. Such overlay zone establishes different land use and design requirements from those contained in this and other ordinances of the Township. To the extent the regulations within this Section differ (are more, or less restrictive) from others, those within this Section shall govern. However, all other provisions of this and other ordinances of the Township shall remain in full force.

210.3. Severability and Repealer - Should any part of this Section be declared invalid by the courts, the entire Section shall be automatically repealed.

210.4. Review Procedures - All proposals within this Zone are considered and shall be governed by the application and review procedures for conditional uses according to Section 704 of this Ordinance. The remaining requirements of this Zone shall be used as the specific criteria for evaluating the approval of any conditional use(s).

210.5. Conditional Uses

1. Public uses and public utilities (see Sections 441 and 442 respectively).
2. Public and/or nonprofit parks (see Section 440).
3. Churches and related uses (see Section 413).
4. Cemetery (see Section 412).
5. Single-family detached dwelling.
6. Duplex dwelling.
7. Townhouse dwelling.
8. Quadraplex dwelling.
9. Accessory building apartments with no more than one (1) dwelling unit (see Section 401).
10. Home occupation (see Section 427).
11. Family day-care facility.
12. The following locally-oriented businesses:
 - A. Barber, beauty, tanning, and health salons.
 - B. Tailors, off-site dry cleaning, and shoe repair services.
 - C. Retail sales and/or rental of goods such as, but not limited to, antiques, apothecaries, packaged beverages, recorded music and video materials, books, clothing, confections, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco (excluding adult-related facilities).
 - D. Delicatessens, bakeries, ice cream shops, caterers, restaurants, and fast-food restaurants, provided no drive-through facilities are used.
 - E. Photographic, music, art and dance studios.
 - F. Professional, medical, and/or dental offices.
 - G. Banks, including outdoor tellers if pedestrian-oriented, and similar financial institutions, provided no drive-through facilities are utilized.
 - H. Repair of clocks, jewelry, cameras, electronics, and small household appliances.
13. Accessory uses and structures customarily incidental to the above permitted uses.

210.6. Minimum Area Requirements -All applications for this Zone shall contain no less than thirty (30) contiguous acres. However, applications that expand previously approved Village Overlay Zone development shall have no minimum area requirements.

210.7. Required Mixture of Uses - All Village Overlay Zone developments shall provide a mixture of uses that conform with the following ratios of net acreage.

Use	Required Percentage
Public, Civic, Open Spaces	Minimum 30%
Single-Family Detached Dwellings (including accessory apartments)	Minimum 35%
Other Dwellings (duplexes, townhouses, quadraplexes)	10-30%
Local Commercial Uses	Maximum 5%

210.8. Maximum Coverage - In no case shall more than fifty-five percent (55%) of a Village Overlay Zone development site be covered with buildings and/or other impervious surfaces.

210.9. Architectural Considerations - All proposals within the Village Overlay Zone must incorporate architectural treatments and styles that complement the Township's historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented and analyzed with the following Pennsylvania Historical Museum Commission criteria:

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

- of roof shapes.
- (16) A description of any nonstructural site improvements (buffering, landscaping, and screening) that will be used to protect the integrity of the historic resources.

210.10. Design Requirements

1. Lot Design Standards - See following table:

Permitted Dwelling Type	Maximum Permitted Density (Units/Net Acre)	Minimum Lot Width at Building Line	Maximum Lot Coverage ³	Front Build-to Line ¹	Minimum Setbacks ²		
					One Side	Both Sides	Rear
Single-Family Detached ⁴	5	50 ft.	50%	10-15 ft.	6 ft.	12 ft. ⁶	20 ft.
Duplex	6	40 ft. per unit	70%	10-15 ft.	6 ft. per unit	N/A	20 ft.
Townhouse ⁵	6	18 ft. per unit	70%	10-15 ft.	10 ft. end units	N/A	20 ft.
Quadraplex	6	30 ft. per unit	70%	10-15 ft.	10 ft. end units	N/A	20 ft.

¹No less than seventy percent (70%) of a building's front facade (including the front facade of any covered or uncovered porches) must be located on the front build-to line; except, however, no less than fifty percent (50%) of any townhouse or quadraplex dwelling must be located on the front build-to line. Front build-to lines shall be measured between the edges of the street right-of-way and the closest facade of the building; including porches. No part of any building shall extend closer to a street than the front build-to line.

²Required setbacks for accessory structures shall be six (6) feet from rear and side lot lines. No accessory buildings shall be permitted within the front setback.

³Maximum lot coverage requirements shall not apply to porches located within the front setback.

⁴In addition to the principal dwelling, an accessory building apartment is permitted by special exception, subject to the criteria listed in Section 401. Such accessory building apartments shall not be calculated as part of the maximum permitted density depicted for single-family detached dwellings in this table.

⁵No townhouse dwelling shall contain more than five (5) units. For each townhouse dwelling containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front setback; the minimum variation of setback shall be five (5) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse dwellings shall be set back a minimum of fifteen (15) feet from any interior drives or parking facilities contained on commonly-held lands. All townhouse dwellings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse dwellings are located on the same lot, the following separation distances will be provided between each building:

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

other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.

- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

⁶Single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

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

2. **Dwelling Design Standards** - All dwellings shall comply with the following:

- A. **Building Height** - All principal buildings shall be between one and one-half (1½), and three (3) stories in height. Accessory buildings shall be no more than fifteen (15) feet high unless an accessory apartment is provided; in such cases, an accessory building can extend up to two stories.
- B. **Building Orientation and Porches** - All main entrances of dwellings shall face the front yard of the lot. At least fifty percent (50%) of all single-family detached dwellings located along a public street within the same block shall include porches within the front yard. When a dwelling with a porch is located on a corner lot, the porch shall extend parallel along both front lot lines.
- C. **Dwelling Width** - No residential dwelling shall be greater than one hundred (100) feet wide as measured parallel, or approximately parallel, with any street line.

3. **Vehicular Access and Parking Requirements for Dwellings** - All driveways and off-street parking shall be provided within the rear yard. However, one joint-use driveway shall be permitted to extend into the front yard to connect with a public street, along a common lot line serving at least two (2) adjoining dwellings. Driveway widths shall range between ten (10) and twelve (12) feet. In no case shall any joint-use driveway serve more than four (4) dwelling units.

4. For purposes of this Zone, Section 308 is partially waived to allow the creation of dwelling lots that do not have public street frontage; however, such lots must front along a commonly-held pedestrian path, and have direct access to a public alley, or a joint-use driveway. In such cases, the front yard of the lot shall be that which is along the common pedestrian path. Furthermore, the front build-to line of the lot shall be measured from the edge of the common pedestrian path;

5. All mail and newspaper boxes shall be attached to the front façade of the building.

6. No above-ground accessory residential swimming pools, except portable “kiddie pools,” shall be permitted.

210.11. Commercial Design Requirements - Within the Village Overlay Zone, those limited commercial activities listed in Section 210.5.12. shall be permitted in one or a combination of the two following alternative design schemes:

1. Commercial Courtyard - This design scheme provides for a centralized pedestrian-oriented commercial courtyard that provides a maximum separation of commercial patrons from vehicular traffic:
 - A. Where practicable, all commercial land uses shall be centralized within one area which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhoods whose residents would also patronize the commercial courtyard.
 - B. Commercial courtyards shall also be integrated upon a system of sidewalks and/or pedestrian pathways, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the commercial courtyard.
 - C. Where practicable, commercial courtyards will be contiguous or directly across a street from common greens as required by Section 210.12.1. Furthermore, commercial courtyards shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.).
 - D. Commercial courtyards shall consist of one minimum thirty-five (35) foot wide pedestrian path which generally runs perpendicular from adjoining streets. Such pedestrian path shall have a dust-free impervious surface with lamp posts, trash receptacles, shade tree beds, pedestrian benches, and similar amenities.
 - E. Each commercial building's main facade, sign, and customer entrance must front on the commercial courtyard. At least fifty percent (50%) of the commercial buildings' main facades shall be placed upon a five (5) foot build-to-line, as measured from the nearest edge of the courtyard's pedestrian path; however, this requirement can be waived for outdoor cafes, so long as a three (3) foot high fence is placed along the same build-to-line.
 - F. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they architecturally and visually complement the overall appearance and function of the commercial courtyard. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter.
 - G. One (1) sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the courtyard's pedestrian path. Such bin shall be located against the facade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours.
 - H. Signs for commercial uses within the commercial courtyard shall only include flat wall signs, roof signs, or wall projecting signs. Overall sign size shall be limited to six (6) square feet per sign, per business. Each business will be permitted one such sign along the courtyard pedestrian path, plus another oriented to its street side. The commercial courtyard is also permitted one freestanding archway which crosses over the common pedestrian path. Such archway must be used to identify a common name of the commercial courtyard.
 - I. Vehicular access, off-street parking, and off-street loading shall be located in

the commercial use's front yard (directly opposite the common pedestrian path or courtyard) between the building and a public street. As an alternative, off-street parking and loading can be provided on a separate common area shared by adjoining businesses. Such common parking and loading shall be not more than three hundred (300) feet from any of the uses it serves, shall be linked via a sidewalk to the courtyard's common pedestrian path, and shall be screened from the common pedestrian path, adjoining streets, and adjoining residential areas.

- J. Required Off-Street Parking - Minimum required off-street parking spaces for commercial uses are computed on the basis of one (1) space per three hundred (300) square feet of gross floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one (1) space per two hundred (200) square feet of gross floor area.

Off-street parking lot design standards shall follow those specified for all commercial uses contained within Section 311. All off-street parking for commercial uses shall be set back no less than twenty-five (25) feet from any adjoining lot used principally for residential purposes. Furthermore, any street access to any off-street parking space must be set back at least forty (40) feet from the right-of-way lines of any intersecting street, or five (5) feet from a fire hydrant.

- K. For each commercial use, one upper-floor apartment with a separate ground level access and one off-street parking space must be provided.
- L. No business shall comprise more than two thousand (2,000) square feet of gross floor area (excluding the upper-floor apartment).
- M. For each thirty (30) dwelling units occupied, one commercial use may be constructed.
- N. Lot Area Requirements - Five thousand (5,000) to ten thousand (10,000) square feet per store.
- O. Lot Width Requirements - Twenty-five (25) to eighty (80) feet per store front, except that, when a commercial use adjoins a lot or lots used principally for residential purposes, the maximum lot width shall be increased to accommodate a required twenty-five (25) foot wide landscape buffer strip.
- P. Maximum Lot Coverage - Ninety percent (90%).
- Q. Minimum Required Setbacks - See following table:

Use	Front Setback	Side Setbacks Abutting Other Commercial Uses	Side Setbacks Abutting Public or Residential Uses	Rear Setback
Building	54 ft. ¹	None	25 ft.	See Section 210.11.1.E.
Off-Street Parking	See Section 210.11.1.J.	None	25 ft.	Not permitted.
Off-Street Loading	10 ft.	None	50 ft.	Not permitted.
Dumpster	25 ft.	None	50 ft.	Not permitted.

¹Building front setbacks can be reduced in two separate instances. First, a minimum twenty (20) foot setback can be used when no off-street parking nor loading is provided between the building and the adjoining street. In such cases, this area shall be used for a minimum eight (8) foot wide sidewalk and a planting strip that comprises at least twenty-five percent (25%) of the area contained within the front setback. Second, the building front setback can be reduced to thirty (30) feet when perpendicular or angled “head-in” parking spaces directly front an access easement. In this case, the thirty (30) foot strip shall be comprised of a minimum ten-foot-wide landscape strip with sidewalk, and the balance used for actual parking space.

- R. Required Off-Street Loading - See Section 311.
 - S. Height Requirements - All buildings shall have two (2), two and one-half (2½), or three (3) stories.
 - T. Outdoor Storage - No outdoor storage is permitted.
 - U. Waste Products - Dumpsters may be permitted within the side or front setback, provided such dumpsters are screened from any adjoining streets or lots. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining lots used principally for residential purposes. All waste receptacles shall be completely enclosed within a masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate.
 - V. Architectural Considerations - All commercial buildings are subject to the regulations of Section 210.9.
 - W. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313).
 - X. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
2. Main Street Setting - This design scheme provides for a centralized main street streetscape similar to that characterized by many of the historic villages and boroughs

of the County.

- A. Unless impractical, all commercial land uses shall be centralized within one area which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhoods whose residents would also patronize the commercial uses.
- B. Main street settings shall be integrated upon a system of sidewalks, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the main street area.
- C. Where practicable, main street settings will be contiguous to or directly across a street from, common greens as required by Section 210.12.1. Furthermore, main street settings shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.).
- D. Main street settings shall require that commercial uses front along a new arterial or collector street serving the development.
- E. Main street settings shall include sidewalks with lamp posts trash receptacles, pedestrian benches, shade trees, and other similar amenities.
- F. Each commercial building's facade, sign, and customer entrance must be oriented toward its adjoining street. At least fifty percent (50%) of the commercial buildings' main facades shall be placed upon a five (5) foot front build-to-line; however, this requirement can be waived for outdoor restaurant cafes, so long as a three (3) foot high fence is placed along the same build-to-line.
- G. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted so long as they architecturally and visually complement the overall appearance and function of the main street setting. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter.
- H. One (1) sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the main street sidewalk. Such bin shall be located against the facade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours.
- I. Signs for commercial uses within the main street setting shall only include flat wall signs, roof signs, or wall projecting signs. Overall sign size shall be limited to six (6) square feet per business. Each business will be permitted only one such sign. Another two (2) square foot wall sign is permitted facing the building's off-street parking area.
- I. Required Parking and Loading - Minimum required off-street parking spaces for commercial uses are computed on the basis of one (1) space per three hundred (300) square feet of gross floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one (1) space per two hundred (200) square feet of gross floor area. Required off-street loading spaces shall be determined by Section 312. Such off-street parking and loading areas shall be located behind any commercial building in

the rear yard. All off-street parking and loading space areas shall be provided on an

- J. integrated basis so that all uses are physically interconnected and share available parking and loading spaces. Cross access easements to ensure such integration shall be required in language acceptable to the Township Solicitor. For the purposes of this Zone, the schedule of required parking spaces listed in Section 311 is waived. However, all other design standards shall be enforceable. All vehicular access to such areas shall be via common access drives, preferably not directly from the main street area, but from an intersecting side street.

In addition to the above-described off-street parking, on-street parking shall be provided as parallel parking along any side of the street upon which commercial uses front.

- K. For each commercial use, one upper-floor apartment with a separate ground-level access and one off-street parking space must be provided.
- L. No business shall comprise more than two thousand (2,000) square feet of gross floor area (excluding the upper-floor apartment).
- M. For each thirty (30) dwelling units occupied, one commercial use may be constructed.
- N. Lot Area Requirements - Five thousand (5,000) to ten thousand (10,000) square feet per store.
- O. Lot Width Requirements - Twenty-five (25) to eighty (80) feet per store front, except that, when a commercial use adjoins a lot or lots used principally for residential purposes, the maximum lot width shall be increased to accommodate a required twenty-five (25) foot wide landscape buffer strip.
- P. Maximum Lot Coverage - Ninety percent (90%).
- Q. Minimum Required Setbacks - See the following table:

Use	Front Setback	Side Setbacks Abutting Other Commercial Uses	Side Setbacks Abutting Noncommercial Uses	Rear Setback Abutting Other Commercial Uses	Rear Setback Abutting Noncommercial Uses
Building	See Section 210.11.2.F.	None	0 ft.	50 ft.	50 ft.
Off-Street Parking	Not permitted.	None	15 ft.	None	15 ft.
Off-Street Loading	Not permitted.	None	25 ft.	None	25 ft.
Dumpster	Not permitted.	None	50 ft.	None	50 ft.

- R. Height Requirements - All buildings shall have two (2), or two and one-half (2½) stories.
- S. Outdoor Storage - No outdoor storage is permitted.
- T. Waste Products - Dumpsters are permitted within the rear setback. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining lots used principally for residential purposes. All waste receptacles shall be completely enclosed within a masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate.
- U. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.
- V. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

210.12. Open Space Design Requirements - As specified in Section 210.7., no less than thirty percent (30%) of the total development site's net acreage shall be devoted to public, civic, and/or open space uses. The following standards shall also be applied to these areas:

1. Of the total thirty percent (30%) required, no less than two-thirds (2/3) shall be used for commonly-held public open spaces. Any remaining area shall be reserved for centralized common greens, such as playgrounds, picnic pavilions, and neighborhood parks, or public schools, churches, meeting halls, swimming pools, libraries, museums, and other similar uses.
2. The location and design of required public open spaces shall be largely determined by a proper site planning process. As part of this process, applicants shall be required to prepare a natural and cultural features inventory of the site. Qualified experts must identify and plot each of the following found on the proposed site:
 - 100-year floodplains
 - steep slopes [greater than fifteen percent (15%)]
 - wetlands, streams, ponds, or other water bodies
 - sinkholes, caves, vistas, or other significant geologic features
 - threatened or endangered species habitats
 - archaeological resources
 - historic resources
 - significant stands of mature trees

From this inventory and plot, it shall be incumbent upon the applicant to demonstrate that the proposed schematic design of the Village Overlay Zone development minimizes disturbance of, but integrates, these features to provide a safe and attractive network of common pedestrian paths that link areas within the proposed development and connect with nearby uses of the Township. All common pedestrian paths shall consist of an all-weather durable surface that is at least five (5) feet wide.

3. An essential element of the Village Overlay Zone development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication, or to be owned by the

specific form of organization proposed. The common open space shall be owned and maintained in a manner to insure its preservation. This shall be accomplished through one of the following:

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

210.13. Streets, Sidewalks, and Alleys - Within the Village Overlay Zone, the following design standards shall be applied to streets, sidewalks, and alleys:

1. The following table lists required street, sidewalk, and alley widths:

Functional Street Classification	Number of Travel Lanes	Number of Parallel Parking Lanes	Minimum Required Cartway Width	Minimum Required Sidewalk and Related Planting Strip Width ¹	Minimum Required R.O.W. Width
Arterial or Collector	2	2	40 ft.	20 ft.	60 ft.
Local	2	2	36 ft.	20 ft.	56 ft.
Local	2	1	28 ft.	20 ft.	48 ft.
N/A	2-way alleys	0 ²	16 ft.	0	16 ft.
N/A	1-way alleys	0 ²	11 ft.	0	11 ft.
N/A	1-way access drives	0	9 ft.	0	9 ft.
N/A	2-way access drives	0	18 ft.	0	18 ft.
N/A	joint-use driveway	0	16 ft.	0	16 ft.

