

# MANOR TOWNSHIP ZONING ORDINANCE



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# Article 1

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## Background Provisions

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### **Section 101      Short Title**

This Ordinance may be known and may be cited as the “Manor Township Zoning Ordinance.”

### **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 September 19, 1990, 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 existing building or land not in conformity with the regulations herein prescribed shall be regarded as non-conforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming buildings, structures, or uses.

### **Section 104      Interpretation**

In interpretation 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 the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

## Section 105 Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

## Section 106 Validity

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 Establishment of Zones

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

- |                                      |  |
|--------------------------------------|--|
| (A) Agricultural Zone                | (FP) Floodplain Zone                       |
| (R) Rural Zone                       | (AS) Airport Safety Zone                   |
| (RL) Low Density Residential Zone    | (E) Excavation Zone                        |
| (RM) Medium Density Residential Zone | (MRC) Mixed Residential/Commercial Zone    |
| (RH) High Density Residential Zone   | (LTD) Limited Commercial Zone              |
| (LC) Local Commercial Zone           | (V) Village Zone                           |
| (GC) General Commercial Zone         | (RL1) Low Density Residential Flex Zone    |
| (CO) Commercial Office Zone          | (RM1) Medium Density Residential Flex Zone |
| (I) Industrial Zone                  | (RH1) High Density Residential Flex Zone   |
| (C) Conservation Zone                |  |

## Section 108 Zoning Map

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

## Section 109 Zone Boundary Lines

The zone boundary lines shall be as shown on the Official 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 110 Community Development Objectives

This Ordinance is enacted in accordance with the Manor Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted with regard to the following community development objectives:

1. To insure that the land uses of the community are logically situated in relation to each other.
2. To facilitate the efficient movement of traffic.
3. To establish realistic population densities, as appropriate to each district, in order to insure adequate circulation, health standards, privacy and open space, and in order to provide utilities, protection, services and facilities in the most convenient and efficient manner.
4. To encourage the preservation of common open space, where appropriate, in order to provide for recreation and an improved community environment.
5. To stimulate the local economy by encouraging controlled and appropriate commercial and industrial growth.
6. To encourage and promote the provision of a wide-range and variety of housing types to meet the needs of all Township residents, including newly-formed households, growing families and senior citizens.
7. To promote the preservation of continued agriculture and prime agricultural soils.

## Section 111 Definitions

- A. 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.
- B. 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, partnership or corporation, as well as any similar entity.
  5. the term "shall" or "must" is always mandatory.
- C. SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE – A private drive providing vehicular access to and between parking areas for more than two (2) parking spaces within a land development. Any drive servicing two (2) or more units of occupancy on a single lot.

ACCESSORY DWELLING – In a Planned Residential Development, a year-round housing unit not exceeding nine hundred (900) square feet, with cooking facilities, sanitary facilities and an independent means of access, either attached to a single-family unit or located on the same lot as a single-family unit.

ACCESSORY MANURE DIGESTER SYSTEM - A manure digester system located on a farm which is incidental and subordinate to the principal farm use.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ACT - The Pennsylvania Municipalities Planning Code.

ADULT-RELATED FACILITIES - A business or club which engages in one (1) 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 that 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 that 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 (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack: Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

AGRI-TAINMENT - A farm-based temporary or seasonal activity, enterprise, or business that combines the elements and characteristics of agriculture and entertainment, and may include incidental preparation and sale of beverages, food, and souvenirs. Examples of agricultural entertainment include but are not limited to one (1) or a combination of the following: corn mazes; hay rides; petting farms; on-farm tours with demonstrations of farming practices, techniques and methods; horseback riding; haunted barns; and other fee-based similar activities.

AGRICULTURAL SUPPORT BUSINESS - Business activities and/or services directed at meeting the needs of those engaged in farming in the overall region. Such activities may include the commercial processing of farm products and/or the warehousing or distribution of farm products, supplies or equipment. Such uses are beyond the scope of farm-related businesses as defined herein.

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of livestock such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes greenhouses and mushroom houses as well as the processing and retail sale of goods produced on the farm.

AIRPORT - A principal use where one (1) or more airplanes may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangers.

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

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. Any renovation to a building which would change its use.

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.

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

ANIMAL, EXOTIC - Exotic animals shall include all non-native animals, but excepting small non-poisonous/non-lethal animals and birds customarily kept as house pets.

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

ANTENNA HEIGHT - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average height between the highest and lowest grades shall be used in calculating the antenna height. The vertical distance shall not include the antenna (which shall not exceed fifteen [15] feet in height) located on top of the antenna support structure.

ANTENNA SUPPORT STRUCTURE - Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

(AS) AIRPORT SAFETY ZONE TERMS & PHRASES - Unless specifically defined elsewhere herein, the following words and phrases when used in Section 212 of this Ordinance relating to the (AS) Airport Safety Zone shall have the meaning given to them herein this sub§ unless the context clearly indicates otherwise:

1. Airport – McGuinness Field Airport (8N7)
2. Airport Elevation - The highest point of an airport's usable land area measured in feet above sea level. The Airport Elevation for McGuinness Field Airport (8N7) is three hundred thirty-four (334) feet.

3. Airport Hazard - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.
4. Airport Hazard Area - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in Section 212 of this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).
5. Approach Surface Zone - An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The Approach Surface Zone, as shown on Figure 1 in Section 212 of this Ordinance, is derived from the approach surface.
6. Conical Surface Zone - An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically or (20:1) for a horizontal distance of four thousand (4,000) feet. The Conical Surface Zone, as shown on Figure 1 in Section 212 of this Ordinance, is based on the conical surface.
7. FAA - Federal Aviation Administration of the United States Department of Transportation (DOT), and its successors.
8. Height - For the purpose of determining the height limits in all (AS) Airport Safety Zone related zones set forth in Section 212 of this Ordinance and shown on the Official Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
9. Horizontal Surface Zone - An imaginary plane one hundred fifty (150) feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The Horizontal Surface Zone, as shown on Figure 1 in Section 212 of this Ordinance, is derived from the horizontal surface.
10. Larger Than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.
11. Non-Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
12. Obstruction- Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by Section 212 of this Ordinance.
13. Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
14. Primary Surface Zone - An imaginary surface longitudinally centered on the runway, extending two hundred (200) feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The Primary Surface Zone, as shown on Figure 1 in Section 212 of this Ordinance, is derived from the primary surface.

15. Runway - A defined area of an airport prepared for landing and takeoff of aircraft along its length.
16. Transitional Surface Zone - An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The Transitional Surface Zone, as shown on Figure 1 in Section 212 of this Ordinance, is derived from the transitional surface.
17. Tree - Any object of natural growth.
18. Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.
19. Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

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

AUTOMOBILE SALES - Any building or land 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 per se.

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

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

BED AND BREAKFAST - A single-family detached dwelling, 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.

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

BOARD - The Zoning Hearing Board of Manor Township.

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

BUFFER - An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sounds from the development tract to adjacent properties and vice versa.

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

Detached: A building that has no party wall.

Semi-detached: A building that has only one (1) party wall in common.

Attached: A building that has two (2) or more party walls in common.

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

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

BUILDING SETBACK LINE - The actual line of that face of the building nearest an adjacent right of way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

CAMPGROUND - A lot, tract, or parcel of land upon which two (2) 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 (1) 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 (1) or more walls may be the walls of the main building to which the carport is accessory.

CELLAR - A space with less than one-half (1/2) of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area, or as a story of permissible building height.

CELL SITE - A tract or parcel of land that contains the cellular phone antenna, its support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to cellular phone transmission.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

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

CHANNEL - A natural or artificial watercourse with a definite bed and banks that 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. This definition shall include rectories, convents, and church-related educational and/or day-care facilities.

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

related facilities as defined herein.

**COMMERCIAL KEEPING AND HANDLING** - Producing and/or maintaining with the express purpose and intent of selling the product for a livelihood.

**COMMERCIAL PROCESSING OF AGRICULTURAL PRODUCTS** - The conversion of raw materials produced on the farm into semi-finished or finished products and/or the packaging of such products. Examples of commercial processing include, but are not limited to, dairies, fruit/vegetable canning operations, meat/poultry processing/packing operations, grain and/or flour mills, fertilizer plants, etc.

**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, museums, etc. This does not include adult-related uses or amusement arcades, as defined herein.

**CONDITIONAL USE** - A use which may not be appropriate to a particular zone as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 704 of this Ordinance.

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

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

**CONVENIENCE STORE** - A retail sales business that 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 (2) 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 (as defined herein) have been obtained.

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

**Day-Care, Commercial:** A day-care facility that is a primary use and is licensed by the Commonwealth of Pennsylvania, and its successors.

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

**DCED** – Pennsylvania Department of Community and Economic Development, and its successors.

**DELICATESSEN** - An establishment that serves ready-to-eat food products, such as sandwiches, soups



and salads, and which includes both patron seating and carryout service. No more than twenty-five (25) percent of the area of the delicatessen shall be devoted to carryout service. No drive-through service shall be permitted.

DENSITY - The number of dwelling units in relation to the area of land of a parcel in use or proposed to be used for residential purposes, exclusive of exterior public rights-of-way.

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

DEVELOPMENT DISABILITY - A disability of a person that has continued or can be expected to continue indefinitely; a disability that 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.

DOMESTIC PETS - The noncommercial keeping of non-farm and non-exotic animals as an accessory use to a primary residential use.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one (1) single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems.

1. Single-Family Detached: A freestanding building containing one (1) dwelling unit for one (1) family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and one (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. (Figure 1)

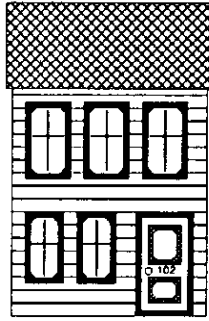


Figure 1

- 2. **Duplex** (two-family; single-family semi-detached): A freestanding building containing two (2) dwelling units for two (2) families, arranged in a side-by-side (Figure 2) or over-and-under (Figure 3) configuration. Those units placed on common grounds shall have one (1) front and rear yard and two (2) side yards. Those units constructed on individual lots shall have one (1) front, side and rear yard.

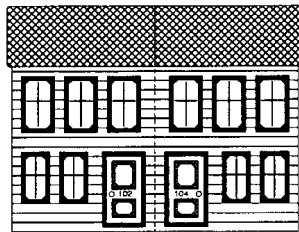


Figure 2

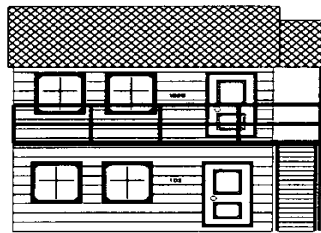


Figure 3

- 3. **Multiple Family**: A building containing three (3) or more dwelling units, at least one (1) of which must be located above or below the remaining units. (Figure 4)

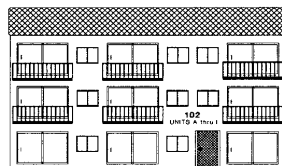
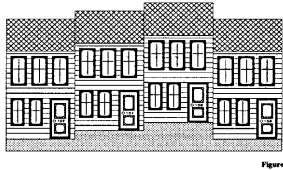


Figure 4

4. Townhouse: A building containing between three (3) and eight (8) dwelling units arranged in a side-by-side configuration with two (2) or more common party walls. (Figure 5)



DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one (1) family.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

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

FAMILY - An individual or individuals related by blood, marriage, or adoption that maintain one (1) common household and live within one (1) 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. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM - Any parcel of land with ten (10) or more acres which is used for gain 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 use.

FARM-RELATED BUSINESS - Business activities and/or services directed at meeting the needs of those engaged in local farming. Such activities shall be directed at providing materials and services needed to farm, rather than the distribution of goods produced on the farm. Such activities shall be also specifically sized to primarily serve local users.

FARM OCCUPATION - A business activity clearly conducted as an accessory use to a principal agricultural or farm use.

FEMA -Federal Emergency Management Agency.

FENCE - A structure designed as a barrier to restrict the movement of persons, animals and/or vehicles. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half (1/2) 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, etc.

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

**FLEA MARKET** - A retail sales use where more than one (1) vendor displays and sells general merchandise that is new or used. Flea markets can include indoor and outdoor display or merchandise.

**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** - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

**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, 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.

**GARAGE, PRIVATE** - An accessory building for the storage of one (1) or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than three-quarter (3/4) ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one (1) vehicle be leased to a non-occupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

**GOLF COURSE** - A golf course with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes.

**GROUP HOME** - A dwelling operated by a reasonably responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as single family detached dwellings.

**HAZARDOUS WASTE** - Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any

combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

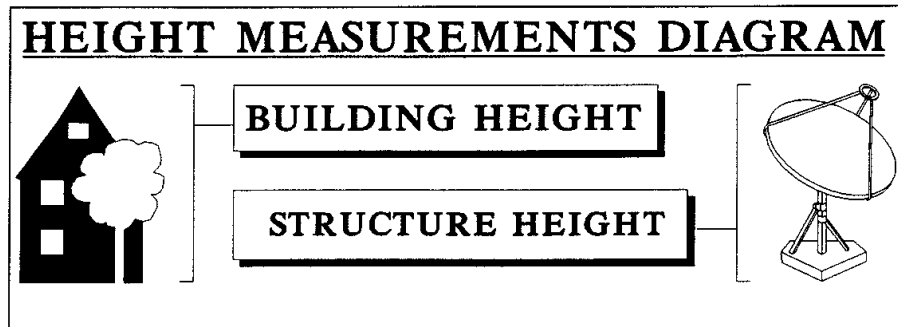
1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise 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 RECREATION CLUB** - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

**HEIGHT, BUILDING** - A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof.

**HEIGHT, STRUCTURE** - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.



**HELICOPTER PAD (PRIVATE)** - An accessory use where no more than one (1) helicopter may land/take-off and be stored.

**HELIPORT** - A principal use where one (1) 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 hangers.

**HOME OCCUPATION** - A business activity administered or that is clearly conducted as an accessory use to and within a single-family detached dwelling.

**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 property.

HOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five (25) percent 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.

IMPORTANT NATURAL HABITAT - Any land area characterized by any or all of the following:

1. Wetlands as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service;
2. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; and,
3. PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family 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. The deposit or storage on a lot of one (1) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL - Any lot on which three (3) or more animals (except relating to a farm) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels.

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 completely planted visual barrier composed of evergreen shrubs and trees arranged to form both a low-level and a high-level screen between grade and to a height of six (6) feet.

LANDSCAPING - Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs, and bushes, and may also include mulch and/or decorative stone.

LANE - A private street or easement located through the interior of blocks and providing vehicular and service access to the side or rear of properties.

LAWN CARE BUSINESS - A business that provides landscaping, lawn care and/or lawn maintenance/spraying services to residential and/or non-residential premises located elsewhere.

LCCD - Lancaster County Conservation District, and its successors.

LIVESTOCK - Any living creature maintained for commercial use or profit, but not maintained as a pet.

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

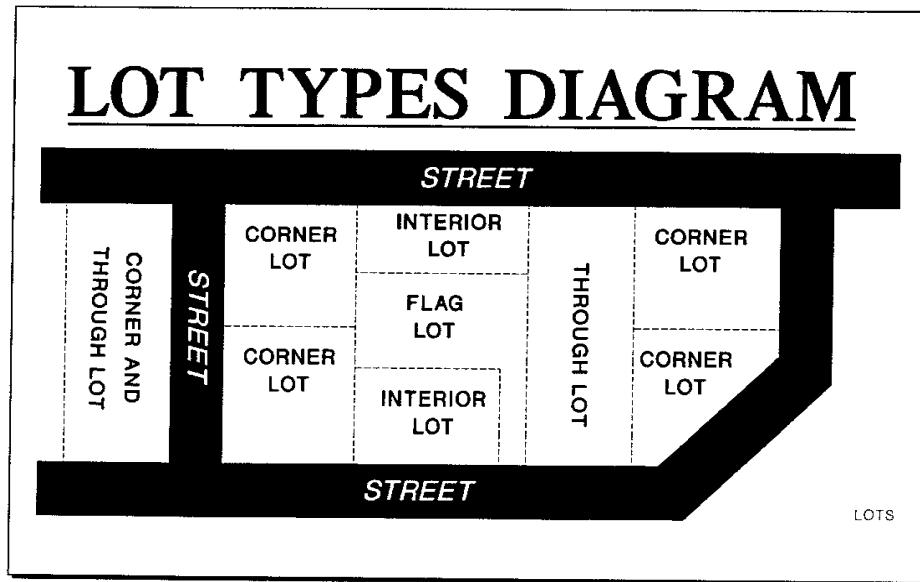
**LOT** - A parcel of land separately described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of Lancaster County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of Lancaster County.

**LOT CORNER:** A lot at the point of intersection of and abutting two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. Corner lots shall have two (2) front yards, one (1) side and one (1) rear yard.

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

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

**Lot Through:** An interior lot having frontage on two (2) parallel or approximately parallel streets.



**LOT AREA** - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

**LOT COVERAGE** - The percentage of the lot area which may be covered with impervious surface (e.g. buildings, driveways, parking areas, sidewalks but excluding those composed of pervious materials).

**LOT DEPTH** - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

**LOT WIDTH** - The width of a lot measured at the street right-of-way line or the front yard setback line as stipulated in each zoning district. For a flag lot, the lot width shall be measured at the flag. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

MAIN STREET (COMMERCIAL AREA) – In a Planned Residential Development, a street containing a mix of uses, including the Planned Residential Development's greatest concentration of commercial development. If included within a Planned Residential Development, the Main Street commercial area, together with the community green, shall form the focus of the neotraditional neighborhood.

MANUFACTURING - A process whereby substances, raw materials, and/or semi-finished materials are chemically, mechanically, or otherwise transformed to goods and products that have some economic value.

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

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

MANURE STORAGE FACILITIES - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and aboveground storage.

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

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the national Geodetic Vertical Datum of 1929.

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.

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

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one (1) place to the next, in one (1) or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in Section 445 of this Ordinance. Mobile homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there imposed. For the purposes of Section 211 of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than one hundred eighty (180) days in any calendar year shall be considered a mobile home.

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

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and



improved to contain two (2) or more mobile home lots for the placement thereon of mobile homes.

MOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five (25) percent 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.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site 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.

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

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

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

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

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

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

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.

ON-SITE SEWER SERVICE - The disposal of sewage generated by one (1) 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 PADEP.

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

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

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

ONE HUNDRED YEAR (100) FLOOD ELEVATION - The water surface elevations of the one hundred (100)-Year Flood.

OPEN HOUSE - An event conducted as part of an attempt to sell or lease a property, whereby the property is open for public inspection. Open houses must always include a paid advertisement in the local media and the on-site supervision by the property owner or his/her agent.

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

OPEN SPACE, COMMON OR PUBLIC (CLUSTER DEVELOPMENT) - A parcel or parcels of land, an area of water, or a combination of land and water, within a cluster development designed and intended for the use of all residents of the development (common open space) or the general public (public open space), not including streets and walkways, off-street parking areas, areas with no public accessibility, setbacks, and areas at other than ground level. Open space areas may include floodplains and drainage basins. Common or public open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents or the general public.

OPEN SPACE, COMMON (PLANNED RESIDENTIAL DEVELOPMENT) - In a Planned Residential Development, a parcel or parcels of land or an area of water, or a combination of land and water, including flood plain and wetland areas, within a development site and designed and intended for the use and enjoyment of residents of the development and, where designated, the community at large. The area of parking facilities serving the activities in the common open space may be included in the required area computations. The land area of lots allocated for public and semipublic uses, community clubs and community facilities, including open space for playgrounds and athletic fields that are a part of the principal use and parking facilities may be included in the common open space.

Common open space shall not include:

1. The land area of lots allocated for single family detached dwellings, single family semi-detached dwellings and duplex dwellings.
2. The land area of lots allocated for apartment and townhouse dwelling construction, including off-street parking facilities.
3. The land area of lots allocated for total commercial use, including parking facilities.

4. Street rights of way, driveways, off-street parking and service areas, except the landscaped central median of boulevards.

PADEP - Pennsylvania Department of Environmental Protection, and its successors.

PARKING COMPOUND - A primary 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 subject to the requirements listed in Section 312 of this Ordinance.

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

PARKS, PRIVATE - A recreational facility owned or operated by a nonpublic agency and/or conducted as a private gainful business.

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 entertainment uses, and amusement arcades.

PennDOT - Pennsylvania Department of Transportation, and its successors

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

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

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

PLANNING COMMISSION - The Planning Commission of Manor Township.

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

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

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

premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PROFESSIONAL BIOLOGIST - An individual with at least a graduate degree in aquatic and/or terrestrial biology and/or ecology, and with a depth of knowledge in organisms and the processes of ecological systems.

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

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

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

PUBLIC NOTICE - Notice published once each week for two (2) 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 PADEP. Such systems are capable of serving multiple users.

PUBLIC USES - Includes public and semi-public uses of a health, safety, and welfare nature, such as parks, fire stations, municipal buildings and garages.

PUBLIC UTILITIES - 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 PADEP. Such systems are capable of serving multiple users.

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

REGULATORY FLOOD ELEVATION - An elevation equal to one and one-half (1½) feet higher than the surface water elevation associated with the one hundred (100)-year flood as defined herein.

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

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

RETAIL STORE/SALES - Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities as defined

herein.

**RIGHT-OF-WAY** - A corridor of publicly owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "Street Line.").

**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, TVROs, and satellite microwave antennas.

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

**Commercial School**: A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the school district.

**Nonprofit School**: A school licensed by the Pennsylvania Department of Education, and its successors for the purpose of providing elementary, secondary, and adult education, and operated by the School District.

**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.

**Public School**: A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District.

**Vocational-Mechanical Trade School**: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:

1. Truck driving;
2. Engineer repairs;
3. Building construction and general contracting;
4. Woodworking;
5. Masonry;
6. Plumbing;
7. Electrical contracting; and,
8. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 605.5 of this Ordinance.

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

**SEPARATION** - The required horizontal distance or space between two (2) or more objects (i.e., as in minimum separation distances between buildings in a multi-family development).

**SETBACK** - The required horizontal distance between a setback line and a property or street right-of-way line.

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

Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”

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

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

SHOPPING CENTER - A group of stores and other uses permitted within the respective zone, planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit, as well as any single retail store in excess of seventy-five thousand (75,000) square feet of gross floor area.

SOLAR ENERGY SYSTEM - Any solar collector consisting of one (1) or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SOIL SURVEY - The latest published version of the United States Department of Agriculture's, and its successors', soil survey for Lancaster County, Pennsylvania.

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the *Code of Federal Regulations, Title 40, Chapter 1, Part 261*, dated July 1, 1984, or as amended.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 605.3 of this Ordinance.

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

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public 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 (2) equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

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

STRUCTURE - Any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, Accessory - A structure associated with an accessory use, (e.g., swimming pools, antennas, tennis courts, garages, utility shed, etc.).

Structure, Principal - A structure associated with a primary use including any attached structures, such as garages, decks, patios, etc.

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

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

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

TOWNSHIP - Manor Township.

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

1. The unit is of such size or weight as not to require a special highway movement permit from PennDOT when self-propelled, or when hauled by a standard motor vehicle on a highway.
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewage, and

5. The unit contains some identification by the manufacturer as a travel trailer.

TWO-FAMILY CONVERSIONS - The conversion of an existing single-family detached dwelling unit to contain two (2) separate dwelling units.

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

Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

Use, Principal: The main or primary use of property or structures.

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

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

VETERINARIAN'S 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.

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

1. Truck driving;
2. Engine repairs;
3. Building construction and general contracting;
4. Woodworking;
5. Masonry;
6. Plumbing;
7. Electrical contracting; and,
8. Other similar trades.

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.

WIND ENERGY CONSERVATION SYSTEM (WECS) - A device such as a wind charger, wind turbine and/or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WINDMILL - A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

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

WIND TURBINE TOWER - The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

WINDOW - An opening to the outside other than a door which provides all or part of the required natural



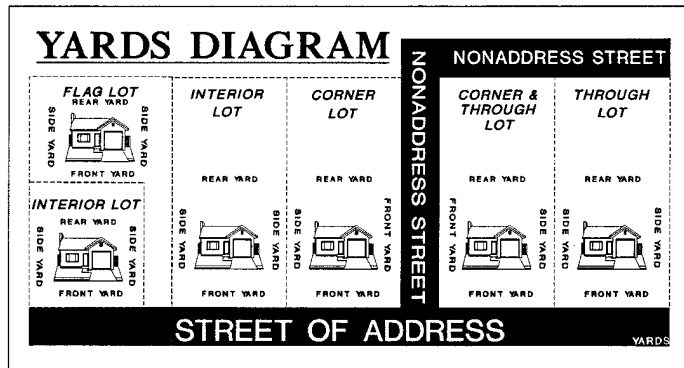
light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

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

**Yard, Front:** The area contained between the street right-of-way line and the principal structure. On corner lots, there shall be two (2) front yards, being the area contained between the street right-of-way lines and the principal structure.

**Yard, Rear:** The area contained between the rear property 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 property line directly opposite the street of address. For flag lots, the rear yard shall be all areas between the building and every lot line.

**Yard, Side:** The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s).



**ZONING (ZONE)** - The designation of specified districts or zones within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

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

**ZONING PERMIT** – A written statement issued by the zoning officer authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

# Article 2

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## Zone Regulations

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### Section 201 (A) Agricultural Zone

**201.1. Purpose** - The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities and where such activities have historically occurred within the Township. Areas contained within this Zone have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. This Zone also intends to protect and stabilize the Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting a wide range of commonly occurring, limited scale business uses (e.g. retail sale of agricultural products, small engine repair, bake shops, lawn care). Consequently, residential uses are limited and any future inhabitants in this Zone must be willing to accept the impacts associated with normal farming practices, and related businesses. It is the Township's intent for the provisions of this ordinance to comply with the ACRE legislation and the Nutrient and Odor Management Act. Finally, the provisions of this Zone have been specifically formulated to further the objectives of the Municipalities Planning Code (MPC) which provides that local zoning ordinances shall be designed "to preserve prime agriculture and farm land considering topography, soil type and classification, and present use."

### 201.2. Permitted Uses

1. Agricultural, Horticultural and Forestry Related Uses.
2. Bed and Breakfasts (Subject to the requirements standards listed in Section 410).
3. Cell Site Antenna (See Section 414).
4. No-Impact Home-Based Businesses (Subject to the requirements standards listed in Section 446).
5. Public Uses and Public Utilities Structures (Subject to the requirements standards listed in Section 449).
6. Single-Family Detached Dwellings.
7. Single-Family Detached Dwellings that do not conform to the minimum lot area requirements imposed by this Section, but were in existence as of September 19, 1990. For purposes of future construction on such lots, the design standards listed in Section 202 of this Ordinance shall apply.
8. Accessory uses customarily incidental to the above permitted uses, including but not limited to the following:
  - A. Accessory Manure Digesters Systems, subject to the following:
    - (1) Manure digester systems shall be permitted as accessory uses and/or accessory structures to the active agricultural or farm principal use of at least ten (10) acres used to generate and supply electrical or thermal power exclusively for on-site use by the agricultural or farm principal use, except that when a property upon which the manure digester is installed also receives electrical power supplied by a utility company, excess

electrical power generated and not presently needed for on-site use may be used by the utility company.

- (2) Manure digester systems shall comply with all dimensional requirements for farms and/or agricultural uses.
  - (3) Manure digester systems shall be designed in compliance with the guidelines outlined in the Pennsylvania Department of Environmental Protection's (PADEP) Bureau of Water Quality Management publication, and any revisions, supplements, and replacements thereof, published by the PADEP.
  - (4) All manure digester systems shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
  - (5) A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the manure digester system.
  - (6) The applicant shall provide a detailed description of any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances and commonly accepted standards.
  - (7) No manure digester system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - (8) All transmission lines to and from any manure digester system shall be buried underground.
- B. Beekeeping, subject to the following:
- (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) In no case shall hives be located within twenty-five (25) feet of any property line.
  - (5) All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, 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 properties.
  - (7) Adequate techniques in handling bees such as requeening and adequate hive space shall be maintained to prevent unprovoked stinging seventy-five (75) feet or more from the hive.
- C. Family Day-Care Facilities as defined herein.