¹Sidewalks shall be provided in accordance with Section 210.13.4.

²No parking shall be permitted within alleys.

2. Where practicable, the design of streets, alleys, and sidewalks should provide for through traffic and pedestrian movements, and should interconnect with existing nearby streets, alleys, and sidewalks. The use of cul-de-sac streets and alleys is forbidden, unless accompanied by plans of future adjacent street connections.
3. All public streets that connect with existing arterial or collector streets, provide access to commercial uses, and/or act as collector streets within the proposed development, shall be designed with a minimum centerline turning radius of one hundred fifty (150) feet. All other streets shall be designed with a minimum centerline turning radius of eighty (80) feet. All intersections of driveways, joint-use driveways, access drives, and/or streets shall provide a clear sight triangle in accordance with Section 602 of the Lancaster County Subdivision and Land Development Ordinance.
4. Both sides of all public streets shall be lined with five (5) foot wide sidewalks, and five (5) foot wide sidewalk planting strips; however, where sidewalks directly abut on street parking spaces fronting commercial uses, such sidewalks shall be at least eight (8) feet wide. Sidewalks and sidewalk planting strips shall weave beside, and in-and-out of, one another. At driveway, access drive, and street intersections, all sidewalks shall include aprons for access by handicapped persons according to standards contained within the latest version of the Americans With Disabilities Act. Sidewalk planting strips shall stop no less than twenty (20) feet from the curb line of

an intersecting street; in these areas, ten (10) foot wide sidewalks shall be provided. In addition, sidewalk planting strips can be replaced with ten (10) foot wide sidewalks at locations of passive pedestrian nodes (e.g., benches, fountains, public transit stops, and access points of public uses and parks). One shade tree shall be provided every fifty (50) feet, or fraction thereof, of linear sidewalk planting strip.

210.14. Public Utility and Service Requirements - All proposals within the Village Overlay Zone must comply with the following:

1. Both public sewer and public water shall be used throughout the development.
2. Where practicable, the retention and regenerative percolation of storm water runoff shall be located within common passive open spaces.
3. All utility lines shall be located underground and within public streets, alleys, or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining lots and streets.
4. All public streets shall be provided on one, or both, sides with street lights. Such street lights shall be placed every one hundred (100) lineal feet and shall be of such design and light intensity to complement the development's architecture.
5. Bus stops shall be placed at appropriate locations along major streets serving the proposed development. Their distribution shall be such that no residence within the development shall be situated more than one thousand (1,000) feet from a bus stop. Furthermore, the selection of bus stops shall be logically connected with any existing bus routes. Bus stops shall consist of a minimum pedestrian node consisting of one ten by twenty (10 x 20) foot sidewalk section, one permanently anchored park bench, and a shade tree. Such bus stops shall be provided, even if existing bus routes do not currently serve the area.
6. Applicants are required to obtain a letter from the Fire Company Chief of the company that would provide first-call service to the proposed development. Such letter should describe any foreseeable problems regarding fire protection for the proposed development. Particular attention should focus upon the location of fire hydrants and street turning radii.

210.15. Subsequent Revisions Within the Village Overlay Zone

1. Except as provided in the next Sections 210.15.2. and 210.15.3, any change proposed within a previously approved Village Overlay Zone will require the obtainment of a conditional use according to the procedures and standards listed in Section 704. The evaluation of such conditional use will be based upon its compliance with the specific requirements of this Section and other applicable provisions of this Ordinance, as well as any conditions of approval attached to the original approval.
 2. Minor revisions of existing uses which were previously approved as part of a Village Overlay Zone are permitted by right, if they:
 - A. Do not violate any design standards specifically imposed upon the proposed use and its site.
 - B. Do not change any principal use.
 - C. Do not violate any of the standards imposed upon the entire development.

- D. Do not violate any conditions attached to the original approval of the Village Overlay Zone.
 - E. Do not adversely affect the architecture of the approved existing development.
3. The following accessory uses may be established by special exception, subsequent to

approval of a Village Overlay Zone development, subject to their respective specific criteria and the rules and procedures of Section 604.3.:

- A. Home occupations (see Section 427).
- B. Accessory apartments (see Section 401).

210.16. Modifications of Design Standards

1. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such conditional use approval shall, when making application for conditional use approval for village development, also make application for conditional use approval under this Section. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:
 - A. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 210.1.
 - B. Such modifications of design standards would not result in adverse impact to adjoining lots, nor future inhabitants within the Village Overlay Zone development;
 - C. Such modifications will not result in an increase in residential densities permitted for the site.
 - D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 210.16.1.A. through C.

Section 211 Floodplain Zone (FP)

211.1. Purpose - It is hereby found that the streams, creeks and waterways of the Township are subject to recurring flooding, that such flooding damages and endangers life and public and private property and facilities, that this condition is aggravated by developments and encroachments in the floodplain, and that the most appropriate method of alleviating such condition is through regulation of such developments and encroachments. It is therefore determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this Section, which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for the preservation of the public health, safety and general welfare.

The intent of this Section shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township.

211.2. Specific Objectives

1. To combine with present zoning requirements, certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Township.
2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
3. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood-prone areas and promoting safe and sanitary drainage.
4. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains.
5. To provide sufficient drainage courses to carry abnormal flows of storm water in periods of heavy precipitation.
6. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters.
7. To protect the entire Township from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and

adversely affect the economic well-being of the Township.

8. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation and marine life, dependent upon water courses and water areas.
9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.
10. To provide areas for the temporary natural storage of flood waters.
11. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the purpose and requirements of the National Flood Insurance Program, P.L. 93-234.

211.3. Delineation of Lands Within the Floodplain Zone - For purposes of this Ordinance, areas contained within the Floodplain Zone shall include the following:

1. The identified floodplain area shall be those areas of Eden Township, Lancaster County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated April 19, 2005 and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof.
2. For all other streams and/or waterways not depicted upon the Township's Flood Boundary and Floodway Maps, the Floodplain Zone shall be deemed to include:
 - A. An area measuring fifty (50) feet horizontally perpendicular from the top bank of the watercourse; or
 - B. The area inundated by the base flood as determined through qualified hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the Federal Emergency Management Agency, who shall have thirty (30) days to comment. Any landowner whose property is so studied shall pay all costs of these studies and surveys, except for work done under retainer to, or on behalf of, the Township.
 - C. All land which has been flooded by floods of record.

211.4. Boundary Disputes

1. Should a dispute concerning any boundary of the Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 604.6. The burden of proof in such an appeal shall be on the applicant and all hearings and procedures shall follow the requirements of Section 603.
2. All changes to the boundaries of the Floodplain Zone which affect areas identified in Section 211.3.1. are subject to the review and approval of the Federal Emergency Management Agency for compliance with the Rules and Regulations of the National Flood Insurance Program.

211.5. Relationship to Other Sections - The provisions of this Section create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other sections of this Ordinance and all other ordinances of the Township. However, all other provisions of all other articles of this Ordinance and all other ordinances of the Township shall remain in full force.

211.6. Permitted Uses - The following uses and no others are permitted in the Floodplain Zone:

1. Cultivation and harvesting crops according to recognized soil conservation practices.
2. Pasture and grazing of livestock (excluding feedlots) according to recognized soil conservation practices, and further provided that such livestock shall not be confined to pastures or other enclosures located entirely within the Floodplain Zone.
3. Outdoor plant nursery or orchard according to recognized soil conservation practices.
4. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.
5. Game farms, fish hatchery, or hunting and fishing reserve, for the protection and propagation of wildlife, but permitting no structures.
6. Forestry, lumbering and reforestation according to recognized natural resources conservation practices.
7. Front, side and rear setbacks and required lot area in any district, provided such setbacks are not to be used for on-site sewage disposal systems.
8. Normal accessory uses (excepting enclosed structures, freestanding satellite dish antennas, fences and above-ground swimming pools) permitted under the applicable zoning district.
9. Recreational use, whether open to the public or restricted to private use, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting flood-proof toilet facilities, but permitting piers, docks, floats or unenclosed shelters usually found in developed outdoor recreational areas. Any flood-proof toilet facilities provided shall be connected to public water and sewerage systems.
10. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by documentation as to the necessity for locating within the boundaries of the Floodplain Zone.
11. Sealed public water supply wells with the approval of the Pennsylvania Department of Environmental Protection.

12. Dams, culverts, bridges, and altered or relocated watercourses with the approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania, Department of Environmental Protection.
13. Sanitary or storm sewers and impoundment basins, with the approval of the Pennsylvania Department of Environmental Protection.

211.7. Nonconforming Uses and Structures in the Floodplain Zone

1. Continuation - All uses or structures lawfully existing in the Floodplain Zone on the effective date of this Section which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as prohibited by Sections 211.7.2. and 211.7.4.B. However, such nonconforming uses or structures may at any time be improved to comply with existing State or Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions.
2. Abandonment - Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Board of Supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the landowner of the lot on which an abandoned nonconforming use or structure exists. If the landowner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the landowner.
3. Expansion and Modification - A nonconforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, setback, and other requirements established in other sections of this Ordinance, nor in any way which causes it to occupy more space within the Floodplain Zone that was occupied by it on the effective date of this Section.
4. Replacement and Rebuilding:
 - A. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Section.
 - B. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent (50%) or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in

complete conformity and full compliance with Section 211.8.3. and all other provisions of this Ordinance, and all other ordinances of the Township. The Zoning Hearing Board may waive as a special exception, the requirements of this Paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operations of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this

Section, while respecting and maintaining the purpose and intent of this Section.

Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Ordinance.

- C. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.
5. Historic Structures - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of Sections 211.7.2. and 211.7.4.B. for any historic structure, as defined herein.
6. Special Requirements for Manufactured Homes:
- A. Manufactured homes are prohibited in the Floodplain Zone, except as a continuation of a nonconforming use.
- B. If any existing manufactured home shall be replaced, reconstructed, or expanded by addition thereto, then the manufactured home shall be:
- a. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
- i. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
- ii. Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
- iii. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- b. Elevated in accordance with the following requirements:

- i. The manufactured home shall be elevated on a permanent foundation so that its lowest floor is one and one-half (1½) feet or more above the elevation of the one hundred (100) year flood.
- ii. Adequate surface drainage is provided.
- iii. Adequate access for a hauler is provided.

C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Board of Supervisors for manufactured home parks.

211.8. Design and Performance Standards

1. Applicability - The standards included in this Section are to be used, together with the provisions of all other sections and all other ordinances in force in the Township by the Zoning Officer and Zoning Hearing Board in their administration of this section.

Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

2. Regulations and Reviews by Other Agencies

A. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of special exceptions, variances, or permits may be granted by the Township.

Building/Zoning Permits shall be required before any construction or development is undertaken within any area of the (Township.)

In the case of existing structures, prior to the issuance of any Development/Building permit, the Zoning Officer shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued

B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of special exceptions, variances, or permits by the Township shall be conditioned upon receiving such other agencies' permits or written approvals.

C. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division, and notification of any such

proposal shall be given to all affected adjacent municipalities. Copies of such permit applications and municipal notifications shall be forwarded to the Federal Emergency Management Agency and to the Pennsylvania Department of Community Affairs.

3. Placement and Construction of Authorized Uses and Structures

- A. No use shall be permitted which would cause any rise in the base flood elevation. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage.
- C. All new or replacement drains, water supply facilities, sanitary sewage facilities or other utility improvements shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwater, and to minimize the impedance of flood flows.
- D. Anchoring - All structures, buildings, air ducts, large pipes, and storage tanks within the Floodplain Zone shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- E. For all permitted nonconforming uses, and uses authorized by the granting of a variance, the following standards shall apply:
- a. All new construction and substantial improvements of permanent nonresidential structures shall either (1) have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one (1) foot above the base flood elevation, the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Enclosed space below the lowest floor (including basement) is prohibited. All floodproofing measures shall be done according to the standards and provisions for floodproofing classes W-1 or W-2, as contained in *Floodproofing Regulations* published by the Office of the Chief of Engineers, U.S. Army, published EP 1165 2 314 (June, 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this section. Where reference is made in *Floodproofing Regulations* to the "RFD" (Regulatory Flood Datum), it shall be interpreted to mean the base flood elevation as defined by this section. The applicant shall submit qualified evidence by a registered professional engineer or a licensed professional architect certifying compliance with this requirement.

- b. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation. Enclosed space below the lowest floor (including basement) is prohibited.
- F. Fully and partially enclosed space below the lowest floor (including basement) is prohibited.

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

1. No special exception or variance shall be granted for any use except those specifically permitted by Section 211.6., nor any use, structure or development within the floodway which would increase the one hundred (100) year flood elevation.
2. In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations.
3. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. The applicant must also comply with any other conditions imposed by the Zoning Hearing Board.
4. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - A. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation.
 - B. Such variance may increase the risk to life and property.
5. In granting a special exception or variance, the Zoning Hearing Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.
6. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Zoning Hearing Board. The Zoning Hearing Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency.
7. In hearing and deciding upon variances or special exceptions to this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist in arriving at a fair and impartial determination. In addition to that information required by Sections 211.9. and 701, such required information

may include, but is not limited to, the following:

- A. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
- B. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
- C. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
- D. A profile showing the slope of the bottom of the channel of flow line of the watercourse.
- E. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.
- F. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

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

211.11 Development Which May Endanger Human Life

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
 - 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:

1. Acetone
2. Ammonia
3. Benzene

4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.
- C. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
2. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one hundred (100) year flood and,
 2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year 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.

211.12 In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township.

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

Article 3

General Provisions

Section 300 General Provisions

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

Section 301 Accessory Uses and Structures

- 301.1. Fences and Walls - No fence or wall (except livestock, required junkyard or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than four (4) feet in a front setback area and more than six (6) feet in any other setback area within the (C, A, AH, R, R-1, and NC) Zones. Within any (HC and I) Zone, no fence nor wall shall be erected to a height of more than ten (10) feet in any setback area. No fence shall block motorist view of vehicles entering or exiting the lot.
- 301.2. Swimming Pools - Swimming pools may be permitted in any zone. No permanent swimming structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a minimum four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring no less than four (4) feet in height at any perimeter point, and having a retractable ladder. No openings shall be permitted between the various fence components or between the fence and the ground that would allow the passage of a four (4) inch diameter object through such opening. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made, lakes, dams or other impoundments, unless the primary purpose for their construction is swimming.
- 301.3. Tennis Courts - Tennis courts may be permitted in any zone. All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining lots.
- 301.4. Satellite Dish Antennas - Satellite dish antennas used for personal communication use and that are clearly accessory to the principal use of the lot shall not be subject to any setback or height requirements within this Ordinance, and no permits shall be required for such a satellite dish antenna. All ground-mounted satellite dish antennas located within the (NC, HC and I) Zones that are used commercially to transmit video format data shall be completely enclosed by an eight (8) foot high non-climbable fence that includes signage

warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Such commercially used satellite dish antennas within the (NC, HC and I) Zones shall comply with all principal use standards and shall be required to be permitted in accordance with the provisions of this Ordinance.

- 301.5. Alternative Energy Sources - Wind Energy Conversion System (WECS) units shall not be permitted in the front setback area of any lot. Height regulations do not apply to WECS units, provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five percent (25%) of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone.
- 301.6. Garage/Yard Sales - Within any zone, an owner and/or occupant may conduct up to four (4) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one four (4) square foot sign shall be permitted advertising the garage/yard sale located upon the lot where the sale occurs, and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage/yard sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.
- 301.7. Accessory Repair of Personal Motor Vehicles - The routine maintenance, repair and servicing of personal motor vehicles, owned and/or leased by the person performing such services, when performed outside a completely enclosed building, is permitted by an occupant of the residence, but only in compliance with the following:
1. All vehicles shall be maintained with proper licensure.
 2. All work shall be performed on the vehicle owner's (lessee's) property of residence.
 3. Within the (R or R-1) Zones, work shall be limited to the following:
 - A. Servicing and replacement of spark plugs, batteries, distributors and distributor parts.
 - B. Repair and replacement of tires and wheels, excluding recapping or regrooving.
 - C. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants.
 - D. Repair and replacement of car radios, tape players, amplifiers, and speakers.
 - E. Cleaning and flushing of radiators only when flushed into a water-tight catch basin.
 - F. Repair and replacement of fuel pump, oil pump and line repairs.

- G. Minor servicing and adjustment of carburetors.
 - H. Minor motor adjustments not involving the removal of the motor head or crankcase, nor the excessive revving of the motor.
 - I. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating.
 - J. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants.
4. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.
 5. All such activities shall be conducted at times that do not disturb adjoining residents owing to noise.
 6. All exterior repair, maintenance and servicing activities shall be completed within seventy-two (72) hours.
- 301.8. Fuel Storage – Any fuel storage vessel requiring a foundation will need a zoning permit. All fuel storage facilities must meet all local, state and Federal requirements.
- 301.9. Private Airstrip - Within any (A) Zone, a private airstrip is permitted as an accessory use according to the following requirements:
1. No part of the take-off/landing strip shall be located nearer than three hundred (300) feet from any lot line.
 2. All fueling and maintenance equipment and storage hangers shall be set back one hundred (100) feet from any lot line.
 3. All lighting associated with the airstrip and related facilities shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.
 4. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- 301.10. Private Helicopter Pad – Within any (A, AH, HC or I) Zone, a private helicopter pad is permitted as an accessory use according to the following requirements:
1. No part of the helicopter pad shall be located nearer than three hundred (300) feet from any lot line.
 2. All fueling and maintenance equipment and storage hangers shall be set back one hundred (100) feet from any lot line.
 3. All lighting associated with the helicopter pad and related facilities shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.
 4. All facilities shall be designed and operated in strict compliance with all applicable

State and Federal laws and regulations.

Section 302 Unenclosed Storage

302.1. Recreational Vehicles, Boats, Campers, Trailers and Trucks - Within any (R or R-1) Zone, 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 purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) are divided into two separate categories, as follows:

Class I 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 no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

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

2. The temporary parking of one Class I or Class II vehicle for periods not exceeding seventy-two (72) hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining lot lines.
3. The storage of one Class I vehicle shall be permitted per lot behind the building setback line, so long as the unit is set back no less than five (5) feet from any adjoining lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
4. Except as permitted in Section 302.1.2., and as follows, the parking or storage of any Class II vehicle is expressly prohibited in any residential zone, or on any lot used principally for residential purposes. The storage of one Class II vehicle on a residentially-zoned lot, or a lot used for a principal residence, is permitted, subject to the following requirements:
 - A. In no case shall the vehicle contain more than three hundred twenty (320)

square feet, as measured to the vehicle's outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the

vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

- B. All vehicles shall be set back a horizontal distance equal to 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 setback line, as specified for principal uses.
 - D. Screening, as described in Section 313 of this Ordinance, shall be provided along any side and rear lot lines. Such screening shall not extend into the required front setback area. Screening shall not be required along a common side lot line when the owner resides on one (1) lot, and stores the vehicle on an adjacent vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley.
 - E. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
5. The storage or parking of any commercial truck upon any residentially-zoned lot, or lot used principally for residential purposes, is prohibited. For purposes of this section, commercial trucks shall include those that exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds. 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 a lot used principally for residential purposes.
- 302.2. Outdoor Stockpiling - In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. The outdoor stockpiling of material or storage of trash is subject to all accessory use setbacks. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year, is prohibited.
- 302.3. Trash, Garbage, Refuse, or Junk - Except as provided in an approved junkyard or principal waste handling facility, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
- 302.4. Dumpsters - All trash dumpsters shall be located within a side or rear yard, screened from adjoining streets and lots, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.
- 302.5. Domestic Composts - The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential lot shall be deposited within the compost, and in no case shall meat, or meat by-products be composted. All composts shall be properly maintained so as not to become a nuisance to nearby lots.

- 302.6. Parking and Storage of Unlicensed or Uninspected Motor Vehicles - Motor vehicles without

current, valid license plates or current, valid inspection stickers shall not be parked or stored in any zone, other than in a completely enclosed building. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public streets. Nothing contained herein shall be deemed to authorize the parking or storage of any motor vehicle in any zone, unless such motor vehicle is an accessory use to the present use of the lot. Notwithstanding the foregoing, this section, in and of itself, shall not be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current, valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

Section 303 Setback Modifications

- 303.1. Front Setback of Buildings in Developed Areas - Where at least two (2) adjacent buildings within one hundred (100) feet of a lot are set back a lesser distance than that required, the average of the lesser distances becomes the required minimum front setback for the lot. However, in no case shall the setback line be less than twenty (20) feet from any abutting street right-of-way line.
- 303.2. Accessory or Appurtenant Structures - The setback regulations do not apply to:
1. Bus shelters; telephone booths; and steps, ramps and walks, but do apply to porches and patios whether covered or not, and to cornices, eaves, chimneys, canopies and similar extensions.
 2. Open fire escapes.
 3. Fences, hedges and retaining walls.

Section 304 Height Limit Exceptions

- 304.1. The maximum permitted height regulations within each Zone do not apply to the following structures or projections, provided such structures or projections are set back a horizontal distance at least equal to their height from any lot line:
1. Water towers, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, spires, belfries, or other similar structures.
 2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
 3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.
- 304.2. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

Section 305 Corner Lots

- 305.1 A front setback area, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.
- 305.2 On corner lots, no structure or growth exceeding thirty (30) inches in height shall be permitted within an area which is formed by a triangle where the two legs of the triangle extend one hundred (100) feet from the centerline intersection of the two intersecting streets.

Section 306 Minimum Habitable Floor Area

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

- 306.1. Single-family detached, duplex, townhouse and quadraplex dwelling units: seven hundred (700) square feet per dwelling unit.
- 306.2. Multiple family dwellings. ECHO housing and temporary farm employee housing: four hundred (400) square feet per dwelling unit.

Section 307 Erection of More Than One Principal Use On A Lot

More than one principal use may be erected on a single lot, provided that all lot and setback requirements, standards, and other requirements of this Ordinance shall be met for each use, as though it were on an individual lot. In addition, such proposals shall gain Lancaster County Planning Commission approval for any required land development or subdivision plan, and provide individually approved methods of sewage disposal.

Section 308 Required Vehicular Access

Every building hereafter erected or moved shall be on a lot adjacent to or with approved access to a public or private street. The erection of buildings without approved access shall not be permitted. Access to lots containing farms, or one or two single-family detached dwellings shall be via driveways; access to lots containing other uses, including three or more single-family detached dwellings, shall be via access drives. For all other lots requiring a subdivision or land development plan, approved access is defined by the Lancaster County Subdivision and Land Development Ordinance.

Section 309 Driveway Requirements (Farms and Single-Family Detached Dwellings)

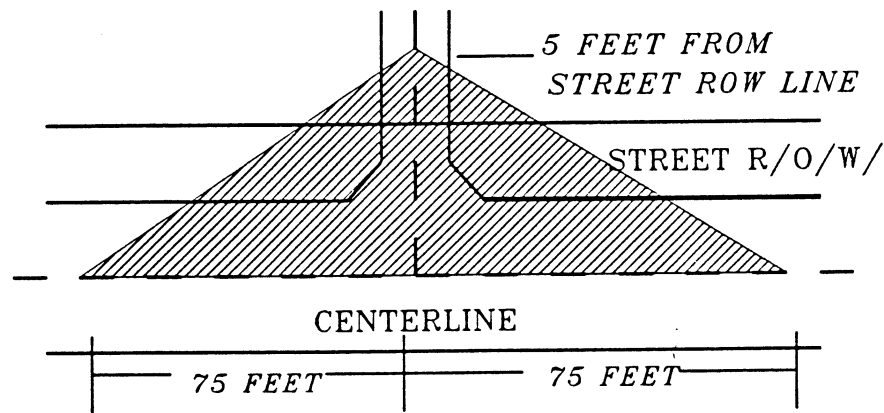
Driveways shall include private drives serving individual farms and single-family detached dwellings, as well as shared driveways serving two (2) single-family detached dwellings. Driveways shall meet the following standards:

- 309.1. General Requirements:
1. Number Per Lot - No more than two (2) driveway connections per lot shall be

permitted.

2. Setbacks - Driveways shall be not less than forty (40) feet from the edge of the cartway of any street intersection, nor less than five (5) feet from a fire hydrant, nor less than five (5) feet from adjoining lot lines, unless a shared driveway is proposed.
3. Slope - A driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the street right-of-way lines.
4. Street Classification - Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
5. Driveway Width - No driveway shall provide a curb cut exceeding twenty (20) feet in width, unless the driveway is required to be wider by other applicable regulations or ordinances, and except when additional width is shown to be required to accommodate vehicles accessing a farm.
6. PennDOT Permit - Any driveway intersecting with a State-owned street shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.
7. Traffic Movement/Drainage - Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street.
8. Plan Delineation - Driveway location shall be delineated on all plans and permits as applicable.
9. Shared Driveways - Shared driveways may be used to provide required vehicular access between two (2) single-family detached dwellings and a street. The use of a shared driveway shall only be approved when cross-access easements ensure common use, access, and maintenance of the shared driveway for each landowner relying upon said shared driveway. Such cross-access easements shall be required in language acceptable to the Township Solicitor. Shared driveways shall not exceed one thousand (1,000) feet in length.
10. Adequate Sight Distance – Driveways shall be located so as to provide adequate sight distances at intersections with streets. Such sight distances shall be two hundred (200) feet in each direction, unless otherwise specified by the Lancaster County Planning Commission or PennDOT.
11. Clear-Sight Triangle - Driveways shall be located and constructed so that a clear-sight triangle, as depicted below is provided. Two apexes of the triangle shall be located in both directions along the street centerline, seventy-five (75) feet from a point where the centerline of a driveway and street intersect. The vertex of the triangle shall be located along the centerline of the driveway, on the lot and five (5) feet from the street right-of-way line. No permanent obstructions or plant materials over three (3) feet high shall be placed within the clear-sight triangle.

DRIVEWAY CLEAR-SIGHT TRIANGLE



Section 310 **Access Drive Requirements** (Non-Farm and Non-Single-Family Detached Dwelling)

Access drives shall be consistent with the provisions of the Lancaster County Subdivision and Land Development Ordinance.

310.1. General Requirements:

1. Number Per Lot - Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two (2) per lot frontage. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
2. Setback - The edges of all access drives shall be set back at least fifteen (15) feet from all side and rear lot lines; however, this setback can be waived along one lot line when a joint parking lot or a shared access drive is proposed.
3. Access Drive Width - In no case shall any access drive cartway be less than twenty (20) feet wide if it provides for truck movement between the street and any required off street loading spaces as regulated. Unless otherwise specified, the maximum cartway width of the access drive shall not exceed the area necessary to accommodate the minimum required cartway width and the minimum required tangential arc of the intersecting cartways.
4. Surface - The first fifteen (15) feet of an access drive, measured from the edge of the street cartway, shall be constructed and maintained with a paved surface of concrete or bituminous materials. All other areas of the access drives shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another approved dust-free surface.

Section 311 Off-Street Parking Requirements

- 311.1. Off-street parking shall be required in accordance with the provisions of this Section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. All parking exclusively serving agriculture or forestry uses shall be exempt from off-street parking requirements. Off-street parking shall be provided whenever:
1. A building is constructed or a new use is established.
 2. The use of an existing building is changed to a use requiring more parking facilities.
 3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- 311.2. Parking for Single Family Detached Dwellings - Every single-family detached dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways.
- 311.3. Parking for All Other Uses:
1. General Requirements:
 - A. Site Plan - Each application for a zoning permit (or a use for which parking spaces are required) shall include a site plan showing the proposed layout of the lot. The site plan shall clearly indicate all of the design elements required below. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.
 - B. Surface - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another approved dust-free surface.
 - C. Drainage - Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge storm water in accordance with the requirements of the Lancaster County Subdivision and Land Development Ordinance.
 - D. Lighting - Adequate lighting shall be provided in accordance with the provisions of the Lancaster County Subdivision and Land Development Ordinance. The lighting shall be arranged so that it is not directed at land used for residential purposes, or adjoining lots or streets.
 - E. Access Drives - Every parking lot shall be connected to a street by means of an access drive.
 2. Parking Requirements:
 - A. Size - The following lists required minimum space sizes in feet:

Standard car spaces: Parallel – 23’ by 8’; non-parallel – 19’ by 9’.

- B. Access - Parking areas for more than one (1) dwelling unit shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle.
- C. Marking - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. Where paving is required, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, and direct vehicular circulation.
- D. Separation - Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into access and interior drives, streets, yards or walkways.
- E. Bicycles - Bicycle parking shall be provided as set forth in the Lancaster County Subdivision and Land Development Ordinance.
- F. Handicapped Parking - Parking spaces for handicapped persons shall be governed by the latest guidelines described under the Americans With Disabilities Act.
- G. Joint Parking Lots:
 - a. In shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty (80%) of the total number of spaces required by the sum of all of the tenants of the shopping center. Such reduced parking spaces must be appropriately distributed on the lot to provide convenient walking distance between every vehicle and each of the stores within the shopping center.
 - b. Required parking spaces may be provided in parking lots designated to jointly serve two (2) or more establishments or uses, provided that the number of required spaces in such joint facility shall not be less than the total required separately for all such establishments or uses. However, where it can be conclusively demonstrated that one (1) or more uses will be generating a demand for parking spaces, primarily during periods when the other use(s) is not in operation, the total number of required parking spaces may be reduced to:
 - i. That required number of spaces that would be needed to serve the use generating the most demand for parking; plus,
 - ii. Twenty percent (20%) of that number of required parking spaces needed to serve the use(s) generating the demand for lesser spaces.
- H. Schedule of Required Spaces - The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Automobile service, automobile filling stations, and car washes	400 square feet of gross floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and one per employee on major shift
Automobile, motorcycles, boat, farm machinery, and trailer sales	1,000 square feet of gross indoor and outdoor display areas
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area
Convenience stores	75 square feet of gross floor area
Drive-thru and fast-food restaurants	Two seats and one per each two employees
Food markets and grocery stores	150 square feet of gross floor area for public use and one per each employee on two largest shifts
Funeral homes	100 square feet of gross floor area, one per each employee, and one per each piece mobile equipment, such as hearses and ambulances
Furniture sales	500 square feet gross floor area
Hotels, motels	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)
Mini-warehouses	25 units plus one per 250 square feet of office space, plus two per any resident manager
Office buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	Six spaces per each physician or dentist, etc.
Retail stores or shops (except those listed above)	200 square feet of gross floor area of display area or sales area and one per each employee on two largest shifts
Restaurants and taverns	Four seats plus one per each employee on largest shift
Shopping centers	182 square feet of gross leasable floor area
Other commercial buildings	400 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
INDUSTRIAL USES	
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the two largest shifts

Type of Use	Minimum of One Parking Space for Each
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RECREATION USES	
Amusement arcades	80 square feet of gross floor area
Athletic fields	Four seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the lot. Such area must provide sufficient numbers of spaces to serve all users of the lot, and include a fence delineating such parking area.
Bowling alleys, billiards rooms	¼ lane/table and one per each two employees
Campgrounds	Campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	½ hole, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	Tee and one per employee
Miniature golf courses	½ hole and one per employee
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating
Picnic areas	Picnic table
Skating rinks	Four persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy
Tennis or racquetball clubs	¼ court, plus one per employee, plus 50% of the spaces normally required for accessory uses

Type of Use	Minimum of One Parking Space for Each
RESIDENTIAL USES	
Single-family detached dwellings	½ dwelling unit (i.e., two spaces per dwelling unit)
Boarding houses, group homes, and bed and breakfasts	Bedroom
Duplex, townhouse, multiple-family, and conversion apartment dwellings	1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.

Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
Auditorium, banquet, conference, and meeting facilities; church, theater, and other such places of public assembly	200 square feet of gross floor area but not fewer than one space per each three seats
Clubs, lodges and other similar places	200 square feet of gross floor area and one per each employee on two largest shifts
Nursing, rest or retirement homes	Three accommodations (beds) in addition to those needed for doctors and support staff

Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
Hospitals, sanitariums	1.5 accommodations (beds) in addition to those needed for doctors and support staff
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Rehabilitation centers (without overnight accommodations)	Employee and per each three people anticipated to be handled through the facility.
Schools below grade ten, including commercial day-care and kindergarten	Six students enrolled
Schools, tenth grade and above, including colleges	Three students enrolled
Vocational training and adult education facilities	1.5 students enrolled

3. Interior Drives:

- A. Widths - Interior drives between rows of parking spaces shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Driveway In Feet; One-Way Traffic	Width of Driveway In Feet; Two-Way Traffic
90 Degrees	25	25
60 Degrees	20	22
45 Degrees	18	22
30 Degrees	11	22
Parallel	11	22

Interior drives in areas where there is no parking permitted shall be at least eleven (11) feet wide for each lane of traffic.

- B. Horizontal Curves - Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.
- C. Back-Up Area - All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.
- D. Speed Bumps:

- a. Speed bumps, constructed as part of access or interior drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
 - b. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
 - c. There shall be a warning sign posted at each entrance to a parking area having speed bumps.
 - d. In no case shall the overall height (or depth) of speed bumps exceed three (3) inches.
4. Prohibited Uses of a Parking Lot - Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following:
- A. The sale, display or storage of automobiles or other merchandise.
 - B. Parking or storage of non-passenger vehicles accessory to the use.
 - C. Performing services (including services to vehicles).
 - D. Loading and unloading purposes, except during hours when business operations are suspended.
5. Landscaping and Screening- The following landscaping and screening requirements shall apply to all parking lots:
- A. Landscaped Strip:
 - a. When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the lot along the entire street line. If there is no building or other structure on the lot, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street right-of-way line. The strip may be located within any other landscaped strip required to be located along a street.

The following lists required width of landscape strips:

Number of Spaces In Parking Lot, Including Joint Facilities	Landscape Strip Width In Feet Measured From Street R.O.W. Line
Less Than 100	15
100 to 250	20
Over 250	25

- b. Unless otherwise indicated, all parking lots constructed in side or rear yards shall be set back a minimum of ten (10) feet from all lot lines. Such setbacks shall be used for landscape strips.

B. Interior Landscaping:

- a. In any parking lot containing twenty (20) or more parking spaces (except a parking garage), five percent (5%) of the total area of the parking 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 ten (10) parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside 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, as set forth in Section 313. At least one (1) shade tree shall be provided for each three hundred (300) square feet or fraction thereof, of required interior landscaping area. Such trees shall have a clear trunk at least five (5) feet above finished grade.
 - b. Parked vehicles may not overhang interior landscaped areas more than two and one half (2½) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.
 - c. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.
- C. Screening - When a parking lot is located on lot which adjoins land in a residential zone, or other land in residential use, the parking lot shall be screened from the adjoining residential lot, as set forth in Section 313.

Section 312 Off-Street Loading Facilities

312.1. Off-street loading shall be required in accordance with this Section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:

1. A new use is established.
2. The use of a lot or building is changed and thereby requiring more loading space.
3. An existing use is enlarged, thereby requiring an increase in loading space.

312.2. General Requirements:

1. Site Plan - Each application for a zoning permit (or use for which off-street loading spaces are required) shall include a site plan showing the proposed layout of the loading area. The site plan shall clearly indicate all of the design elements required below. No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

2. **Location** - Except as provided elsewhere, a ground level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential zone. Off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential zone.
3. **Sizes** - The following lists required minimum loading space sizes (excluding access drives, entrances and exits):

Facility	Length	Width	Height (If Covered or Obstructed)
Industrial, Wholesale and Storage Uses	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

4. **Separation** - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
5. **Connection to Street** - Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or twenty (20) feet wide for one way travel, exclusive of any parts of the curb and gutters.
6. **Surface** - All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.
7. **Drainage** - Off-street loading facilities (including access drives) shall be drained to prevent damage to other lots or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.
8. **Lighting** - Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off the site.
9. **Landscaping and Screening** - Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially-zoned lots or adjoining public streets according to the requirements of Section 313.
10. **Schedule of Required Loading Spaces:**

Type of Use	Number Spaces Per	Gross Floor Area/Dwelling Unit
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)

Type of Use	Number Spaces Per	Gross Floor Area/Dwelling Unit
Hotel and motels	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

Type of Use	Number Spaces Per	Gross Floor Area/Dwelling Unit
Multiple family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office building, including financial institutions	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per store, and restaurants and taverns	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers having at least 25,000 square feet	1.0	25,000 square feet up to 100,000 square feet
	+1.0	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or	None	First 10,000 square feet

other recreational establishment	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Funeral home	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

Section 313 Landscaping and Screening Requirements

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

313.2. Landscaping Requirements - Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

For each seven hundred fifty (750) square feet of required area for landscape strips, one (1) shade or ornamental tree shall be provided. For every three hundred (300) square feet or fraction thereof of required parking lot interior landscaping, one (1) shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.