- D. Manure Storage Facilities, subject to the following regulations:
- (1) All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication *Manure Management for Environmental Protection*, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the PADEP.
  - (2) All waste storage facilities' designs shall be reviewed by the Lancaster County Conservation District (LCCD). The applicant shall furnish a letter from the LCCD attesting to approval of the design of the proposed facility.
  - (3) Construction and subsequent operation of the waste 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 review by the LCCD.
- E. Noncommercial Keeping of Livestock, permitted only in the (A) Agricultural Zone and (R) Rural Zone, subject to the following criteria:
- (1) Minimum lot area – One (1) acre; additionally, the following list specifies additional area requirements by size of animals kept:
 

GROUP 1 – Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.

GROUP 2 – Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.

GROUP 3 – Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre of area dedicated solely to the stabling/grazing/pasturing of said animal(s) and no other use, with a maximum number of ten (10) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one (1) structure be used to house a combination of animal types, the most restrictive setback shall apply.
  - (2) The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock:
 

GROUP 1 Animals  
Up to twenty-five (25) animals, a twenty-five (25) foot setback.  
Above twenty-five (25) animals, a fifty (50) foot setback.

GROUP 2 Animals  
Up to two (2) animals; a fifty (50) foot setback.  
Above two (2) animals; a seventy-five (75) foot setback.

GROUP 3 Animals  
One hundred (100) feet.
  - (3) All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.

- (4) The area within which the animals are maintained (whether in a shelter and/or exercise pen and/or pasture) shall be kept in a grass cover and shall not degrade to a bare earth and or erodible condition.
  - (5) Any drainage field or absorption area for an individual or community sewage system, including a tested replacement location, shall be fenced so that animals do not have access to such area.
  - (6) All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; the fence for such areas adjacent to any zones other than (A) Agricultural; (R) Rural; or (C) Conservation Zones shall be located at least ten (10) feet from the property line(s).
  - (7) All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
  - (8) Animals shall be maintained on a non-commercial basis and be clearly secondary and incidental to the principal use.
- F. Roadside Stands for the Sale of Agricultural Products, subject to the following:
- (1) Any structure used to display such goods and related parking shall be no more than two thousand (2,000) square feet in size for each ten (10) acres on the farm, and shall be located at least twenty-five (25) feet from any property line.
  - (2) At least half of the products displayed for sale must have been produced on the premises.
  - (3) Off-street parking shall be provided for all employees and customers.
  - (4) Any signs used shall comply with Section 315 of this Ordinance.
- G. Woodworking Shops, subject to the following:
- (1) The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes.
  - (2) The activity shall be conducted by the full-time resident of the property, with the help of no more than the equivalent of one (1) full-time nonresident.
  - (3) The activity must be conducted within a completely enclosed building(s).
  - (4) There shall be no outdoor storage of materials and equipment used in the activity.
  - (5) No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise that are produced on the premises.
  - (6) No commercial vehicles used in the business shall be permitted to be parked in any of the required yards.
  - (7) The owner shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the activity shall be conducted in a manner that does not allow the accumulation of trash and debris.

**201.3. Special Exception Uses** (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Agri-tainment (See Section 403).
2. Agricultural Support Businesses (See Section 404) including, but not limited to:
  - A. Commercial Grain or Commercial Feed Mills
  - B. Commercial Stockyards.
  - C. Facilities for the Commercial Processing of Agricultural Products.

- D. Facilities for the Warehousing, Distribution, Sales and Service of Agricultural Equipment, Vehicles, Feed or Supplies.
  - E. Facilities for the Warehousing and Distribution of Commercially Processed Agricultural Products.
3. Animal Hospitals, Veterinary Facilities, and Kennels (See Section 407).
  4. Conversion Apartments (See Section 423).
  5. ECHO Housing (See Section 426).
  6. Farm-Related Businesses (See Section 428).
  7. Farm Occupations (See Section 429).
  8. Home Occupations (See Section 435).
  9. Lawn Care Business (See Section 440).
  10. Riding Stables (See Section 454).
  11. Schools (See Section 455).
  12. Temporary Farm Employee Housing (See Section 459).

#### **201.4. Lot Area Requirements**

1. Farm Agricultural use - Ten (10) acres.
2. Non-Agricultural Uses
  - A. For each twenty-five (25) acres of contiguous land in single ownership as of September 19, 1990, there may be one (1) lot sold or utilized for a single-family detached dwelling or other principal non-agricultural use, provided that the minimum lot area be sufficient to meet the requirements of PADEP for water supply and wastewater disposal, as well as setback, lot coverage and other dimensional requirements, and a maximum lot size of two (2) acres; however, the minimum lot area requirement may be reduced to twelve thousand, five hundred (12,500) square feet if both public sewer and public water are utilized;.
  - B. For each tract of contiguous land in single ownership that is two (2) acres or more, but less than twenty-five (25) acres, as of September 19, 1990, there may be only one (1) lot sold or utilized for a single-family dwelling or other non-agricultural use. The lot area shall be a minimum sufficient to meet the requirements of PADEP for water supply and wastewater disposal, as well as setback, lot coverage and other dimensional requirements and a maximum of two (2) acres; however, this minimum lot area requirement may be reduced to twelve thousand, five hundred (12,500) square feet if both public sewer and public water are utilized.
  - C. The provisions of Paragraph 2.A and 2.B of this Section shall apply to all parcels of land legally existing on September 19, 1990. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots or other non-agricultural use pursuant to this Section. Similarly, any subsequent owner of any parcel of land legally existing on September 19, 1990 shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings or other non-agricultural use the number of lots, if any, remaining from the original number permitted by this Section. Any subdivision or land development plan hereafter filed for a tract of land in the (A) Agricultural Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings or other non-agricultural use as determined by the provisions of this Section;.
  - D. In the event a tract of land, which was not classified as part of the (A) Agricultural Zone on September 19, 1990, is hereafter classified as part

of the (A) Agricultural Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning zone classification; and,

- E. For those vacant lots in existence on September 19, 1990 and containing less than one (1) acre, there may be one (1) single-family-detached dwelling constructed subject to the standards listed for such dwellings in Section 202 of this Ordinance.

## **201.5. Minimum Lot Width**

1. Single-family Detached Dwellings - one hundred fifty (150) feet at the front yard setback line.
2. Single-Family Detached Dwellings utilizing both public sewer and public water need only provide one hundred (100) feet at the front yard setback line.
3. All other uses - two hundred (200) feet at the front yard setback line.

## **201.6. Minimum Setbacks and Maximum Height Requirements**

1. Agricultural, Horticultural and Forestry Related Uses:
  - A. Front yard setback - Fifty (50) feet.
  - B. Side yard setback - Fifty (50) feet on each side (one hundred [100] feet total).
  - C. Rear yard setback - Fifty (50) feet.
  - D. Special setback requirements - Except as provided for in the following paragraph, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms or the raising of commercial livestock, or any building housing commercial livestock shall be permitted within three hundred (300) feet of any property line within the (R) Rural; (RL) Low Density Residential; (RM) Medium Density Residential; (RH) High Density Residential; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; and (RH1) High Density Residential Flex Zones. The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act.

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

- E. Maximum permitted height - One hundred fifty (150) feet provided all structures are set back a distance at least equal to their height from all property lines.
2. Single-Family Detached Dwellings (including farm dwellings):
    - A. Front yard setback - Thirty-five (35) feet from street right-of-way line.
    - B. Side yard setbacks - Fifteen (15) feet on each side (thirty [30] feet total).
    - C. Rear yard setback - Thirty-five (35) feet.
    - D. Maximum permitted height - Thirty-five (35) feet.
  3. Nonconforming Churches and Public Uses:

- A. Front yard setback – Thirty-five (35) feet from street right-of-way line.
  - B. Side yard setback – Fifteen (15) feet on each side (thirty [30] feet total).
  - C. Rear yard setback – Thirty-five (35) feet.
  - D. Maximum Permitted Height – Fifty (50) feet.
4. Other permitted, special exception or conditional uses - Unless otherwise specified, the following requirements shall apply to all other principal uses permitted within the (A) Agricultural Zone:
- A. Front yard setback - Fifty (50) feet from the street right-of-way line.
  - B. Side yard setbacks - Fifty (50) feet on each side (one hundred [100] feet total).
  - C. Rear yard setback - Fifty (50) feet.
  - D. Maximum permitted height - Thirty-five (35) feet.
5. Residential accessory uses - Unless otherwise specified, the following requirements shall apply to accessory uses:
- A. Front yard setback - No accessory use (except roadside stands and permitted signs) shall be located within the required front yard.
  - B. Side yard setbacks - Five (5) feet on each side.
  - C. Rear yard setback - Five (5) feet.
  - D. Maximum permitted height - Thirty (30) feet.

*Note: These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.*

#### **201.7. Maximum Lot Coverage**

- A. Agricultural Horticultural and Forestry Related Uses - Ten (10) percent. Lot coverage for Agricultural Horticultural and Forestry Related Uses may be increased to not more than twenty (20) percent by special exception from the Zoning Hearing Board.
- B. Single-Family Detached Dwellings - Thirty (30) percent or fifteen thousand (15,000) square feet, whichever is less.
- C. Nonconforming Churches and Public Uses - Seventy (70) percent.
- D. Other Uses (unless otherwise specified) - Twenty (20) percent.

**201.8. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry-related activities shall be exempt from driveway and access drive requirements.

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

**201.10. Agricultural Nuisance Disclaimer** - All lands within the (A) Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners residents and other users of this property may be subjected to inconvenience discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that



Section 4 of the Pennsylvania Act 133 or 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.

- 201.11. Vegetation Setback Requirement** - On any separate nonfarm parcel, no shrub or tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land used for agricultural purposes.
- 201.12. Nonconforming Churches and Public Uses** – Nonconforming churches and public uses in the (A) Agricultural Zone existing as of the effective date of this Ordinance are exempt from the provisions of Article 5 of this Ordinance.

## Section 202 (R) Rural Zone

**202.1. Purpose** - The primary purpose of this Zone is to promote a continuation of the rural character of the area, characterized by a mixture of sparsely developed residential uses, limited farming, a wide range of commonly occurring, limited scale business uses (e.g. retail sale of agricultural products, lawn care, bake shop, small engine repair), and other small-scale public utility nonresidential uses. These areas are not likely to be served by public sewer nor water facilities within the foreseeable future; therefore, larger lot sizes are indicated. This Zone includes areas not possessing “prime agricultural soils”. Finally, several nonresidential land uses have been allowed within this Zone by special exception or conditional use. These uses have been targeted for the rural landscape as a means of protecting the Township's sensitive environmental features, its prime agricultural soils and its other more densely populated portions. Numerous protective criteria are attached to these uses to ensure their compatibility within this and other Zones within the Township.

### 202.2. Permitted Uses

1. Agricultural, Horticultural and Forestry Related Uses, subject to the standards listed in Section 201 of this Ordinance.
2. Bed and Breakfasts (See Section 410).
3. Beekeeping, subject to the requirements listed in Section 201.2.8.B of this Ordinance.
4. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
5. No-Impact Home-Based Businesses (See Section 446).
6. Noncommercial Keeping of Livestock, subject to the requirements of Section 201.2.8.E. of this Ordinance.
7. Public Uses and Public Utilities Structures.
8. Single-Family Detached Dwellings.
9. Accessory uses customarily incidental to the above-permitted uses.

### 202.3. Special Exception Uses (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Animal Hospital, Veterinary Facilities and Kennels (See Section 407).
2. Cell Site Antenna (See Section 414).
3. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
4. Clubhouses for Private Clubs (See Section 416).
5. Conversion Apartments (See Section 423).
6. ECHO Housing (See Section 426).
7. Family Day-Care Facilities (See Section 427).
8. Farm-Related Businesses (See Section 428).
9. Farm Occupations (See Section 429).
10. Home Occupations (See Section 435).
11. Lawn Care Business (See Section 440).
12. Nursing, Rest or Retirement Homes (See Section 448).
13. Retail and Wholesale Sales of Nursery and Garden Stock (See Section 453).
14. Riding Stables (See Section 454).
15. Schools, excluding Vocational and Mechanical Trade Schools (See Section 455).
16. Temporary Farm Employee Housing (See Section 459).

**202.4. Conditional Uses** (Subject to the review procedures listed in Section 705 of this Ordinance.)

1. Airports (See Section 405).
2. Golf Courses and Related Uses (See Section 431).

**202.5. Lot Area Requirements**

1. Unless otherwise specified, all uses within this Zone shall contain a minimum lot area sufficient to meet the requirements of PADEP for water supply and wastewater disposal, as well as setback, lot coverage and other dimensional requirements. In areas of the Township where ambient groundwater nitrate-nitrogen levels do not require a hydrogeologic study, the minimum lot size shall be one-half (1/2) acre.
2. As of March 6, 2000:
  - A. One (1) lot may be subdivided for each five (5) acres of contiguous land in single ownership, provided that:
  - B. Not more than a cumulative total of forty (40) percent of the contiguous land area in single ownership may be subdivided.
  - C. Any driveway intersecting an existing public street shall be located a minimum of five hundred (500) feet from any adjacent driveway regardless of the parcel in which the driveway is located. This Section shall apply to any tracts of land created after September 12, 2004.
3. The provisions of 202.5.2. of this Section shall apply to all parcels of land legally existing on March 6, 2000. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional lots pursuant to this Section. Similarly, any subsequent owner of any parcel of land legally existing on March 6, 2000 shall be bound by the actions of previous owners in that such current owner may only subdivide the number of lots or percentage of land area, if any, remaining from the original number of lots and/or percentage of original land area permitted by this Section. Any subdivision or land development plan hereafter filed for a tract of land in the (R) Rural Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of lots and/or percentage of original land area available for subdivision, as determined by the provisions of this Section.
4. In the event a tract of land, which was not classified as part of the (R) Rural Zone on March 6, 2000, is hereafter classified as part of the (R) Rural Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zone classification.

**202.6. Minimum Lot Width** - One hundred seventy-five (175) feet at the building setback line.

**202.7. Maximum Lot Coverage** - Unless otherwise, specified, thirty (30) percent or fifteen thousand (15,000) square feet, whichever is less.

**202.8. Minimum Setback Requirements**

1. Principal structures:

- A. Front yard setback - The following table lists required front yard setbacks from the right-of-way line of various road types depicted on the Official Zoning Map and/or defined herein. See the following table:

| Road Type | Setback |
|-----------|---------|
| Arterial  | 40 ft.  |
| Collector | 35 ft.  |
| Local     | 35 ft.  |

- B. Side yard setbacks - Fifteen (15) feet on each side (thirty [30] feet total).
- C. Rear yard setback - Thirty-five (35) feet.

2. Accessory structures:

- A. Front yard setback - No accessory use (except permitted signs) shall be located within the required front yard.
- B. Side yard setbacks - Five (5) feet on each side.
- C. Rear yard setback - Five (5) feet.

**202.9. Maximum Permitted Height**

- 1. Agricultural Horticultural and Forestry Related Uses (other than farm dwellings) - One hundred fifty (150) feet provided all structures are set back a distance at least equal to their height from all property lines.
- 2. Single-Family Detached Dwelling (including farm dwellings) - Thirty-five (35) feet.
- 3. Churches and Public Uses – Fifty (50) feet.
- 4. Other permitted, special exception, or conditional uses (unless otherwise specified) – Thirty-five (35) feet.
- 5. Residential accessory uses (unless otherwise specified) – Thirty (30) feet.

**202.10. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

**202.12. Agricultural Nuisance Disclaimer** - All lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the

Pennsylvania Act 133 of 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.

- 202.13. Agricultural Setback Requirement** - No dwelling unit shall be located within one hundred (100) feet of any land within the (A) Agricultural Zone. In addition, no shrub or tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within the (A) Agricultural Zone.

## Section 203 (RL) Low Density Residential Zone

- 203.1. Purpose** - This Zone accommodates low-density suburban residential development growth within the Township. This Zone coincides with expected public sewer and public water service areas. Based upon the findings and recommendations of the Township's Official Sewage Plan, residential development in this Zone is only permitted when both public sewer and public water are utilized. This ensures efficient use of the planned public utilities services areas by preventing their premature development with problematic on-lot utilities. Nonresidential uses have been largely excluded from this Zone to ensure a pleasant neighborhood setting. Clustering provisions are furnished via special exception review.

- 203.2. Permitted Uses**
1. Agricultural, Horticultural and Forestry Related Uses, subject to the standards listed in Section 201 of this Ordinance.
  2. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
  3. No-Impact Home-Based Businesses (See Section 446).
  4. Public and/or Nonprofit Parks.
  5. Public Uses and Public Utilities Structures.
  6. Single-Family Detached Dwellings provided that both public sewer and public water are utilized.
  7. Accessory uses customarily incidental to the above permitted uses.

- 203.3. Special Exceptions** (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
2. Cluster Developments (See Section 418).
3. Home Occupations (See Section 435).

- 203.4. Lot Area Requirements** - Unless otherwise specified, all uses within this Zone shall contain a minimum of fifteen thousand (15,000) square feet.

- 203.5. Minimum Lot Width** - Ninety (90) feet at the minimum front yard setback; seventy-five (75) feet at the street right-of-way line..

- 203.6. Maximum Lot Coverage** - Unless otherwise specified, thirty (30) percent.

- 203.7. Minimum Setback Requirements**

1. Principal structures:
  - A. Front yard setback - The following table lists required front yard setbacks from the right-of-way line of various road types depicted on the Official Zoning Map and/or defined herein. See the following table:

| Road Type | Setback   |
|-----------|---|
| Arterial  | 40 ft.  |
| Collector | 30 ft.  |
| Local     | 30 ft. (Subject to Section 304 of this Ordinance) |

- B. Side yard setbacks - Fifteen (15) feet on each side (thirty [30] feet total).
  - C. Rear yard setback - Thirty-five (35) feet.
2. Accessory structures:
- A. Front yard setback - No accessory structure (except permitted signs) shall be located within the front yard.
  - B. Side yard setbacks -
    - Fifteen (15) feet or less in height - Five (5) feet on each side.
    - Up to thirty (30) feet in height - Fifteen (15) feet on each side.
  - C. Rear yard setback -
    - Fifteen (15) feet or less in height - Five (5) feet.
    - Up to thirty (30) feet in height - Thirty-five (35) feet.

**203.8. Maximum Permitted Height**

- 1. Principal structures - Thirty-five (35) feet.
- 2. Accessory structures - Thirty (30) feet depending on setback from property line.

**203.9. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

**203.11. Agricultural Setback Requirement** - No dwelling unit shall be located within one hundred (100) feet of any land within the (A) Agricultural Zone. In addition no shrub or tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within the (A) Agricultural Zone.

## Section 204 (RM) Medium Density Residential Zone

**204.1. Purpose** - This Zone accommodates medium density suburban residential development growth within the Township. This Zone coincides with existing and expected public sewer and public water service areas. Both single-family detached and duplex housing styles are permitted when both utilities are utilized. This Zone has been located around existing medium density neighborhoods and where roads are, or will be, adequate to accommodate the additional traffic generated. Various residential-related uses are permitted by special exception and clustering is also provided via special exception.

### 204.2. Permitted Uses

1. Agricultural, Horticultural and Forestry Uses, subject to the standards listed in Section 201 of this Ordinance.
2. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
3. Duplexes, provided that both public sewer and public water are utilized.
4. No-Impact Home-Based Businesses (See Section 446).
5. Public Uses and Public Utilities Structures.
6. Single-Family Detached Dwellings, provided that both public sewer and public water are utilized.
7. Accessory uses customarily incidental to the above permitted uses.

**204.3. Special Exception Uses** (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Boarding Houses (See Section 411).
2. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
3. Cluster Developments (See Section 419).
4. Family Day-Care Facilities (See Section 427).
5. Home Occupations (See Section 435).

**204.4. Design Standards** - See the following table:

| Use                                 | Minimum Lot Area | Maximum Density | Minimum Lot Width <sup>1</sup> | Maximum Lot Coverage | Minimum Yard Setbacks                                 |                           |                  |        |
|-------------------------------------|------------------|-----------------|--------------------------------|----------------------|---|---------------------------|------------------|--------|
|                                     |                  |                 |                                |                      | Front<br>(Subject to Section 304 of this Ordinance)   | One (1) Side <sup>3</sup> | Total Both Sides | Rear   |
| Single-Family Detached Dwellings    | 10,000 sq. ft.   | 4.35            | 80 ft.                         | 35%                  | 25 ft. <sup>2</sup>                                   | 10 ft.                    | 20 ft.           | 30 ft. |
| Duplex                              | 7,260 sq. ft.    | 6               | 50 ft.                         | 40%                  | 25 ft. <sup>2</sup>                                   | 10 ft.                    | N/A              | 30 ft. |
| Other Uses                          | 20,000 sq. ft.   | N/A             | 100 ft.                        | 35%                  | 25 ft. <sup>2</sup>                                   | 20 ft.                    | 40 ft.           | 30 ft. |
| Accessory Uses                      | N/A              | N/A             | N/A                            | N/A                  | Not permitted in front yard (except permitted signs). | -                         | -                | -      |
| Fifteen (15) feet or less in height |                  |                 |                                |                      |   | 5 ft.                     | 10 ft.           | 5 ft.  |
| Up to thirty (30) feet in height    |                  |                 |                                |                      |   | 10 ft.                    | 20 ft.           | 30 ft. |

<sup>1</sup>Minimum lot width shall be measured at the building setback line.

<sup>2</sup>Those properties abutting an arterial road as identified on the Official Zoning Map shall provide a minimum front yard setback of forty (40) feet from the right-of-way line of an arterial and a minimum front yard setback of thirty (30) feet from the right-of-way line of a collector.

<sup>3</sup>Accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots along common side lot lines.

**204.5. Maximum Permitted Height**

1. Principal structures - Thirty-five (35) feet.
2. Accessory structures - Thirty (30) feet depending on setback from property line. (See Table in Section 204.4 of this Ordinance)

**204.6. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

**204.8. Agricultural Setback Requirement** - No dwelling unit shall be located within one hundred (100) feet of any land within the (A) Agricultural Zone. In addition no shrub, nor tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within the (A) Agricultural Zone.



## Section 205 (RH) High Density Residential Zone

**205.1. Purpose** - This Zone is intended to provide for the higher density residential needs of the Township. It accommodates the widest range of housing types available within the Township at densities higher than those permitted elsewhere. This Zone is logically located around existing higher density neighborhoods outside of Millersville and Mountville Boroughs, as well as other built-up areas of the Township. Both public sewer and public water are planned to be, or are available. Similarly, adjoining roads are, or are planned to be, adequate to accommodate the additional traffic generated by uses in this Zone. Finally cluster developments are allowed by special exception, and encouraged with the use of density bonus incentives.

### 205.2. Permitted Uses

1. Agricultural, Horticultural and Forestry Related Uses, subject to the standards listed in Section 201 of this Ordinance.
2. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
3. Duplexes, provided that public sewer and public water are used.
4. Multiple Family Dwellings, provided that public sewer and public water are used.
5. No-Impact Home-Based Businesses (See Section 446).
6. Public and/or Nonprofit Parks.
7. Public Uses and Public Utilities Structures.
8. Single-Family Detached Dwellings, provided that public sewer and public water are used.
9. Townhouses, provided that public sewer and public water are used.
10. Accessory uses customarily incidental to the above permitted uses.

**205.3. Special Exceptions** (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Boarding Houses (See Section 411).
2. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
3. Cluster Developments (See Section 417).
4. Family Day-Care Facilities (See Section 427).
5. Medical Residential Campuses (See Section 442).
6. Nursing, Rest, or Retirement Homes (See Section 448).
7. Schools, (excluding Vocational and Mechanical Trade Schools) (See Section 455).

**205.4. Conditional Uses** (Subject to the review procedures listed in Section 705 of this Ordinance.)

1. Golf Courses (See Section 431).
2. Mobile Home Parks (See Section 444).

**205.5. Design Standards** - See the following table:

| Use                                    | Minimum Lot Area   | Maximum Density | Minimum Lot Width <sup>1</sup> | Maximum Lot Coverage | Minimum Yard Setbacks                                 |                           |                  |        |
|--|--|-----------------|--------------------------------|----------------------|---|---------------------------|------------------|--------|
|  |  |                 |                                |                      | Front <sup>4</sup>                                    | One (1) Side <sup>5</sup> | Total Both Sides | Rear   |
| Single-Family Detached Dwellings       | 7,500 sq. ft.  | 5.8             | 70 ft.                         | 35%                  | 25 ft.  | 10 ft.                    | 20 ft.           | 20 ft. |
| Duplexes                               | 6,000 sq. ft. per unit   | 7.26            | 45 ft. per unit                | 45%                  | 25 ft.  | 10 ft.                    | N/A              | 20 ft. |
| Townhouses <sup>2,3</sup>              | 2,000 sq. ft. per unit   | 8               | 20 ft. per unit                | 75%                  | 25 ft.  | 15 ft.                    | End Units        | 15 ft. |
| Multiple Family Dwellings <sup>3</sup> | 43,560 sq. ft. (minimum 3,000 sq. ft. lot area per dwelling unit). | 14              | 100 ft.                        | 60%                  | 25 ft.  | 20 ft.                    | 40 ft.           | 35 ft. |
| Other Uses                             | 20,000 sq. ft.   | N/A             | 100 ft.                        | 45 %                 | 25 ft.  | 20 ft.                    | 40 ft.           | 35 ft. |
| Accessory Uses                         | N/A  | N/A             | N/A                            | N/A                  | Not permitted in front yard (except permitted signs). | -                         | -                | -      |
| Fifteen (15) feet or less in height    |  |                 |                                |                      |   | 5 ft.                     | 10 ft.           | 5 ft.  |
| Up to thirty (30) feet in height       |  |                 |                                |                      |   | 10 ft.                    | 20 ft.           | 20 ft. |

<sup>1</sup>Minimum lot width shall be measured at the building setback line.

<sup>2</sup>No more than twenty (20) percent of the total number of townhouse groupings shall contain more than six (6) units and in no case shall any grouping contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

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

- a. Front to front, rear to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) 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.

<sup>4</sup>If the property abuts an arterial road as identified in Section 316 of this Ordinance, the minimum front yard setback shall be forty (40) feet from the right-of-way line. If the property abuts a collector road as identified in Section 316 of this Ordinance, the minimum front yard setback shall be thirty (30) feet from the right-of-way line.

<sup>5</sup>Accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots along common side lot lines.

**205.6. Maximum Building Length** - In no case shall any building exceed one hundred seventy-five (175) feet along its longest dimension.

**205.7. Maximum Permitted Height**

1. Principal buildings and structures - Thirty-five (35) feet.
2. Accessory structures - Thirty (30) feet depending on setback from property line.

**205.8. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

**205.10. Agricultural Setback Requirement** - No dwelling unit shall be located within one hundred (100) feet of any land within the (A) Agricultural Zone. In addition no shrub or tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within the (A) Agricultural Zone.

## **Section 206 (LC) Local Commercial Zone**

**206.1. Purpose** - The purpose of this Zone is to provide basic convenience commercial goods and services to local residents who live in the existing Villages. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone. This Zone has been sized to permit a grouping of several businesses; lot sizes may vary depending upon the use of public utilities. This Zone has been located amid the various residential concentrations to facilitate convenient access to these services without creating additional congestion to and from larger commercial centers. Strict design standards have been imposed to keep uses in this Zone compatible with nearby homes.

**206.2. Permitted Uses**

1. Banks and Similar Financial Institutions.
2. Churches and Related Uses - but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
3. Medical and Dental Clinics and Offices.
4. No-Impact Home-Based Businesses (See Section 446).
5. Offices.
6. Public Uses and Public Utilities Structures.
7. 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.
8. Restaurants (but not including Drive-Thru or Fast-Food Restaurants or Nightclubs).
9. 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.
10. Retail Services including: Barber/Beauty Salons; Music, Dance, Art or Photographic Studios and Repair of Clocks and Small Appliances.
11. Shopping Centers with any of those uses permitted in this Section.
12. Veterinarian Offices provided no Outdoor Keeping of Animals is permitted.
13. Accessory uses customarily incidental to the above permitted uses.