313.3. Screening - The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.

313.4.1. Selection of Plant Materials - Trees and shrubs shall be typical of their species and variety;

have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

Section 314 Outdoor Signs

314.1.

General Requirements:

1. Signs must be constructed of durable material and maintained in good condition.
2. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings, or is determined by the Board of Supervisors to be hazardous.
3. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the landowner of the lot on which the sign is located that such sign be made safe or removed within five (5) days.
4. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
5. Each sign shall be removed when the circumstances leading to its erection no longer apply.
6. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
7. No sign shall be of the intermittent flashing or rotating type, unless located within the (I) Zone.
8. No sign located within three hundred (300) feet of any traffic signal shall be illuminated with red, green or yellow lights or neon tubing.
9. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
10. Signs must be positioned so that they do not interfere with any clear sight triangle or required sight distance. Other than official traffic signs, no signs shall be located within the right-of-way of a street.
11. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the

smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than forty-five (45) degrees and the two (2) faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included.

12. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
 - A. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - B. Scenes wherein a person displays the vulva or the anus or other genitals.
 - C. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
 - D. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.
13. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
14. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
15. No sign shall be permitted which is permanently attached to public utility poles, nor trees which are within the right-of-way of any street.
16. No sign located within any floodplain shall exceed six (6) square feet of area per side.
17. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.
18. In all zones, only those signs referring directly to materials or products made, sold or displayed on the premises shall be permitted, except as otherwise noted.
19. No streamers, pennants or other similar materials shall be permitted to be located on the outside of any building.

314.2. Specific Requirements - In addition to the general sign regulations listed in Section 314.1, specific regulations contained within this Section shall also apply to all signs. Each sign is classified by its (1) use, and (2) type of construction. Specific sign requirements are listed by use, and then by construction type; therefore, each sign must comply with those regulations specified for its classification of use, and its classification by type of construction.

1. Classification of Signs by Use - All signs shall be divided into the following types of uses and shall be subject to the specific regulations listed therewith:

- A. Official traffic signs - No specific regulations are applied to this type of sign use when the signs are erected by or with written approval from the Board of Supervisors.
- B. Professional accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling, and trespassing or hunting or similarly restrictive signs, or signs indicating the private nature of a driveway or premises - The area on one (1) side of such sign shall not exceed two (2) square feet nor project more than six (6) inches from a wall when attached to a building.
- C. Identification signs identifying schools, churches, hospitals, parks or similar public and semi-public institutions and uses - A total of forty (40) square feet will be allowed. Not more than one (1) such sign per organization will be permitted on the lot, except that, when the lot fronts on two (2) or more public streets, one (1) such sign shall be permitted along each street.
- D. Temporary signs of contractors, architects, mechanics, and artisans -The signs shall be displayed only while actual work is in progress, and shall not exceed twelve (12) square feet in area, and provided further that such signs must be removed promptly upon completion of work. Should such sign be left on the lot beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.
- E. Real estate sale-sold-rent signs when placed on the lot to be sold or rented - These signs shall not exceed (6) square feet in area. No more than one (1) sign per lot is permitted unless the lot fronts on more than one (1) street; in which case, two (2) signs are permitted with one (1) sign permitted along each street. All such signs shall be removed within five (5) days after final transactions are completed. No such signs shall be located off the lot.
- F. Residential development signs – Signs indicating the name of a residential subdivision or neighborhood shall not include the name of any builder, contractor, realtor, or other person or business associated with the construction or sale of homes within the development; instead, only the name of the development shall be displayed. Residential development signs shall not exceed an overall size of thirty-two (32) square feet, exclusive of any ornamental support structures. Only one (1) residential development sign shall be permitted per frontage at the entrance to such development, and no more than two (2) such signs shall be permitted per development. The combined total sign area for one (1) or more residential development signs shall not exceed one (1) square foot per dwelling unit within the development. The applicant shall submit a written description of the maintenance responsibilities for all residential development signs.
- G. Public use and utilities signs - Signs necessary for the identification, operation or protection of public use and public utilities are permitted so long as the signs are in compliance with the general requirements of Section 314.1.
- H. Business, commercial or industrial signs - A sign for a use conducted on the premises which shall identify the written name and/or the type of business

and/or any trademark of an article for sale or rent on the premises or otherwise

call attention to a use conducted on the premises. The total sign area shall not exceed one (1) square foot per five (5) lineal feet of lot frontage with a maximum size of eighty (80) square feet. One (1) sign is allowed per lot or per adjoining lots occupied by the same use. If the frontage of the lot exceeds one thousand (1,000) feet, one (1) additional sign is permitted.

- I. Functional signs, such as those designating rest rooms, entrance, exit, or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto - Two (2) signs per frontage used for vehicular access are permitted. Each sign shall not exceed two (2) square feet in total sign area.
 - J. Planned center signs - Signs advertising the name of an integrated development, such as a planned shopping center, office or apartment complex, or industrial park. These signs shall devote no less than fifty percent (50%) of the total sign area to the advertisement of the name of the planned center. Additionally, individual uses within the planned center may be advertised, but shall be flat-wall, wall-projecting and/or roof signs as defined in Section 314.2.; no other ground signs shall be permitted for those uses within the planned center. Only one (1) planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed one (1) square foot for each four (4) feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum size of one hundred (100) square feet or an overall height of twenty (20) feet.
 - K. Temporary (special event) signs and banners - One (1) such sign may be permitted per lot for one (1) period not exceeding thirty (30) days during any calendar year. Such signs shall be limited to a maximum of thirty-two (32) square feet in total sign area.
 - L. Billboards - These signs are only permitted by conditional use in the Industrial Zone.
2. Classification of Signs by Type of Construction - All signs shall be divided into the following types of construction and shall be subject to the specific regulations listed therewith:
- A. Ground sign - Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.

No ground sign shall project to a point nearer than twelve (12) feet from the edge of a street right-of-way (unless obstructing view, at which time further setback is required). No support for any ground sign shall be located nearer than twelve (12) feet to any lot line. Such signs shall not exceed twenty (20) feet in height, nor exceed eighty (80) square feet in total sign area; however, planned center signs may have a maximum size of one hundred (100) square feet. Billboards are exempt from these specific requirements.

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

building.

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

Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas. Flat wall signs shall not project more than twelve (12) inches from the building wall and must be located so that the lower edge is a minimum of eight (8) feet above grade where the sign projects from the wall more than six (6) inches.

- C. Wall projecting sign - Any sign mounted upon a building so that its principal face is not parallel to the building wall.

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

No projecting sign shall extend more than five (5) feet above the top of the wall upon which it is mounted, nor above the permitted structural height as listed in each zone.

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

- D. Roof sign - A sign erected or displayed upon the roof of any building or structure or a wall sign, a portion of which exceeds the height of the building; however, all roof signs must comply with structural height limitations required in each zone.

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

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

Roof signs may extend above the roof, or top of wall, a distance equal to one-half ($\frac{1}{2}$) the height of the roof or wall, or five (5) feet, whichever is the smaller height.

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

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

314.3. Permits:

1. The following signs shall be permitted without requirement of a permit for erection when erected and maintained in conformity hereto:
 - A. Official traffic signs.
 - B. Residential accessory use or name signs.
 - C. Temporary signs of contractors, architects, mechanics, and artisans.
 - D. Real estate sale-sold-rent signs.
 - E. Functional signs.
 - F. Signs within buildings, not visible from outdoors.
2. All other signs shall require the obtainment of a permit prior to the erection or installation of the sign.

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

- A. Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected.
- B. Exact size, dimensions, and location of the sign on the lot or building together with its type, construction, materials to be used, and the manner of installation.
- C. Any other lawful information which may be required of the applicant by the Zoning Officer.
- D. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for the Zoning Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
- E. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

Section 315 Street Classifications

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

Arterial Streets	Collector Streets	Local Streets
Valley Road (PA 372) Kirkwood Pike (PA 472)	May Post Office Road Camargo Road White Oak Road	All streets not listed as arterials or collectors.

	Dry Wells Road	
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Section 316 Zoning Requirements For Use of On-Lot Sewage Disposal Systems

- 316.1. As of the effective date of this Ordinance, all future uses that rely upon on-lot sewage disposal systems shall be required to specifically test for and secure one disposal site (field, bed or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field may be activated due to malfunction of the initial disposal site.
- 316.2. Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PA DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection.
- 316.3. Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

Section 317 Permanent/Temporary Occupancy Requirements

- 317.1. No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home.
- 317.2. Temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground or for periods of up to fourteen (14) days in any calendar year on the property of a friend or relative.
- 317.3. Temporary occupancy of a travel trailer, camper, motor home or mobile home by a landowner shall be permitted on a residential lot where the principal building has been damaged, or is under construction, and cannot be occupied until the building is properly repaired. The temporary housing shall only be occupied while the principal building cannot be occupied, but in no case, shall such temporary occupancy extend beyond a period of one (1) year. The temporary housing shall be removed within thirty (30) days after the temporary occupancy has ceased.

Section 318 Operations and Performance Standards

All uses proposed within Eden Township shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. In addition, the following specific uses shall comply with the listed performance regulations in addition to all other local, State and Federal regulations:

- 318.1. Single-Family Detached Dwelling.

1. Within the (A, R and C) Zones, flag lots are permitted when the use of such flag lots would reduce the loss of productive farmlands and/or the conversion of other significant features (e.g., steep slopes, floodplains, wetlands, woodlands, rock outcroppings, sinkholes, caves, wildlife habitats). The applicant must demonstrate by credible evidence that the use of flag lots would better protect these natural features than would development under the Zone's conventional design standards; and,
2. All flag lots shall comply with the applicable regulations of the Lancaster County Subdivision and Land Development Ordinance. For the purposes of establishing minimum required setbacks, all setbacks upon a flag lot shall be considered rear setbacks.

318.2. Agriculture.

1. For agricultural uses primarily for the keeping of livestock and poultry, where such use is secondary to the principal use of the lot and the lot is not a farm, the following requirements shall apply:
 - A. Minimum Lot Area – As required for the principal use of the lot, but in no event less than one (1) acre.
 - B. Minimum lot width - As required for the principal use of the lot.
 - C. Maximum lot coverage - As required for the principal use of the lot.
 - D. Maximum permitted height - As required for the principal use of the lot.
 - E. Minimum setback requirements. - As required for the principal use of the lot; except that:
 - a. No structure in which livestock or poultry are kept shall be constructed closer than fifty (50) feet to any lot line.
 - b. All structures used to house livestock or poultry shall be prohibited from placement in the front setback.
 - c. Any structure existing as of the date of this Ordinance, located within fifty (50) feet of a lot line, may be converted for the use of housing livestock or poultry only if a variance is granted by the Zoning Hearing Board.
 - F. Permitted Number of Animal Units – A maximum of one-half (½) animal units per spreadable acre shall be permitted on the lot.
2. For intensive agricultural operations, the provisions of Section 429 shall apply.
3. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals.
4. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the lot line of the lot on which the agricultural use is located. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining lots;

318.3. Manure Storage Facilities.

1. A manure storage facility shall only be permitted to be located on a farm.

2. The design of all manure storage facilities shall be required to be approved by the Lancaster County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.
3. Construction and subsequent operation of the manure storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another approval by the Lancaster County Conservation District.
4. The manure storage facility shall be located no closer than one hundred (100) feet from any lot line.

318.4. Roadside Stands.

1. A roadside stand shall only be for the seasonal sale of agricultural products.
2. Roadside stands shall not exceed three hundred (300) square feet of floor area.
3. Roadside stands must be located at least ten (10) feet from the street right-of-way line and must have at least three (3) off-street parking spaces.
4. At least fifty percent (50%) of the products sold must be produced on the farm on which the roadside stand is located.
5. A maximum of two (2) signs will be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen (15) feet. Such signs shall be set back a distance at least equal to their height from every lot line.

318.5. Beekeeping.

1. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance.
2. Colonies shall be maintained in movable frame hives.
3. Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.
4. Hives shall be located no closer than one hundred (100) feet from any lot line unless a six (6) foot high fence or hedge is located along any adjoining lot lines for a distance at least one hundred (100) feet from the hives. In no case shall hives be located within fifty (50) feet of any lot line.
5. All hives shall have access to an on-lot water supply. Unless a natural water supply exists on the farm, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
6. Hives shall not be oriented to children's play areas or neighboring lots.
7. Adequate techniques in handling bees, such as re-queening and adequate hive space, shall be maintained to prevent unprovoked stinging seventy-five (75) feet or more from the hive.

318.6. Riding Stables.

1. The use shall be located on a lot with a minimum lot area of ten (10) acres.
2. Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any lot line.
3. All stables shall be maintained so as to minimize odors perceptible at all lot lines.
4. All outdoor training, show, riding, or boarding areas shall be enclosed by a minimum four (4) foot high fence, which is located at least twenty-five (25) feet from all lot lines.
5. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such parking facilities and preventing the parking or movement of vehicles across neighboring lots.
6. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at all adjacent lot lines.

318.7. Horse Boarding.

1. Up to two (2) horses are permitted on any residential use property provided all required setbacks of Section 318.2 are met.
2. Any structure used to house one or more driving horses shall not be permitted within the front setback, and shall be set back at least fifty (50) feet from every side and rear lot line.
3. All outdoor pasture and recreation areas for the horses shall be enclosed with fencing to prevent the escape of the animals.
4. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at all adjacent lot lines.
5. All animals, their housing, and their outdoor pasture and recreation areas shall be properly maintained so as not to become a nuisance to adjoining lots.

318.8. Extended Family Housing.

1. No more than two (2) dwelling units shall be permitted on a lot.
2. All occupants of the extended family housing shall be related by blood, marriage or adoption (including persons receiving foster care).
3. The applicant shall furnish evidence that an approved system of sewage disposal will be utilized for both dwelling units.
4. Both dwelling units shall have direct means of access to exterior ground level.
5. Four (4) off-street parking spaces shall be provided for the two dwelling units.

6. No new driveway connections shall be permitted to a public street.

318.9. ECHO Housing.

1. The use shall only be located on a residential lot and shall be accessory to the principal dwelling on the lot.
2. At least one (1) of the occupants of the ECHO housing shall be either elderly as defined as 62 years or older, or handicapped, or disabled, and shall be related to the occupants of the principal dwelling by blood, marriage, or adoption.
3. ECHO housing shall comply with all setback requirements imposed upon single-family detached dwellings.
4. The applicant shall furnish evidence that an approved system of sewage disposal will be utilized by the ECHO housing.
5. ECHO housing shall have direct means of access to exterior ground level.
6. No new driveway connections shall be permitted to a public street.
7. When the occupants for whom the ECHO housing was established cease to live within the ECHO housing, the ECHO housing shall be removed by the occupants of the principal dwelling within sixty (60) days of such housing being unoccupied.

318.10. Temporary Farm Employee Housing.

1. The temporary farm employee housing shall only be permitted to be located on a farm.
2. For each farm, one (1) mobile home is permitted for the use of farm workers (and their families) that are employed by the owner of the farm, for such time as the employee works the land of the owner.
3. All such housing shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings.
4. Such mobile homes shall be securely anchored to a mobile home stand; a six (6) inch thick poured concrete slab over a six (6) inch stone base, the length and width of which shall be at least equal to the dimensions of the mobile home. Each mobile home pad shall include properly designed utility connections.
5. The mobile home shall be occupied at least one hundred twenty (120) days a year by at least one (1) person who is employed on the farm where the mobile home is located. If this condition is not satisfied, the mobile home shall be removed within one hundred twenty (120) days.
6. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized.

Section 319 Common Open Space Requirements

In those instances where open space is required elsewhere in this Ordinance, or when an applicant proposes the use of open space, such open space shall comply with the following:

- 319.1. Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
1. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
 2. Protection of important historical and/or archaeological sites.
 3. Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township.
 4. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools or other similar features.
- 319.2. An essential element of the provision of open space is a written description regarding its ownership and disposition. Such ownership and disposition shall be accomplished through one of the following:
1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space.
 2. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township.
 3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. § 3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
 - A. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance.
 - B. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities.

- C. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

Section 320 Traffic Impact Study

320.1. Applicability - For those uses requiring a traffic study, the following requirements are applicable:

320.2. Traffic Impact Study:

1. Area of Traffic Impact Study - The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the development or have direct impact upon the access to the development. The intersections shall be determined by the Board of Supervisors.
2. Preparation by Transportation Engineer Required - Traffic impact studies shall be prepared under the supervision of qualified and experienced transportation engineers with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing traffic studies for existing or proposed developments.
3. Horizon Year - The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the remainder of this Section.
4. Non-Site Traffic Estimates - Estimates of non-site traffic shall be made, and will consist of through traffic and traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Non-site traffic may be estimated using any one of the following three methods: "Build-up" technique, area transportation plan data or modeled volumes, and trends or growth rates.
5. Trip Generation Rates Required - The traffic impact study report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.
6. Consideration of Pass-By Trips - If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.
7. Rate Sums - Any significant difference between the sums of single-use rates and proposed mix-use estimates must be justified in the study report.
8. Explanations Required - The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report.
8. Definition of Influence Area - Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the

trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

Other methods such as using trip data from an existing development with similar characteristics or using an existing origin-destination survey of trips within the area can be used in place of the influence area to delineate the boundaries of the impact.

10. Estimates of Trip Distribution Required - Trip distribution can be estimated using any one of the following three methods:
- A. Analogy
 - B. Trip distribution model
 - C. Surrogate data

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.

11. Trip Assignments - Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing five hundred [500] or more additional peak direction trips to or from the development during the development's peak hour) through the internal streets. When the development has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

- A. Determine the percentage of pass-by trips in the total trips generated.
- B. Estimate a trip distribution for the pass-by trips.
- C. Perform two separate trip assignments, based on the new and pass-by trip distributions.
- D. Combine the pass-by and new trip assignment.

Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the street system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

12. Total Traffic Impacts - Traffic estimates for any development with current traffic activity must reflect not only new traffic associated with the development, but also the trips subtracted from the traffic stream because of the removal of a land use. The traffic impact report should clearly depict traffic estimate and its components.

13. Capacity Analysis - Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for street segments deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal streets, parking facility access points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.

The recommended level-of-service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed. The Township considers the overall level-of-service ratings A, B, C, and D to be acceptable for signalized intersections (levels C or better are considered desirable); level-of-service E or F is considered to be unacceptable.

The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

14. Required Levels of Service - The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from, and within and past, the proposed development, while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, not allowed to deteriorate to worse than C if they are currently A or B, and improved to D if they are E or F.

15. Documentation Required - A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

A. The documentation for a traffic impact study shall include, at a minimum:

- a. Study purpose and objectives.
- b. Description of the development and study area.
- c. Existing conditions in the area of the development.
- d. Recorded or approved nearby development.
- e. Trip generation, trip distribution, and modal split.
- f. Projected future traffic volumes.
- g. An assessment of the change in street operating conditions resulting from the development traffic.
- h. Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the development at an acceptable and safe level of service.

B. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.

- C. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required.
- D. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
- E. To facilitate examination by the Township, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions and recommendations.
- F. The report documentation outlined above provides a framework for site traffic access/impact reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

320.3. Improvements:

1. Responsibility for Improvements - The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development.
2. Coordination with Township Requirements - The applicant shall be responsible for other improvements as may be agreed to with the Board of Supervisors to be installed or paid for by the applicant consistent with provisions of Article V-A of the Act.

Section 321 Required Nutrient Management Plans

All intensive agricultural operations with more than two thousand (2,000) pounds live weight of livestock or poultry per acre shall comply with the Pennsylvania “Nutrient Management Act” of 1993, as may be amended.

Section 322 Steep Slope Requirements

- 322.1. Procedure – Prior to the filing of a subdivision plan, land development plan, or a building permit, all applications involving steep slopes are subject to this section and shall be reviewed and approved by the Board of Supervisors after review by the Planning Commission and/or any other specified agent of the Township. The review process shall be the same as that applied to conditional uses (see Section 704). Should the Board of Supervisors determine that the applicant’s statement does not adequately address the requirements, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with environmental conditions, the application shall be denied. As an alternative, the Board of Supervisors may approve the application with conditions imposed that directly respond to the application’s deficiencies
- 322.2. General Requirements - Steep slopes are defined as those areas having slopes of fifteen percent (15%) or greater. All applications for lands with steep slopes shall require the preparation of a statement by a Commonwealth-registered engineer or architect which includes the following:

1. A topographic map of the lot which highlights those areas that possess slopes of fifteen percent (15%) or greater and twenty-five percent (25%) or greater. Also reflected on this map should be all existing and proposed site improvements, including buildings, streets, driveways and on-lot utilities.
2. A detailed description of the methods that are being used to:
 - A. Avoid the clearing of vegetation in areas that have a high potential for soil erosion.
 - B. Overcome foundation problems in construction of structures.
 - C. Prevent the construction of structures and other site improvements on areas with slopes exceeding twenty-five percent (25%).
 - D. Minimize grading throughout the lot.
 - E. Protect and preserve any natural diversity sites that coincide with the steep-sloped areas of the lot.
 - F. Protect water quality on and around the lot from the adverse effects of the proposed use.
 - G. Manage storm water.
 - H. Protect any environmental conditions or uses on adjoining lots.
 - I. Maintain vegetation on any part of the lot not used for buildings or other impervious surfaces.

- 322.3. Disputes Over the Presence/Location of Steep Slopes - Should a dispute concerning the presence, extent and/or location of steep slopes arise, the initial determination of the Zoning Officer may be appealed to the Board of Supervisors. In such instances, the burden of proof shall rest with the applicant.

Section 323 Well Drilling Requirements

- 323.1. General Requirements - Prior to the issuance of a zoning permit for a use to be served by an individual well or a community water system, the applicant shall demonstrate compliance with the following requirements:
1. The applicant provide certification from a well driller that the well or community water system is capable of supplying potable water at a minimum rate of four hundred (400) gallons per day per unit of occupancy at a demand rate of not fewer than three (3) gallons per minute for one (1) hour, either with or without the use of a storage system.
 2. If a storage system is needed to meet the above minimum requirements, the applicant shall note the required capacity of such storage system together with well water yield and well water quality results. The Zoning Officer shall make a note of the same information on all subsequent zoning permits issued for the use.

Section 324 Materials and Waste Handling Requirements

- 324.1. All principal commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:

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1. Listing of all materials to be used and/or produced on the lot.
 2. Listing of all wastes generated on the lot.
 3. Written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:
 - A. the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101).
 - B. the Pennsylvania Solid Waste Management act (Act 97).
 - C. the Federal Emergency Management Act.
 - D. the Federal Superfund Amendment and Reauthorization Act.
 - E. the Pennsylvania Hazardous Materials Emergency Planning and Response Act.
 - F. the Pennsylvania Low-Level Radioactive Waste Disposal Act.

Section 400 Specific Standards for Special Exception and Conditional Uses

In addition to the general criteria listed in Sections 604.3. and 704, the following sets forth standards that shall be applied to each individual special exception or conditional use. These standards must be satisfied prior to approval of any application for a special exception or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

For the purposes of this Article, any required setbacks imposed upon special exceptions or conditional uses shall be measured from the lot lines of the lot for which the special exception or conditional use is requested, regardless of whether or not this line corresponds to a lot line or a lease line.

Section 401 Accessory Building Apartments

- 401.1. Within the (VO) Zone, accessory building apartments are permitted by special exception, subject to the following criteria:
- 401.2. Only one (1) accessory apartment shall be permitted as an accessory use to a principal owner-occupied single-family detached dwelling. No accessory apartment shall comprise more than fifty percent (50%) of the floor space contained within the accessory building.
- 401.3. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.
- 401.4. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
- 401.5. All dwelling units shall have direct means of escape to ground level.
- 401.6. Four (4) off-street parking spaces shall be provided.
- 401.7. The applicant shall obtain any required land development approvals.

Section 402 **Adult-Related Facilities**

- 402.1. Within the (HC) Zone, adult-related facilities are permitted by conditional use, subject to the following criteria:
- 402.2. An adult-related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility.
- 402.3. No adult-related facility shall be located within six hundred (600) feet of any residentially-zoned land.
- 402.4. No adult-related facility shall be located within six hundred (600) feet of any lot that contains any one or more of the following specified land uses:
1. Amusement park.
 2. Camp (for minors' activity).
 3. Day-care facility.
 4. Church or related uses.
 5. Community center.
 6. Museum.
 7. Park.
 8. Playground.
 9. School.
 10. Other lands where minors congregate.
- 402.5. The distance between any two adult-related facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of each adult-related facility. The distance between any adult-related facility and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the adult-related facility to the closest point on the lot line of said land use.
- 402.6. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises of an adult-related facility shall be exhibited or displayed outside of a building or structure.
- 402.7. Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- 402.8. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- 402.9. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- 402.10. No adult-related facility may change to another adult-related facility, except upon approval of an additional conditional use.
- 402.11. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.

Section 405 Automobile Filling Stations, Including Minor Incidental Repair

- 405.1. Within the (NC and HC) Zones, automobile filling stations, including minor incidental repair, are permitted by conditional use, subject to the following criteria:
- 405.2. The lot shall have a minimum width of one hundred twenty-five (125) feet.
- 405.3. The lot shall front on an arterial or collector street.
- 405.4. The lot shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, park, library, hospital or nursing, rest or retirement home.
- 405.5. The outdoor storage of motor vehicles, whether capable of movement or not, for more than one (1) month is prohibited.
- 405.6. All structures (including gasoline pump islands, but not including permitted signs) shall be set back at least thirty-five (35) feet from any street right-of-way line.
- 405.7. No outdoor storage of automobile parts shall be permitted.
- 405.8. Access drives shall be a minimum of thirty (30) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from edge to edge.
- 405.9. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially-zoned lots.
- 405.10. The applicant shall furnish evidence that all facilities comply with State and Federal regulations and the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations.
- 405.11. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 406 Automobile Service

- 406.1. Within the (HC) Zone, automobile service is permitted by conditional use, subject to the following criteria:
- 406.2. All uses involving drive-thru service shall provide sufficient on-lot stacking lanes to prevent vehicle back-ups on adjoining streets.
- 406.3. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service operation, shall be permitted.
- 406.4. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned lots or streets.
- 406.5. The storage of unlicensed vehicles is prohibited.
- 406.6. Any ventilation equipment outlets associated with the service area(s) shall not be directed

towards any adjoining residentially-zoned lots.

- 406.7. All vehicles shall be repaired and removed from the premises promptly.
- 406.8. The demolition or junking of vehicles is prohibited.
- 406.9. The applicant shall furnish evidence that all facilities comply with State and Federal regulations and the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations.
- 406.10. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 407 Bed and Breakfast

- 407.1. Within the (A, AH and C) Zones, bed and breakfasts are permitted by special exception, subject to the following criteria:
- 407.2. All bed and breakfast rooms shall be located in an existing single-family detached dwelling, or an accessory building thereto.
- 407.3. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
- 407.4. All floors above and below grade shall have direct means of escape to ground level.
- 407.5. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- 407.6. All parking areas shall be set back a minimum of twenty-five (25) feet from all lot lines.
- 407.7. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back a distance at least equal to its height from every lot line.
- 407.8. Meals shall be offered only to registered overnight guests.
- 407.9. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- 407.10. The applicant shall furnish proof of approval from the PA Department of Labor and Industry.

Section 408 Billboards

- 408.1. Within the (I) Zone, billboards are permitted by conditional use, subject to the following criteria:
- 408.2. No billboard shall be located within one thousand (1,000) feet of another billboard.
- 408.3. All billboards shall be a minimum of fifty (50) feet from all lot lines.

- 408.4. All billboards shall be set back at least one thousand (1000) feet from any land within a residential zone.
- 408.5. No billboard shall obstruct the view of motorists on adjoining streets, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
- 408.6. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.
- 408.7. All lots upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.
- 408.8. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 409 Boarding House

- 409.1. Within the (R-1) Zone, boarding houses are permitted by special exception, subject to the following criteria:
- 409.2. The following minimum lot area requirements shall be provided:

Minimum Required Lot Size	plus	Additional Lot Area Per Boarder (up to 10 boarders)
10,000 sq. ft.	plus	500 sq. ft.

- 409.3. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.
- 409.4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
- 409.5. All floors above, or below grade shall have direct means of escape to ground level.
- 409.6. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- 409.7. All parking areas shall be set back a minimum of twenty-five (25) feet from all lot lines.
- 409.8. One (1) sign, not to exceed twelve (12) square feet, shall be permitted.
- 409.9. The applicant shall furnish proof of any needed land development approvals and approval from the PA Department of Labor and Industry.

Section 410 Campground

- 410.1. Within the (C) Zone, campgrounds are permitted by conditional use on a minimum lot of ten

(10) acres, subject to the following criteria:

- 410.2. Setbacks - All campsites shall be located at least fifty (50) feet from any side or rear lot line and at least one hundred (100) feet from any public street line.
- 410.3. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile, which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
- 410.4. An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.
- 410.5. All outdoor play areas shall be set back one hundred (100) feet from any lot line and screened from adjoining residentially-zoned lots. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- 410.6. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any lot line. Such facilities shall be screened from adjoining residentially-zoned lots.
- 410.7. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any lot line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road system rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned lots.
- 410.8. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street, and shall be located on lands that are not characterized by a majority of prime agricultural soils.
- 410.9. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential zone, and, at least twenty-five (25) feet from adjoining lot lines.
- 410.10. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any lot line. Responsibility for maintenance of the recreation area shall be with the landowner.
- 410.11. During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground.
- 410.12. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.

- 410.13. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast

upon adjacent lots or public streets.

Section 411 Car Washes

- 411.1. Within the (HC) Zone, car washes are permitted by conditional use, subject to the following criteria:
- 411.2. Public sewer and public water facilities shall be utilized and gray water recycling is encouraged.
- 411.3. Each washing bay shall be provided with a one hundred (100) foot long on-lot stacking lane.
- 411.4. All structures housing washing apparatus shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear lot line, and twenty (20) feet from any side lot line.
- 411.5. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.
- 411.6. The car wash shall front on an arterial or collector street.
- 411.7. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.
- 411.8. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 412 Cemetery

- 412.1. Within the (A, AH, R, R-1 and VO) Zones, cemeteries are permitted by conditional use, subject to the following criteria:
- 412.2. One caretaker's residence shall be permitted within a cemetery provided the area of the cemetery is a minimum of two (2) acres.
- 412.3. All burial plots or facilities shall be set back a minimum of ten (10) feet from all side and rear lot lines and a minimum of fifty (50) feet from all street right of way lines.
- 412.4. No burial plots or facilities are permitted within a floodplain zone.
- 412.5. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the cemetery from backing onto public streets, and all required parking shall be located on the cemetery lot.
- 412.6. An ornamental fence or densely planted buffer strip shall be required where the lot abuts an existing residence or residentially zoned lots.

Section 413 Churches and Related Uses

- 413.1. Within the (A, AH, R, R-1 and VO) Zones, churches and related uses are permitted by conditional use, subject to the following criteria:
- 413.2. Within the (A and AH) Zones, the maximum lot area shall be fifteen (15) acres.
- 413.3. Except within the (VO) Zone, all parking areas shall be set back a minimum of twenty-five (25) feet from all lot lines.
- 413.4. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the church and related uses from backing onto public streets, and all required parking shall be located on the church lot.
- 413.5. Passenger “drop-off” and “pick-up” areas shall be provided on the lot and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the lot.
- 413.6. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- 413.7. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.
- 413.8. Those uses involving intensive outdoor activities shall provide sufficient screening and other landscaping measures to mitigate any visual or audible impacts on adjoining residential lots.
- 413.9. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation.

Section 414 Cluster Developments

- 414.1. Within the (R-1) Zone, cluster developments are permitted by conditional use, subject to the following criteria:
- 414.2. Purpose - This conditional use is intended to blend various residential development types amid areas of the Township that are characterized by severe development constraints and/or natural sensitivity. It is the express purpose to offer a density bonus and flexible design standards as enabled in the Act for the preservation and protection of natural-cultural features and/or the provision of public accessible common open space.
- 414.3. The minimum lot area devoted to a cluster development shall be two (2) acres.
- 414.4. All proposed dwellings shall be connected to and served by both public sewer and public water utilities.
- 414.5. Delineation of Required Common Open Space - As part of the site planning process for the

cluster development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the development. Such features shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed development site:

- 100-year floodplains.
- steep slopes [greater than fifteen percent (15%)].
- wetlands, streams, ponds, or other water bodies.
- sinkholes, caves, or other significant geologic features.
- threatened or endangered species habitats.
- archaeological resources.
- historic resources.
- significant vistas.
- significant stands of mature trees.

In addition, the applicant may include proposed parklands within required common open space if such parkland complies with the following:

1. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, the parkland shall have at least one (1) area available for vehicular access that is no less than twenty-four (24) feet in width.
2. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility.
3. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the parkland area shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved parkland area shall be provided with a healthy and vibrant grass ground cover.
4. The parkland shall be located and designed to conveniently access appropriate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the parkland.
5. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses.
6. The parkland shall comply with any applicable design, orientation, size and location guidelines listed in the Township's Official Recreation Plan for its particular neighborhood.

414.6. Required Ratio of Housing Types - The following tabulates permitted residential structure types and densities within cluster developments based upon the extent of proposed common open space:

Proposed Common Open Space (Percent of Total Site Area)	Percentage of Dwelling Units Required by Structural Type		
	Single-Family Detached	Duplex	Townhouses or Multiple-Family Dwellings
No less than 30%	At least 90%	No more than 10%	No more than 10%
31 to 50%	At least 65%	No more than 35%	No more than 35%
51 to 65%	At least 30%	No more than 70%	No more than 70%
65% or more	No more than 100%	No more than 100%	No more than 100%

414.7. Required Design Standards - Within cluster developments, the maximum permitted residential density is five (5) dwelling units per net acre, including common open space. The following table and its footnotes present applicable design standards applied to the various dwellings and lots:

Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Setback/(Frontage)		Maximum Lot Coverage	Minimum Required Setbacks			
						Front ⁴	One Side	Both Sides	Rear ⁵
Single-Family Detached Dwelling	6,000 sq. ft.	35 ft.	60 ft.	(50 ft.)	50%	35 ft. ¹	6 ft. ³	12 ft.	15 ft.
Duplexes	3,500 sq. ft. per unit	35 ft.	45 ft.	(40 ft. per unit)	60%	35 ft.	10 ft.	N/A	15 ft.
Townhouses ²	1,800 sq. ft. per unit	35 ft.	18 ft.	(18 ft. per unit)	75%	35 ft.	15 ft.	(End Units)	20 ft.
Multiple-Family ³	43,560 sq. ft.	35 ft.	150 ft.	(200 ft.)	60%	35 ft.	30 ft.	60 ft.	35 ft.

¹ Within a cluster development, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- a. Minimum lot width shall be forty-five (45) feet and thirty-five (35) feet at the building setback and the lot frontage, respectively.
- b. One side wall of the structure may be located no less than one (1) inch from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side setback shall be at least ten (10) feet wide.
- c. A perpetual six (6) foot wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which, with the exception of freestanding walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the lot. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.
- d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so

designed that water runoff from the dwelling place on the lot line is limited to the easement area.

- e. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight (8) feet above grade and have translucent panels.

² No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front setback; the minimum variation of setback shall be two

(2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter lot lines of the development. In those instances where several townhouse buildings are located on the same lot, the following footnote 3 shall apply.

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

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by a similar or greater distance at the other end.
- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- d. All multiple-family dwelling buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly-held lands.

⁴ If the development abuts an arterial street, the minimum front setback shall be thirty-five (35) feet from the right-of-way line. Except for multiple-family dwellings, the minimum front setback for accessory residential garages shall be twenty (20) feet.

⁵ Where dwellings abut common open space to the rear, the minimum required rear setback shall be reduced to twenty (20) feet.