**206.3. Special Exception Uses** (See Section 605.3. of this Ordinance)

1. Automobile Filling Stations (Including Minor Incidental Repair) (See Section 409).
2. Cell Site Antenna (See Section 414).
3. Commercial Day-Care Facilities (See Section 420).
4. Dry Cleaners, Laundries, and Laundromats (See Section 425).
5. Limited Automobile, Truck, Trailer, and Farm Machinery Service and Repair Facilities including, but not limited to, Auto Mechanics, Lubrication Services and Tires, Brake, Muffler, Transmission, and Car Radio (See Section 408).
6. Schools (excluding Vocational and Mechanical Trade Schools) (See Section 455).

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

| Utilized Public Utilities          | 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.           | 45%                  |
| Both Public Sewer and Public Water | 15,000 sq. ft.   | 100 ft.           | 70%                  |

\* Unless otherwise specified, all uses within this Zone shall contain a minimum lot area sufficient to meet the requirements of PADEP for water supply and wastewater disposal, as well as setback, lot coverage and other dimensional requirements.

**206.5. Minimum Setback Requirements** (Principal and Accessory Uses.)

1. Front yard setback - All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least ten (10) feet from the right-of-way of a local street, thirty (30) feet from a collector, and forty (40) feet from an arterial. Off-street parking lots shall be set back a minimum of twenty (20) feet from the street right-of-way.
2. Side yard setback - 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 (1) of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear yard setback - All buildings, structures, 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 land within any of the Residential Zones shall maintain a twenty-five (25) foot separation for nonresidential buildings, structures, off-street parking lots and loading areas from the residentially-zoned parcels. 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 313 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within any of the Residential Zones, nor any side of a building facing an adjoining street.

- 206.8.**        **Off-Street Parking** - Off-street parking shall be provided as specified in Section 312 of this Ordinance.
- 206.9.**        **Signs** - Signs shall be permitted as specified in Section 315 of this Ordinance.
- 206.10.**       **Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be made in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.
- 206.11.**       **Screening** - A visual screen must be provided along any adjoining lands within any of the Residential Zones, regardless of whether or not the residentially-zoned parcel is developed. (See Section 314 of this Ordinance.)
- 206.12.**       **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 314 of this Ordinance.)
- A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- 206.13.**       **Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.
- 206.14.**       All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 206.15.**       **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.
- 206.16.**       **Outdoor Storage** - Within this Zone, no outdoor storage or display of merchandise is permitted.

## **Section 207            (GC) General Commercial Zone**

- 207.1.**        **Purpose** - This Zone provides suitable locations with public sewer and water for larger-scale and/or highway-oriented retail, service and entertainment businesses. The uses often involve outdoor activities and/or storage areas like automobile, boat and trailer sales and service establishments. The uses provided in this Zone are meant to serve local residents as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks are imposed upon outdoor storage areas to protect adjoining properties, and landscaping requirements should help to create an attractive site appearance. Finally, certain design incentives are provided for integrated uses that share access, parking, loading, signage and etc.
- 207.2.**        **Permitted Uses**
1.     Automobile, Boat, Farm Machinery, Mobile Home, and Trailer Sales.
  2.     Banks and Similar Financial Institutions.

3. Churches and Related Uses - but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
4. Dry Cleaners, Laundries and Laundromats.
5. Funeral homes, Mortuaries, and Crematoriums.
6. Hotels, Motels and Similar Lodging Facilities.
7. Medical and Dental Clinics and Offices.
8. Offices.
9. Public Uses and Public Utilities Structures.
10. 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.
11. Restaurants and Taverns (but not including drive-thru or fast-food restaurants, nor nightclubs).
12. Retail Sale of Goods and Services, including, but not limited to, Auto Parts Stores, without installation.
13. Schools (excluding Vocational and Mechanical Trade Schools).
14. 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.
15. Theaters and Auditoriums.
16. Accessory Uses customarily incidental to the above permitted uses.

**207.3. Special Exception Uses** (Subject to the procedures presented in Section 605.3. of this Ordinance.)

1. Adult-Related Facilities (See Section 402).
2. Amusement Arcades (See Section 406).
3. Automobile, Boat, Trailer, Truck, Farm Machinery, and Mobile Home Service and Repair Facilities including but not limited to Auto Mechanics, Drive-Thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Car Radio, and Upholstery Shops (See Section 408).
4. Automobile Filling Stations (including Minor Incidental Repair) (See Section 409).
5. Car Washes (See Section 413).
6. Cell Site Antenna (See Section 414).
7. Commercial Day-Care Facilities (See Section 420).
8. Commercial Recreation Facilities (See Section 421).
9. Drive-Thru and/or Fast-Food Restaurants (See Section 424).
10. Health and Fitness Clubs (See Section 432).
11. Home Improvement and Building Supply Stores (See Section 435).
12. Hospitals (See Section 436).
13. Mini-Warehouses (See Section 443).
14. Nightclubs (See Section 445).
15. Shopping Centers involving any use permitted in this Zone (See Section 456).

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

| Minimum Lot Area | Minimum Lot Width | Maximum Lot Coverage |
|------------------|-------------------|----------------------|
| 15,000 sq. ft.   | 100 ft.           | 70%                  |

**207.5. Minimum Setback Requirements**

1. Front yard setback - All buildings, structures (except permitted signs), 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 twenty (20) feet from the street right-of-way.

2. **Side yard setback** - All buildings and structures shall be set back at least fifteen (15) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten (10) feet from the side lot lines, unless joint these facilities are shared by adjoining uses. In such instances, one (1) of the side yard setbacks can be waived solely for these facilities.
3. **Rear yard setback** - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, shall be set back at least twenty (20) feet from the rear lot line.
4. **Residential buffer strip** - Any lot adjoining land within any of the Residential Zones shall maintain a twenty-five (25) foot setback for buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, from the residentially-zoned parcels. Such area shall be used for a landscape strip, and screen.

- 207.6. Maximum Permitted Height** - Height shall not exceed seventy (70) feet above the finished grade. Structures exceeding forty (40) feet shall be set back an additional one (1) foot for every two (2) feet increase in height over forty (40) feet from side and rear property line setback requirements in Section 207.5 of this Ordinance. However, if the lot is adjacent to any of the Residential Zones, the minimum yard dimension for the yard immediately adjoining any of the Residential Zones shall be increased by two (2) feet for every one (1) foot of building height over forty (40) feet. This increase shall be in addition to all other minimum setback requirements of Section 207.5 of this Ordinance.
- 207.7. Off-Street Loading** - Off-street loading shall be provided as specified in Section 313 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing an adjoining street.
- 207.8. Off-Street Parking** - Off-street parking shall be provided as specified in Section 312 of this Ordinance.
- 207.9. Signs** - Signs shall be permitted as specified in Section 315 of this Ordinance.
- 207.10. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.
- 207.11. Screening** - A visual screen must be provided along any adjoining lands within any of the Residential Zones, regardless of whether or not the residentially-zoned parcel is developed. (See Section 314 of this Ordinance.)
- 207.12. 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 314 of this Ordinance.)
- 207.13. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.
- 207.14.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 207.15. 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.

- 207.16. **Outdoor Storage** - Within this Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and the outdoor storage areas comply with the setbacks imposed within this Section. The outdoor storage areas for automobile sales uses need not be screened from adjoining roads.

**Section 208 (CO) Commercial Office Zone**

- 208.1. **Purpose** - This Zone provides for a wide range of office uses that are protected from other commercial activities. These districts are located close to commercial centers, along major roads, and in areas served by both public sewer and public water. In addition, this Zone can be used as a transitional land use separating any of the Residential Zones from any of the Nonresidential Zones. Lot area requirements have been kept small so that smaller offices can be constructed individually rather than as part of a larger office complex.

- 208.2. **Permitted Uses**

1. Banks and Similar Financial Institutions.
2. Dwellings subject to the requirements listed in Section 205 of this Ordinance.
3. Medical and Dental Clinics and Offices.
4. No-Impact Home-Based Businesses (See Section 446).
5. Offices (Business and Professional).
6. Public Uses and Public Utilities Structures.
7. Accessory uses customarily incidental to the above permitted uses.

- 208.3. **Special Exception Uses**

1. Cell Site Antenna (See Section 414).

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

| Minimum Lot Area | Minimum Lot Width | Maximum Lot Coverage |
|------------------|-------------------|----------------------|
| 15,000 sq. ft.   | 100 ft.           | 60%                  |

- 208.5. **Minimum Setback Requirements**

1. **Front yard setback** - All buildings, and structures (except permitted signs) and, 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 yard setback** - All buildings and structures 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 these facilities are shared by adjoining uses. In such instances, one (1) of the side yard setbacks can be waived solely for these facilities.
3. **Rear yard setback** - All buildings, structures 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 land within any of the Residential Zones shall maintain a twenty-five (25) foot setback for buildings structures, off-street parking lots, and loading areas, from the residentially-zoned parcels. Such area shall be used for a landscape strip, and screen.

- 208.6. Maximum Permitted Height** - Thirty-five (35) feet.
- 208.7. Off-Street Loading** - Off-street loading shall be provided as specified in Section 313 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within any of the Residential Zones, nor any side of a building facing an adjoining street.
- 208.8. Off-Street Parking** - Off-street parking shall be provided as specified in Section 312 of this Ordinance.
- 208.9. Signs** - Signs shall be permitted as specified in Section 315 of this Ordinance.
- 208.10. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.
- 208.11. Screening** - A visual screen must be provided along any adjoining lands within any of the Residential Zones, regardless of whether or not the residentially-zoned parcel is developed. (See Section 314 of this Ordinance.)
- 208.12. 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 314 of this Ordinance.)
- 208.13. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.
- 208.14.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 208.15. 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.
- 208.16. Outdoor Storage** - No outdoor storage is permitted.

## Section 209

### (I) Industrial Zone

- 209.1. Purpose** - This Zone provides for a wide range of industrial and office activities, and support services, which contribute to the wellbeing 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 and still provide for a campus atmosphere to create attractive site design and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

## 209.2. Permitted Uses

1. Primary Permitted Uses. In the (I) Industrial Zone, the following uses are permitted:
  - A. Agricultural, Horticultural and Forestry Related Uses, subject to the requirements of Section 201 of this Ordinance.
  - B. Bookbinding, Printing and Publishing.
  - C. Communication Towers and Antennas (See Section 421 and Section 414).
  - D. Indoor Sports Facilities (See Section 437).
  - E. Industrial Uses involving Manufacturing, Processing, Packaging, Production, Repair, or Testing of Materials, Goods, and Products, including those Industries Performing Primarily Conversion, Assembly, or Nontoxic Chemical Operations.
  - F. Laboratories for Medical, Science, Industrial Research and Development.
  - G. Mini-Warehousing Facilities.
  - H. Offices.
  - I. Parking Lots and Facilities.
  - J. Public and/or Nonprofit Parks.
  - K. Public Uses and Public Utilities Structures.
  - L. Recycling Collection Facilities, provided that 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, goods or furnishings that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
  - M. 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.
  - N. Signmakers.
  - O. Vocational and Mechanical Trade Schools.
  - P. Warehousing and Wholesale Trade Establishments having a gross floor area of one hundred thousand (100,000) square feet or less.
  - Q. Accessory uses customarily incidental to the above permitted uses, including, without limitation:
    - Retail Sales of products that are produced or manufactured and/or assembled on the premises as an accessory use to a Permitted Manufacturing Product or Process, provided that separate structures for retail use shall be limited to five thousand (5,000) square feet, and retail sales as part of a manufacturing process shall be limited to thirty-five percent (35%) of the total floor area and shall not exceed five thousand (5,000) square feet for each retail use.

2. Industrial/Business Support Uses. On any tract of land that contains a minimum of two hundred (200) acres as of August 3, 1998, the following industrial/business support uses are permitted:
  - A. Conference Facilities.
  - B. Hotels, Motels and Similar Lodging Facilities.
  - C. Medical and Dental Offices and Clinics.
  - D. Medical Residential Campuses (See Section 442).
  - E. Nursing, Rest or Retirement Homes (See Section 448).

In addition, the following uses shall be permitted when proposed for use in connection with an industrial/business development subject to the limitations set forth in Section 209.2.3. below:

- F. Banks and Similar Financial Institutions.
- G. Commercial Day-Care Facilities (See Section 420).

- H. Delicatessens.
  - I. Health and Fitness Clubs (See Section 432).
  - J. Restaurants and Taverns (but not including Drive-Thru or Fast-Food Restaurants).
  - K. Veterinarian's Office.
3. Limitations on Business/Support Uses. The uses set forth in Section 209.2.2.F. through K. (The "Accessory Uses") are permitted only when proposed within a subdivision or land development plan in connection with the uses permitted pursuant to Section 209.2.1. and Section 209.2.2.A. and B. (The "Principal Uses") of this Ordinance, subject to the following:
- A. The aggregate building area for the Accessory Uses shall not exceed ten (10) percent of the aggregate building areas for the Principal Uses. The aggregate building areas for the Principal Uses and Accessory Uses shall be determined by the total building areas for the uses which are proposed within the subdivision or land development plan or which is existing within the industrial/business development of which the proposed Accessory Use is a part. A subdivision and/or land development plan for Accessory Uses shall identify on the plan the land development or subdivision of which the lot which is proposed for an Accessory Use is a part. This designation will control future applications for Accessory Uses within such land development or subdivision.
  - B. The building or structure containing such uses shall maintain a minimum of a two hundred (200) foot setback from any residentially-zoned land adjoining the lot on which the uses are located. Where any of the Residential Zones and the (I) Industrial Zone are separated by a street, the setback requirements of Section 209.6. of this Ordinance shall apply.

**209.3. Special Exception Uses** (Subject to the procedures presented in Section 605.3. of this Ordinance.)

- 1. Heavy Equipment Sales, Services and Repair, such as Excavation Machinery, Commercial Trucks, Buses, Farm Equipment, Mobile Home Parks, Trailers, and Other Similar Machinery (See Section 433).
- 2. Junkyards (See Section 439).
- 3. Machine Shop (See Section 438 "Industrial Uses").
- 4. Recycling Stations for Paper, Glass and Metal Products (See Section 451).
- 5. Retail Sales, Storage and/or Wholesaling of Home and Auto-Related Fuel (See Section 438 "Industrial Uses").
- 6. Small Engine Repair Shops (See Section 438 "Industrial Uses").
- 7. Truck and Motor Freight Terminals (See Section 460).
- 8. Warehousing and Wholesale Trade Establishments having a gross floor area in excess of one hundred thousand (100,000) square feet (See Section 461).
- 9. Welding Shops (See Section 438 "Industrial Uses").

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

|   | <b>Minimum Lot Area</b>            | <b>Minimum Lot Width</b> | <b>Maximum Lot Coverage</b> |
|---|------------------------------------|--------------------------|-----------------------------|
| Offices   | 20,000 sq. ft.                     | 100 feet                 | 70%                         |
| Communication Towers and Antennas                 | none<br>(see Sections 422 and 414) | 100 feet                 | 70%                         |
| Banks and Similar Financial Institutions          | 20,000 sq. ft.                     | 100 feet                 | 70%                         |
| Restaurants and Taverns                           | 20,000 sq. ft.                     | 100 feet                 | 70%                         |
| Commercial Day-Care Facilities                    | 20,000 sq. ft.                     | 100 feet                 | 70%                         |
| Other Uses (except as otherwise specified herein) | 43,560 sq. ft.                     | 200 feet                 | 70%                         |

**209.5. Two (2) or More Principal or Accessory Uses** - A lot may include two (2) or more principal and/or accessory uses provided that the other requirements of this Section are met, including lot size, lot width and lot coverage for each structure or use, as though they were located on the same lot, provided that the distance between buildings shall be a minimum of twenty (20) feet, and provided that the side yard requirement from the property line shall be met.

**209.6. Minimum Setback Requirements** (Principal and Accessory Uses.)

1. Front yard setback - All buildings, structures (except permitted signs), off-street loading areas, dumpsters, and outdoor storage areas shall be set back at least fifty (50) feet from the adjoining right-of-way. All parking lots shall be set back at least twenty (20) feet from any adjoining right-of-way.
2. Side yard setbacks - All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas shall be set back at least thirty (30) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty (20) feet from any side lot lines unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one (1) of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear yard setback - All buildings, structures, dumpsters and off-street loading areas shall be set back at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five (25) feet from any rear lot lines.
4. Residential buffer - Where industrial-zoned land and residentially-zoned land adjoin, landscape screening in accordance with this Section is required. A comprehensive Landscape Plan which mitigates objectionable visual, noise and odor elements of the industrial land uses shall be approved by the Zoning Officer in conjunction with subdivision or land development approval or prior to issuance of a zoning permit. Such Landscape Plan shall include the design elements listed below and be prepared by a Landscape Architect registered in the Commonwealth of Pennsylvania. All plant material shall conform to American Nursery & Landscape Association (ANLA) standards. The following dimensional and performance standards shall apply as minimum standards for compliance with this Section.
  - A. Setbacks adjoining residentially-zoned land - Where any land or use in the (I) Industrial Zone adjoins land within any of the Residential Zones, a seventy-five (75) foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas shall be required. Off-street parking lots shall be set

back at least fifty (50) feet from adjoining residentially-zoned properties. Within the setback areas created by the standards of this Section, the following screening requirements shall be applied:

B. Required multi-level screening:

- (1) Required low level visual screens. (The alternate standards listed below may be used in combination to achieve a total height of four (4) feet or individually to achieve the required screen height as alternatives.)
  - (a) Solid visual barrier (low level) - may consist of a combination of site grading, earth mounding, decorative fencing, or masonry walls provided a solid visual barrier to a height of four (4) feet above finished grade of industrial parking, loading and driveway areas.
  - (b) Plant material screen (low level) - may consist of mixture of narrow and broad leaf evergreen and deciduous plant material arranged in a massed planting scheme capable of providing a visual screen to a height of four (4) feet above finished grade of industrial parking, loading and driveway areas. As a minimum, plant material shall be placed in two (2) staggered rows at a maximum of five (5) feet on center. Upright plant material shall be installed at a minimum height of twenty four (24) inches. Plant material shall be capable of forming a year-round dense visual screen.
- (2) Required high level screens. These standards are to be utilized in combination with the low level screening standards to achieve the required multi-level visual screen. The following solid and plant material screen standards (including existing vegetation) may be used singly or in combination. The solid visual barrier is mandatory at the locations noted.
  - (a) Solid visual barrier (high level) - shall consist of masonry, wood or a combination of masonry, wood or other durable decorative fencing material providing a solid visual barrier sufficient to shield from view objects in the industrial area to a minimum height of six (6) feet. A solid visual barrier is required as an element of the required multi-level screen at industrial outdoor storage, waste and/or recyclable products storage and waste and/or recyclable material container locations.
  - (b) Plant material screen (high level) - shall consist of a mixture of evergreen and deciduous plant material arranged in a varied planting scheme sufficient to shield from view objects in the industrial area from a height of four (4) feet to a height of twenty (20) feet. As a minimum, plant material shall be placed in two (2) staggered rows at a spacing of not more than one-half (1/2) the mature height. Upright evergreen plant material shall be installed a minimum height of four (4) feet to five (5) feet. Minimum caliper size for deciduous material shall be one and one-half (1 1/2) inches for specimen or flowering plant material with mature height of less than twenty (20) feet. Minimum caliper size for deciduous plant material with mature height in excess of twenty (20) feet shall be two and one-half (2 1/2) inches.
- (3) Provision for preservation of existing vegetation:
  - (a) Existing natural vegetation - Existing trees and vegetated areas shall be protected to prevent unnecessary destruction. Existing trees may be incorporated into the Landscape Plan to meet requirements for

screening. At least twenty-five (25) percent of the number of trees (minimum trunk caliper of six [6] inches) that exist at a time of plan submission shall be preserved or replaced. Replacement trees shall be minimum two (2) inch caliper and of equivalent indigenous species. Natural vegetative cover may be re-established in appropriate areas in accordance with the approved Landscape Plan.

5. Accessory recreation uses - These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line. Passive recreation facilities, including bike paths and walking paths, may be developed within the front, side and rear yard setback lines.

- 209.7. Maximum Permitted Structural Height** - The height of offices, hotels, motels, and similar lodging facilities shall not exceed sixty (60) feet. The height of any other principal structure, or any accessory structure, shall not exceed forty (40) feet, except that chimneys, flagpoles, antenna, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures (except permitted signs) shall be set back a distance at least equal to their height from all property lines. Provided, however, that if the lot is adjacent to any of the Residential Zones, the minimum yard dimension for the yard immediately adjoining any of the Residential Zones shall be increased by two (2) feet for every one (1) foot of building over forty (40) feet. This increase shall be in addition to all other minimum yard dimensions set forth in Section 209.6.4 of this Ordinance.
- 209.8. Off-Street Loading** - Off-street loading shall be provided as specified in Section 313 of this Ordinance.
- 209.9. Off-Street Parking** - Off-street parking shall be provided as specified in Section 312 of this Ordinance.
- 209.10. Signs** - Signs shall be permitted as specified in Section 315 of this Ordinance.
- 209.11. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.
- 209.12. Landscaping** - A comprehensive Landscape Plan that provides a coordinated overall planting and landscape effect, and demonstrated compliance with the provisions of this Ordinance, is required for development within the (I) Industrial Zone. Such Landscape Plan shall be prepared by a Landscape Architect registered in the Commonwealth of Pennsylvania. Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, passive recreation facilities, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.
- 209.13. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All waste receptacles shall be completely enclosed. Dumpsters shall be set back a minimum of seventy-five (75) feet from any adjoining residentially-zoned properties and shall be screened in accordance with the provisions of Section 209.6.4. of this Ordinance.
- 209.14.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.

**209.15. 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.

**209.16. Outdoor Storage** - Within the (I) Industrial Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this Section.

## **Section 210 (C) Conservation Zone**

**210.1. Purpose** - This Zone seeks to protect environmentally sensitive areas of the Township 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.

### **210.2. Permitted Uses**

1. Agricultural, Horticultural and Forestry Related Uses, subject to the requirements listed in Section 201 of this Ordinance. Furthermore, any agricultural, horticultural or forestry-related uses which involve the disturbance of land, or the commercial harvesting or timbering of vegetation shall require the obtainment of an approved conservation plan by the LCCD. All on-site activities shall then be in compliance with the approved conservation plan.
2. No-Impact Home-Based Businesses (See Section 446).
3. Noncommercial Keeping of Livestock, subject to the requirements of Section 201.2.8.D. of this Ordinance.
4. Public and/or Nonprofit Activities related to the preservation and conservation of natural historical and/or archaeological resources.
5. Public and/or Nonprofit Parks.
6. Public Uses and Public Utilities Structures.
7. Accessory uses customarily incidental to the above-permitted uses.

**210.3. Special Exceptions** (Subject to the procedures presented in Section 605.3. of this Ordinance.)

1. Campgrounds (See Section 412).
2. Cell Site Antenna (See Section 414).
3. Clubhouses for Private Clubs (See Section 416).
4. Communications Towers and Antennas (See Section 422).
5. Riding Stables (See Section 454).
6. Single-Family Detached Dwellings and/or Seasonal Residences (See Section 457).

**210.4. Minimum Lot Area** - Ten (10) acres, except that no minimum lot area requirements shall apply to public and/or nonprofit parks, or to public uses owned by the Township.

**210.5. Minimum Lot Width** - Three hundred fifty (350) feet at the building setback line and two hundred fifty (250) feet at the lot frontage.

**210.6. Minimum Lot Depth** - Three hundred fifty (350) feet.

**210.7. Minimum Setback Requirements** - All uses shall be set back at least fifty (50) feet from all property lines.

- 210.8.**        **Maximum Permitted Height** - Thirty-five (35) feet.
- 210.9.**        **Maximum Lot Coverage** - Four (4) percent, except that no maximum lot coverage requirements shall apply to public uses or parks owned by the Township.
- 210.10.**       All uses shall comply with the General Provisions listed in Article 3 of this Ordinance.

## **Section 211            (FP) Floodplain Zone**

### **211.1.            Purpose and Intent**

1.     The (FP) Floodplain Zone includes the areas of Manor Township that are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
2.     In the interest of public health, safety, and welfare the regulations of the (FP) Floodplain Zone are designed and intended to protect floodplain areas subject to an necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Manor Township as provided for in the Manor Township Comprehensive Plan, and to guide incompatible development into more appropriate zones.
3.     In advancing these principles and the general purposes of this Zoning Ordinance and the Manor Township Comprehensive Plan, and as a supplement to Section 110 of this Ordinance, the specific intent of this Zone includes the following:
  - A.     To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
  - B.     To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
  - C.     To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
  - D.     To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closing, disruptions of transportation routes, and interference with utility services, as well as other factors that result on loss of wages, sales, and production and generally affect the economic wellbeing of the community.
  - E.     To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creation of future flood blighted areas on floodplains.
  - F.     To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
  - G.     To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and



productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.

- H. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
- I. To encourage the utilization of appropriate construction practices that will minimize flood damage in the future.
- J. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
- K. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.
- L. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- M. To provide areas for the deposition of sediment.
- N. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

## **211.2. Lands in Zone Defined**

1. The (FP) Floodplain Zone is hereby defined to include all the following lands within Manor Township:
  - A. All those areas identified as being subject to the one hundred (100) year and the five hundred (500) year flood in the Flood Insurance Study prepared for Manor Township and for the Lancaster County Insurance Study by the Federal Emergency Management Agency (FEMA) dated April 19, 2005.
    - (1) All those areas identified by the Federal Emergency Management Agency as floodplain areas having special flood hazards.
  - B. All land within the one hundred (100) year flood boundaries of all water-courses, including but not limited to all land which is so identified by the United States Geological Survey or the United States Army Corps of Engineers.
  - C. All alluvial soils as indicated by the United States Department of Agriculture's Soil Conservation Service in maps and data comprising the latest version of the *Soil Survey of Lancaster County, Pennsylvania*. These soils include the following:
 

|                             |                        |                        |
|-----------------------------|------------------------|------------------------|
| Bo - Bowmansville silt loam | Cm - Comus silt loam   | Hg - Holly silt loam   |
| Lg - Linden silt loam       | Ln - Linside silt loam | Nc - Newark silt loam  |
| Nd - Newark silt loam       | Ne - Nollin silt loam  | Rd - Rowland silt loam |
  - D. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  - E. FF (Flood-Fringe Area) - the remaining portions of one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

- F. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
  - G. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred (100) year flood elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
2. Where the complete and definitive information necessary to delineate the boundary of the (FP) Floodplain Zone is not available to the Zoning Officer in his consideration of an application for a permit, he shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the (FP) Floodplain Zone as defined above. Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. 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 Manor Township Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have thirty (30) days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of Manor Township.

### **211.3. Boundary Disputes**

- 1. Should a dispute concerning any boundary of the (FP) Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 605.6. of this Ordinance. The burden of proof in such an appeal shall be on the property owner and all hearings and procedures shall follow the requirements of Section 604 of this Ordinance.
- 2. All changes to the boundaries of the (FP) Floodplain Zone that affect areas identified in Section 211.2.1. of this Ordinance 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.

### **211.4. Relationship to Other Sections**

- 1. The provisions of this Section create an overlay zone that is applicable within floodplains in all other zones established by this Zoning Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other Sections of this Zoning Ordinance and all other Ordinances of Manor Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of Manor Township shall remain in full force.

### **211.5. Permitted Uses**

- 1. The following uses are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the PADEP; Sections 211.8. and 211.10. of this Ordinance; and all other applicable provisions of this Zoning Ordinance.
  - A. Agriculture, horticulture, and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - B. Erosion and sedimentation control measures, facilities, and structures provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.

- C. Public and private recreational uses such as parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
- D. Open space and front, side, or rear yards required by other Sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this Section, as set forth in Section 211.1. of this Ordinance together with the requirements of any other pertinent municipal regulations, is complied with; if such compliance cannot be shown, the land areas within the (FP) Floodplain Zone shall not be used or calculated for purposes of meeting lot, open space, area, or yard requirements.
- E. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the LCCD, and subject to the provisions of Section 211.10. of this Ordinance.
- F. One (1) or two (2) strand fences.
- G. Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- H. Farm ponds which are constructed in accordance with a Conservation Plan reviewed by the LCCD and which do not create any increase in flood heights or frequency, and subject to the provisions of Section 211.10. of this Ordinance.
- I. Elevation, flood proofing and other hazard reduction measures as required by state and NFIP regulations that protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.