414.8. The ownership and maintenance of common open space shall be governed by Section 319.

Section 415 Commercial Day-Care Facility

415.1. Within the (NC) Zone, commercial day-care facilities are permitted by conditional use, subject to the following criteria:

415.2. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front setback. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned lots. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (i.e., shall not be poisonous, thorny, etc.). All outdoor play areas must provide a means of shade, such as by use of shade trees or pavilions.

415.3. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period.

415.4. Passenger “drop-off” and “pick-up” areas shall be provided on the lot and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the lot.

- 415.5. One (1) off-street parking space shall be provided for each six (6) persons enrolled.
- 415.6. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

Section 416 Commercial Recreation Facility

- 416.1. Within the (HC) Zone, commercial recreation facilities are permitted by conditional use, subject to the following criteria:
- 416.2. If the lot containing the commercial recreation facility contains more than two (2) acres, it shall front on an arterial or collector street.
- 416.3. Those uses involving extensive outdoor activities shall provide sufficient screening and other landscaping measures to mitigate any visual or audible impacts on adjoining lots.
- 416.4. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all lot lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.
- 416.5. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, noise, light, litter, dust and pollution.
- 416.6. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Section 311. In addition, an unimproved grassed overflow parking area to be provided for peak use periods may be required. Such overflow parking areas shall be accessible only from the interior drives of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing into adjoining lots or directly accessing adjoining streets.
- 416.7. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining streets during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining streets. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic back-ups are occurring on adjoining streets, and such back-ups are directly related to the means of access to the commercial recreation facility, the Township can require the applicant to revise means of access to relieve the undue congestion.
- 416.8. Any outside pedestrian waiting lines shall be provided with a means of shade.
- 416.9. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 417 Communication Antennas, Towers and Equipment

- 417.1. Within any Zone, an antenna may be installed upon an existing structure if the height of the antenna does not exceed the height of the existing structure by twenty-five (25) feet. The applicant shall obtain a permit prior to the installation of the antenna and shall present the Zoning Officer with evidence that the antenna shall be properly installed, that the applicant has received all necessary approvals from the Federal Aviation Administration and Federal Communications Commission, and that the antenna will be removed when the applicant ceases using the facility.

- 417.2. Within the (I and C) Zones, communication antennas, towers and equipment shall be permitted by conditional use, subject to the following:
- 417.3. The applicant shall demonstrate that the location is necessary for the efficient operation of the system and that no existing facilities within the proximity of the facility are adequate for collocation.
- 417.4. Any new structure shall be set back from each lot line of the parent tract a distance at least equal to its height; however, in no event shall the structure exceed a height of two hundred fifty (250) feet. This setback shall also be applicable to guide wire anchors for the communication tower. If the applicant presents evidence that the structure will collapse rather than fall in the event of damage, the Zoning Hearing Board may, by special exception, reduce the required setback to a distance the Zoning Hearing Board, in its discretion, determines is adequate to protect the public and adjoining lots. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent (1) the toppling of any communication tower onto adjoining lots or streets, and (2) the wind-borne scattering of ice onto adjoining lots or streets.
- 417.5. All towers shall be completely enclosed by a ten (10) foot high fence and a gate that shall be kept locked at all times.
- 417.6. All ground-mounted satellite dishes that are used to transmit video format data shall be completely enclosed by a ten (10) foot high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.
- 417.7. The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communications Commission.
- 417.8. The applicant shall submit a plan for the removal of the communication tower and the communication antenna when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- 417.9. In order to reduce the number of antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including, but not limited to, police, fire and emergency services.

Section 418 Drive-Thru or Fast-Food Restaurant

- 418.1. Within the (HC) Zone, drive-thru and fast-food restaurants are permitted by conditional use, subject to the following criteria:
- 418.2. The lot containing the use shall front on an arterial or collector street.
- 418.3. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.

- 418.4. All drive-thru window-lanes shall be separated by curb from the interior drives of the parking lot.
- 418.5. Any exterior speaker or microphone system shall be arranged and screened to prevent objectionable noise impact on adjoining lots.
- 418.6. All exterior seating and play areas shall be completely enclosed by a three (3) foot high fence.
- 418.7. No part of the lot shall be located within two hundred (200) feet of any residentially-zoned land.
- 418.8. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 419 Dry Cleaners, Laundries and Laundromats

- 419.1. Within the (NC) Zone, dry cleaners, laundries and laundromats are permitted by conditional use, subject to the following criteria:
- 419.2. All activities shall be conducted within a completely-enclosed building.
- 419.3. During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed.
- 419.4. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned lots.
- 419.5. Self-service laundromats shall require one (1) off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area.

Section 420 Farm Occupation

- 420.1. Within the (A) Zone, a farm occupation is permitted by special exception, subject to the following:
- 420.2. Only one farm occupation is permitted per farm; the farm occupation must be conducted as an accessory use to the farm.
- 420.3. No more than three (3) nonresidents shall be employed by the farm occupation, and at least one (1) owner of the farm occupation must reside on the farm. For the purposes of this section, “employed” shall be defined as involved in the on-lot conduct of the farm occupation.
- 420.4. The use must be conducted within one (1) completely enclosed building. No external activities or storage shall be permitted. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the principal buildings of the farm or must be no less than one hundred (100) feet from any adjoining streets or lots.

- 420.5. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
- 420.6. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the lot or zoning lines.
- 420.7. The farm occupation shall occupy no more than two thousand (2,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation. Vehicular access to the farm occupation shall be limited to the existing cartways of the farm.
- 420.8. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.
- 420.9. Any sign used for a farm occupation shall not exceed twelve (12) square feet in size, and shall be set back a distance at least equal to its height from every lot line.
- 420.10. Retail sales shall be limited to goods and materials that are incidental to production on the lot. In no case shall the area devoted to retail sales comprise more than twenty percent (20%) of the gross floor area.
- 420.11. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County that have been contracted to dispose of the materials and wastes used or generated on-lot or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner of the farm occupation shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

Section 421 Farmers' and/or Flea Markets

- 421.1. Within the (HC) Zone, farmers' and/or flea markets are permitted by conditional use, subject to the following criteria:
- 421.2. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and outdoor areas as listed above.
- 421.3. The retail sales area shall be set back at least fifty (50) feet from all lot lines and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.

- 421.4. Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area.
- 421.5. Off-street loading shall be calculated upon the retail sales area described above.
- 421.6. All outdoor display and sales of merchandise shall cease no less than one (1) hour prior to dusk.
- 421.7. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining lots.
- 421.8. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- 421.9. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 422 Golf Course

- 422.1. Within the (AH) Zone, golf courses are permitted by conditional use, subject to the following:
- 422.2. 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.
- 422.3. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:
 - A. Each crossing shall be perpendicular to the traffic movements.
 - B. Only one (1) street, access drive or driveway may be crossed at each location.
 - C. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection.
 - D. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the street, access drive or driveway. No permanent obstruction over three (3) feet high shall be placed within this area.
 - E. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.

- F. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing.
 - G. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
 - H. Golf 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 roadway crossing of the tunnel shall comply with PennDOT standards.
- 422.4. All golf course buildings shall be set back seventy-five (75) feet from any adjoining streets and one hundred (100) feet from adjoining residential lots.
- 422.5. Golf courses may include the following accessory uses, provided such uses are reasonably sized and located so as to provide incidental service to the golf course employees and users:
- 1. Clubhouse, which may consist of:
 - A. Restaurant, snack bar, lounge, and banquet facilities.
 - B. Locker and rest rooms.
 - C. Pro shop.
 - D. Administrative offices.
 - E. Golf cart and maintenance equipment storage and service facilities.
 - F. Guest lodging for those using the golf course, provided:
 - no lodging units have separate exterior means of ingress/egress.
 - all lodging units shall be contained within the main clubhouse.
 - such guest lodging shall have a total occupancy of no more than twenty (20) persons.
 - G. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.
 - H. Game rooms, including card tables, billiards, ping-pong, and other similar table games.
 - I. Baby-sitting rooms and connected fence-enclosed playlots.
 - 2. Accessory recreation amenities located outside of a building, including:
 - A. Driving range, provided that no lighting is utilized.
 - B. Practice putting greens.
 - C. Swimming pools.
 - D. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts.
 - E. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses.
 - F. Picnic pavilions, picnic tables, park benches, and barbecue pits.
 - G. Hiking, biking, horseback riding, and cross-country ski trails.
 - H. Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
 - 3. Freestanding maintenance equipment and supply buildings and storage yards.
- 422.6. All outdoor storage of maintenance equipment and golf carts shall be set back at least one

hundred (100) feet and screened from adjoining streets and residential lots.

- 422.7. All dumpsters, off-street parking and off-street loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining streets.
- 422.8. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 423 Hazardous Waste Facility

- 423.1. Within the (I) Zone, hazardous waste facilities are permitted by conditional use, subject to the following criteria:
- 423.2. Any storage or treatment of hazardous waste shall be conducted within a wholly-enclosed building.
- 423.3. No building used for storage or treatment of hazardous waste shall be located within two hundred feet (200) of any lot line and five hundred (500) feet of any land within a residential zone.
- 423.4. Any external area used for the loading, unloading or transfer of hazardous waste to or from a building used to store or treat such hazardous waste must be completely screened from view at all lot lines. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by an eight (8) foot high fence with no openings greater than two (2) inches in any direction.
- 423.5. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 423.6. The use shall be screened from all adjoining residentially-zoned lots.
- 423.7. All uses shall provide sufficiently-long stacking lanes into the facility so that vehicles waiting to load, unload or transfer hazardous waste will not back-up onto public streets.
- 423.8. All access drives, parking, loading, unloading or transfer areas within the lot shall be paved.
- 423.9. Access to the lot shall be limited to those posted times when an attendant is on duty. All areas of the lot shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- 423.10. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.
- 423.11. The loading, unloading, transfer, storage and treatment of hazardous waste shall be continuously supervised by a qualified facility operator.
- 423.12. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township.
- 423.13. The applicant shall provide a traffic impact study.

- 423.14. A minimum one hundred (100) foot wide landscape strip shall be located along all lot lines. No structures, parking, loading, unloading, transfer area or any other related activity or operation shall be permitted within this landscape strip.
- 423.15. The applicant shall furnish expert testimony regarding emergency preparedness measures provided or otherwise available to respond to potential hazards regarding the spill of hazardous waste materials during storage or transport to and from the lot, and potential hazards regarding clean up of hazardous waste materials upon the lot.
- 423.16. No hazardous waste facility shall be located within one (1) mile of another, as measured in a straight line between closest lot lines.

Section 424 Heavy Equipment Sales, Service and Repair Facilities

- 424.1. Within the (I) Zone, heavy equipment sales, service and repair facilities are permitted by conditional use, subject to the following criteria:
- 424.2. All service and repair activities shall be conducted within a completely-enclosed building.
- 424.3. All uses involving drive-thru service shall provide sufficient on-lot stacking lanes to prevent vehicle back-ups on adjoining streets.
- 424.4. All exterior storage and display areas shall be screened from adjoining residentially-zoned lots. All exterior storage and display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered with an all-weather, dust-free surface.
- 424.5. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the lot is prohibited.
- 424.6. Any ventilation equipment outlets associated with service or repair work areas shall not be directly toward any adjoining residentially-zoned lots.
- 424.7. All vehicles shall be repaired and removed promptly from the premises.
- 424.8. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 425 Heavy Industrial Uses

- 425.1. Within the (I) Zone, heavy industrial uses are permitted by conditional use, subject to the following criteria:
- 425.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
1. The nature of the on-lot processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and by-products. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed lot size.
3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts

generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.

4. A traffic impact study.

Section 426 Home Improvement and Building Supply Stores

- 426.1. Within the (HC) Zone, home improvement and building supply stores are permitted by conditional use, subject to the following criteria:
- 426.2. If the lot containing the use contains more than two (2) acres, it shall front along an arterial or collector street.
- 426.3. The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above.
- 426.4. Off-street parking shall be provided at the rate of one space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area.
- 426.5. All exterior retail sales areas shall include a dust-free surface and a completely enclosed six (6) foot high fence and gate.
- 426.6. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining streets and lots.
- 426.7. The applicant shall furnish expert evidence that any exterior amplified public address system and exterior lighting has been arranged and designed so as to prevent objectionable impact off the lot.
- 426.8. Any drilling, cutting, sawing, mixing, crushing or some other preparation of building materials, plus any testing or repair of motorized equipment shall be conducted within a completely enclosed building.
- 426.9. The applicant shall submit a traffic impact study.

Section 427 Home Occupation

- 427.1. Within the (A, AH, R, R-1, and C) Zones, home occupations are permitted by special

exception, and within the (VO) Zone, home occupations are permitted by conditional use, subject to the following criteria:

- 427.2. The use shall be clearly incidental to the primary use of the building as a dwelling for living purposes.
- 427.3. No more than two (2) nonresident employees shall be permitted.
- 427.4. No more than one (1) home occupation may be located in any dwelling unit.
- 427.5. The home occupation shall not alter the appearance of the building as a dwelling unit.
- 427.6. No mechanical equipment shall be employed in a home occupation that shall be perceptible beyond the building (i.e., noise, light, dust, odor, appearance, electromagnetic interference). No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for wastewater treatment.
- 427.7. No sales of any goods or merchandise shall occur on the premises other than those goods or merchandise which are produced on the premises, except that limited sales of products incidental to the home occupation shall be permitted (e.g., shampoo, accessories, etc.). Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the home occupation.
- 427.8. No goods shall be displayed so as to be visible from the exterior of the premises.
- 427.9. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit, or five hundred (500) square feet, whichever is less.
- 427.10. No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes.
- 427.11. In addition to the required parking spaces for the dwelling unit, one (1) parking space per employee and per potential patron on lot at one time shall be provided.
- 427.12. Only one (1) sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to two (2) square feet within the (R-1) Zone, and twelve (12) square feet elsewhere.
- 427.13. The applicant shall submit evidence of all applicable State approvals.
- 427.14. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County that have been contracted to dispose of the materials and wastes used or generated on-lot or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the home occupation change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance

with the requirements of this Section.

- 427.15. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be provided.

Section 428 Hospital

- 428.1. Within the (HC) Zone, a hospital is permitted by conditional use, subject to the following criteria:
- 428.2. The following uses shall be permitted as part of, or accessory to, the hospital:
1. Intermediate care and skilled nursing facilities.
 2. Medical and dental offices.
 3. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities.
 4. Health and fitness facilities.
 5. Adult and child day care centers.
 6. Administrative offices.
 7. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility).
 8. Automobile parking lots and parking garages.
 9. Retail sales of medical and health care related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales and service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber and beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of all buildings on the hospital lot.
 10. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers or the public regarding health care issues.
- 428.3. Minimum Lot Area – Five (5) acres.
- 428.4. The facility shall be served with public sanitary sewer and public water facilities.
- 428.5. The hospital lot shall have frontage along an arterial or collector street.
- 428.6. Adequate provision shall be made for a system of streets sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.
- 428.7. All parking lots shall be set back at least twenty (20) feet from any adjoining right of way or lot line.
- 428.8. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons.

- 428.9. Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facility.
- 428.10. Emergency entrances shall be located on a building wall which faces away from adjoining residentially-zoned lots or which is separated by at least three hundred (300) feet from all residentially-zoned lots.
- 428.11. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining residentially-zoned lots. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting. The minimum width of the screen shall be twenty (20) feet.
- 428.12. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the facility.
- 428.13. All dumpsters shall be set back a minimum of one hundred (100) feet from any adjoining residentially-zoned, screened from adjoining streets or lots, and completely enclosed within a fenced enclosure equipped with a self-latching door or gate.
- 428.14. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County that have been contracted to dispose of the materials and wastes used or generated on-lot or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis.

Section 429 Intensive Agricultural Operation

- 429.1. Within the (A) Zone, an intensive agricultural operation is permitted by conditional use, subject to the following criteria:
- 429.2. Minimum lot area - Twenty (20) acres.
- 429.3. Minimum lot width - Two hundred (200) feet at building setback line.
- 429.4. Maximum lot coverage - Ten percent (10%).
- 429.5. Maximum permitted height.
1. Principal agricultural uses and structures - Fifty (50) feet.
 2. All other principal uses and structures - Thirty-five (35) feet.
- 429.6. Minimum setback requirements.
1. Front setback - Fifty (50) feet.
 2. Side setbacks - Fifty (50) feet on each side.
 3. Rear setback - Fifty (50) feet.
- 429.7. Any area used for the housing, feeding and watering, and/or outdoor running of livestock shall be setback as follows:
1. A minimum of fifty (50) feet from all lot lines.
 2. A minimum of seventy-five (75) feet from all street centerlines.

3. A minimum of five hundred (500) feet from all existing dwelling units other than the dwelling unit owned by the person operating the intensive agricultural operation.
 4. A minimum of five hundred (500) feet from all residentially zoned land.
- 429.8. The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with the Pennsylvania “Nutrient Management Act” of 1993. All subsequent operations on the site shall be required to strictly adhere to an approved manure management plan.
- 429.9. The applicant shall furnish evidence from the Lancaster County Conservation District that the proposed use has an approved conservation plan.
- 429.10. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals.
- 429.11. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the lot line of the lot on which the agricultural use is located. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining lots;

Section 430 Junkyard

- 430.1. Within the (I) Zone, junkyards are permitted by conditional use, subject to the following criteria:
- 430.2. Minimum Lot Area - Ten (10) acres.
- 430.3. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high, sight-tight fence which shall be set back at least fifty (50) feet from all lot lines and one hundred (100) feet from residentially-zoned lots.
- 430.4. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
- 430.5. All completely-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all lot lines.
- 430.6. No material may be stored or stacked so that it is visible from adjoining lots and streets.
- 430.7. All additional Federal and State laws shall be satisfied.
- 430.8. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and no junk shall be piled to a height greater than eight (8) feet.
- 430.9. No material shall be burned at any time.
- 430.10. 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.

- 430.11. No junkyard shall be located on land with a slope in excess of five percent (5%).