### **211.6. Special Exception Uses**

- 1. The following uses are permitted in the (FP) Floodplain Zone only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article 6 of this Ordinance, when permitted by the underlying zone as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the PADEP, and all other provisions of this Zoning Ordinance:
  - A. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions of Section 211.8.18. of this Ordinance, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
  - B. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
    - (1) Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the (FP) Floodplain Zone to allow positive control during flood emergencies.
    - (2) Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than fifteen (15) kilo-volts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical distribution and transmission lines of fifteen (15) kilovolts or more may be

allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:

- (a) Above ground lines and supporting structures shall enter the (FP) Floodplain Zone only to cross a watercourse, shall cross the watercourse and the (FP) Floodplain Zone using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
  - (b) Above ground lines shall be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum flood elevation.
  - (c) Supporting structures for above ground lines within the (FP) Floodplain Zone shall be the minimum number necessary to carry the lines across the (FP) Floodplain Zone. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
  - (d) Facilities and services in the (FP) Floodplain Zone shall be designed so that flood damage within the Zone does not disrupt service outside the Zone.
- C. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
  - D. Culverts, bridges, and approaches to private culverts and bridges that meet all the following conditions:
    - (1) Review and/or approval by the Lancaster County Planning Commission (LCPC), if required.
    - (2) Approval by the Susquehanna River Basin Commission, if required.
    - (3) Approval by the PADEP, if required.
    - (4) Approval by the United States Army Corps of Engineers, if required.
    - (5) Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
    - (6) If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT.
    - (7) The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.

2. Standards and Criteria for Special Exceptions:

In addition to the provisions of Article 6 of this Ordinance, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- A. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
- B. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to other is minimized.
- C. That the possibility of disease, contamination, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
- D. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for an effect of flood proofing are minimized.
- E. That the proposed use is compatible with existing and anticipated development.

- F. That the proposed use is consistent with the Manor Township Comprehensive Plan and any floodplain management program for the area.
  - G. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
  - H. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
  - I. That the proposed activity will not unduly alter natural water flow or water temperature.
  - J. That archaeological or historic sites or structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
  - K. That the natural, scenic and aesthetic values at the proposed site will be conserved.
  - L. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
  - M. That the granting of the special exception will not result in any of the following:
    - (1) Increases in flood heights.
    - (2) Additional threats to public safety.
    - (3) Extraordinary public expense.
    - (4) Creation of nuisances.
  - N. Fill
 

If fill is used, it shall:

    - (1) extend laterally at least fifteen (15) feet beyond the building line from all points;
    - (2) consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
    - (3) be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
    - (4) be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and,
    - (5) be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.
3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- A. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood proofing 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, flood proofing, filling dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.
4. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

### **211.7. Variances**

Variances from the provisions of this Section are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended. In all variance proceedings the burden of proof shall be on the applicant.

1. No variance shall be granted for any development, structure, use or activity within the (FP) Floodplain Zone that would cause any increase in flood levels during the one hundred (100) year flood as defined by Section 211.2.1.a) of this Ordinance.
2. Variances shall only be granted upon:
  - A. A showing of good and sufficient cause.
  - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with any other applicable laws, ordinances, or regulations.
  - D. A determination that the granting of a variance will not jeopardize Manor Township's participation in the National Flood Insurance Program.
3. Variances shall only be granted upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Whenever a variance is granted, the Board shall notify the applicant in writing that:
  - A. The granting of the variance may result in increased premium rates for flood insurance.
  - B. Such variance may increase the risks to life and property.
5. The applicant shall be required to submit that information necessary to demonstrate the need for and appropriateness of any variances. Such information may include any of those items listed in Section 211.6.3 of this Ordinance.
6. 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 Zoning Ordinance.
7. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.

### **211.8. Prohibited Uses**

The following uses are prohibited in the (FP) Floodplain Zone:

1. All uses prohibited either expressly or implicitly in the underlying zone for the land in question.
2. All structures, with the exception of those specifically allowed in Sections 211.5. and 211.6. of this Ordinance.
3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.

4. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading necessary to accomplish and carry out those uses permitted in Sections 211.5. and 211.6. of this Ordinance; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
5. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 211.5. and 211.6. of this Ordinance, and excluding such grading necessary to accomplish and carry out those uses which are permitted in Sections 211.5. and 211.6. of this Ordinance; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
6. Damming or relocation of any watercourse, except as provided for in Sections 211.5. and 211.6. of this Ordinance.
7. Any parts of new on-site sewage disposal systems.
8. Swimming pools.
9. Fences, except one (1) or two (2) strand fences.
10. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials or other material which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
11. Cemeteries for humans or animals.
12. Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than five hundred fifty [550] gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulfur and sulfur products, pesticides (including insecticides, fungicides and rodenticides) radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (PADEP's Hazardous Waste Management Regulations);
13. Mobile home parks.
14. Hospitals, nursing homes and jails.
15. Feedlots.
16. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
17. The flood proofing of new residential structures, as an exception from the elevation requirement.
18. Any development, structure, or use that may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:
  - A. Endanger human life.
  - B. Obstruct, impede, retard, change or increase the velocity, direction, or flow of floodwaters.
  - C. Increase the surface elevations of floods, or the frequency of floods.
  - D. Catch or collect debris carried by floodwaters.
  - E. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the (FP) Floodplain Zone.
  - F. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
  - G. Increase the rate of local runoff, erosion, or sedimentation.
  - H. Degrade the quality of surface water or the quality or quantity of ground water.

- I. Be susceptible to flotation and subsequent movement that would cause damage to other property.
  - J. Not be in harmony with the intent and purpose of this Section, as set forth in Section 211.1. of this Ordinance.
  - K. Not be in harmony with the intent and purpose of this Section, as set forth in Section 211.1. of this Ordinance.
19. Space below the lowest floor
- Fully and partially enclosed space below the lowest floor (including basement) is prohibited.

### **211.9. Nonconforming Uses and Structures in the (FP) Floodplain Zone**

1. Continuation - All uses or structures lawfully existing in the (FP) Floodplain Zone on September 19, 1990 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 flood proofed, except as otherwise provided for in this Section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Manor Township health, sanitary or safety code specifications which are necessary solely to assure safe living conditions.
2. Abandonment - Nonconforming uses or structures that have been discontinued or vacated for twelve consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. Expansion and Modification - A nonconforming use or structure may not be expanded or modified in any manner that would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Sections of this Zoning Ordinance, nor in any way which causes it to occupy more space within the (FP) Floodplain Zone than was occupied by it on September 19, 1990.
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 (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning 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 (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Section, all other Sections of this Zoning Ordinance, and all other ordinances of Manor 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 operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Section, while respecting and maintaining the purposes and intents of this Section.
  - 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 this Section and Section 211.10. of this Ordinance for any structure listed in or eligible for listing on the National Register of Historic Places or the Pennsylvania Register of Historic Places, and the provisions of Sections 211.6.2., 211.6.3. and 211.6.4 of this Ordinance shall be applied in such a case.
6. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
  - A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
  - B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

### **211.10. Design and Performance Standards**

1. Applicability - Unless otherwise specified in this Section, the standards and criteria included in this Section are to be used, together with the provisions of all other Sections and all other Ordinances in force in Manor Township by the Zoning Officer and Zoning Hearing Board in their administration of this Section.
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 plans, special exceptions, variances, or permits may be granted by Manor Township or its agencies, officials, or employees.
  - B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Manor Township, any approval of plans, special exceptions, variances, or permits by Manor Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies; permits or written approvals.
  - C. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the PADEP, 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 (FEMA) and to the Pennsylvania Department of Community and Economic Development (DCED).
3. Placement and Construction of Authorized Uses and Structures:
  - A. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures.
  - B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage.
  - C. All new or replacement drains, water supply facilities, or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwater.
  - D. 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 one hundred (100)-year flood elevation as defined by Section 211.2.1.A of this Ordinance, or (2) together with attendant utility and sanitary facilities, be flood proofed so that below

one (1) foot above the one hundred (100)-year flood elevation as defined by Section 211.2.1.A of this Ordinance the structure is watertight, with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- E. All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structure not elevated to one (1) foot above the one hundred (100)-year flood elevation as defined by Section 211.2.1.A of this Ordinance shall be flood proofed.
  - F. Flood proofing - Where flood proofing is authorized by this Section it shall be done according to the standards and provisions for flood proofing classes W-1, W-2, W-3, or W-4, as contained in *Flood-Proofing Regulations* published by the Office of the Chief of Engineers, U. S. Army, published EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Article. Where reference is made in *Flood-Proofing Regulations* to the "RFD" (Regulatory Flood Datum) it shall be interpreted to mean the one hundred (100) year flood elevation as defined by this Section. The flood-proofing of new residential structures is specifically prohibited.
5. Anchoring - All structures, including buildings, air ducts, large pipes, and storage tanks, within the (FP) 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.
  6. Surface Drainage - Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
  7. Agricultural Standards:
    - A. A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of ten (10) feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.
    - B. Within the (FP) Floodplain Zone, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.
    - C. Livestock shall not be confined in pastures or other enclosures located entirely within the (FP) Floodplain Zone (see Section 211.8.16. of this Ordinance).
    - D. Within the (FP) Floodplain Zone, feedlots are prohibited.

### **211.11. Municipality Liability**

1. 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 Manor 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 (FP) Floodplain Zone are now or ever will be free from flooding or flood damage.

### **211.12. Uniform Construction Code Coordination.**

The Standards and Specifications contained in 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 there: 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.

**211.13. Special Requirements for FW, FE and FA Areas**

1. With any FW (Floodway Area), the following provisions apply:
  - A. Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
  - B. No new construction or development shall be allowed unless a permit is obtained from the PADEP Regional Office.
2. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
3. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:
  - A. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless a permit is obtained from the PADEP Regional Office.
  - B. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  - C. Any new construction or development that would cause any increase in flood heights shall be prohibited within any floodway area.

**211.14. Permits**

1. Application for a zoning permit on land within this (FP) Floodplain Zone shall be made, in writing, to the Zoning Officer on forms supplied by the Township. Such application shall contain the following:
  - A. Name and address of applicant.
  - B. Name and address of owner of land on which proposed construction is to occur.
  - C. Name and address of contractor.
  - D. Site location, including address.
  - E. Listing of other permits required.
  - F. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
  - G. A plan of the site showing the exact size and location of the proposed construction, as well as, any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
  - A. all such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
  - B. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  - C. adequate drainage is provided so as to reduce exposure to flood hazards.
3. Applicant shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
  - A. A completed Zoning Permit Application Form.

- B. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
- (1) north arrow, scale, and date.
  - (2) topographic contour lines, if available.
  - (3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
  - (4) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
  - (5) the location of all existing streets, drives, and other access ways.
  - (6) the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (1) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
  - (2) the elevation of the one hundred (100) year flood.
  - (3) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood.
  - (4) detailed information concerning any proposed flood proofing measures.
  - (5) supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec. 1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Sec. R106.13 and R104.7. of the 2003 IRC.
- D. The following data and documentation:
- (1) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
  - (2) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.  

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
  - (3) detailed information needed to determine compliance with Section 211.8.12., Storage, and Section 211.8.18.A., Development Which May Endanger Human Life, including:
    - (a) the amount, location and purpose of any materials or substances referred to in Section 211.8.12 of this Ordinance which are intended to be used, produced, stored or otherwise maintained on site.
    - (b) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 211.8.12 of this Ordinance during a one hundred (100) year flood.
  - (4) the appropriate component of the PADEP's "Planning Module for Land Development."

- (5) where any excavation of grading is proposed, a plan meeting the requirements of PADEP, to implement and maintain erosion and sedimentation control.

### **211.15. Definitions**

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.

Basement - Means any area of the building having its floor below ground level on all sides.

Building - A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

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

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

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.

Flood - A temporary inundation of normally dry land areas.

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.

Flood proofing - Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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.

Historic Structure - any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

Identified Floodplain Area - The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Land Development - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

Manufactured Home - A structure, transportable in one (1) 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 one hundred eighty (180) consecutive days.

Manufactured Home Park - A parcel of land, under single ownership, which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

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.

New Construction - Structures for which the start of construction commenced on or after March 19, 1980, and includes any subsequent improvements thereto.

One Hundred (100) 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].

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.

Recreational Vehicle - A vehicle which is (i) built on a single chassis; (ii) not more than four hundred (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.

Repetitive Loss - Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

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.

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.

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

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

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," [or "repetitive loss" when repetitive loss language (Section 601.E of this Ordinance) is used] regardless of the actual repair work performed. The term does not, however include either:

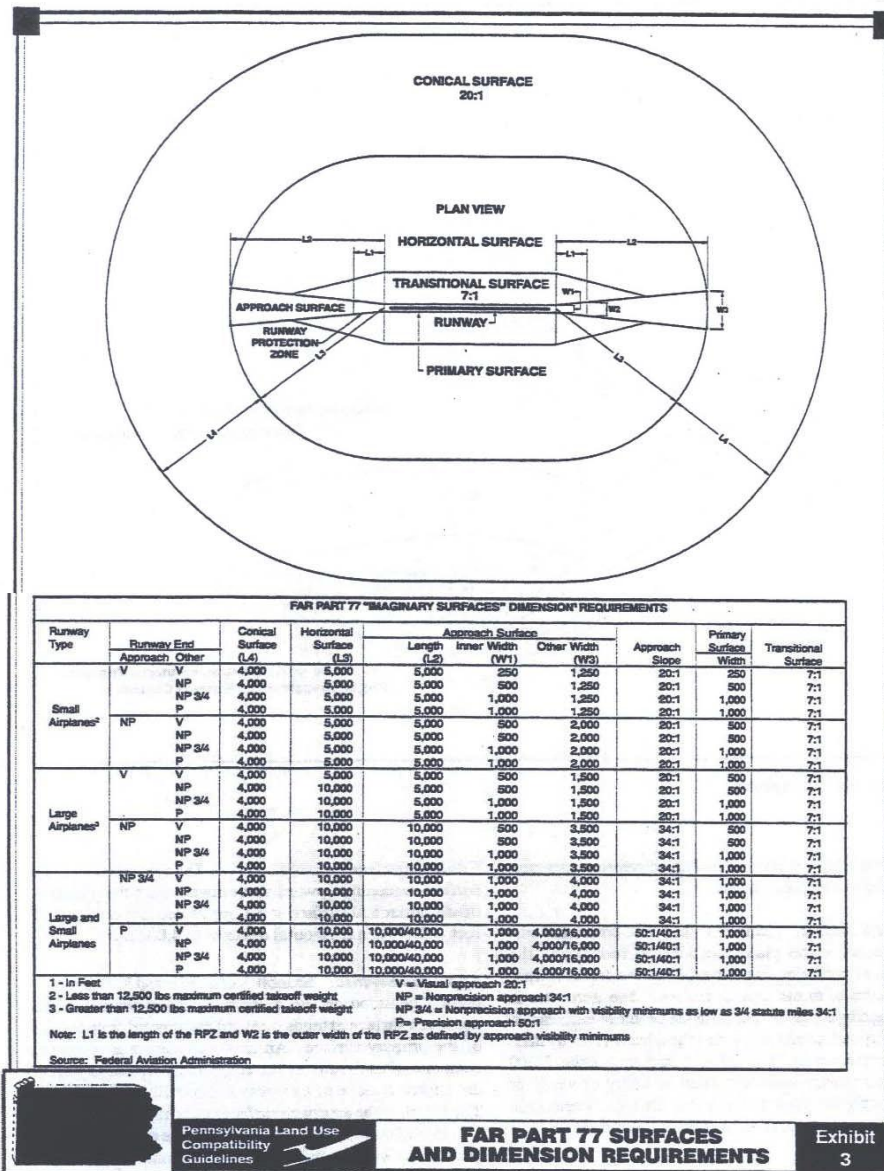
- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration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

Uniform Construction Code (UCC) – The statewide building code adopted by 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 International Building Code (IBC) by reference, as construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various Sections of the IRC and the IBC.

## Section 212 (AS) Airport Safety Zone

- 212.1. Purpose** -The purpose of the (AS) Airport Safety Zone is to:
- A. Create an overlay zone that considers safety issues around the McGuinness Field Airport (8N7).
  - B. Regulate and restrict the heights of established uses, constructed structures and objects of natural growth.
  - C. Create related and appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such related and appropriate zones.
  - D. Create a permitting process for certain uses, structures, and objects within the overlay zone.
- 212.2. Relation to Other Zones.** The (AS) Airport Safety Zone shall not modify the boundaries of any underlying zone. Where identified, the (AS) Airport Safety Zone shall impose certain requirements on land use, construction, and development in addition to those contained in the other applicable zones for the same areas.
- 212.3. Conflict.** Wherever and whenever the requirements of this Section 212 of this Ordinance are at variance with the requirements of any other Section of this Ordinance, the most restrictive, or that imposing the higher standards shall govern.
- 212.4. Establishment of Airport Safety Zones and Boundaries.** There are hereby created and established certain zones within this Section 212 of this Ordinance regarding the (AS) Airport Safety Zone, defined in Section 111.C. of this Ordinance and depicted on Figure 1, which include:
- A. Approach Surface Zone
  - B. Conical Surface Zone
  - C. Horizontal Surface Zone
  - D. Primary Surface Zone
  - E. Transitional Surface Zone

Figure 1



212.5. Permit Applications

- A. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), proposals for applications to:
  1. Erect a new structure or establish a new use;
  2. Add to or increase the height of an existing structure; or
  3. Establish, erect, and/or maintain any use, structure, or object (natural or manmade), in the (AS) Airport Safety Zone,



shall first notify PennDOT's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement thereof. PennDOT's BOA response must be included with this permit application for it to be considered complete. If PennDOT's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this (AS) Airport Safety Zone. If PennDOT's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined this Section 212.6. of this Ordinance.

- B. Exceptions. In the following circumstances notification of an approval by PennDOT's Bureau of Aviation (BOA) shall not be required:
1. No permit is required for the routine maintenance and repairs to, or the replacement of parts of existing structures which do not enlarge or increase the height of an existing structure.
  2. In the areas lying within the limits of the horizontal zone and/or conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  3. In the areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except then, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
  4. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
  5. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this (AS) Airport Safety Zone, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

**212.6. Variances.** In addition to the provisions set forth in Article 6 of this Ordinance relating to variances, any request for a variance shall include documentation in compliance with Title 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the Federal Aviation Administration's (FAA) and PennDOT's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

- A. No Objection. The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

- B. **Conditional Determination.** The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 212.9. of this Ordinance - Obstruction Marking and Lighting.
- C. **Objectionable.** The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Section 212 of this Ordinance.

**212.7. Use Restrictions.** Notwithstanding any other provisions of this Section 212 of this Ordinance, no use shall be made or established within the (AS) Airport Safety Zone in such a manner as to:

- A. Create electrical interference with navigational signals or radio communications between the airport and aircraft;
- B. Make it difficult for pilots to distinguish between airport lights and others;
- C. Impair visibility in the vicinity of the airport;
- D. Create bird strike hazards; or
- E. Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s).

**212.8. Pre-Existing Nonconforming Uses, Structures, and Trees.** The regulations prescribed by this Section 212 of this Ordinance shall not be construed to require the removal, lowering, or otherwise change to, or alteration of any use, structure, or tree not conforming to the regulations of this Section 212 of this Ordinance as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use, structure, or tree. No nonconforming use or structure shall be altered and tree permitted to grow higher, so as to increase the nonconformity (relating to height and the use restrictions set forth in Section 212.7 of this Ordinance). A nonconforming use, structure or tree, that has been abandoned for more than one (1) year or is more than eighty (80) percent torn down, physically deteriorated, or decayed, may only be reestablished consistent with the provisions herein Section 212 of this Ordinance.

**212.9. Obstruction Marking and Lighting.** Any permit or variance granted pursuant to the provisions of this Section 212 of this Ordinance of this chapter may be conditioned according to the process described in of this Section 212.6 of this Ordinance. of this chapter to require the owner of the structure or object of natural growth in question to permit Manor Township, at its own expense, or require the applicant requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

## Section 213 (E) Excavation Zone

**213.1. Purpose** - The purpose of this Zone is to reserve areas for intensive uses that typically involve considerable land excavation. Essentially, quarrying and solid waste disposal uses are accommodated by conditional use. Permitted uses include those that would typically predate extensive excavation and could be reestablished once reclamation is complete. Strict land use controls are applied to intensive uses so as to protect nearby properties.

- 213.2. Permitted Uses** - All permitted uses within this Zone are subject to the applicable design standards listed in Section 201 of this Ordinance.
1. Agricultural, Horticultural, and Forestry Related Uses, including Single-Family Detached Dwellings contained on the site.
  2. Public and/or Nonprofit Parks.
  3. Public Uses and Public Utilities Structures.
- 213.3. Special Exception Uses** (See Section 605.3. of this Ordinance)
1. Quarries and Other Extractive-Related Uses (See Section 450).
  2. Solid Waste Disposal and Processing Facilities (See Section 458).
- 213.4. Maximum Permitted Structural Height** - The height of any principal or accessory structure shall not exceed forty (40) feet, except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures extending above forty (40) feet from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines.
- 213.5. Off-Street Loading** - Off-street loading shall be provided as specified in Section 313 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within any of the Residential Zones, nor any side of a building facing an adjoining street.
- 213.6. Off-Street Parking** - Off-street parking shall be provided as specified in Section 312 of this Ordinance.
- 213.7. Signs** - Signs shall be permitted as specified in Section 315 of this Ordinance.
- 213.8. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access driveways serving other uses shall be in accordance with Section 311 of this Ordinance.
- 213.9. 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 314 of this Ordinance.)
- 213.10. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of one hundred (100) feet from any adjoining properties. All waste receptacles shall be completely enclosed.
- 213.11.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 213.12. 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.

**Section 214 (MRC) Mixed Residential/Commercial Zone**

**214.1. Purpose** - This Zone provides for a mixture of commercial and residential uses in an older area already characterized by such a mix and in the process of change. This Zone is not intended to accommodate large commercial shopping centers, rather individual freestanding businesses or limited integrated uses.

**214.2. Permitted Uses**

1. Banks and Similar Financial Institutions.
2. Bed and Breakfasts (See Section 410).
3. Buildings that contain a combination of permitted residential and commercial uses of this Zone, provided that no more than three (3) nonresidential uses shall be permitted per building and/or lot.
4. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
5. Equestrian Centers.
6. Funeral Homes, Mortuaries and Crematoriums.
7. Indoor and Outdoor Commercial Recreation Uses, provided that no alcoholic beverages may be sold or consumed on the premises.
8. Indoor Theaters and Auditoriums.
9. Medical and Dental Clinics, Hospitals and Nursing, Rest, or Retirement Homes.
10. Mini-Warehouses.
11. No-Impact Home-Based Businesses (See Section 446).
12. Nursery and Garden Centers.
13. Offices.
14. Public Uses and Public Utilities Structures.
15. Restaurants (including Drive-Through and Fast Food), Taverns and Nightclubs.
16. Retail Sale and/or Rental of Goods.
17. Retail Sale of Personal Services, including, but not limited to, Barber, Beauty, Tanning and/or Fitness Salons, Music, Dance, Art or Photographic Studios, and Repair of Clocks, Jewelry, and Small Appliances.
18. Single-Family Detached, Duplexes, and Townhouses, provided that both public sewer and public water are used, and subject to the standards listed in Section 205 of this Ordinance.
19. Single-Family Detached Dwellings without either public sewer or public water, provided the PADEP requirements are met.
20. Accessory uses customarily incidental to the above permitted uses.

**214.3. Special Exception Uses** (Subject to the procedures presented in Section 605.3. of this Ordinance.)

1. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
2. Cluster Developments (See Section 417).
3. Home Occupations (See Section 435).

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

| Minimum Lot Area | Minimum Lot Width | Maximum Lot Coverage |
|------------------|-------------------|----------------------|
| 15,000 sq. ft.   | 100 ft.           | 70%                  |

**214.5. Minimum Setback Requirements**

1. Front yard setback - All commercial buildings, structures (except permitted signs) shall be set back at least thirty-five (35) feet from the street right-of-way, except arterial roads. All residential buildings, structures (except permitted signs) shall be set back at least twenty-five (25) feet from the street right-of-way, except arterial roads. All buildings, structures (except permitted signs) shall be set back at least fifty (50) feet from the right-of-way of an arterial road.

Off-street parking lots and outdoor storage areas shall be set back a minimum of twenty (20) feet from the street right-of-way.

2. Side yard setback - All buildings and structures shall be set back at least fifteen (15) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten (10) feet from the side lot lines, unless joint these facilities are shared by adjoining uses. In such instances, one (1) of the side yard setbacks can be waived solely for these facilities.
3. Rear yard setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, shall be set back at least twenty (20) feet from the rear lot line.
4. Residential buffer strip - Any lot adjoining land within any of the Residential Zones shall maintain a twenty-five (25) foot setback for buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, from the residentially-zoned parcels. Such area shall be used for a landscape strip, and screen.

**214.6. Maximum Permitted Height** - Thirty-five (35) feet.

**214.7. Off-Street Loading** - Off-street loading shall be provided as specified in Section 313 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing an adjoining street.

**214.8. Off-Street Parking** - Off-street parking shall be provided as specified in Section 312 of this Ordinance.

**214.9. Signs** - Signs shall be permitted as specified in Section 315 of this Ordinance.

**214.10. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

**214.11. Screening** - A visual screen must be provided along any adjoining lands within any of the Residential Zones, regardless of whether or not the residentially-zoned parcel is developed. (See Section 314 of this Ordinance.)

**214.12. 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 314 of this Ordinance.)

**214.13. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.

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

**214.15. 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.

**214.16. Outdoor Storage** - Within this Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and the outdoor storage areas comply with the setbacks imposed within this Section. Outdoor sales areas need not be screened from adjoining roads.

## **Section 215 (LTD) Limited Commercial Zone**

**215.1. Purpose** - The purpose of this Zone is to provide for limited, less-intensive, office and wholesale commercial activities within the Township. Uses are restricted to those which do not generate large numbers of customers at the site and which do not involve high numbers of vehicles or increase congestion. Retail sales uses are not permitted.

**215.2. Permitted Uses**

1. Computer Programming, Data Processing and Other Computer-Related Services.
2. Funeral Homes, Mortuaries and Crematoriums.
3. Medical or Dental Clinics or Offices or Other Professional Offices.
4. Public and/or Nonprofit Parks.
5. Public Uses and Public Utilities Structures.
6. Wholesale Sales and Storage of the following (See Section 438 "Industrial Uses"):
  - A. Food, Groceries and Related Products.
  - B. Nursery and Garden Materials and Stock.
  - C. Professional and Commercial Equipment and Supplies.
7. Accessory uses customarily incidental to the above permitted uses.

**215.3. Special Exception Uses** (See Section 605.3. of this Ordinance.)

1. Mini-Warehouses (See Section 443).
2. Wholesale Sales and Storage of Contracting Supplies (Excluding Heavy Construction), and Plumbing, Heating, Air Conditioning, Electrical and Structural Components of Buildings (See Section 462).

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

| Public Utilities             | Minimum Lot Area | Minimum Lot Width | Maximum Lot Coverage |
|------------------------------|------------------|-------------------|----------------------|
| No Public Water or Sewer     | 43,560 sq. ft.   | 200 ft.           | 35%                  |
| Public Water or Public Sewer | 32,670 sq. ft.   | 150 ft.           | 60%                  |
| Both Water and Sewer         | 15,000 sq. ft.   | 100 ft.           | 70%                  |

**215.5. Minimum Setback Requirements**

1. Front yard setback - All buildings and structures (except permitted signs), and loading areas shall be set back at least thirty-five (35) feet from the street right-of-way line; off-street parking lots shall be set back a minimum of twenty (20) feet from the street right-of-way.
2. Side yard setback - All buildings and structures 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 these facilities are shared by adjoining uses. In such instances, one (1) of the side yard setbacks can be waived solely for these facilities.
3. Rear yard setback - All buildings, structures, 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 land within any of the Residential Zones shall maintain a twenty-five (25) foot setback for buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, from the residentially-zoned parcels. Such area shall be used for a landscape strip, and screen.