Section 431 Kennel

- 431.1. Within the (A and C) Zones, kennels containing up to 20 dogs one (1) year old or older are permitted by special exception, subject to the following criteria:
- 431.2. All animal boarding buildings that are not completely-enclosed, and any outdoor animal pens, stalls or runways, shall be located within the rear yard.
- 431.3. All animal boarding buildings that are not completely-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all lot lines and five hundred (500) feet from any lot located within a residential zone.
- 431.4. The applicant shall furnish evidence of an effective means of animal waste disposal that shall be continuously implemented.
- 431.5. Minimum Lot Area - Ten (10) acres.
- 431.6. Operations of kennels shall comply with the Dog Law Act of December 7, 1982, P.L. 84, No. 225, as amended 3 P.S. 459-101 et. seq., and all applicable regulations of the Department of Agriculture.
- 431.7. Upon successful operation for a period of not less than three (3) years, the number of adult dogs may be increased by special exception subject to Section 431.2 through 431.6
Successful operation shall include
1. No zoning violations of the property
 2. No violations of the Pennsylvania Dog Law Act
 3. Minimal or low impact of the operation to the neighborhood
 4. Resolution to the Township Supervisor's satisfaction of any and all complaints filed with the Township or other agencies
 5. Evidence of compliance with all township requirements

Section 432 Liquor Store

- 432.1. Within the (HC) Zone, liquor stores are permitted by conditional use, subject to the following criteria:
- 432.2. No part of the lot shall be located within one hundred fifty (150) feet of any residential zone.
- 432.3. No part of the lot shall be located within three hundred (300) feet of any school, museum, library, playground, park, day care, or church property.
- 432.4. The applicant shall demonstrate a working plan for the clean-up of litter and the prevention of loitering on the lot.

Section 433 Mineral Extraction

- 433.1. Within the (A) Zone, mineral extraction is permitted by conditional use, subject to the following criteria:
- 433.2. General – Mineral Extraction Operations
1. May not substantially injure or detract from the lawful existing or permitted use of neighboring lots.
 2. May not adversely affect any public or private water supply source.
 3. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township.

4. May not create any significant damage to the health, safety, or welfare of the Township and its residents and landowners.
5. May not result in the land area subject to mineral extraction being placed in a condition that will prevent the use of that land for economically and ecologically productive uses upon completion of the mineral extraction operation.
6. Must demonstrate compliance with all applicable State regulations at all times.

433.3. Site Plan Requirements - As a part of each application the applicant shall furnish an accurately surveyed site plan on a scale no less than 1:2400, showing the location of the lots

to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:

1. The boundaries of the proposed land affected, together with the drainage area above and below the area.
2. The location and names of all streams, streets, railroads and utility lines on or immediately adjacent to the area.
3. The location of all buildings within one thousand (1,000) feet of the outer perimeter of the area affected, and the names and addresses of the landowners and present occupants.
4. The purpose for which each building is used.
5. The name of the landowner of the affected area and the names of adjacent landowners, the municipality, and the county.

433.4. Minimum Lot Area - Fifty (50) acres.

433.5. Fencing - A fence measuring at least eight (8) feet in height must enclose the area of actual mineral extraction. If a chain link fence is used, then said fence shall include a vegetative screen that is provided along the outside of the fence, away from the mineral extraction operations.

433.6. Setback - The following table identifies minimum setbacks imposed upon specific features of the mineral extraction operation from adjoining and nearby uses:

Mineral Extraction Feature	Existing Dwelling	Existing Nonresidential Building	Residential Zone	Adjoining Street	Public/ Nonprofit Park	Cemetery or Stream Bank	Adjoining Lot
stock piles or spoil piles	300 ft.	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
mineral processing equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
Mineral extraction pit	300 ft.	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
on-lot access roads and off-street parking, loading and vehicle storage and weighing facilities	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.
other operational equipment,	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.

Mineral Extraction Feature	Existing Dwelling	Existing Nonresidential Building	Residential Zone	Adjoining Street	Public/ Nonprofit Park	Cemetery or Stream Bank	Adjoining Lot
structures and improvements							

433.7. Access - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining streets and to avoid the creation of nuisances to nearby lots. Access drives used by trucks shall only intersect with collector or arterial streets.

1. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb

line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

Speed Limitation on Public Street (mph)	Required Sight Distance (feet)
25	240
30	275
35	315
40	350
45	425
50	475
55	550

2. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two-hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
3. In general, access drives shall intersect public streets at ninety degrees (90°) as site conditions permit, however in no case shall access drives intersect public streets at less than seventy degrees (70°). Said angle shall be measured from the centerline of the street to the centerline of the access drive.

433.8. Traffic Impact - The applicant shall furnish a traffic impact study.

433.9. Reclamation - The applicant shall demonstrate compliance with all reclamation plan requirements of the State. The applicant shall provide a detailed description of the proposed use of the lot once reclamation has been completed, including a description of any zoning or subdivision and land development approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township within thirty (30) days whenever a change in the reclamation plan is proposed to the PA DEP.

433.10. Screening - Where the proposed use adjoins a residential zone, an existing dwelling or a public street, screening shall be provided. Such screening shall be comprised of an earthen berm at least ten (10) feet in height. Such berm shall be located on the mineral extraction lot and placed so as to maximize the ability of the berm to absorb and block noise, dust, smoke and other adverse impacts generated by the proposed use and to block views of the use from adjacent streets and lots. The berm shall be completely covered and maintained in an approved vegetative ground cover. In addition, a landscape screen shall consist of evergreen shrubs and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of ten (10) feet. The high level screen shall consist of evergreen trees of not less than five (5) feet in height at the time of planting that shall be planted at intervals of not more than ten (10) feet. The low level screen shall consist of evergreen shrubs of not less than three (3) feet in height at the time of planting that shall be planted at

intervals of not more than five (5) feet. The landscape screen shall be permanently maintained.

433.11. Operations Progress Report - Within ninety (90) days after commencement of mineral extraction operations, and each year thereafter, the operator shall file an operations progress report with the Zoning Officer setting forth all of the following:

1. The name or number of the operation.
2. The location of the operation with reference to the nearest public street.
3. A description of the lots, including a site plan showing the location of all improvements, stockpiles, quarry pits and support operations.
4. The name and address of the landowner or his duly authorized representative.
5. An annual report of the type and quantity of mineral produced.
6. The current status of the reclamation work performed in pursuance of the approved reclamation plan.
7. A maintenance report for the operation that verifies that all required fencing, berming and screening has been specifically inspected for needed repairs and maintenance and that such needed repairs and maintenance has been performed.
8. Verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and any notices of violation issued by the PA DEP.

Section 434 Mini-Warehouse

434.1. Within the (HC and I) Zones, mini-warehouses are permitted by conditional use, subject to the following criteria:

434.2. Parking shall be provided by parking and driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

- 434.3. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers and boats, so long as such external storage area is screened from adjoining residentially-zoned lots and adjoining streets, and is located behind the minimum front setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- 434.4. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and machinery or other apparatus relying upon such fuels shall be stored only in an external storage area as described above.
- 434.5. An on-lot manager shall be required to be on the lot on a full-time basis and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. Any dwelling for a resident manager shall comply with all of those requirements listed within the (R-1) Zone, and shall be entitled to all residential accessory uses provided in this Ordinance.
- 434.6. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- 434.7. No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned lot.
- 434.8. Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
1. Auctions, commercial wholesale or retail sales, or garage sales.
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 4. The establishment of a transfer and storage business.
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
- The applicant shall adequately demonstrate that all mini-warehouses rental or use contracts shall specifically prohibit these uses.
- 434.9. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 435 Nightclub

- 435.1. Within the (HC) Zone, nightclubs are permitted by conditional use, subject to the following criteria:

- 435.2. No part of the lot shall be located within six hundred (600) feet of any residentially-zoned land.
- 435.3. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, light, and litter.
- 435.4. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.
- 435.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 436 Nursing, Rest or Retirement Homes

- 436.1. Within the (R-1) Zone, nursing, rest or retirement homes are permitted by conditional use, subject to the following criteria:
- 436.2. Minimum Lot Area - Two (2) acres.
- 436.3. All parking areas shall be set back a minimum of twenty-five (25) feet from all lot lines.
- 436.4. A nursing, rest or retirement home may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines.
- 436.5. The applicant shall furnish proof of any needed land development approvals.
- 436.6. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- 436.7. At least twenty percent (20%) of required parking spaces shall be designed for handicapped persons.
- 436.8. No more than twenty-seven (27) care beds per acre shall be permitted.

Section 437 Off-Track Betting Parlor

- 437.1. Within the (HC) Zone, off-track betting parlors are permitted by conditional use, subject to the following criteria:
- 437.2. An off-track betting parlor shall not be permitted to be located within one thousand (1,000) feet of any other off-track betting parlor.
- 437.3. No off-track betting parlor shall be located within one thousand (1,000) feet of any residentially-zoned land.
- 437.4. No off-track betting parlor shall be located within one thousand (1,000) feet of any lot which contains any one or more of the following specified land uses:
 - 1. Amusement park.

2. Camp (for minors' activity).
 3. Child day-care facility.
 4. Church or other similar religious facility.
 5. Community center.
 6. Museum.
 7. Park.
 8. Playground.
 9. School.
 10. Other lands where minors congregate.
- 437.5. The distance between any two off-track betting parlors shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of each establishment. The distance between any off-track betting parlor and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the

closest point on the exterior lot line of the off-track betting parlor to the closest point on the lot line of said land use.
- 437.6. No more than one (1) off-track betting parlor may be located within one building or shopping center.
- 437.7. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, light and litter.
- 437.8. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.
- 437.9. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- 437.10. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas.
- 437.11. All off-track betting parlors shall comply with all State and Federal regulations.

Section 438 Principal Waste Handling Facilities

- 438.1. Within the (I) Zone, principal waste handling facilities are permitted by conditional use, subject to the following criteria:
- 438.2. All principal waste handling facilities for “municipal and residual wastes,” as defined by the PA DEP, shall be operated by the Lancaster County Solid Waste Management Authority.
- 438.3. Any processing or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.
- 438.4. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200) of any lot line and five hundred (500) feet of any land within a residential zone.

- 438.5. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at all lot lines. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by an eight (8) foot high fence with no openings greater than two (2) inches in any direction.
- 438.6. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 438.7. The use shall be screened from all adjoining residentially-zoned lots.
- 438.8. All uses shall provide sufficiently-long stacking lanes into the facility so that vehicles waiting to be weighed or unloaded will not back-up onto public streets.
- 438.9. All access drives onto the lot shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-lot access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- 438.10. Access to the lot shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the lot shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- 438.11. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.
- 438.12. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator.
- 438.13. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.
- 438.14. All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the lot than is needed to keep the facility in constant operation but, in no event, for more than seventy-two (72) hours.
- 438.15. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township.
- 438.16. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the regulations of the PA DEP.
- 438.17. All structures shall be set back at least a distance equal to their height.
- 438.18. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority

will supply the water needed.

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

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

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.
2. A geologic map of the area with a radius of at least one mile from the lot.
3. The location of all existing and proposed wells within one thousand (1,000) feet of the lot with a notation of the capacity of all high-yield wells.
4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the lot.
5. The location of all streams within one thousand (1,000) feet of the lot and all known point sources of pollution.
6. Based on the geologic formations underlying the lot, the long-term safe yield shall be determined.
7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
8. A statement of the qualifications and the signatures of the persons preparing the study.

438.19. The applicant shall provide a traffic impact study.

438.20. A minimum one hundred (100) foot wide landscape strip shall be located along all lot lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip.

438.21. The applicant shall furnish expert testimony regarding emergency preparedness measures provided or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the lot, and potential hazards regarding firefighting of waste materials upon the lot.

438.22. No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest lot lines.

Section 439 Private School

439.1. Within the (NC) Zone, private schools are permitted by conditional use, subject to the following criteria:

- 439.2. All height, area, setback, and coverage standards within the underlying zone shall apply.
- 439.3. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining lot lines.
- 439.4. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone.
- 439.5. If education is offered below the college level, an outdoor play area shall be provided at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front setback and must be set back twenty-five (25) feet from all lot lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially-zoned lots. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (i.e., shall not be poisonous, thorny, etc.). All outdoor play areas must provide a means of shade such as by use of shade trees or pavilions.
- Enrollment shall be defined as the largest number of students at the school at any one time during a seven (7) day period.
- 439.6. Passenger “drop-off” and “pick-up” areas shall be provided on the lot and arranged so that students do not have to cross traffic lanes on or adjacent to the lot.

Section 440 Public and/or Nonprofit Park

- 440.1. Within the (C and VO) Zones, public and/or nonprofit parks are permitted by conditional use, subject to the following standards:
- 440.2. All parking areas shall be set back a minimum of twenty-five (25) feet from all lot lines.
- 440.3. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- 440.4. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.
- 440.5. Those uses involving intensive outdoor activities shall provide sufficient screening and other landscaping measures to mitigate any visual or audible impacts on adjoining residential lots.
- 440.6. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation.
- 440.7. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- 440.8. All dumpsters shall be screened from adjoining streets and residential lots.

Section 441 Public Uses

- 441.1. Within the (AH and R-1) Zones, public uses are permitted by special exception, and within the (VO) Zone, public uses are permitted by conditional use, subject to the following

standards:

- 441.2. The applicant must demonstrate that the proposed location is necessary for public service and convenience and that the use cannot be supplied with equal effectiveness if located elsewhere.
- 441.3. The applicant must demonstrate that the amount of land within the proposed use is the minimum necessary to effectively serve the use.
- 441.4. The applicant must demonstrate that the location of the proposed use avoids prime agricultural lands where possible.

Section 442 Public Utilities

- 442.1. Within the (VO) Zone, public utilities are permitted by conditional use, subject to the following standards:
- 442.2. The applicant must demonstrate that the proposed location is necessary for public service and convenience and that the utility cannot be supplied with equal effectiveness if located elsewhere.
- 442.3. The applicant must demonstrate that the amount of land provided for the proposed utility is the minimum necessary.
- 442.4. The applicant must demonstrate that the location of the proposed utility is consistent with the purpose and intent of the Village Overlay Zone.

Section 443 Recycling Facilities for Paper, Plastic, Glass and Metal Products

- 443.1. Within the (I) Zone, recycling of paper, plastic, glass and metal products is permitted by conditional use, subject to the following criteria:
- 443.2. All operations, including collection shall be conducted within a completely-enclosed building.
- 443.3. There shall be no outdoor storage of materials processed, used or generated by the operation.
- 443.4. The applicant shall explain the scope of operation and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust and litter.
- 443.5. The applicant will be required to assure regular maintenance of the facility to immediately collect stray debris.

Section 444 Rendering or Slaughtering Operations

- 444.1. Within the (I) Zone, rendering or slaughtering operations are permitted by conditional use, subject to the following criteria:

- 444.2. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- 444.3. All activities shall be conducted within a completely-enclosed building.
- 444.4. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, noise, light, litter, dust, pollution, odor or any other potential negative impact.
- 444.5. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned lots.
- 444.6. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the regulations of the PA DEP.
- 444.7. The applicant shall furnish evidence that all facilities comply with State and Federal regulations and the disposal of materials and wastes will be accomplished in a manner that

complies with State and Federal regulations.
- 444.8. A minimum one hundred (100) foot wide landscape strip shall be located along all lot lines. No structures, loading, unloading, parking, or any other related activity or operation shall be permitted within this landscape strip.

Section 445 Rural Occupations

- 445.1. Within the (A and C) Zones, rural occupations are permitted by special exception, subject to the following:
- 445.2. Only one (1) rural occupation may be conducted on the same lot as the dwelling of the owner and shall not exceed the area of the ground floor of the dwelling, or one thousand (1,000) square feet, whichever is the lesser.
- 445.3. A rural occupation shall only be conducted within one completely enclosed outbuilding that satisfies at least one (1) of the following:
1. The building will remain the same size and in the same location as it existed on the effective date of this Section.
 2. The building is limited to one (1) story in height or fifteen (15) feet, whichever is the lesser, is located in the rear yard of the dwelling, and is set back at least fifty (50) feet from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings.
- 445.4. In no case shall any new rural occupation building be constructed before the owner resides on the lot. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the lot.
- 445.5. In no case shall the required maximum lot coverage be exceeded.

- 445.6. All off-street parking and loading spaces shall be screened from adjoining streets and lots.
- 445.7. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the dwelling so long as it is screened from adjoining streets and lots.
- 445.8. One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back a distance at least equal to its height from every lot line.
- 445.9. No dwelling and rural occupation combined shall generate more than twenty (20) vehicle trips per day to or from the lot. The applicant shall furnish testimony regarding the expected numbers of vehicle trips associated with the proposed use.
- 445.10. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the dwelling; however, in no case shall the driveway be closer than five (5) feet from any side or rear lot line. No additional street connections shall be permitted.
- 445.11. The maximum number of employees of the rural occupation that do not reside on the lot shall be equal to two (2) full-time positions.
- 445.12. Hours of operation for a rural occupation shall be established by the Zoning Hearing Board.
- 445.13. No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for wastewater treatment.
- 445.14. Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation.
- 445.15. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the dwelling.
- 445.16. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County that have been contracted to dispose of the materials and wastes used or generated on-lot or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the rural occupation change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

Section 446 Sawmill

- 446.1. Within the (I) Zone, a sawmill is permitted by conditional use, subject to the following criteria:

- 446.2. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- 446.3. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.
- 446.4. Other than outdoor storage, all activities shall be conducted within a completely-enclosed building.
- 446.5. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, noise, light, litter, dust, pollution or any other potential negative impact.
- 446.6. Any exhaust ventilation and dust suppression equipment shall be directed away from adjoining residentially-zoned lots.
- 446.7. All outdoor stored materials shall be arranged so as to permit access by firefighting equipment and to prevent the accumulation of surface water, and no outdoor stored materials shall be piled to a height greater than fifteen (15) feet.
- 446.8. No material shall be burned on the lot at any time.
- 446.9. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the regulations of the PA DEP.
- 446.10. The applicant shall furnish evidence that all facilities comply with State and Federal regulations and the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations.

Section 447 Septage and Spent Mushroom Compost Processing and/or Commercial Mushroom Operations

- 447.1. Within the (A) Zone, septage and spent mushroom compost processing and/or commercial mushroom operations are permitted by conditional use, subject to the following criteria:
- 447.2. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof.
- 447.3. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 447.4. The use shall be screened from all streets and adjoining lots.
- 447.5. All uses shall provide sufficiently-long stacking lanes into the facility so that vehicles waiting to be weighed, loaded or unloaded will not back-up onto public streets.
- 447.6. All access drives onto the lot shall be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of

driveway shall be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels.