**215.6. Maximum Permitted Height** - Thirty-five (35) feet.

**215.7. Off-Street Parking and Loading** - Off-street loading shall be provided as specified in Section 313 of this Ordinance. Off-street parking shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing an adjoining street.

**215.8. Signs** - Signs shall be permitted as specified in Section 315 of this Ordinance.

**215.9. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

**215.10. Screening** - A visual screen must be provided along any adjoining lands within any of the Residential Zones, regardless of whether or not the residentially-zoned parcel is developed (see Section 314 of this Ordinance).

**215.11. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.

- 215.12.**     **Outdoor Storage** - Within this Zone, outdoor storage is permitted, provided that all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of the setbacks specifically enclosed thereon, listed in this Section.
- 215.13.**     All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 215.14.**     **Commercial Operations Standards** - All commercial operations shall be in compliance with Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these government bodies.

## Section 216           (V) Village Zone

- 216.1.**     **Purpose** - This Zone acknowledges the historic development pattern within the Village of Washington Boro. Here traditional village style lots with narrow and deep dimensions were developed as residences and scattered businesses. This Zone reflects this pattern of development and provides for its continuation through infilling of new uses. In addition, this Zone provides for adaptive reuse and conversion of existing structures as a means of stimulating revitalization and reinvestment. It is expected that public utilities will eventually be extended to this area. At that time a wide range of housing types with greater densities will be accommodated.

**216.2.**     **Permitted Uses**

1.     Agricultural, Horticultural and Forestry Related Uses, subject to the standards listed in Section 201 of this Ordinance.
2.     Churches and Related Uses - but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
3.     Duplexes, Townhouses and Multiple-Family Dwellings, provided that public sewer and public water are utilized.
4.     No-Impact Home-Based Businesses (See Section 446).
5.     Nursery and Garden Centers, provided that the site shall not occupy more than two (2) acres.
6.     Nursing, Rest or Retirement Homes.
7.     Public Uses and Public Utilities Structures.
8.     Single-Family Detached Dwellings.
9.     The following uses are permitted, provided that such uses are contained within a building as it existed on December 7, 1996, or are contained within a building with a building footprint of no more than one thousand five hundred (1,500) square feet, and an overall size of three thousand six hundred (3,600) square feet of floor area:
  - A.    Indoor theatres, auditoriums, and commercial recreation uses.
  - B.    Medical and dental clinics.
  - C.    Offices.
  - D.    Retail sales of goods.
  - E.    Retail sales of personal services.
10.    Accessory uses customarily incidental to the above-permitted uses.

- 216.3.**     **Special Exception Uses** (Subject to the review procedures presented in Section 605.3. of this Ordinance.)

1.     Automobile Service and Repair Facilities (See Section 408).
2.     Bed and Breakfasts (See Section 410).
3.     Boarding Houses (See Section 411).



4. Family Day-Care Facilities (See Section 427).
5. Funeral Homes (See Section 430).
6. Home Occupations (See Section 435).
7. Restaurants and Taverns (See Section 452).
8. Schools (See Section 455).
9. The following uses are permitted by special exception in a Nonresidential Building that Existed on a Separate Lot on December 7, 1996 (See Section 447):
  - A. Cabinet Shops.
  - B. Retail Services.
  - C. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, installation, carpentry, cabinetmaking, and other structural components of buildings.

**216.4. Required Design Standards** - See the following table:

| Use   | Required Public Utilities           | Minimum Lot Area <sup>3</sup> | Maximum Permitted Density | Minimum Lot Width @ Setback/<br>Frontage <sup>3</sup> | Maximum Lot Coverage | Minimum Yard Setbacks <sup>3</sup>            |                    |         | Maximum Permitted Height |
|---|-------------------------------------|-------------------------------|---------------------------|---|----------------------|---|--------------------|---------|--------------------------|
|   |                                     |                               |                           |   |                      | Front   | Sides One (1)/Both | Rear    |                          |
| Single family detached dwellings and other principal uses other than duplexes, townhouses & multiple family dwellings | None                                | 43,560 sq. ft. <sup>1</sup>   | 1.00                      | 60/60 feet  | 70%                  | f<br>o<br>o<br>t<br>n<br>o<br>t<br>e<br><br>2 | 5/15 feet          | 30 feet | 35 feet                  |
|   | Either Public Sewer or Public Water | 20,000 sq. ft. <sup>1</sup>   | 2.18                      | 60/60 feet  | 70%                  |   | 5/15 feet          | 30 feet | 35 feet                  |
|   | Both Public Sewer & Public Water    | 10,800 sq. ft.                | 4.03                      | 60/60 feet  | 70%                  |   | 5/15 feet          | 30 feet | 35 feet                  |
| Duplexes  | Both Public Sewer & Public Water    | 6,000 sq. ft. per unit        | 7.26                      | 35/35 feet per unit                                   | 70%                  |   | 10 feet / N/A      | 30 feet | 35 feet                  |
| Townhouses <sup>4,5</sup>   | Both Public Sewer & Public Water    | 2,000 sq. ft. per unit        | 8.0                       | 20/20 feet per unit                                   | 70%                  |   | 15 feet end units  | 30 feet | 35 feet                  |
| Multiple-Family Dwellings <sup>5</sup>  | Both Public Sewer & Public Water    | 87,120 sq. ft.                | 8.0                       | 200/200 feet  | 70%                  |   | 30/60 feet         | 30 feet | 35 feet                  |

**FOOTNOTES**

<sup>1</sup> The minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater; such determination will be made by the PADEP, through its sewer module review process.

<sup>2</sup> Within this Zone, the required minimum front yard setback will be equal to the distance between that existing building on the block that is closest to the adjoining street; however, in no case shall any new building be located within the street right-of-way. For undeveloped blocks, the minimum required front yard setback shall be twenty (20) feet. For corner lots within this Zone, the front yard shall only be considered that area located between the building and the right-of-way for the street of address. The area located between the building and any nonaddress street shall be considered a side yard.

<sup>3</sup> Within this Zone, existing lots on December 7, 1996 that contain at least five thousand (5,000) square feet of lot area, and are at least thirty (30) feet wide, may be developed with a single-family detached dwelling by permitted use if at least five (5) foot side yard setbacks are provided on each side, and the applicant utilizes an approved means of sewage disposal.

<sup>4</sup>No more than twenty (20) percent of the total number of townhouse groupings shall contain more than six (6) units and in no case shall any grouping contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 5 shall apply.

<sup>5</sup>In those instances where several multiple-family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) 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.

**216.5. Accessory Use Requirements**

1. Front yard setback - No accessory structure, except permitted signs, shall be located within the front yard.
2. Side yard setbacks -  
Fifteen (15) feet or less in height - At least three (3) feet on each side.

Up to thirty (30) feet in height - At least five (5) feet on one (1) side; total of fifteen (15) feet on both sides.

3. Rear yard setback  
Fifteen (15) feet or less in height - At least five (5) feet.  
Up to thirty (30) feet in height - At least thirty (30) feet.
4. Permitted height - Thirty (30) feet - depending on setback from property line.

**216.6. Number of Permitted Uses** - Within this Zone, up to three (3) principal uses are permitted within an existing building, provided that the building remains the same size as on the effective date of this Section (December 7, 1996). For new buildings built after the effective date of this Section, only one (1) principal use shall be permitted. For buildings that are enlarged after the effective date of this Section, the number of principal uses permitted shall be equal to that number which occupied the building on the effective date of this Section.

**216.7. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

## **Section 217 (RL1) Low Density Residential Flex Zone**

**217.1. Purpose** - This Zone accommodates low-density suburban residential development growth within the Township. This Zone coincides with expected public sewer and public water service areas. Based upon the findings and recommendations of the Township's Official Sewage Plan, residential development in this Zone is only permitted when both public sewer and public water are utilized. This ensures efficient use of the planned public utilities services areas by preventing their premature development with problematic on-lot utilities. Nonresidential uses have been largely excluded from this Zone to ensure a pleasant neighborhood setting. In order to allow for more flexibility of design, regulations are more flexible than those of the (RL) Low Density Residential Zone. Clustering provisions are furnished via special exception review.

### **217.2. Permitted Uses**

1. Agricultural, Horticultural and Forestry Related Uses, subject to the standards listed in Section 201 of this Ordinance.
2. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
3. No-Impact Home-Based Businesses (See Section 446).
4. Public and/or Nonprofit Parks.
5. Public Uses and Public Utilities Structures.
6. Single-Family Detached Dwellings provided that both public sewer and public water
7. Accessory uses customarily incidental to the above permitted uses.

**217.3. Special Exceptions** (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).

2. Cluster Developments (See Section 418).
3. Home Occupations (See Section 435).

**217.4. Lot Area Requirements** - Unless otherwise specified, all uses within this Zone shall contain a minimum of fifteen thousand (15,000) square feet.

**217.5. Minimum Lot Width** - Ninety (90) feet at the minimum front yard setback; seventy-five (75) feet at the lot frontage.

**217.6. Maximum Lot Coverage** - Unless otherwise specified, forty (40) percent.

**217.7. Minimum Setback Requirements**

1. Principal structures:
  - A. Front yard setback - The following table lists required front yard setbacks from the right-of-way line of various road types depicted on the Official Zoning Map and/or defined herein. See the following table:

| Road Type | Setback   |
|-----------|---|
| Arterial  | 40 ft.  |
| Collector | 30 ft.  |
| Local     | 10 ft. (Subject to Section 304 of this Ordinance) |

- B. Side yard setbacks - Ten (10) feet on each side (twenty [20] feet total both sides).
  - C. Rear yard setback - Twenty-five (25) feet.
2. Accessory structures:
  - A. Front yard setback - No accessory structure (except permitted signs) shall be located within the front yard.
  - B. Side yard setbacks -
    - Fifteen (15) feet or less in height - Five (5) feet on each side.
    - Up to thirty (30) feet in height - Fifteen (15) feet on each side.
  - C. Rear yard setback -
    - Fifteen (15) feet or less in height - Five (5) feet.
    - Up to thirty (30) feet in height - Thirty-five (35) feet.
3. Exceptions to Front Yard Requirements – Steps and unenclosed porches are permitted to extend into the front yard.

**217.8. Maximum Permitted Height**

1. Principal structures - Thirty-five (35) feet.
2. Accessory structures - Thirty (30) feet - depending on setback from property line.

**217.9. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

**217.11.** **Agricultural Setback Requirement** - No dwelling unit shall be located within one hundred (100) feet of any land within the (A) Agricultural Zone. In addition no shrub or tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within the (A) Agricultural Zone.

## **Section 218 (RM1) Medium Density Residential Flex Zone**

**218.1.** **Purpose** - This Zone accommodates medium density suburban residential development growth within the Township. This Zone coincides with existing and expected public sewer and public water service areas. Both single-family detached and duplex housing styles are permitted when both utilities are utilized. This Zone has been located around existing medium density neighborhoods and where roads are, or will be, adequate to accommodate the additional traffic generated. In order to allow for more flexibility of design, regulations are more flexible than those of the (RM) Medium Density Residential Zone. Various residential-related uses are permitted by special exception and clustering is also provided via special exception.

**218.2.** **Permitted Uses**

1. Agricultural, Horticultural and Forestry Related Uses, subject to the standards listed in Section 201.
2. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
3. Duplexes, provided that both public sewer and public water are utilized.
4. No-Impact Home-Based Businesses (See Section 446).
5. Public Uses and Public Utilities Structures.
6. Single-Family Detached Dwellings, provided that both public sewer and public water are utilized.
7. Accessory uses customarily incidental to the above permitted uses.

**218.3.** **Special Exception Uses** (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Boarding Houses (See Section 411).
2. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
3. Cluster Developments (See Section 419).
4. Family Day-Care Facilities (See Section 427).
5. Home Occupations (See Section 435).

**218.4. Design Standards** - See the following table:

| Use                                 | Minimum Lot Area | Maximum Density | Minimum Lot Width <sup>1</sup> | Maximum Lot Coverage | Minimum Yard Setbacks  |                           |                  |        |
|-------------------------------------|------------------|-----------------|--------------------------------|----------------------|--|---------------------------|------------------|--------|
|                                     |                  |                 |                                |                      | Front <sup>2,3</sup><br>(Subject to Section 304 of this Ordinance) | One (1) Side <sup>4</sup> | Total Both Sides | Rear   |
| Single-Family Detached Dwellings    | None.            | 4.35            | None.                          | 45%                  | 10 ft. <sup>2,3</sup>  | 10 ft.                    | 20 ft.           | 25 ft. |
| Duplexes                            | None.            | 6               | None.                          | 50%                  | 10 ft. <sup>2,3</sup>  | 10 ft.                    | N/A              | 25 ft. |
| Other Uses                          | 20,000 sq. ft.   | N/A             | 100 ft.                        | 45%                  | 10 ft. <sup>2,3</sup>  | 20 ft.                    | 40 ft.           | 25 ft. |
| Accessory Uses                      | N/A              | N/A             | N/A                            | N/A                  | Not permitted in front yard (except permitted signs).              | -                         | -                | -      |
| Fifteen (15) feet or less in height |                  |                 |                                |                      |  | 5 ft.                     | 10 ft.           | 5 ft.  |
| Up to thirty (30) feet in height    |                  |                 |                                |                      |  | 10 ft.                    | 20 ft.           | 25 ft. |

<sup>1</sup>Minimum lot width shall be measured at the building setback line.

<sup>2</sup>Those properties abutting an arterial road as identified on the Official Zoning Map shall provide a minimum front yard setback of forty (40) feet from the right-of-way line of an arterial and a minimum front yard setback of thirty (30) feet from the right-of-way line of a collector.

<sup>3</sup>Steps and unenclosed porches are permitted to extend into the front yard.

<sup>4</sup>Accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots along common side lot lines.

**218.5. Maximum Permitted Height**

1. Principal structures - Thirty-five (35) feet.
2. Accessory structures - Thirty (30) feet - depending on setback from property line. (See Table in Section 218.4 of this Ordinance)

**218.6. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

**218.8. Agricultural Setback Requirement** - No dwelling unit shall be located within one hundred (100) feet of any land within the (A) Agricultural Zone. In addition no shrub, nor tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within the (A) Agricultural Zone.

## Section 219 (RH1) High Density Residential Flex Zone

**219.1. Purpose** - This Zone is intended to provide for the higher density residential needs of the Township. It accommodates the widest range of housing types available within the Township at densities higher than those permitted elsewhere. This Zone is logically located around existing higher density neighborhoods outside of Millersville and Mountville Boroughs, as well as other built-up areas of the Township. Both public sewer and public water are planned to be, or are available. Similarly, adjoining roads are, or are planned to be, adequate to accommodate the additional traffic generated by uses in this Zone. In order to allow for more flexibility of design, regulations are more flexible than those of the (RH) High Density Residential Zone. Finally cluster developments are allowed by special exception, and encouraged with the use of density bonus incentives.

### 219.2. Permitted Uses

1. Agricultural, Horticultural and Forestry Related Uses, subject to the standards listed in Section 201 of this Ordinance.
2. Churches and Related Uses - but not to exceed twenty thousand (20,000) square feet in building area (See Section 415).
3. Duplexes, provided that public sewer and public water are used.
4. Multiple Family Dwellings provided that public sewer and public water are used.
5. No-Impact Home-Based Businesses (See Section 446).
6. Public and/or Nonprofit Parks.
7. Public Uses and Public Utilities Structures.
8. Single-Family Detached Dwellings, provided that public sewer and public water are used.
9. Townhouses provided that public sewer and public water are used.
10. Accessory uses customarily incidental to the above permitted uses.

### 219.3. Special Exceptions (Subject to the review procedures listed in Section 605.3. of this Ordinance.)

1. Boarding Houses (See Section 411).
2. Churches and Related Uses greater than twenty thousand (20,000) square feet but not to exceed seventy thousand (70,000) square feet in building area (See Section 415).
3. Cluster Developments (See Section 417).
4. Family Day-Care Facilities (See Section 427).
5. Medical Residential Campuses (See Section 442).
6. Nursing, Rest, or Retirement Homes (See Section 448).
7. Schools (excluding Vocational and Mechanical Trade Schools) (See Section 455).

### 219.4. Conditional Uses (Subject to the review procedures listed in Section 705 of this Ordinance.)

1. Golf courses (See Section 431).

**219.5. Design Standards** - See the following table:

| Use                                    | Minimum Lot Area   | Maximum Density | Minimum Lot Width <sup>1</sup> | Maximum Lot Coverage | Minimum Yard Setbacks                                 |                           |                  |        |
|--|--|-----------------|--------------------------------|----------------------|---|---------------------------|------------------|--------|
|  |  |                 |                                |                      | Front <sup>4</sup>                                    | One (1) Side <sup>5</sup> | Total Both Sides | Rear   |
| Single-Family Detached Dwellings       | None.  | 5.8             | None.                          | 45%                  | 10 ft. <sup>6</sup>                                   | 10 ft.                    | 20 ft.           | 20 ft. |
| Duplexes                               | None.  | 7.26            | None.                          | 55%                  | 10 ft. <sup>6</sup>                                   | 10 ft.                    | N/A              | 20 ft. |
| Townhouses <sup>2,3</sup>              | None.  | 8               | 20 ft. per unit                | 85%                  | 10 ft. <sup>6</sup>                                   | 15 ft.                    | End Units        | 15 ft. |
| Multiple Family Dwellings <sup>3</sup> | 43,560 sq. ft. (minimum 3,000 sq. ft. lot area per dwelling unit). | 14              | 100 ft.                        | 70%                  | 10 ft. <sup>6</sup>                                   | 20 ft.                    | 40 ft.           | 35 ft. |
| Other Uses                             | 20,000 sq. ft.   | N/A             | 100 ft.                        | 45%                  | 10 ft. <sup>6</sup>                                   | 20 ft.                    | 40 ft.           | 35 ft. |
| Accessory Uses                         | N/A  | N/A             | N/A                            | N/A                  | Not permitted in front yard (except permitted signs). | -                         | -                | -      |
| Fifteen (15) feet or less in height    |  |                 |                                |                      |   | 5 ft.                     | 10 ft.           | 5 ft.  |
| Up to thirty (30) feet in height       |  |                 |                                |                      |   | 10 ft.                    | 20 ft.           | 20 ft. |

<sup>1</sup>Minimum lot width shall be measured at the building setback line.

<sup>2</sup>No more than twenty (20) percent of the total number of townhouse groupings shall contain more than six (6) units and in no case shall any grouping contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

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

- a. Front to front, rear to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) 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.

<sup>4</sup>If the property abuts an arterial road as identified in Section 316 of this Ordinance, the minimum front yard setback shall be forty (40) feet from the right-of-way line. If the property abuts a collector road as identified in Section 316 of this Ordinance, the minimum front yard setback shall be thirty (30) feet from the right-of-way line.

<sup>5</sup>Accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots along common side lot lines.

<sup>6</sup>Steps and unenclosed porches are permitted to extend into the front yard.

**219.6. Maximum Building Length** - In no case shall any building exceed one hundred seventy-five (175) feet along its longest dimension.



**219.7. Maximum Permitted Height**

1. Principal buildings and structures - Thirty-five (35) feet.
2. Accessory structures - Thirty (30) feet - depending on setback from property line.

**219.8. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 310 of this Ordinance. All access drives serving other uses shall be in accordance with Section 311 of this Ordinance.

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

**219.10. Agricultural Setback Requirement** - No dwelling unit shall be located within one hundred (100) feet of any land within the (A) Agricultural Zone. In addition no shrub or tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within the (A) Agricultural Zone.

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# Article 3

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## General Provisions

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### Section 301 General Provisions

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

### Section 302 Accessory Uses and Structures

- 302.1. Fences and Walls - No fence or wall (except agricultural fences, required junkyard, antennas, 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 three (3) feet in a front yard and more than six (6) feet in any other yard within the (A) Agricultural; (R) Rural; (C) Conservation; or any of the Residential Zones. Within the (MRC) Mixed Residential/Commercial; (I) Industrial; (E) Excavation; or any of the Commercial Zones, no fence nor wall shall be erected to a height of more than ten (10) feet in any yard. No fence shall block motorist view of vehicles entering or exiting the property. In any zone, fences on residential lots shall be limited to a height of three (3) feet in the front yard and six (6) feet in other yards. Furthermore, no electric fence shall be permitted on a principal residential lot, unless the residence is part of a farm.
- 302.2. Swimming Pools - No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools along with decks and stairs within the pool area shall be completely enclosed by a four (4) foot high fence or wall with no openings or holes greater than four (4) inches with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. 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. These requirements shall not apply to man-made ponds, lakes or other impoundments unless the primary purpose for their construction is swimming.
- 302.3. Tennis Courts - All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property.
- 302.4. Satellite Dish Antennas - Satellite dish antennas are subject to all accessory use standards. Furthermore, any satellite dish antenna located within the (AG) Agricultural; (R) Rural; (C) Conservation; (V) Village; or any of the Residential Zones shall be used only to receive signals, not transmit them. All ground-mounted satellite dish antennas located within the (MRC) Mixed Residential/Commercial; (I) Industrial; (E) Excavation; or any of the Commercial Zones that are used to transmit video format data shall be completely enclosed by an eight (8) foot-high nonclimbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the (I) Industrial Zone; (E) Excavation; or any of the Commercial Zones shall comply with all principal use standards.

302.5. Alternative Energy Sources (AES) – (Wind Energy Conversion Systems (WECS) and Solar Energy Systems (SES)

1. General

- A. The design and installation of all AES units shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. Building permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer for the applicable soils conditions.
- C. Except for those contained on farms, AES units shall not be permitted in the front yard area of any property.
- D. All transmission lines to and from any AES unit or any supporting building or structure shall be buried underground.
- E. No illumination of any portion of an AES unit shall be allowed unless required by the Federal Aviation Administration (FAA).
- F. There shall be no foot pegs or rungs below twelve (12) feet elevation on an AES unit, and all other appropriate measures shall be taken to prevent unauthorized climbing.
- G. No AES unit shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- H. Abandonment - If a WECS unit is inoperable for six (6) consecutive months the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month time frame, then the owner shall be required, at his expense, to remove the WECS unit for safety reasons.

2. Height

- A. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.
- B. The height of ground or pole-mounted solar energy systems shall not be greater than the shortest distance measured along a horizontal plane from the solar energy system unit to any lot line.
- C. The height above the ground of a WECS unit, including the height at the highest point of any blade, turbine, or other appurtenances atop the WECS structure, shall not be greater than the shortest distance measured along a horizontal plane from the WECS unit to any lot line.

3. Setback

- A. AES units shall be set back from any lot line, public right-of-way, or public utility line a distance equal to the height above the ground of the AES unit, including the height at the highest point of any blade, turbine, or other appurtenance atop the AES unit.
- B. Roof-mounted solar energy systems – In addition to the building setback, the collector(s) surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter on the building on a side yard exposure.

302.6. Ornamental Ponds and Wading Pools:

- 1. Such structures shall comply with all residential accessory use setbacks as specified in the governing zone.
- 2. No such impoundment shall contain more than four hundred fifty (450) cubic feet of water. All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as “Man-made Lakes, Dams and Impoundments” and are subject to the criteria listed in Section 302.7 of this Ordinance.
- 3. No such impoundment shall have a length or diameter exceeding fifteen (15) feet or a maximum depth exceeding two (2) feet.
- 4. All such ponds or pools shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects.
- 5. No such pond(s) shall be used for the commercial hatching of fish or other species.

302.7. Man-Made Lakes, Dams, and Impoundments:

- 1. All lakes, dams, ponds and impoundments may be permitted in any zone subject to the following:
- 2. All dams, ponds, lakes and impoundments located along and connected to a stream, that involve any of the following, shall require the obtainment of a permit from the PADEP Bureau of Dams and Waterways Division of Dam Safety, or a letter indicating that the proposed use does not require a PADEP permit.
  - A. The dam, pond or impoundment contains a volume of at least fifty (50) acre-feet;
  - B. The dam reaches a height of fifteen (15) feet; or
  - C. The dam, pond or impoundment shall be used to impound the water from a watershed of at least one hundred (100) acres.
- 3. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the obtainment or waiver of a permit from the PADEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management.
- 4. All dams, ponds and impoundments shall be located at least seventy-five (75) feet from any subsurface sewage disposal system or well.
- 5. All other dams, ponds and impoundments require the submission of statement by a qualified engineer that the proposed use is properly constructed and will not pose a

threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one (1) foot above the water surface elevation occurring during the base flood.

6. Requirements for Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters.
7. Maintenance - All ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

- 302.8. Garage/Yard Sales - Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than two (2) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one (1) six (6) square foot sign shall be permitted advertising the garage/yard sale; such sign must be set back at least ten (10) feet from any lot line and comply with Section 315.6. of this Ordinance. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

## Section 303 Unenclosed Storage

- 303.1. Recreational Vehicles, Boats, Campers, Trailers and Trucks - In any of the Residential Zones no boats, campers, recreational vehicles, trailers, nor trucks with more than two (2) axles (except personal pickup truck), shall be stored within any front yard, unless located within a driveway.
- 303.2. Outdoor Stockpiling - In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In any of the Residential Zones, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.
- 303.3. Trash, Garbage, Refuse or Junk - Except as provided in Sections 439 and 458 (relating to junkyards and solid waste disposal and processing facilities) of this Ordinance, the outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.

## Section 304 Setback Modifications

- 304.1. Front Setback or Buildings on Built-Up Streets Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than thirty (30) feet from any abutting street right-of-way line of a collector nor less than forty (40) feet from any abutting street right-of-way line of an arterial (as identified in Section 316 of this Ordinance).
- 304.2. Accessory or Appurtenant Structures - The setback regulations do not apply to:
1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to porches whether covered or not; (Note: Setbacks for porches in the (RH) High Density Residential and (RH1) High Density Residential Flex Zones shall be governed by the requirements of Section 205.5. and 219.5 of this Ordinance.)

2. Open fire escapes.
3. Minor public utility structures, articles of ornamentation or decoration.
4. Fences, hedges and retaining walls.

## **Section 305      Height Limit Exceptions**

- 305.1.      The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line (except cell site antennae, which shall be set back in accordance with the setback regulations of Section 414 of this Ordinance):
1.      Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, school gymnasiums, school auditoriums, or other similar structures.
  2.      Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
  3.      Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.
- 305.2.      In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.
- 305.3.      All structures and/or projections must comply with the provisions of the (AS) Airport Safety Zone listed in Section 212 of this Ordinance.

## **Section 306      Corner Lots**

A front yard, 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.

On any lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area which is formed by a triangle where the two (2) legs of the triangle extended one hundred (100) feet from the centerline intersection of the two (2) intersecting streets.

## **Section 307      Minimum Habitable Floor Area**

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

1. Single-family, duplex, and townhouse dwelling units: Seven hundred (700) square feet per dwelling unit;
2. Multiple-family dwellings: Four hundred (400) square feet per dwelling unit.

### Section 308 Erection of More Than One (1) Principal Use on a Lot

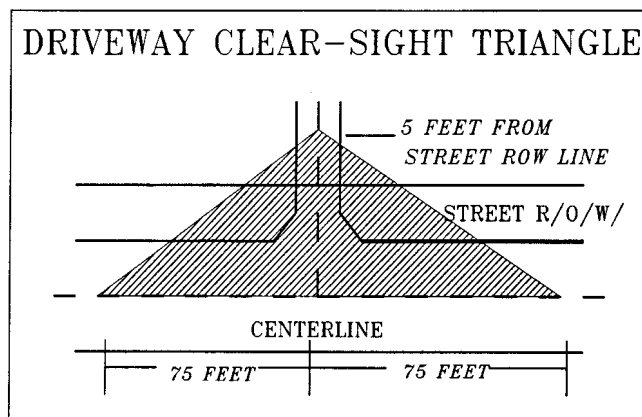
More than one (1) principal use may be erected on a single lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of sewage disposal.

### Section 309 Required Vehicular Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Manor Township Subdivision and Land Development Ordinance, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings shall be via driveways (see Section 310); access to lots containing other uses shall be via access drives (see Section 311).

### Section 310 Driveway Requirements

- 310.1. Number Per Lot - No more than two (2) driveway connections per lot shall be permitted.
- 310.2. Setbacks - Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets, within five (5) feet of a fire hydrant. In addition, unless constructed as an approved shared driveway, driveways shall not be located within three (3) feet of adjoining lot lines.
- 310.3. Clear-Sight Triangle - Driveways shall be located and constructed so that a clear-sight triangle of seventy-five (75) feet as measured along the street centerline and five (5) feet along the driveway centerline is maintained; no permanent obstructions and/or plant materials over three (3) feet high shall be placed within this area.

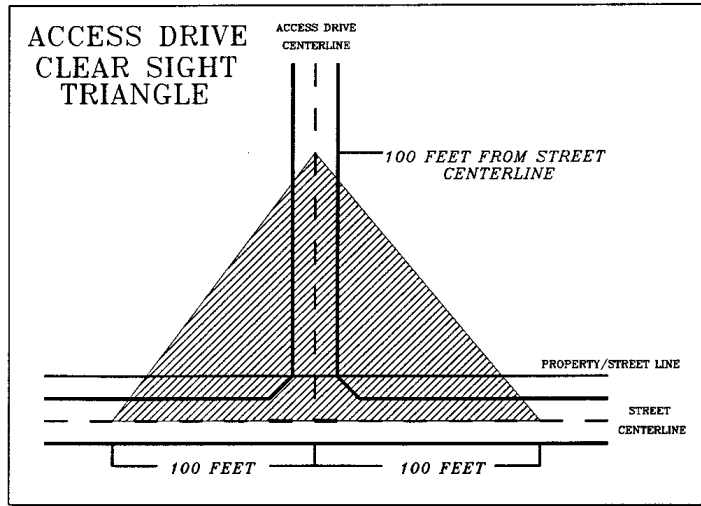


- 310.4. Slope - A driveway shall not exceed a slope of fifteen (15) percent within twenty-five (25) feet of the street right-of-way lines.
- 310.5. Road Classification - Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved.
- 310.6. Driveway Width - No driveway shall provide a curb cut exceeding twenty-four (24) feet in width.
- 310.7. PennDOT Permit - Any driveway intersecting with a State-owned road shall require the obtainment of a driveway permit from the PennDOT.
- 310.8. Township Permit - Any driveway intersecting with a Township road shall require the obtainment of a driveway permit from the Township.
- 310.9. Drainage - Driveways shall not be constructed in a manner to be inconsistent with the design, maintenance, and drainage of the street.

## **Section 311 Access Drive Requirements**

- 311.1. Number Per Lot - Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two (2) per lot. 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.
- 311.2. Setbacks - All access drives shall be set back at least:
1. One hundred (100) feet from the intersection of any street right-of-way lines.
  2. One hundred (100) feet from any other access drive located upon the same lot (measured from cartway edges).
  3. Fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one (1) property line when a joint parking lot is shared by adjoining uses.
- 311.3. Clear-Sight Triangle - Access drives shall be located and constructed so that a clear-sight triangle of one hundred (100) feet as measured along the street centerline and along the driveway centerline is maintained; no permanent obstructions and/or plant materials over three (3) feet high shall be placed within this area.





- 311.4. Slope - Access drives shall not exceed a slope of four (4) percent within forty (40) feet of the intersecting street centerline.
- 311.5. Surfacing - All access drives shall be paved with concrete or bituminous paving material, or another dust-free material suitable to the Board of Supervisors.
- 311.6. Access Drive Width - Access drives shall provide a twelve (12) foot wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than eighteen (18) feet wide, if it provides for truck movement between the public right-of-way and any required off street loading spaces as regulated by Section 313 of this Ordinance. See Table below for further explanation:

| Use                    | No. of Lanes | Direction of Travel | Required Access Drive Width |
|------------------------|--------------|---------------------|-----------------------------|
| Automobiles only       | 1            | 1 way               | 12 ft.                      |
| Automobiles only       | 2            | 1 or 2 way          | 24 ft.                      |
| Automobiles only       | 3 or more    | 1 or 2 way          | 12 ft./lane                 |
| Automobiles and trucks | 1            | 1 way               | 18 ft.                      |
| Automobiles and trucks | 2            | 1 or 2 way          | 24 ft.                      |
| Automobiles and trucks | 3 or more    | 1 or 2 way          | 12 ft./lane                 |

- 311.7. Township Permit - Any access drive intersecting with a Township road shall require the obtainment of a driveway permit from Manor Township.
- 311.8. PennDOT Permit - Any access drive intersecting with a State-owned road shall require the obtainment of PennDOT driveway permit.

## Section 312 Off-Street Parking Requirements

- 312.1. 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. These facilities 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.
- 312.2. Parking for Single Family Dwellings - Every single family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Additional regulations pertaining to driveways are contained in Section 310 of this Ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single family dwelling.
- 312.3. Site Plan Approval:
1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below.
  2. 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.
- 312.4. Surfacing - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface, approved by the Board of Supervisors.
- 312.5. Separation from Streets and Sidewalks - Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or walkways. Off-street parking spaces shall not extend into the legal right-of-way.
- 312.6. Drainage - Parking lots shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge storm water in accordance with a plan to be approved by the Township.
- 312.7. Parking Space Sizes - The following lists required minimum space sizes in feet:
- Standard car spaces:
- |              |                                |
|--------------|--------------------------------|
| Parallel     | Twenty-three by eight (23 x 8) |
| Non-parallel | Nineteen by nine (19 x 9)      |
- 312.8. Design Standards for Handicapped Parking Spaces – The following lists required minimum space sizes in feet:
1. Size -
 

|             |                                  |
|-------------|----------------------------------|
| Parallel    | Twenty-three by twelve (23 x 12) |
| Nonparallel | Twenty by twelve (20 x 12)       |

2. Location - Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.
3. Identification - Parking spaces for the physically handicapped shall be identified by signs, generally located eight (8) feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structures, or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six (6) feet. Handicapped spaces may also be designated through blue surface painting as an alternative to signage.
4. Curbs:
  - A. Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.
  - B. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet.
  - C. Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the structure, at all pedestrian walk intersections, and elsewhere to provide reasonable direct circulation within each development.
  - D. The curb cuts shall not be more than one hundred fifty (150) feet apart.
5. Sidewalks:
  - A. Exterior sidewalks shall not be obstructed.
  - B. Exterior sidewalks shall have a side slope not greater than one (1) inch in four (4) feet. They shall be at least four (4) feet wide and have a grade of not more than one (1) foot in twenty (20) feet.
6. Storm Drains:
  - A. Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.
7. Grade:
  - A. The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in twenty (20) feet.

312.9. Interior Drive Widths:

1. Interior drives between rows of parking spaces shall have the minimum widths. See the following Table:

| Angle of Parking | Width in Driveway in Feet; One (1) Way Traffic | Width of Driveway in Feet; Two (2) Way Traffic |
|------------------|--|--|
| 90 degrees       | 25   | 25   |
| 60 degrees       | 20   | 22   |
| 45 degrees       | 18   | 22   |
| 30 degrees       | 11   | 22   |
| Parallel         | 11   | 22   |

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

312.10. Marking of Parking Spaces and Interior Drives - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width.

312.11. Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.

312.12. All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces.

312.13. Lighting - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so that it is not directed at land used for residential purposes, nor adjoining lots or streets. Except for public streetlights and traffic signals, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height. Security or floodlighting may exceed this requirement when attached to a building provided that such lighting shall be arranged and installed to deflect and focus lights away from adjacent properties; in no case shall parking areas be illuminated by building mounted lights.

312.14. Access Drive Requirements - Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 311 of this Ordinance specifies other requirements for access drives.

312.15. Landscaping and Screening Requirements:

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

1. Landscaped Strip:
  - A. When a parking lot is located in a yard that abuts a street, a landscaped strip shall be provided on the property along the entire streetline. If there is no building or other structure on the property, 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.

See the following Table for required width of landscape strips:

| Number of Spaces<br>in Parking Lot,<br>Including Joint Facilities | Landscape Strip Width<br>Measured<br>from Street R.O.W. Line |
|---|--|
| Less than 100   | 15 feet  |
| 100 to 250  | 20 feet  |
| Over 250  | 25 feet  |

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

2. Interior Landscaping:

A. In any parking lot containing twenty (20) or more parking spaces (except a parking garage), five (5) percent of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every ten (10) parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level.

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 fewer than 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.

3. Screening:

A. When a parking lot is located on property that adjoins land in any of the Residential Zones, the parking lot shall be screened from the adjoining residential property.

312.16. Speed Bumps:

1. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
2. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
3. There shall be a warning sign posted at each entrance to a parking area having speed

bumps.

4. In no case shall the overall height (or depth) of speed bumps exceed three (3) inches.

312.17. Joint Parking Lots:

1. In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty (20) percent. Therefore, the resulting joint parking lot will be required to provide at least (80) percent of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicle and each of the shopping center's stores.
2. In the (CO) Commercial Office Zone , (LC) Local Commercial Zone, (GC) General Commercial Zone, and (I) Industrial Zone and for commercial uses in the (MRC) Mixed Residential/Commercial Zone, (LTD) Limited Commercial Zone, and (V) Village Zone, two (2) or more properties may share facilities, provided that cross easements for parking are established on all such properties. These joint facilities, including accessory drives, shall not be subject to any setback requirements in the location of the shared facilities and access drives. Parking spaces shall be determined on the aggregate of all parking spaces provided on the joint parking lot.

312.18. 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 that requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display, or storage of automobiles or other merchandise,
2. Parking/storage of vehicles accessory to the use;
3. Performing services (including services to vehicles); nor,
4. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended.

However, parking lots may be used for carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days, are conducted by public and/or nonprofit groups, the use is one (1) that is permitted within the zone in which it is to be located, and a temporary use permit is obtained.

312.19. Schedule of Required Parking Spaces - The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

| Type of Use   | Minimum of One (1) Parking Space for Each   |
|---|---|
| <b>COMMERCIAL USES</b>  |   |
| Automobile repair, filling and washing facilities                 | 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 1 per employee on major shift |
| Automobile, boat and trailer sales                                | 500 square feet indoor and outdoor display area   |
| 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/or fast-food restaurant with seating               | 1 parking space for each 2 seats and 1 per each 2 employees and a minimum of 3 off-street parking spaces for take-out from restaurant.  |
| Drive-thru and/or fast-food restaurant without seating            | 1 parking space per 80 square feet of floor area and 1 per each employee; minimum of 12 off-street parking spaces.  |
| Food markets and grocery stores                                   | 100 square feet of gross floor area for public use and 1 per each employee on 2 largest shifts  |
| Funeral homes   | 100 square feet of gross floor area, 1 per each employee, and 1 per each piece mobile equipment, such as hearses and ambulances   |
| Furniture sales   | 500 square feet gross floor area  |
| Hotel, motel, tourist home  | Guest sleeping room and 1 per each employee on 2 largest shifts. (Restaurants and other accessory uses shall be viewed separately.)   |
| Mini-warehouses   | 25 units plus 1 per 250 square feet of office space plus 2 per any resident manager   |
| Office buildings  | 300 square feet of gross floor area   |
| Professional offices of veterinarians, physicians, dentists, etc. | 6 spaces per each physician or dentist, etc.  |
| Retail store or shop (except those listed above)                  | 200 square feet of gross floor area of display area or sales area and 1 per each employee on 2 largest shifts   |
| Restaurant  | 4 seats plus 1 per each employee on largest shift   |
| Shopping centers or malls   | 182 square feet of gross leasable floor area  |
| Taverns/Bars  | 2 seats plus 1 per each employee on largest shift   |
| Other commercial buildings  | 400 square feet of gross floor area   |

| Type of Use                                       | Minimum of One (1) Parking Space for Each  |
|---|--|
| <b>INDUSTRIAL USES</b>                            |  |
| Industrial and heavy manufacturing establishments | 2 employees on the 2 largest shifts or at least 1 space per each 1,000 square feet of gross floor area, whichever is the greatest number |
| Warehousing                                       | Employee on the 2 largest shifts   |

| Type of Use  | Minimum of One (1) Parking Space for Each   |
|--|---|
| <b>RECREATION USES</b>   |   |
| Amusement arcade   | 80 square feet of gross floor area  |
| Athletic field   | 4 seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient number of spaces to serve all users of the site, and include a fence delineating such parking area. |
| Bowling alley, billiard room   | 1/4 lane/table and 1 per each 2 employees   |
| Campgrounds  | Per campsite, plus 1 per employee, plus 50% of the spaces normally required for accessory uses  |
| Golf course  | 1/8 hole, plus 1 per employee, plus 50% of the spaces normally required for accessory uses  |
| Golf driving range   | 1 per tee and 1 per employee  |
| Miniature golf course  | 1/2 hole and 1 per employee   |
| Riding school or horse stable  | 2 stalls plus 1 per every 4 seats of spectator seating  |
| Picnic area  | Per table   |
| Skating rink   | 4 persons of legal occupancy  |
| Swimming pools (other than 1 accessory to a residential development) | 4 persons of legal occupancy  |
| Tennis or racquetball clubs  | 1/4 court plus 1 per employee plus 50% of the spaces normally required for accessory uses   |

| Type of Use                                       | Minimum of One (1) Parking Space for Each            |
|---|--|
| <b>RESIDENTIAL USES</b>                           |  |
| Residential dwelling                              | 1/2 dwelling unit (i.e., 2 spaces per dwelling unit) |
| Boarding house, group home, and bed and breakfast | Bedroom plus 1 per nonresident employee              |



| Type of Use  | Minimum of One (1) Parking Space for Each   |
|--|---|
| <b>SOCIAL AND INSTITUTIONAL USES</b>   |   |
| Auditorium, banquet, conference, and meeting facility, church, theater, and other such places of public assembly | 200 square feet but not less than 1 space per each 4 seats  |
| Clubs, lodges, and other similar places  | 2 seats but not less than 100 square feet of gross floor area and 1 per each employee on 2 largest shifts   |
| Nursing, rest or retirement homes  | 3 accommodations (beds) in addition to those needed for doctors and support staff   |
| Hospital, sanitarium   | Spaces shall be provided for visitors, at the rate of at least 1 space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel. |
| Museum, art gallery, cultural center, library  | 400 square feet of gross floor area   |
| Rehabilitation centers (without overnight accommodations)  | 1 per each employee and per each 3 people anticipated to be handled through the facility  |
| Schools below grade 10 including commercial day-care and kindergarten  | 6 students enrolled   |
| Schools, 10 <sup>th</sup> grade and above, including colleges  | 3 students enrolled   |
| Vocational training and adult education facilities   | 1.5 students enrolled   |

## Section 313 Off-Street Loading Facilities

313.1. 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 property or building is changed and thereby requiring more loading space.
3. An existing use is enlarged thereby requiring an increase in loading space.

313.2. Site Plan Approval:

1. Each application for a zoning permit (for use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below.
2. No zoning permit shall be issued for any use for which a loading area is required

unless the site plan has been approved or necessary variances have been approved.

- 313.3. Surfacing - All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.
- 313.4. Location - Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard.
- 313.5. 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) four wide feet for two (2) way travel, or eighteen (18) feet wide for one (1) way travel, exclusive of any parts of the curb and gutters. Section 311 of this Ordinance specifies other requirements for access drives.
- 313.6. Separation from Streets, Sidewalks, and Parking Lots - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
- 313.7. Drainage - Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.
- 313.8. Required Off-Street Loading Facilities Sizes - The following Table lists required minimum loading space sizes(excluding access drives, entrances, and exits):

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

- 313.9. Lighting - Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so that it is not directed at land used for residential purposes, nor adjoining lots or streets.
- 313.10. Landscaping and Screening Requirements - Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot-wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially-zoned properties and/or adjoining public streets.

313.11. Schedule of Off-Street Loading Spaces Required - See the following table:

| <b>Type of Use</b>  | <b>Number Spaces Per</b> | <b>Gross Floor Area/Dwelling Units</b>            |
|---|--------------------------|---|
| Hospital or other institution   | None                     | First 10,000 square feet                          |
|   | 1.0                      | 10,000 to 100,000 square feet                     |
|   | +1.0                     | Each additional 100,000 square feet (or fraction) |
| Hotel, motel or other similar lodging facilities  | None                     | First 10,000 square feet                          |
|   | 1.0                      | 10,000 to 100,000 square feet                     |
|   | +1.0                     | Each additional 100,000 square feet (or fraction) |
| Industry or manufacturing   | 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)  |
| Multi-family dwelling   | None                     | Less than 100 dwelling units                      |
|   | 1.0                      | 100 to 300 dwelling units                         |
|   | +1.0                     | Each additional 200 dwelling units (or fraction)  |
| Office building, including banks  | None                     | First 10,000 square feet                          |
|   | 1.0                      | 10,000 to 100,000 square feet                     |
|   | +1.0                     | Each additional 100,000 square feet (or fraction) |
| Retail sales and services, per store  | None                     | First 2,000 square feet                           |
|   | 1.0                      | 2,000 to 10,000 square feet                       |
|   | 2.0                      | 10,000 to 40,000 square feet                      |
|   | +1.0                     | Each additional 100,000 square feet (or fraction) |
| Shopping centers (integrated shopping centers, malls and plazas) having at least 25,000 square feet | 1.0                      | 25,000 square feet up to 100,000 square feet      |
|   | +1.0                     | Each additional 100,000 square feet               |
| Theater, auditorium, bowling alley, or other recreational establishment                             | None                     | First 10,000 square feet                          |
|   | 1.0                      | 10,000 to 100,000 square feet                     |
|   | +1.0                     | Each additional 100,000 square feet (or fraction) |

| Type of Use  | Number Spaces Per | Gross Floor Area/Dwelling Units                  |
|--|-------------------|--|
| Undertaking establishment or funeral parlor        | None              | First 3,000 square feet                          |
|  | 1.0               | 3,000 to 5,000 square feet                       |
|  | +1.0              | Each additional 10,000 square feet (or fraction) |
| Wholesale or warehousing (except mini-warehousing) | None              | First 1,500 square feet                          |
|  | 1.0               | 1,500 to 10,000 square feet                      |
|  | +1.0              | Each additional 40,000 square feet (or fraction) |

## Section 314 Screening and Landscaping Requirements

- 314.1. Yard Ground Cover - Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to compliment other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
- 314.2. 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 (80) percent 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/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots), 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.
- 314.3. Screening - The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not 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.
- 314.4. 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 that dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

## Section 315 Signs

315.1. Statement of Purpose - The purposes of this section are as follows:

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

315.2. Definitions - The following definitions of “sign” and kinds of signs shall apply to those terms whenever they appear in this section:

1. Sign: A device for visual communication that is used to bring the subject to the attention of the public. Signs do include lettering, logos, trademarks, or other symbols that are an integral part of the architectural design of a building, that are applied to a building, or that are located elsewhere on the premises; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects. Signs do not include architectural features that may be identified with a particular business; backlit awnings that include no lettering, logos, or other symbols; signs within a building that are obviously intended to be seen primarily from within the building; outdoor signs intended for use within a property, such as menu signs by fast-food restaurant drive-thru lanes, signs with regulations within a park, and building identification signs within a campus; flags of governments or government agencies; decorative seasonal and holiday banners on residential properties; and displays of merchandise either behind store windows or outdoors.

2. Billboard: An off-premise, permanent sign that directs attention to a product, service, business, or cause.
3. Building Sign: A sign attached to or painted on a building that has a use in addition to supporting the sign; this includes wall signs and roof signs.
4. Business Sign: A sign that directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see “Center Sign.”)
5. Center Sign: A business sign that provides identification at the entrance to a center, such as a shopping center, office complex, or industrial park.
6. Contractor Sign: A temporary sign that carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.
7. Development Sign: An identification sign at the entrance to a residential development.
8. Election Sign: A temporary sign that directs attention to a candidate or candidates for public office, a political party, or a ballot issue.
9. Freestanding Sign: A sign not attached to or painted on a building, or a sign attached to or painted on a building that has no use in addition to supporting the sign.
10. Garage/Yard Sale Sign: A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.
11. Government Sign: An off-premise sign placed by a governmental unit, such as a traffic, directional, informational, or street name sign, or an historical marker.
12. Home Occupation Sign: A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.
13. Identification Sign: A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see “Development Sign” and “Public Use Sign.”)
14. Incidental Sign: An informational sign, no more than two (2) square feet in size that carries a message, such as “enter,” “open,” “telephone,” “rest rooms,” “no parking,” “no trespassing,” “warning,” a listing of hours when open, an on-site direction, or anything similar. Incidental signs may not include any commercial message or logo, except that one (1) “enter” sign per entrance may include a logo or business name, as long as the entrance is exclusively for that business and the logo or business name is subordinate to the word “Enter”.
15. Issue Sign: A temporary sign that directs attention to an opinion of a public or private nature, such as, but not limited to, a community, social, or religious issue;
16. Lot: When used in this Section 315 - Signs, the word “lot” shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit (e.g., (1) the area used by a dwelling unit in a townhouse structure or (2) a tenant space in a multiple tenant building).
17. Non-Profit Organization Sign: An off-premise sign displaying information about a church, service club, or other organization that does not operate for the purpose of making a profit.

18. Off-Premise Sign: A sign that does not apply to the property on which it is displayed.
  19. On-Premise Sign: A sign that applies to the property on which it is displayed.
  20. Open House Sign: A temporary sign that provides information about a real estate open house, including the words “Open House,” the day and time of the open house, and the name of the realtor.
  21. Overhead Sign: A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.
  22. Permanent Sign: A sign intended to be displayed for an unlimited period of time.
  23. Public Use Sign: An identification sign used to identify the name and display information about a public use, such as a government building, school, park, firehouse, or church.
  24. Public Utility Sign: A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g., an electric company, sewer authority, or telephone company).
  25. Real Estate Sign: A temporary sign that provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.
  26. Roof Sign: A sign attached to or painted on a roof.
  27. Sidewalk Sign: A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.
  28. Special Event Sign: A temporary sign that carries information about a special event, such as an auction, flea market, festival, carnival, meal, or fund-raising event, but not including any business sign, such as a “sale” sign at a store.
  29. Temporary Sign: A sign that is displayed for no more than three (3) months in any year, unless stated otherwise in this Ordinance.
  30. Wall Sign: A sign attached to or painted on the wall of a building.
  31. Window Display: An exhibit behind a window that is intended to draw attention to a product, service, business, or cause.
- 315.3. Sign Area and Height - The following guidelines shall apply when interpreting area and height regulations in this Article:
1. Area: The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.
    - A. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure, unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.
    - B. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.

- C. When a single sign structure has more than one (1) face with the same message, and no two (2) sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.
2. Height: The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.
- A. No sign shall be higher than the height limitation of the zone in which it is located.
- B. The height of freestanding signs shall be controlled by the regulations in Tables 1 and 2 herein this Section 315 of this Ordinance.
- C. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
- D. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.
- 315.4. General Regulations - The following regulations shall apply to all signs, in addition to the specific regulations and supplemental regulations contained in the following provisions of this Article. Where the general regulations are contradicted by a specific regulation, the specific regulation shall control:
1. All signs shall reflect the general character of the neighborhood.
  2. All signs shall be constructed of durable materials, maintained in good condition and secured in a safe manner.
  3. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
  4. The areas surrounding all signs shall be maintained in a neat, clean and attractive condition.
  5. All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.
  6. Each property that displays one (1) or more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one (1) permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of one hundred (100) feet (three [3] inch high lettering/numerals with a three quarters [3/4] inch stroke). The area taken up by the address does not count as part of the sign area. Center signs are exempt from this requirement.
  7. No temporary signs shall be permitted, except as authorized elsewhere in this Article.



8. No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a sidewalk sign, a nonprofit organization sign, or another sign approved by the governing body or the PennDOT.
9. No sign within the clear sight triangle should obstruct vision between the heights of thirty (30) inches and eight (8) feet above the elevation of the centerline of the street.
10. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.
11. Any freestanding sign within a floodplain must receive approval as a special exception.
12. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
13. No sign shall be placed so as to obstruct ventilation or light from a building.
14. No overhead sign shall have a clearance of (1) less than eight (8) feet between any pedestrian walk and the lowest part of the sign and (2) less than seventeen (17) feet six (6) inches between any roadway and the lowest part of the sign.
15. No sign that is parallel to and attached to the face of a building shall project more than eighteen (18) inches over a public sidewalk.
16. No sign that is perpendicular to and attached to the face of a building shall project more than forty-eight (48) inches from the building.
17. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
18. No sign shall be permitted that imitates or that might be confused with an official traffic sign or signal, such as (1) by containing the words "STOP" or "DANGER" or (2) by including red, green or yellow lights.
19. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
20. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.
21. No sign shall include statements, words or pictures that are considered to be vulgar, obscene or pornographic.
22. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building. (See "Special Event Sign" in Table 2 this Section 315 of this Ordinance for regulations that apply to banners used as special events signs.)
23. In addition to any other signage permitted by this Article, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved, standard flagpole.
24. No animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted, except for time and temperature signs.

25. No sign shall emit smoke, visible vapors, particles, sound, or odor.
  26. No sign shall be placed on an automobile, truck or other vehicle if that vehicle is being used primarily for displaying such sign.
  27. No inflatable signs shall be permitted.
  28. No open flames shall be permitted as part of a sign or in any other way to attract attention.
  29. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Article.
  30. Any sign which has been authenticated as historically significant and accurate for its specific location, whether original or a replica, may be exempted from the regulations of this Article as a special exception.
  31. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
  32. The light from any illuminated sign shall not adversely affect (1) safe vision of operators of vehicles moving on public or private streets or parking areas, (2) any of the Residential Zones, or (3) any part of a building or property used for residential purposes.
  33. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings or lights, or other means, with the exception of customary holiday decorations, which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.
  34. Business signs in other than any of the Commercial Zones and the (I) Industrial Zone shall not be illuminated when the business is closed.
  35. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the *National Electrical Code*.
- 315.5. Specific Regulations - Tables 1 and 2 herein this Section 315 of this Ordinance provide regulations for specific kinds of signs in each zone. Table 1 provides regulations for permanent signs; Table 2 provides regulations for temporary signs. Kinds of signs not provided for in Tables 1 or 2 or anywhere else in this Article shall not be allowed.
- 315.6. Permitting Procedures and Fees – Permits for the placement of signs are required as indicated by the last column in Tables 1 and 2 herein this Section 315 of this Ordinance. Sign permit application requirements, such as forms, plans and fees shall be established by the Board of Supervisors.
- 315.7. Nonconforming Signs - Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:
1. There may be no expansion or increase in the nonconformity in any way.
  2. Maintenance and repair of the sign is permitted; if necessary, up to fifty (50) percent of the entire area of a sign and its supporting structure may be replaced in the event of damage; any such replacement must be completed within 6 months of the damage occurring.
  3. The sign must be brought into conformity if, for a period of at least three (3) months,

the message has no longer applied to an activity on the premises (this does not apply to billboards).