- 447.7. The unloading, processing and transfer of septage and spent mushroom compost shall be continuously supervised by a qualified facility operator.
- 447.8. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the regulations of the PA DEP.
- 447.9. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study

will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township engineer.

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

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.
 2. A geologic map of the area with a radius of at least one mile from the lot.
 3. The location of all existing and proposed wells within one thousand (1,000) feet of the lot with a notation of the capacity of all high-yield wells.
 4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the lot.
 5. The location of all streams within one thousand (1,000) feet of the lot and all known point sources of pollution.
 6. Based on the geologic formations underlying the lot, the long-term safe yield shall be determined.
 7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
 8. A statement of the qualifications and the signatures of the persons preparing the study.
- 447.10. A minimum one hundred (100) foot wide landscape strip shall be located along all lot lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip.
- 447.11. The applicant shall provide an analysis of the physical conditions of the primary street system serving the proposed use. The analysis shall include information on the current

traffic flows on this street system, and projections of traffic generated by the proposed use. Improvements to the streets shall be provided by the applicant to insure safe turning movements to and from the lot and safe through-movement on the existing streets.

- 447.12. Any area or structure used for the storage, loading, processing or packaging of septage and spent mushroom compost shall be set back at least three hundred (300) feet from all lot lines and five hundred (500) feet from any residentially-zoned lots. In addition, any ventilation outlets must be oriented away from any land within a residential zone.

Section 448 Shopping Centers

- 448.1. Within the (HC) Zone, shopping centers are permitted by conditional use, subject to the following criteria:
- 448.2. The shopping center shall front on an arterial or collector street, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines.
- 448.3. Minimum Lot Size - Three (3) acres.
- 448.4. Minimum Lot Width - Two hundred (200) feet.
- 448.5. A minimum of 5.5 off-street parking spaces shall be provided for each one thousand (1,000) square feet of gross leasable floor area, subject to the permitted reduction for joint parking lots described in Section 311.
- 448.6. Both public sewer and public water shall be utilized.
- 448.7. Maximum Lot Coverage - Seventy percent (70%).
- 448.8. A traffic impact study shall be submitted by the applicant.
- 448.9. The shopping center shall be permitted to erect one (1) planned center sign along each street on which the shopping center has frontage. At least fifty percent (50%) of the total sign area shall be devoted to advertisement of the name of the shopping center. The size of such sign shall not exceed one (1) square foot for each four (4) feet of frontage contained within the shopping center. In no case shall a planned center sign exceed a maximum size of one hundred (100) square feet nor an overall height of twenty (20) feet. In addition, individual uses within the shopping center may have signs; however, such signs shall be flat wall, wall projecting, or roof signs as described in Section 314.
- 448.10. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 449 Truck or Motor Freight Terminals

- 449.1. Within the (I) Zone, truck or motor freight terminals are permitted by conditional use, subject to the following criteria:
- 449.2. Access shall be via an arterial street.
- 449.3. The applicant shall furnish a traffic impact study.

- 449.4. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

Section 450 Warehousing and Wholesale Trade Establishments

- 450.1. Within the (I) Zone, warehousing and wholesale trade establishments are permitted by conditional use, subject to the following criteria:

- 450.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:

1. The nature of the on-lot activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
2. The general scale of the operation, in terms of its market area, specific floor space

requirements for each activity, the total number of employees on each shift, and an overall needed lot size.

3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
4. The applicant shall furnish a traffic impact study.

Section 451 Wholesale Produce and Tobacco Auctions

- 451.1. Within the (I) Zone, wholesale produce and tobacco auctions are permitted by conditional use, subject to the following criteria:

- 451.2. No part of the auction lot shall be within two hundred (200) feet of any residentially-zoned land.

- 451.3. All access drives onto the site shall be paved for a distance for at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.

- 451.4. The owner and/or operator of the auction shall be responsible for removing any mud from public streets caused by persons traveling to and from the auction.

- 451.5. The application shall be required to provide sufficient off-street parking and loading so as not to require such parking or loading on or along any street, nor upon adjoining lot. If, at

any time after the opening of the facility, the Township determines that parking, loading or traffic backups are occurring on adjoining streets, and such are directly related to the lack of on-lot facilities, the Township may require the applicant to provide additional on-lot parking or loading space. In addition, the Township may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior drives of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing into adjoining lots or directly accessing adjoining streets.

- 451.6. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, noise, light, litter, dust and pollution.
- 451.7. The proposed use shall front along an arterial street.
- 451.8. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations.
- 451.9. The applicant shall submit and continuously implement a working plan for the cleanup of litter and other debris.

Article 5

Nonconformities

Section 500 Continuation

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

Section 501 Abandonment

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

Section 502 Extension of a Nonconforming Use of Land

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and the design standards of this Ordinance and shall not exceed an additional fifty percent (50%) of the area of land devoted to the nonconforming use as existed on the date on which the use of such land first became a nonconformity. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Ordinance.

Section 503 Expansion or Alteration

503.1. Except as provided for in Section 503.3, any nonconforming use may be expanded or altered through the obtainment of a special exception, subject to the following criteria:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
2. The total of all such expansions or alterations of a nonconforming use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
3. Provision for vehicular access, off-street parking and off-street loading shall be

consistent with standards required by this Ordinance.

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

503.2. Except as provided for in Section 503.3 and Section 503.4, any nonconforming building or structure may be expanded or altered through the obtainment of a special exception, subject to the following criteria:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
2. The total of all such expansions or alterations of a nonconforming building or structure shall not exceed an additional fifty percent (50%) of the area of those buildings or structures as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
4. Appearance should be harmonious with surrounding lots; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
5. Landscape screening shall be provided as necessary to adequately protect neighboring lots. This includes but is not limited to fences, walls, plantings and open spaces.
6. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

7. No expansion of a nonconforming building or structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone.
 8. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming building or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or floodproofed. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.
- 503.3. Any dimensional nonconformity may be reduced by right.
- 503.4. An existing building or structure which contains a permitted use and is nonconforming as to building setbacks or lot area may be expanded by right provided that:
1. The expanded portion of the building or structure will not extend nearer any street line or other lot line than the part of the existing structure or building which is closest to the street line or other lot line.
 2. All other yard requirements of the zoning district are met.
 3. No expansion shall be permitted which may cause danger to vehicle or pedestrian traffic on a street by obscuring the view.
 4. No expansion shall be permitted within five (5) feet of any street line or lot line.

Section 504 Substitution or Replacement

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, as the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

Section 505 Restoration

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

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

Section 506 Previously Expanded Nonconforming Uses and Structures

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

Section 507 Nonconforming Lots

- 507.1. In any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. All setback and lot coverage requirements shall be met.
- 507.2. If a lot consists of two or more lots of record or combinations of lots or portions of lots of record held in single and separate ownership on the effective date of this Ordinance, such lots of record shall not be separately transferred or developed, unless the lot so transferred or developed (whether consisting of one or more lots of record) and the lot retained by the transferor (whether consisting of one or more lots of record) shall meet all requirements of the zone in which the lot or lots are located. It is the intention of this provision that no portion of any lot consisting of two or more lots of record shall be used or sold in a manner which does not comply with all requirements established by this Ordinance or which shall result in the creation of a lot with a lot width, lot area or setback below the minimum requirements or with lot coverage in excess of the maximum requirements stated in this Ordinance.

Article 6

Zoning Hearing Board

Section 600 Establishment and Membership

There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to Section 602, unless designated as a voting alternate member pursuant to Section 601.

Section 601 Organization of Zoning Hearing Board

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 603. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and

forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 602 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 601, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

Section 603 Hearings

603.1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, the Township Secretary, each member of the Board of Supervisors, the Secretary of the Township Planning Commission, and to any person who has made a timely request for the same. Written notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
2. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
3. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

603.2. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

603.3.1. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who

wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

- 603.4. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- 603.5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 603.6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 603.7. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- 603.8. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- 603.9. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same

manner as provided in Section 603.1. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

603.10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. The Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined to the Board of Supervisors, to the Zoning Officer, to the Township Planning Commission, to people who are designated as a party to the hearing, to people that testified at the hearing, and to all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing.

603.11. Effect of Zoning Hearing Board's Decision:

1. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines.
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.
3. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Zoning Hearing Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Sections 603.11.1.-3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Zoning Hearing Board must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

Section 604 Jurisdiction of the Zoning Hearing Board

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- 604.1. Substantive challenges to the validity of this Ordinance, except those brought before the Board of Supervisors pursuant to Section 703.6. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
1. The impact of the proposal upon streets, sewer facilities, water supplies, schools and other public service facilities.
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Zoning Map.
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- 604.2. Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance.
- 604.3. Applications for special exceptions, as provided for in this Ordinance, subject to all applicable requirements, including, but not limited to:
1. Filing Requirements - In addition to the required zoning permit information (see Section 701), each special exception application shall include the following:
 - A. Names and address of adjoining lot owners including lots directly across a public right-of-way.
 - B. A scaled drawing (site plan) of the lot with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
 - C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
 2. General Criteria - Each applicant must demonstrate compliance with the following:
 - A. The proposed use shall be consistent with the purpose and intent of the

Ordinance.

- B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby lots.
 - C. The proposed use will not substantially change the character of the neighborhood of the lot.
 - D. 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.).
 - E. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 211.
 - F. The proposed use shall comply with those criteria specifically listed in Article 4. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
 - G. The proposed use will not substantially impair the integrity of the Township Comprehensive Plan.
3. Conditions - The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the enforcement remedies described in Article 7.
 4. Site Plan Approval - Any site plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject lot not reflected on the originally approved site plan shall require the obtainment of another special exception approval.

604.4. Applications for variances from the terms of this Ordinance

1. The Zoning Hearing Board shall hear requests for variances where it is alleged by the applicant that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located.

- B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the

provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. That variances within the Floodplain Zone shall comply with Section 211.9.
2. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the enforcement remedies described in Article 7.
3. Filing Requirements - In addition to the required zoning permit information (see Section 701), each variance application shall include the following:
- A. Names and addresses of adjoining lot owners, including lots directly across a public right-of-way.
- B. A scaled drawing (site plan) of the lot with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
4. Conditions - The Zoning Hearing Board in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the enforcement remedies described in Article 7.
5. Site Plan Approval - Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan.

- 604.5. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- 604.6. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone.
- 604.7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- 604.8. Appeals from the Zoning Officer's determination under Section 916.2 of the Act.
- 604.9. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance with reference to sedimentation and erosion control and storm water management for applications not involving a subdivision, land development, or planned residential development as regulated in Articles V and VII of the Act.

Section 605 Parties Appellant Before the Zoning Hearing Board

Appeals under Sections 604.1., 604.2., 604.5., 604.6., 604.7., 604.8. and 604.9. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 604.4. and for special exception under Section 604.3. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

- 605.1. The name and address of the appellant and applicant.
- 605.2. The name and address of the landowner of the real estate to be affected.
- 605.3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
- 605.4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- 605.5. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

Section 606 Time Limitations

- 606.1 No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2. of the Act shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

- 606.2 All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 607 Stay of Proceeding

- 607.1 Upon filing of any proceeding referred to in Section 605 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.
- 607.2 After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- 607.3 The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- 607.4 If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

Section 608 Appeal

Any person, taxpayer, or resident of the Township aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act.

Article 7

Administration

Section 700 Administration and Enforcement

700.1. Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his Deputy, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
2. Duties - The duties of the Zoning Officer shall be:
 - A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
 - B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record.
 - C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.
 - D. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
 - E. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.

- F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.
- G. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development.
- H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).
- I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.
- J. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law.

700.2. Enforcement - This Ordinance shall be enforced by the Zoning Officer of the Township. No zoning permit or certificate of use and occupancy shall be granted by him for any purpose except in compliance with the literal, provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

700.3. Violations - Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense.

If it appears to the Township that a violation of this Zoning Ordinance enacted under the Act or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
2. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Ordinance.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
3. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
 4. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

700.4. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

700.5. Causes of Action - In case any building, structure landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance enacted under the Act or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

Section 701 Permits

701.1. General Requirements for Zoning Permits:

1. A zoning permit shall be required prior to a change in use of land or structure, or the erection, construction, improvement or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in Section 314. Zoning permits shall also be required for the construction or installation of animal waste impoundments. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
2. Application for zoning permits shall be made in writing to the Zoning Officer.
3. Such zoning permits shall be granted or refused within ninety (90) days from date of application.
4. No zoning permit shall be issued except in conformity with:
 - A. all applicable regulations of this Ordinance.
 - B. any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors.
 - C. any recorded subdivision or land development plan.
5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
6. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
7. The Zoning Officer may call upon other Township Staff and/or Township-appointed consultants in the review of submitted materials for applications.
8. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
9. Where a permit is required by this Ordinance, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it

is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this Ordinance or the Act.

10. Issuance of Permits - Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefor as soon as practical but not later than ninety (90) days from receipt of the application.
11. Reconsideration of Application - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.
12. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant which demonstrates good cause to the Zoning Officer.
13. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
14. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.
15. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.
16. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will:
 - A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone; or
 - B. Contribute materially to the welfare of the Township, particularly in a state of

emergency, under conditions peculiar to the time and place involved, then the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

701.2. Application for All Zoning Permits:

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:
 - A. Actual dimensions and shape of lot to be developed.
 - B. Exact location and dimensions of any structures to be erected, constructed and altered.
 - C. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate.
 - D. Off-street parking and loading spaces.
 - E. Utility systems affected and proposed.
 - F. Alteration or development of any improved or unimproved real estate.
 - G. The size of structures and the number of employees anticipated.
 - H. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance.
 - I. Copies of any applicable approved subdivision or land development plans.
2. If the proposed development, excavation or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications:
 - A. The accurate location of the floodplain and floodway.
 - B. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements.
 - C. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated.
 - D. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania, certifying that the floodproofing methods used meet the provisions of Section 211.8.

701.3. Application for Zoning Permits for Uses in All Commercial and Industrial Zones:

1. A location plan showing the lot to be developed, zone boundaries, adjoining lots, significant natural features, and streets for a distance of two hundred (200) feet from all lot lines.
2. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features.
3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
4. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County which have been contracted to dispose of the materials used and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
7. The proposed number of shifts to be worked and the maximum number of employees on each shift.
8. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the development, their floor area, and estimated number of employees.

701.4. Certificate of Use and Occupancy:

1. It shall be unlawful to use and/or occupy and structure, building, sign, and/or land or portion thereof for which a zoning 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.
2. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as it required for a zoning permit.

3. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein.
4. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and, if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.
5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
6. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.
7. A certificate of use and occupancy shall not be issued for structures and buildings located in subdivisions requiring improvement guarantees until the structure or building abuts either a street which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base wearing course.
8. In commercial and industrial zones in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

Section 702 Fees

- 702.1. Determination - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

Section 703 Amendments

- 703.1. Power of Amendment - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party.

703.2. Hearing and Enactment Procedures for Zoning Amendments:

1. Public Hearing - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice has been given.
2. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
 - A. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - ° A copy of the full text shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - ° An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
 - B. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these signs shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.
 - C. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
 - D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
3. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the ordinance or amendment will be considered, and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection 2.

4. Township Planning Commission Referrals - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment.

A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Township.

5. Lancaster County Planning Commission Referrals - All proposed amendments shall be submitted to the Lancaster County Planning Commission at least thirty (30) days prior to the public hearing on such amendments. The Lancaster County Planning Commission may submit recommendations to the Board of Supervisors; however, if the Lancaster County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.
6. Adjournment of Public Hearing - If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.
7. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Lancaster County Planning Commission.

703.3. Amendments Initiated by the Township Planning Commission - When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.

703.4. Amendment Initiated by the Board of Supervisors - When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 703.2.

703.5. Amendment Initiated by a Petition from an Interested Party - A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.

703.6. Curative Amendment by a Landowner - A landowner who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1. and 916.1. of

the Act. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment and challenge shall be referred to the Township and Lancaster County Planning Commissions as provided for in Section 703.2. and public notice of the hearing thereon shall be given as provided herein.

1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon streets, sewer facilities, water supplies, schools and other public service facilities.
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map.
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
2. The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing.
3. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in paragraph 2, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
4. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
5. The challenge shall be deemed denied when:
 - A. The Board of Supervisors, fails to commence the hearing within sixty (60) days;
 - B. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment;
 - C. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or

- D. The Board of Supervisors fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Township.
6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 604.1., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply.
7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

703.7. Curative Amendment by the Board of Supervisors:

1. The Board of Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
- A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:
- a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. references to a class of use or uses which require revision; or
 - c. references to the entire Ordinance which requires revisions.
- B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.

3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 604.1. subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors having utilized the procedures as set forth in this Section may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a decision by any Court of competent jurisdiction, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

703.8. Authentication of Official Zoning Map - Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

Section 704 Conditional Uses

704.1. Filing of Conditional Use - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

1. Names and addresses of adjoining lot owners including lots directly across a public right-of-way.
2. A scaled drawing (site plan) of the lot with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
3. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

704.2. General Criteria - Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby lots.
3. The proposed use will not effect a change in the character of the neighborhood of the lot.

4. 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.).
5. For development within the Floodplain Zone, that the application complies with those requirements listed in the Section 211 of this Ordinance.
6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

704.3. Conditions - The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the enforcement remedies described in this Ordinance.

704.4. Site Plan Approval - Any site plan presented in support of the conditional use pursuant to Section 704.1. 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 on the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.

704.5. Hearing Procedures - Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

All public hearings shall be conducted in accordance with the requirements outlined in Section 603 of this Ordinance except that any reference to the "Zoning Hearing Board" shall be replaced with the "Board of Supervisors," and any reference to "special exception" shall be replaced with "conditional use".

704.6. Time Limitation:

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work

thereunder within such two (2) year period, it shall be conclusively presumed that the

appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.

- 3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
- 4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed in Sections 704.6.1.-3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board of Supervisors must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

Section 705 Repeals and Inconsistencies

Any resolution or ordinance, or part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.

Section 706 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Eden Township, County of Lancaster, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this _____ day of _____, 20__.

BOARD OF SUPERVISORS OF EDEN TOWNSHIP

By: _____
Chairman

ATTEST:

_____ Secretary (SEAL)