**TABLE 1 - REGULATIONS FOR PERMANENT SIGNS**

| KIND OF SIGN  | ZONE  | TOTAL SIGNS ON LOT       |                        | FREESTANDING SIGNS       |                        |                          |   | BUILDING SIGNS           |                        | OTHER REQUIREMENTS   | PERMIT REQUIRED |
|---|---|--------------------------|------------------------|--------------------------|------------------------|--------------------------|---|--------------------------|------------------------|--|-----------------|
|   |   | MAXIMUM PERMITTED NUMBER | MAXIMUM PERMITTED AREA | MAXIMUM PERMITTED NUMBER | MAXIMUM PERMITTED AREA | MAXIMUM PERMITTED HEIGHT | MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY | MAXIMUM PERMITTED NUMBER | MAXIMUM PERMITTED AREA |  |                 |
| BUSINESS SIGN (EXCEPT CENTER SIGNS),<br><br>HOME OCCUPATION SIGN,<br><br>&<br><br>IDENTIFICATION SIGN (EXCEPT DEVELOPMENT SIGNS AND PUBLIC USE SIGNS) | (C) Conservati on; (R) Rural; (V) Village; (RL) Low Density Residential; (RL1) Low Density Residential Flex; (RM) Medium Density Residential; (RM1) Medium Density Residential Flex; (RH) High Density Residential; (RH1) High Density Residential Flex; and (E) Excavation Zones | 2 per lot                | 2 sq. ft.              | 1 per lot                | 2 sq. ft.              | 6 ft.                    | 10 ft.  | 2 per lot                | 2 sq. ft.              | Business signs for individual businesses must be located so they are identified with individual businesses, i.e. rather than being at the street frontage of a large center, away from the business they are identifying.<br><br>A home occupation sign may include a name, an address, an occupation or activity, and a logo or trademark; there may be no illumination, except that a sign for a medical office or emergency service may be illuminated when the business is open. | Yes             |
|   | (A) Agricultura l Zone  | 2 per lot                | 12 sq. ft.             | 1 per lot                | 8 sq. ft.              | 6 ft.                    | 10 ft.  | 2 per lot                | 8 sq. ft.              |  | Yes             |

|   |          |                              |   |                                    |        |        |          |   |     |
|---|----------|------------------------------|---|------------------------------------|--------|--------|----------|---|-----|
| (LC) Local Commercial; (CO) Commercial Office; (LTD) Limited Commercial Zones     | No limit | 200 sq. ft.                  | 1 per street frontage, except that in a structure with multiple businesses the individual businesses may not have their own freestanding signs. | 40 sq. ft. on each street frontage | 20 ft. | 10 ft. | No limit | 1½ sq. ft. per linear foot of facade to which sign is attached, up to maximum of 200 sq. ft. of signage per lot. Also see Note 3. | Yes |
| (GC) General Commercial; (I) Industrial; (MRC) Mixed Residential/Commercial Zones | No limit | 280 sq. ft. Also see Note 1. |   | See Note 2.                        | 20 ft. | 10 ft. | No limit |   | Yes |

Notes:

1 - An additional freestanding sign is permitted for each additional street frontage, with the area to be calculated as indicated in Note 2, and with no freestanding sign to exceed 80 square feet.

2 - The area permitted on each street frontage is forty (40) square feet for street frontage up to eighty (80) feet, plus 1 square foot per two (2) feet of street frontage over eighty (80) feet, up to a maximum of eighty (80) square feet.

3 - The length of the facade of an irregularly shaped building (e.g. a circular building, an "S" shaped building, or a building with one (1) or more ell on the side in question) is the straight line distance between the two (2) ends of the building.

**TABLE 1 - REGULATIONS FOR PERMANENT SIGNS (CONTINUED)**

| KIND OF SIGN   | MAXIMUM PERMITTED NUMBER   | MAXIMUM PERMITTED AREA   | MAXIMUM PERMITTED HEIGHT FOR FREESTANDING SIGNS   | MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY FOR FREESTANDING SIGNS | OTHER REQUIREMENTS   | PERMIT REQUIRED |
|--|--|--|---|--|--|-----------------|
| BILLBOARD [ALLOWED ONLY IN (LC) Local Commercial; (CO) Commercial Office; (LTD) Limited Commercial; (GC) General Commercial; (I) Industrial; & (MRC) Mixed Residential/Commercial Zones] | See "Other Requirements"   | 300 sq. ft. per surface, whether or not messages are the same  | 25 ft.  | 30 ft.   | No more than 1 billboard structure at any point; it may have 2 surfaces with total of 2 messages, as long as surfaces are back-to-back or at angle of $\leq 45$ degrees. Must have setback of 15' or the minimum building setback line, whichever is greater, from property lines other than street. Each billboard structure must be at 1200' from any other and at least 300' from any of the Residential Zones; (R) Rural; (AG); Agricultural, or open space zone | Yes             |
| CENTER SIGN  | For each center, 1 per principal entrance, up to maximum of 2, except there may be more than 2 if all entrances are at least 1200' apart | 20 sq. ft. in (E) Excavation; (C) Conservation; (A) Agricultural; (R) Rural; (RL) Low Density Residential; (V) Village; (RM) Medium Density Residential; (RH) High Density Residential; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; & (RH1) High Density Residential Flex Zones; 80 sq. ft. in (LC) Local Commercial; (GC) General Commercial; (I) Industrial; (MRC) Mixed Residential/Commercial; (CO) Commercial Office; & (LTD) Limited Commercial Zones | 6 ft. in (E) Excavation; (C) Conservation; (A) Agricultural; (R) Rural; (RL) Low Density Residential; (V) Village; (RM) Medium Density Residential; (RH) High Density Residential; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; & (RH1) High Density Residential Flex Zones; 20 ft. in (LC) Local Commercial; (GC) General Commercial; (I) Industrial; (MRC) Mixed Residential/Commercial; (CO) Commercial Office; & (LTD) Limited Commercial Zones | 10 ft.   | Center signs are allowed only for centers such as shopping centers, office complexes, and industrial parks which meet at least 2 of the following 3 minimums: (1) 5 units, (2) 20,000 square feet of building area, and (3) 5 acres of land.   | Yes             |
| DEVELOPMENT SIGN   | For each residential development, 1 per principal entrance, up to maximum of 2 entrances   | 20 sq. ft.   | 6 ft. in (E) Excavation; (C) Conservation; (A) Agricultural; (R) Rural; (RL) Low Density Residential; (V) Village; (RM) Medium Density  | 10 ft.   | Development signs are allowed only for residential developments. They may include only the name of the development and may not include any commercial advertising.   | Yes             |

| TABLE 1 - REGULATIONS FOR PERMANENT SIGNS (CONTINUED) |  |                        |   |  |   |                 |
|---|--|------------------------|---|--|---|-----------------|
| KIND OF SIGN  | MAXIMUM PERMITTED NUMBER   | MAXIMUM PERMITTED AREA | MAXIMUM PERMITTED HEIGHT FOR FREESTANDING SIGNS   | MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY FOR FREESTANDING SIGNS     | OTHER REQUIREMENTS  | PERMIT REQUIRED |
|   |  |                        | Residential; (RH) High Density Residential; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; & (RH1) High Density Residential Flex Zones; 20 ft. in (LC) Local Commercial; (GC) General Commercial; (I) Industrial; (MRC) Mixed Residential/Commercial; (CO) Commercial Office; & (LTD) Limited Commercial Zones  |  |   |                 |
| GOVERNMENT SIGN                                       | Placed within rights-of-way; generally not regulated by this Article.  |                        |   |  |   |                 |
| INCIDENTAL SIGN                                       | No limit   | 2 sq. ft.              | 6 ft.   | 10 ft., except no setback is required if sign is no more than 30 inches high |   | No              |
| NON PROFIT ORGANIZATION SIGN                          | As approved by governing body  | 4 sq. ft.              | 6 ft.   | Not applicable   | May be placed in street rights-of-way with the approval of the governing body. The governing body may require that they be placed at designated entrances to the community or on common display panels. |                 |
| PUBLIC USE SIGN                                       | 1 building sign per lot and 1 freestanding sign per principal entrance | 40 sq. ft.             | 6 ft. in (E) Excavation; (C) Conservation; (A) Agricultural; (R) Rural; (RL) Low Density Residential; (V) Village; (RM) Medium Density Residential; (RH) High Density Residential; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; & (RH1) High Density Residential Flex Zones; 10 ft. in (LC) Local Commercial; (GC) General Commercial; (I) Industrial; (MRC) Mixed Residential/Commercial; (CO) Commercial Office; & (LTD) Limited Commercial Zones | 10 ft.   |   | Yes             |

**TABLE 2 - REGULATIONS FOR TEMPORARY SIGNS**

| KIND OF SIGN          | PERMITTED TIME FOR DISPLAY  | MAXIMUM PERMITTED NUMBER   | MAXIMUM PERMITTED AREA  | MAXIMUM PERMITTED HEIGHT FOR FREE-STANDING SIGNS   | MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY FOR FREESTANDING SIGNS | OTHER REQUIREMENTS  | PERMIT REQUIRED |
|-----------------------|---|--|---|--|--|---|-----------------|
| CONTRACTOR SIGN       | During construction.  | 1 per contractor per lot   | 6 sq. ft.   | 6 ft.  | See "Other Requirements"   | Must be set back at least 10' from cartway or at building face, whichever is less; may not be in side yard setback. May not be illuminated. Not permitted off premise. If there are 4 or more on a lot, they must be combined in a single display by attaching them to a single background panel or frame. The background is not included in calculating the sign area, the height of the display may not exceed 10', and the display may project a maximum of 12" from the wall if attached parallel to the building. Also see Note 1. | No              |
| ELECTION SIGN         | From <u>60</u> days prior to election to 7 days after election.   | 1 per candidate per street frontage, up to 2 per candidate per lot, in (LC) Local Commercial; (GC) General Commercial; & (I) Industrial Zones; no limit in other Zones | 32 sq. ft. in (GC) General Commercial; (I) Industrial; & (MRC) Mixed Residential/Commercial Zones; 6 sq. ft. in other Zones | 10 ft. in (GC) General Commercial; (I) Industrial; & (MRC) Mixed Residential/Commercial Zones; 6 ft. in other Zones  | 10 ft.   | See Note 2.   | No              |
| GARAGE/YARD SALE SIGN | From 48 hours before sale to end of day of sale.  | 1 per sale per lot   | 6 sq. ft.   | 6 ft.  | 10 ft.   | Not permitted off-premise. Also see Note 1.   | No              |
| ISSUE SIGN            | No limit  | 1 per street frontage, up to 2 per lot   | 32 sq. ft. (GC) General Commercial; (I) Industrial; & (MRC) Mixed Residential/Commercial Zones; 6 sq. ft. in other Zones    | 10 ft. in (GC) General Commercial; (I) Industrial; & (MRC) Mixed Residential/Commercial Zones; 6 ft. in other Zones  | 10 ft.   |   | No              |
| OPEN HOUSE SIGN       | From 3 days before open house to 2 hours after open house. Display may not exceed 6 days per month per lot. | 1 on-premise; 2 off-premise, with no more than 1 per intersection  | 6 sq. ft.   | 6 ft. in (E) Excavation; (C) Conservation; (A) Agricultural; (R) Rural; (RL) Low Density Residential; (V) Village; (RM) Medium Density Residential; (RH) High Density Residential; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; & (RH1) High Density Residential Flex Zones; 10 ft. in (LC) Local Commercial; (GC) | Not applicable   | Must include the words "Open House", day and time of open house, and name of realtor. Open house must be attended by the seller or the seller's representative during entire advertised time of open house. Must not interfere with pedestrian or vehicular traffic. Also see Note 1.   | No              |



**TABLE 2 - REGULATIONS FOR TEMPORARY SIGNS**

| KIND OF SIGN   | PERMITTED TIME FOR DISPLAY  | MAXIMUM PERMITTED NUMBER               | MAXIMUM PERMITTED AREA   | MAXIMUM PERMITTED HEIGHT FOR FREE-STANDING SIGNS   | MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY FOR FREESTANDING SIGNS | OTHER REQUIREMENTS   | PERMIT REQUIRED |
|--|---|--|--------------------------|--|--|--|-----------------|
|  |   |  |                          | General Commercial; (I) Industrial; (MRC) Mixed Residential/Commercial; (CO) Commercial Office; & (LTD) Limited Commercial Zones |  |  |                 |
| REAL ESTATE SIGN [in (E) Excavation; (C) Conservation; (A) Agricultural; (R) Rural; (RL) Low Density Residential; (V) Village; (RM) Medium Density Residential; (RH) High Density Residential; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; & (RH1) High Density Residential Flex Zones] | Until 5 days after completion of activity they advertise.   | 1 per street frontage, up to 2 per lot | 6 sq. ft.                | 6 ft.  | 10 ft.   | Not permitted off-premise. Also see Note 1.  | No              |
| REAL ESTATE SIGN in [(LC) Local Commercial; (GC) General Commercial; (I) Industrial; (MRC) Mixed Residential/Commercial; (CO) Commercial Office; & (LTD) Limited Commercial Zones]   | Until 5 days after completion of activity they advertise.   | 1 per street frontage, up to 2 per lot | 32 sq. ft.               | 10 ft.   | 10 ft.   | Not permitted off-premise. Also see Note 1.  | No              |
| SIDEWALK SIGN  | No limit  | 1 per street frontage, up to 2 per lot | See "Other Requirements" | See "Other Requirements"   | Not applicable   | Shall not be more than 24" wide and 48" high if placed next to curb; if placed next to buildings having obstructions such as steps, shall not be more than 42" wide and 72" high. Distance between sidewalk signs shall be at least 15'. Minimum of 4' of unobstructed walkway shall be maintained.  | No              |
| SPECIAL EVENT SIGN   | If event has specific date, from 21 days before event to 5 days after event. See also "Other Requirements". | 1 per lot per event                    | 16 sq. ft.               | 6 ft.  | 10 ft.   | An on-premise auction sign advertising the auctioning of real estate only may be displayed more than 21 days in advance of the auction if it follows all real estate sign standards. Off-premise special event signs are allowed only in (GC) General Commercial; (MRC) Mixed Residential/Commercial; & (I) Industrial Zones. Also see Note 1. | No              |

Notes:

- 1 - Signs which are not removed within the time limits may be removed and impounded by the municipality, and the municipality may recover a fee equal to the cost of removal and storage.
- 2 - Signs which are not removed within the time limits may be removed and discarded by the municipality, and the municipality may recover a fee equal to the cost of removal, storage, and disposal.

## Section 316 Roadway Classifications

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

| Arterial Roads   | Collector Roads  | Local Roads                                     |
|--|--|---|
| PA 462 (Columbia Avenue)<br>PA 741 (Millersville Road)<br>PA 999 (Blue Rock Road - Millersville Borough Line west to South Donnerville Road) | PA 441 (Water Street)<br>PA 999 (Penn Street/Blue Rock Road – South Donnerville Road west to PA 441)<br>SR3017 (Central Manor Road)<br>SR3017 (Safe Harbor Road from Letort Road to River Road)<br>SR 3030 (River Road - from PA999 to Conestoga Township Line)<br>SR3031 (Donnerville Road - from Columbia Avenue to Letort Road [T-670])<br>SR 3031 (Donnerville Road - from Blue Rock Road (SR 999) to Letort Road [T-670])<br>SR3032 (Letort Road from Millersville Borough Line to River Road)<br>SR3032 (South Duke Street/Slackwater Road - from Millersville Borough Line to Conestoga Township Line)<br>T-408 (South Centerville Road)<br>T-408 (North Duke Street - from PA999 to Millersville Borough Line)<br>T-418 (Stonemill Road)<br>T-595 (Charlestown Road - from PA 741 to Donnerville Road)<br>T-764 (Crossland Pass) | All roads not listed as arterials or collectors |

## Section 317 Cluster Development (Vested Protection)

In order to vest the future implementation of large cluster development proposals that may take more than five (5) years to build-out, the following procedures are provided. If used, these procedures shall specifically protect the future development rights of any approved cluster development proposal involving one hundred (100) or more dwelling units from any subsequent amendments to the Zoning Ordinance or Official Zoning Map for a period of up to ten (10) years from the date of Concept Plan approval, as described below.

- 317.1. Concept Plan - Prior to, or coincidental with, the approval of a special exception for a cluster development under Sections 417, 418, or 419 of this Ordinance, an applicant may submit a concept plan for approval by the Township. The Zoning Hearing Board shall approve concept plans after review by the Township Planning Commission. The Township Planning Commission shall provide its recommendation to the Zoning Hearing Board within thirty

(30) days after receipt of the submission of the concept plan application; should the Township Planning Commission fail to make such recommendations within this time frame, the Zoning Hearing Board may render its decision without receipt of the Planning Commission's recommendations. Such concept plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
2. The zone and existing use of properties adjoining the site.
3. The name, location, centerline and present right-of-way width of all abutting streets.
4. Physical characteristics of the site including slopes exceeding fifteen (15) percent, areas within the (FP) Floodplain Zone as described in Section 211.2. of this Ordinance, wetlands, historic and/or archaeological sites, endangered or threatened species habitats, and significant stands of mature trees.
5. A description of the types, mixture and densities of proposed dwellings along with a schematic drawing showing their general locations.
6. A description and schematic drawing showing the various phases of the cluster development including an anticipated build-out schedule, a general description of the public improvements that would be tied to each phase, and a calculation of proposed versus permitted densities for each phase.
7. The existing and proposed road network contained on the site including major points of access, intersections, and a general description of any traffic improvements proposed to accommodate the cluster development.
8. Any public improvements that are proposed to serve more than one (1) phase of the cluster development including, but not limited to, storm water management devices, common open spaces, dedicated parklands and park improvements, pedestrian or bike paths, utility rights-of-way or easements, etc.
9. Certified statement by qualified design professionals that the basic design of the concept plan incorporates the following:
  - A. Acknowledgment and minimal disturbance of significant environmental or topographic features as identified in the Lancaster County Comprehensive Plan's Green Infrastructure Plan (Greenscapes) and Cultural Heritage Element (Heritage) and the Manor Township Comprehensive Plan, as amended, including, but not limited to:
    - (1) Archaeological sites.
    - (2) Cemetery or burial sites.
    - (3) Drainage features.
    - (4) Floodplains.
    - (5) Highly erosive soils.
    - (6) Historic structures/sites.

- (7) Natural habitat.
  - (8) PNDI sites.
  - (9) Prime agricultural soils.
  - (10) Quarry sites.
  - (11) Solid waste disposal areas.
  - (12) Steep slopes.
  - (13) Waterways.
  - (14) Wetlands.
  - (15) Wooded areas.
  - (16) Underlying geology with any hazardous geology and potential impacts to groundwater noted.
- B. Proposed types and densities of residential uses that comply with this Ordinance.
- C. A basic design that is well integrated, functional, efficient and attractive.

317.2. Specific Phase Plan - As part of the review of any special exception application for a cluster development for which a concept plan has been approved, a specific phase plan shall be submitted by the applicant for approval by the Township. Such specific phase plan shall include:

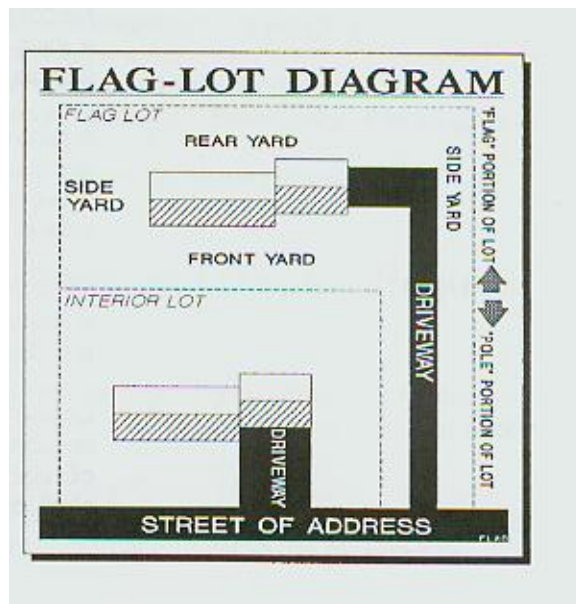
1. Any information necessary to demonstrate compliance with all applicable regulations contained within the Zoning Ordinance as it exists or existed on the approval date of the concept plan.
2. A textual and graphic description of how the proposed use complies with the concept plan approved for the cluster development.

Should the Township determine that a specific phase plan fails to comply with any applicable provisions of this Ordinance or the approved Master Plan, the Zoning Hearing Board may:

- Deny the special exception;
- Approve the special exception and attach conditions that would, if implemented, bring the specific phase plan into compliance with approved concept plan and zoning regulations that were in effect at that time; or,
- Approve the special exception and amend the concept plan if both the specific phase plan and the concept plan comply with all current applicable zoning provisions.

## Section 318 Flag Lots

- 318.1. Within all zones, the use of flag lots is permitted by right, subject to the following standards:
- 318.2. For the purposes of this section, a flag lot shall be described as containing two (2) parts:
1. The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings; and
  2. The "pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.



- 318.3. Requirements for the Flag:
1. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
  2. For purposes of determining required yards and setbacks, the following shall apply.
    - A. Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard.
    - B. Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above.
    - C. Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the preceding Flag-Lot Diagram for a graphic depiction of the yard locations.)

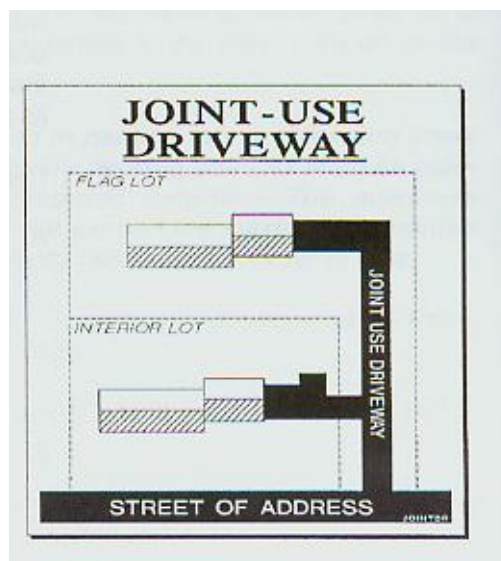
318.4. The flag lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction.

318.5. Requirements for the Pole:

1. The pole shall maintain a minimum width of twenty-five (25) feet.
2. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to (1) avoid the disturbance of productive farmlands or some other significant natural or cultural feature, or (2) avoid disruption of efficient agricultural operations.
3. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.
4. The cartway contained within the pole shall be located at least three (3) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
5. No pole shall be located within two hundred (200) feet of another on the same side of the street, unless an adjoining pole utilizes a joint-use driveway.

318.6. Joint-Use Driveways:

1. When one (1) or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access.
2. A joint-use driveway must serve at least one (1) flag lot, but may also serve conventional lots, up to a maximum of four (4) total lots.
3. All joint-use driveways shall have a minimum cartway width of sixteen (16) feet.
4. A cross access easement agreement, in a form acceptable to the Township, which ensures common use of, access to, and maintenance of, the joint-use driveway shall be recorded.



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# Article 4

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## Specific Criteria

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### Section 401      **Specific Standards for Special Exceptions, Conditional Uses and Other Selected Uses**

- 401.1            It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, or by special exception, or by conditional use within the various zones established in this Ordinance.
- 401.2            For uses permitted by right, these standards must be satisfied prior to approval of any application for a zoning permit by the Zoning Officer. All uses must comply with the standards expressed within the underlying zone and all other applicable sections of this Ordinance, unless those standards within this Article differ; in such case, the specific standards listed within this Article shall apply. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- 401.3            For uses permitted by special exception, in addition to the general criteria listed in Section 605.3.2. of this Ordinance, this Article sets forth standards that shall be applied to each respective special exception. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for the special exception within this Article differ; in such case, the specific special exception standards shall apply. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- 401.4            For uses permitted by conditional use, in addition to the general criteria listed in Section 705.2. of this Ordinance, this Article sets forth standards that shall be applied to each respective conditional use. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for the conditional use within this Article differ; in such case, the specific conditional use standards shall apply. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- 401.5            For the purposes of this Article, any required setbacks imposed upon any use, building and/or structure, shall be measured from the boundary line of the site for which the proposed use, building and/or structure is requested, regardless of whether or not this line corresponds to a property line or a lease line.

## Section 402 Adult-Related Facilities

- 402.1. Within the (GC) General Commercial Zone, adult-related facilities are permitted by special exception, 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 five hundred (500) feet of any residentially-zoned land.
- 402.4. No establishment shall be located within one thousand (1,000) feet of any parcel of land that contains any one (1) or more of the following specified land uses:
1. Amusement park;
  2. Camp (for minors' activity);
  3. Child care facility;
  4. Church or other similar religious facility;
  5. Community center;
  6. Museum;
  7. Park;
  8. Playground;
  9. School; or
  10. Other lands where minors congregate.
- 402.5. The distance between any two (2) adult related facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult related facilities and any zone and/or land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult related facility to the closest point on the property line of said land use.
- 402.6. No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- 402.7. 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 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.
- 402.12. No unlawful sexual activity or conduct shall be permitted.



- 402.13. No more than one (1) adult-related facility may be located within one building or shopping center.

### **Section 403 Agri-tainment**

- 403.1 Within the (A) Agricultural Zone, Agri-tainment is permitted by special exception, subject to the following criteria:
- 403.2 For the purposes of this section, no more than one (1) agri-tainment use at a time may be permitted, and it must remain secondary and clearly incidental to the active agricultural or farm principal use of at least ten (10) acres.
- 403.3 No new permanent structures to house an agri-tainment use shall be permitted. All non-permanent, temporary structures shall be removed from the site at the completion of the agri-tainment use's season.
- 403.4 All activities, buildings, structures, off-street parking and loading areas associated with the agri-tainment use shall be set back at least one hundred (100) feet from any adjoining property lines, and three hundred (300) feet from any adjoining residences or residentially-zoned property.
- 403.5 No on-street parking shall be permitted.
- 403.6 The applicant must submit credible evidence that demonstrates that the proposed use can be effectively accommodated without adverse impact to adjoining uses due to traffic, numbers of attendees, hours of operation, noise, light, litter, dust and pollution.
- 403.7 All applicants shall demonstrate compliance with all Federal and State regulations for food handling, petting zoos, amusement rides and attractions, and sanitary facilities.

### **Section 404 Agricultural Support Businesses**

- 404.1. Within the (A) Agricultural Zone, agricultural support businesses are permitted by special exception, subject to the following criteria:
- 404.2 Minimum Lot Area – One (1) acre or the minimum area sufficient to meet the requirements of PADEP for water supply and wastewater disposal, as well as setback, lot coverage and other dimensional requirements, whichever is greater.
- 404.3. The subject tract shall front on and gain access from either an arterial or collector road as identified in this Ordinance or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- 404.4. The use shall be of appropriate size and design so that vehicular and pedestrian traffic to and from the use will not create undue congestion or hazards within the general neighborhood.
- 404.5. Any commercial structure in excess of thirty-five (35) feet in height shall be set back from all property lines a distance equal to the height of the structure.
- 404.6. All access drives, parking areas, and loading zones shall be surfaced and maintained in a manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall

be provided and shall not be permitted on or along any public road.

- 404.7. All proposed entrances and exits to the agricultural support business shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
- 404.8. Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- 404.9. When determined by the Zoning Hearing Board, suitable buffering shall be provided when any structure, access drive, and parking, loading, or unloading areas are located within one hundred fifty (150) feet of adjacent residential structures.
- 404.10. Any outdoor loudspeaker and lighting systems shall be designed, arranged, and operated to prevent a nuisance on adjoining properties.
- 404.11. The application for a special exception shall be accompanied by a working plan for the cleanup and disposal of litter on the subject property.
- 404.12. In addition to the provisions listed in this Section 404, Manure Digesters as an Agricultural Support Business must comply with the provisions found in Section 201.2.8.A (2) through (8) for Accessory Manure Digesters.

## **Section 405      Airports**

- 405.1. Within the (R) Rural Zone, airports are permitted by conditional use, subject to the following criteria:
- 405.2. The minimum lot area shall be thirty (30) acres.
- 405.3. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- 405.4. The applicant shall furnish evidence of the obtainment of a license from the PennDOT Bureau of Aviation prior to the approval of the conditional use application.
- 405.5. No part of the take-off/landing strip and/or pad shall be located nearer than five hundred (500) feet from any property line.
- 405.6. Clear zones established as required by applicable State and Federal laws and regulations shall not infringe on the existing development rights of adjoining properties as allowed by current applicable zone.
- 405.7. Any take-off or landing strip and/or pad must be certified by a professional structural engineer for the sufficiency of its load bearing capacity to adequately handle all aircraft.

## **Section 406      Amusement Arcades**

- 406.1. Within the (GC) General Commercial Zone, amusement arcades are permitted by special exception, subject to the following criteria:
- 406.2. All activities shall take place within a wholly-enclosed building.
- 406.3. The applicant must furnish evidence as to how the use will be controlled so as not to consti-

tute a nuisance due to noise or loitering outside of the arcade.

- 406.4. A minimum of one (1) parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 312.19. of this Ordinance.
- 406.5. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

## **Section 407                    Animal Hospitals, Veterinary Facilities and Kennels**

- 407.1. Within the (A) Agricultural and (R) Rural Zone, animal hospitals, veterinary facilities and kennels are permitted by special exception, either as a principal use or as an accessory use to a permitted principal use on the same lot, subject to the following criteria:
- 407.2. The minimum lot area requirement for a kennel shall be two (2) acres.
- 407.3. Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
- 407.4. Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet from all property lines.
- 407.5. All pasture and outdoor recreation areas shall be fenced to prevent the escape of animals, with such fencing having a setback of at least fifty (50) feet from all property lines.
- 407.6. All animal wastes shall be regularly removed and disposed from the premises.
- 407.7. The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

## **Section 408                    Automobile, Boat, Trailer, Truck, Farm Machinery, and Mobile Home Service and Repair Facilities, Including But Not Limited to Auto Mechanics, Drive-Thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Car Radio and Upholstery Shops**

- 408.1. Within the (GC) General Commercial Zone, automobile service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio and upholstery shops are permitted by special exception, subject to the following criteria. Within the (V) Village Zone, automobile service and repair facilities shall be permitted by special exception, subject to the following criteria. Within the (LC) Local Commercial Zone, limited automobile, truck, trailer, and farm machinery service and repair facilities including, but not limited to, auto mechanics, lubrication services and tires, brake, muffler, transmission, and car radio shall be permitted by special exception, subject to the following criteria:
- 408.2. All service and/or repair activities shall be conducted within a wholly enclosed building.

- 408.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- 408.4. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
- 408.5. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads.
- 408.6. The storage of unlicensed vehicles for more than sixty (60) days is prohibited.
- 408.7. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining residentially-zoned or used property. Within the (V) Village Zone, such ventilation outlets shall only be directed upwards from the roof.
- 408.8. All vehicles shall be repaired and removed from the premises promptly.
- 408.9. The demolition or junking of vehicles, trailers, boats and other machinery is prohibited.
- 408.10. Within the (V) Village Zone, such operations shall only be conducted as an accessory use to a principal residence by an occupant of such residence.

## **Section 409 Automobile Filling Stations (Including Minor Incidental Repair)**

- 409.1. Within the (LC) Local Commercial and (GC) General Commercial Zones, automobile filling stations, (including minor incidental repair) are permitted by special exception, subject to the following criteria:
- 409.2. The subject property shall have a minimum width of one hundred twenty-five (125) feet.
- 409.3. The subject property shall front on an arterial or collector road as defined on the Official Zoning Map.
- 409.4. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home.
- 409.5. The outdoor storage of motor vehicles (whether capable of movement or not) for more than thirty (30) days is prohibited.
- 409.6. All structures (including gasoline pump islands but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line.
- 409.7. No outdoor storage of automobile parts (new or used) shall be permitted. No discarded automobile parts shall remain on the site for more than thirty (30) days from when they are removed from the vehicle.
- 409.8. Access driveways shall be a minimum of thirty (30) feet wide and separated by seventy-five (75) feet from one (1) another if located along the same frontage as measured from edge to edge.
- 409.9. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially-zoned properties.

- 409.10. Within the (LC) Local Commercial Zone, the subject property must be set back a minimum of five hundred (500) feet from any existing automobile filling station, and no more than two (2) service bays shall be permitted.

## **Section 410 Bed and Breakfasts**

- 410.1. Within the (A) Agricultural; (R) Rural; and (MRC) Mixed Residential/Commercial Zones, bed and breakfasts are permitted by right and within the (V) Village Zone bed and breakfasts are permitted by special exception. All bed and breakfasts shall be subject to the following criteria:
- 410.2. For the purposes of this Ordinance, a bed and breakfast shall be defined as a single-family detached dwelling, 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.
- 410.3. Within the (R) Rural Zone bed and breakfasts may only be established in structures that are or have been identified as having historical significance by the Historic Preservation Trust of Lancaster County referenced in *Our Present Past (1985)* or any update or successor documents.
- 410.4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- 410.5. All floors above-grade shall have direct means of escape to ground level.
- 410.6. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- 410.7. All parking areas shall be screened from adjoining residentially-zoned properties.
- 410.8. A bed and breakfast may erect sign(s) in accordance with Section 315 of this Ordinance.

## **Section 411 Boarding Houses**

- 411.1. Within the (RM) Medium Density Residential; (RH) High Density Residential; (RM1) Medium Density Residential Flex; (RH1) High Density Residential Flex; and (V) Village Zones, boarding houses are permitted by special exception, subject to the following criteria:
- 411.2. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.
- 411.3. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- 411.4. All floors above-grade shall have direct means of escape to ground level.
- 411.5. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- 411.6. All parking areas shall be screened from adjoining properties.
- 411.7. Meals shall be offered only to registered tenants.

- 411.8. Signs shall comply with Section 315 of this Ordinance.

## **Section 412 Campgrounds**

- 412.1. Within the (C) Conservation Zone, campgrounds are permitted by special exception, subject to the following criteria:
- 412.2. Setbacks - All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any street line.
- 412.3. In no case shall there be more than twenty (20) campsites per acre within a campground.
- 412.4. An internal road system shall be provided. The pavement width of one (1) way access drives shall be at least fourteen (14) feet and the pavement width of two (2) way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.
- 412.5. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- 412.6. All campgrounds shall furnish centralized completely-enclosed sanitary and garbage collection facilities that are leak proof and vector proof that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.
- 412.7. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels.
- 412.8. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as identified on the Official Zoning Map.
- 412.9. A campground may construct signs in accordance with Section 315 of this Ordinance.
- 412.10. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner. Should the landowner neglect to maintain the recreation area, the Board of Supervisors shall then maintain the area and shall assess the landowner for any costs incurred.
- 412.11. Every campground shall have an office in which shall be the person responsible for operation of the campground.
- 412.12. 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 PADEP.
- 412.13. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

## Section 413 Car Washes

- 413.1. Within the (GC) General Commercial Zone, car washes are permitted by special exception, subject to the following criteria:
- 413.2. Public sewer and water facilities shall be utilized.
- 413.3. Each washing bay shall provide a fifty (50) foot long on-site stacking lane.
- 413.4. All structures housing washing apparatuses shall be set back twenty (20) feet from any side lot line.
- 413.5. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.
- 413.6. The subject property shall front on an arterial or collector road, as identified on the Official Zoning Map.

## Section 414 Cell Site Antenna

- 414.1. A cell site with antenna that is attached to an existing communications tower, smokestack, water tower, farm silo, or other tall structure, is permitted in all zones, provided:
1. That the height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.
  2. All other uses associated with the cell site antenna, such as a business office, maintenance depot, or vehicle storage shall not be located on the cell site, unless the use is otherwise permitted in the zone in which the cell site is located.
- 414.2. A cell site with antenna that is either not mounted on an existing structure or is more than ten (10) feet higher than the structure on which it is mounted is permitted by special exception in the (A) Agricultural; (R) Rural; (LC) Local Commercial; (GC) General Commercial; (CO) Commercial Office; (I) Industrial; and (C) Conservation Zones subject to the following:
1. The applicant shall be required to demonstrate, using technological evidence that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
  2. If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of all tall structures and cell site antenna within a one quarter (1/4) mile radius of the proposed site, asked for permission to install the antenna on those structures, and was denied for reasons other than economic reasons. This shall include smoke stacks, water towers, tall buildings, antenna support structures of other cellular phone companies, other communications towers, farm silos, and other tall structures.
  3. The applicant must demonstrate that the antenna is the minimum height required to function satisfactorily.
  4. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
    - A. Thirty (30) percent of antenna height.
    - B. The minimum setback in the underlying zone, or the height of the support

structure, whichever is greater.

- C. Forty (40) feet.
5. The applicant shall demonstrate that the proposed antenna support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.
6. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a maximum of eight (8) feet in height.
7. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building).
  - A. An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six (6) feet at planting, and shall grow to a minimum of fifteen (15) feet at maturity.
  - B. All elements of the evergreen screen shall be properly maintained according to standard arborist practices and replaced in kind should any element die.
  - C. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
8. The applicant must be licensed by the Federal Communications Commission (FCC).
9. If a cell site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces.
10. No antenna support structure may be artificially lighted, except when required by the Federal Aviation Administration (FAA).
11. All other uses associated with the cell site antenna, such as a business office, maintenance depot, or vehicle storage shall not be located on the cell site, unless the use is otherwise permitted in the zone in which the cell site is located.
12. The applicant shall submit a plan for the removal of the facility when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.

## **Section 415 Churches and Related Uses**

415.1. Churches and related uses are permitted in the following zones subject to the following criteria.

1. Within the (R) Rural; (RL) Low Density Residential; (RM) Medium Density Residential; (RH) High Density Residential; (MRC) Mixed Residential/Commercial; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; and (RH1) High Density Residential Flex Zones:
  - A. Churches and related uses are permitted by right - up to a maximum building



area of twenty thousand (20,000) square feet.

- B. When located on an arterial or collector road, churches and related uses in excess of twenty thousand (20,000) square feet building area are permitted by special exception - up to a maximum building area of seventy thousand (70,000) square feet. Public water and sewer service is also required.

2. Within the (LC) Local Commercial; (GC) General Commercial; and (V) Village Zones:

- A. Churches and related uses are permitted by right - up to a maximum building area of seventy thousand (70,000) square feet. Public water and sewer service is also required.

415.2. House of Worship:

1. Minimum lot area - Two (2) acres.
2. Minimum lot width - Two hundred (200) feet.
3. Side yard setback - Fifty (50) feet on each side.
4. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

415.3. Church-Related Residences (Rectories and Convents):

1. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship.
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the site's zone.

415.4. Church-Related Educational or Day-Care Facilities:

1. All educational or day-care uses shall be accessory, and located upon the same lot as a house of worship.
2. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot-high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one (1) time during a seven (7) day period.
4. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
5. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone.

6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten (10), and/or one (1) off-street parking space for each three (3) students, grades ten (10) and above.

415.5 Church-Related Recreation Standards:

1. All church-related recreational facilities shall be accessory to, and be located upon, the same parcel as a house of worship.
2. Church-related recreational facilities shall be set back fifty (50) feet from all property lines and street rights-of-way.
3. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the church-related recreational facility, one (1) off-street parking space shall be provided for every three (3) estimated users of the facility.

415.6. Cemeteries:

1. Area and Bulk Regulations. All area and bulk regulations of the prevailing zone shall apply with the following exceptions:
  - A. The minimum lot size shall be one-half ( $\frac{1}{2}$ ) acre.
  - B. The minimum lot width shall be one hundred (100) feet at the lot frontage.
  - C. All gravesites shall be set back a minimum of ten (10) feet from any property lines and a minimum of twenty (20) feet from any street right-of-way line.
2. Supplemental Regulations.
  - A. In no case shall any use relating to a cemetery be located within the one hundred (100) year floodplain of an adjacent watercourse.
  - B. The cemetery facilities shall be owned and maintained in a manner to insure its preservation. The developer shall provide for and establish an organization for the ownership and maintenance of the cemetery, in a form acceptable to the Township Solicitor.

## Section 416 Clubhouses for Private Clubs

- 416.1. Within the (R) Rural and (C) Conservation Zones, clubhouses are permitted by special exception, subject to the following criteria:
- 416.2. All private clubs shall front, and have access to, an arterial or collector road, as identified on the Official Zoning Map.
- 416.3. All off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Parking compounds will also be set back thirty (30) feet from any adjoining lot lines.
- 416.4. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.

416.5. Screening shall be provided along any adjoining residentially-zoned property.

**Section 417 Cluster Developments [(RH) High Density Residential; (RH1) High Density Residential Flex; and (MRC) Mixed Residential/Commercial Zones]**

417.1. Within the (RH) High Density Residential; (RH1) High Density Residential Flex; and (MRC) Mixed Residential/Commercial Zones, cluster developments are permitted by special exception, subject to the following criteria:

417.2. The minimum area devoted to a cluster development shall be two (2) acres.

417.3. All units contained within a cluster development shall be served by public sewer and public water utilities.

417.4. Lot Design Requirements - See the following Table:

| Use                                   | Minimum Lot Area <sup>2</sup> | Maximum Density | Minimum Lot Width <sup>1</sup> | Maximum Lot Coverage | Minimum Yard Setbacks |                    |                  |        |
|---------------------------------------|-------------------------------|-----------------|--------------------------------|----------------------|-----------------------|--------------------|------------------|--------|
|                                       |                               |                 |                                |                      | Front <sup>5</sup>    | One (1) Side       | Total Both Sides | Rear   |
| Single-Family Detached Dwelling       | 6,000 sq. ft.                 | 6.0             | 60 ft.                         | 50%                  | 10 ft.                | 6 ft. <sup>4</sup> | 12 ft.           | 15 ft. |
| Duplexes                              | 4,000 sq. ft. per unit        | 7.26            | 45 ft. per unit                | 60%                  | 10 ft.                | 10 ft.             | N/A              | 15 ft. |
| Townhouses <sup>2</sup>               | 1,800 sq. ft. per unit        | 10              | 20 ft. per unit                | 85%                  | 10 ft.                | 15 ft.             | End Units        | 15 ft. |
| Multiple-Family Dwelling <sup>3</sup> | 43,560 sq. ft.                | 14              | 100 ft.                        | 70%                  | 25 ft.                | 20 ft.             | 40 ft.           | 30 ft. |

<sup>1</sup>Minimum lot width shall be measured at the building setback line.

<sup>2</sup>No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plan. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any 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 boundary of the development site. In those instances where several townhouse buildings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

<sup>3</sup>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.

- 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 (1) end if increased by similar or greater distance at the other end.
- 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.
- A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- 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.

<sup>4</sup>Within a cluster development in the (RH) High Density Residential; (RH1) High Density Residential Flex; and (MRC) Mixed Residential/Commercial Zones, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- One (1) side wall of the structure may be located no less than one (1) inch from one (1) of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least twelve (12) feet wide.

- b. A perpetual four (4) 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 (2) affected lot owners.
- c. 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 run-off from the dwelling placed on the lot line is limited to the easement area.
- d. 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.

<sup>5</sup>If the property abuts a collector road as identified in Section 316 of this Ordinance, the minimum front yard setback shall be thirty (30) feet and if the property abuts an arterial road, the minimum front yard setback shall be forty (40) feet from the right-of-way line.

417.5. At least thirty (30) percent of the cluster development site shall be devoted to common open space. Required open space shall be designed and arranged to achieve at least one (1) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

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

417.6. An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed.

1. The Board of Supervisors may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Zoning Hearing Board need not require, as a condition of the approval of a cluster development, that land proposed to be set aside from common open space be dedicated, or made available to public use.
2. In the event that common open space is not dedicated for public use, the landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), except by dedication of the same to the public. In any case, the organization provided for the ownership of open space land, not dedicated for public use, shall either be (1) constituted of the property owners within the cluster development or (2) consist of a bona fide organization among whose purpose is the preservation, conservation and protection of open space and/or natural resources. The plan may provide that the property owners association may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:
  - That the residents of the cluster development shall at all times have access to the open space lands contained therein.
  - That the operation of open space facilities may be for the use and benefit of the residents only, or may be open to the general public.

3. The plan to provide for the ownership and maintenance of common open space shall include:
  - A. A complete description of the organization to be established or designated for the ownership of open space, if any, and the methods by which this organization shall be established and maintained.
  - B. A method reasonably designed to give adequate notice to property owners within the cluster development in the event of the sale or other disposition of common open space lands, and in the event of assumption of the maintenance of common open space lands by the Township as hereinafter provided.
  
4. In the event that the organization that owns and maintains common open space, or any successor organization, shall at any time after establishment of the cluster development fail to maintain the common open space in reasonable order and condition in accordance with the development, the Board of Supervisors may proceed to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain common open space. The Board of Supervisors shall serve written notice upon the property owners' association or trustees, as appropriate, setting forth the manner in which the association or trustees has failed to maintain the common open space in reasonable condition.

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

## Section 418 Cluster Developments [(RL) Low Density Residential and (RL1) Low Density Residential Flex Zones]

- 418.1. Within the (RL) Low Density Residential and (RL1) Low Density Residential Flex Zones, cluster developments are permitted by special exception, subject to the following criteria:
- 418.2. The minimum area devoted to a cluster development shall be two (2) acres.
- 418.3. All units contained within a cluster development shall be served by public sewer and public water utilities.
- 418.4. Lot Design Requirements - See the following Table:

| Use                             | Minimum Lot Area | Maximum Density | Minimum Lot Width <sup>1</sup> | Maximum Lot Coverage | Minimum Yard Setbacks <sup>2</sup> |                  |        |
|---------------------------------|------------------|-----------------|--------------------------------|----------------------|------------------------------------|------------------|--------|
|                                 |                  |                 |                                |                      | One (1) Side                       | Total Both Sides | Rear   |
| Single-Family Detached Dwelling | 9,000 sq. ft.    | 3.5             | 80 ft.                         | 40%                  | 5 ft.                              | 10 ft.           | 25 ft. |

<sup>1</sup>Minimum lot width shall be measured at the building setback line.

<sup>2</sup>Minimum front yard setbacks shall be ten (10) feet from the right-of-way line of a local street. However, if the property abuts a collector road as identified in Section 316 of this Ordinance, the minimum front yard setback shall be thirty (30) feet and if the property abuts an arterial road, the minimum front yard setback shall be forty (40) feet from the right-of-way line.

- 418.5. At least twenty (20) percent of the cluster development site shall be devoted to common open space. Required open space shall be designed and arranged to achieve at least one (1) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
1. Protection of important natural resources (e.g. streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
  2. Protection of important historical and/or archaeological sites.
  3. Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development and the Township.
  4. Integration of greenbelts throughout the cluster development that link residences with on-site or adjoining parks, schools, or other similar features.
- 418.6. An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed.
1. The Board of Supervisors may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Zoning Hearing Board need not require, as a condition of the approval of a cluster development, that land proposed to be set aside from common open space be dedicated, or made available for public use.
  2. In the event that common open space is not dedicated for public use, the landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), except by dedication of the same to the public. In any case, the organization provided for the ownership of open space land, not dedicated for public use, shall be either (1) constituted of the property owners within the cluster development or (2) consist of a bona fide organization among whose purposes is the preservation, conservation and protection of open space and/or natural features. The plan may provide that the organization may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:
    - That the residents of the cluster development shall at all times have access to the open space lands contained therein.
    - That the operation of open space facilities may be for the use and benefit of the residents only, or may be open to the general public;
  3. The plan to provide for the ownership and maintenance of common open space shall include:
    - A. A complete description of the organization to be established or designated for the ownership of open space, if any, and the methods by which this organization shall be established and maintained.
    - B. A method reasonably designed to give adequate notice to property owners within the cluster development in the event of the sale or other disposition of common open space lands, and in the event of assumption of the maintenance of common open space lands by the Township as hereinafter provided.
  4. In the event that the organization that owns and maintains common open space, or any successor organization, shall at any time after establishment of the cluster

development fail to maintain the common open space in reasonable order and condition in accordance with the development, the Board of Supervisors may proceed to demand that deficiencies of maintenance be correct or that the Township will enter upon and maintain common open space. The Board of Supervisors shall serve written notice upon the property owners'; association or trustees, as appropriate, setting forth the manner in which the association or trustees has failed to maintain the common open space in reasonable condition.

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

**Section 419 Cluster Developments [(RM) Medium Density Residential and (RM1) Medium Density Residential Flex Zones]**

- 419.1 Within the (RM) Medium Density Residential and (RM1) Medium Density Residential Flex Zones, cluster developments are permitted by special exception, subject to the following criteria:
- 419.2 The minimum area devoted to a cluster development shall be two (2) acres.
- 419.3 All units contained within a cluster development shall be served by public sewer and public water utilities.
- 419.4 Lot Design Requirements - See the following Table.

| Use                             | Minimum Lot Area | Minimum Lot Width <sup>1</sup> | Maximum Lot Coverage | Minimum Yard Setbacks <sup>2</sup> |                  |        |
|---------------------------------|------------------|--------------------------------|----------------------|------------------------------------|------------------|--------|
|                                 |                  |                                |                      | One (1) Side                       | Total Both Sides | Rear   |
| Single-Family Detached Dwelling | 7,500 sq. ft.    | 70 ft.                         | 40%                  | 10 ft.                             | 20 ft.           | 20 ft. |
| Duplexes                        | 5,500 per unit   | 45 ft. per unit                | 45%                  | 10 ft.                             | N/A              | 20 ft. |

<sup>1</sup>Minimum lot width shall be measured at the building setback line.

<sup>2</sup>Minimum front yard setbacks shall be ten (10) feet from the right-of-way line of a local street. However, if the property abuts a collector road as identified in Section 316 of this Ordinance, the minimum front yard setback shall be thirty (30) feet and if the property abuts an arterial road, the minimum front yard setback shall be forty (40) feet from the right-of-way line.

- 419.5 At least twenty (20) percent of the cluster development site shall be devoted to common open space. Required open space shall be designed and arranged to achieve at least one (1) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
  1. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
  2. Protection of important historical and/or archaeological sites.
  3. Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development and the Township.

4. Integration of greenbelts throughout the cluster development that link residences with on-site or adjoining parks, schools, or other similar features.

419.6.

An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed.

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

The cost of such maintenance by the Township shall be assessed ratably against the properties within the cluster development and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the



County upon the properties affected by the lien within the cluster development.

## **Section 420 Commercial Day-Care Facilities**

- 420.1. Within the (LC) Local Commercial and (GC) General Commercial Zones, commercial day-care facilities are permitted by special exception, and within the (I) Industrial Zone, commercial day-care facilities are permitted uses, subject to the following criteria:
- 420.2. An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back ten (10) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot-high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- 420.3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one (1) time during a seven (7) day period.
- 420.4. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- 420.5. One (1) off-street parking space shall be provided for each six (6) students enrolled.

## **Section 421 Commercial Recreation Facilities**

- 421.1. Within the (GC) General Commercial Zone, commercial recreation facilities are permitted by special exception, subject to the following criteria:
- 421.2. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road, as identified on the Official Zoning Map.
- 421.3. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
- 421.4. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.
- 421.5. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution.
- 421.6. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 312.19 of this Ordinance. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- 421.7. 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 roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access

to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion.

- 421.8. Any outside pedestrian waiting lines shall be provided with a means of shade.

## **Section 422            Communication Towers and Antennas**

- 422.1. Within the (C) Conservation Zone communication antennas, towers and equipment are permitted by special exception, and within the (I) Industrial Zone, communication tower and antennas are permitted uses, subject to the following criteria subject to the following:
- 422.2. The applicant must demonstrate that the proposed location is necessary for the efficient operation of the system.
- 422.3. Any structures shall be set back from each property line a distance equal to its height.
- 422.4. All towers shall be completely enclosed by an eight (8) foot high nonclimbable fence and self-locking gate.
- 422.5. Within the (I) Industrial Zone, communication antennas, towers and equipment are permitted uses, subject to compliance with Sections 422.3. and 422.4. of this Ordinance.

## **Section 423            Conversion Apartments**

- 423.1. Within the (A) Agricultural and (R) Rural Zones, conversion apartments are permitted by special exception, subject to the following criteria:
- 423.2. Only single-family detached dwellings and nonresidential buildings that were legally existing on September 2, 1992 may be converted to include additional dwelling units.
- 423.3. The applicant shall furnish evidence of an approved means of sewage disposal.
- 423.4. No modifications to the external appearance of the building (except those required for safety) which would alter its original character, shall be permitted.
- 423.5. All dwelling units shall have direct means of escape to the exterior at ground level and be equipped with one (1) operable fire detection device.
- 423.6. No permanent sign shall advertise the presence of the apartments; however, a temporary sign of no more than two (2) square feet in size may be used to advertise rental of the unit(s);
- 423.7. No dwelling unit shall contain less than eight hundred (800) square feet of habitable floor area and in no case shall any one (1) building contain more than four (4) separate dwelling units.
- 423.8. A minimum of two (2) parking spaces per unit shall be provided.
- 423.9. The parcel of land on which the residential conversion unit is located must contain at least one (1) acre per dwelling unit and must meet all of the lot area requirements of the zone in which it is located.
- 423.10. Any proposed conversion must be confined to the interior of an already existing structural shell.

## **Section 424 Drive-Thru and/or Fast-Food Restaurants**

- 424.1. Within the (GC) General Commercial Zone, drive-thru and/or fast food restaurants are permitted by special exception, subject to the following criteria:
- 424.2. The subject property shall front on an arterial or collector road, as identified on the Official Zoning Map.
- 424.3. 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 clean-up of litter.
- 424.4. All drive-thru window-lanes shall be separated from the parking lot's interior driveways.
- 424.5. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- 424.6. All exterior seating/play areas shall be completely enclosed by a three (3) foot high fence.
- 424.7. No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land.

## **Section 425 Dry Cleaners, Laundries and Laundromats**

- 425.1. Within the (LC) Local Commercial Zone, dry cleaners, laundries and laundromats are permitted by special exception, subject to the following criteria:
- 425.2. Public sewer and water shall be used.
- 425.3. All activities shall be conducted within a completely enclosed building.
- 425.4. Dry cleaning services shall be limited to pick-up and drop-off only, with no on-site dry cleaning permitted.
- 425.5. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property.
- 425.6. 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 426 ECHO Housing**

- 426.1. Within the (A) Agricultural and (R) Rural Zones, Elderly Cottage Housing Opportunities (ECHO) housing is permitted by special exception, subject to the following criteria:
- 426.2. The elder cottage may not exceed nine hundred (900) square feet of floor area.
- 426.3. The total lot coverage shall not exceed twenty (20) percent.
- 426.4. The elder cottage shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption.
- 426.5. The elder cottage shall be occupied by a maximum of two (2) people.

- 426.6. **Utilities:**
1. For sewage disposal, water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.
  2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one (1) unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.
- 426.7. A minimum of one (1) all-weather off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.
- 426.8. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses.
- 426.9. The elder cottage shall be removed from the property within twelve (12) months after it is no longer occupied by a person who qualifies for the use.
- 426.10. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

## **Section 427 Family Day-Care Facilities**

- 427.1. Within the (R) Rural; (RM); Medium Density Residential; (RH) High Density Residential; (V) Village; (RM1) Low Density Residential Flex; and (RH1) High Density Residential Flex Zones, family day-care facilities are permitted within detached dwellings by special exception, subject to the following criteria:
- 427.2. A family day-care facility shall offer care and supervision to no more than four (4) different persons during any calendar day.
- 427.3. All family day-care facilities with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare.
- 427.4. An outdoor play area no less than four hundred (400) square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. A four (4) foot high fence shall completely enclose the outdoor play area. Any vegetative materials located within the outdoor area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade such as a tree(s) or pavilion.
- 427.5. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

## **Section 428 Farm-Related Businesses**

- 428.1. Within the (A) Agricultural and (R) Rural Zones, farm-related businesses are permitted by special exception, subject to the following criteria:
- 428.2. The applicant must provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users. The majority of activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm, rather than the distribution of goods produced on the farm. Some examples of farm-related businesses (if suitably sized) include, but need not be limited to:
1. Sales or Repair of Agricultural Equipment.
  2. Blacksmith Shops, Farriers.
  3. Butcher Shops.
  4. Grain Mills.
  5. Processing of Locally Produced Agricultural Products.
  6. Veterinary Offices that Primarily Treat Farm Animals, Stables, Kennels.
  7. Feed Supply, Fuel and Fertilizer Distributors.
  8. Composting and other Farm Waste Storage Facilities.
- 428.3. The farm-related business shall occupy no more than five (5) acres. The applicant shall show that the size of the site is the minimum needed to conduct the farm-related business.
- 428.4. The design of a farm-related business shall be governed by the design standards for the (I) Industrial Zone as listed in Sections 209.4., 209.5., 209.6., and 209.7. of this Ordinance, except as follows:
1. The maximum lot coverage shall be forty (40) percent.
  2. No part of a farm-related business shall be within three hundred (300) feet of any land within any of the Residential Zones.
- 428.5. The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least fifty (50) feet from the street right-of-way. In addition another fifty (50) foot gravel section shall be located just beyond the paved apron.
- 428.6. Any outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
- 428.7. Signs shall comply with Section 315 of this Ordinance.

## **Section 429 Farm Occupations**

- 429.1. Within the (A) Agricultural and (R) Rural Zones farm occupations are permitted by special exception, subject to the following criteria:
- 429.2. For the purposes of this section, farm occupations may involve any one (1) of a wide range

- of uses, so long as there is no more than one (1) farm occupation per lot, and it remains secondary and clearly incidental to and compatible with the active agricultural or farm use of at least ten (10) acres.
- 429.3. For farm or agricultural parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no nonfarm subdivision of the site shall be permitted.
- 429.4. No more than four (4) non-residents shall be employed by the farm occupation, and at least one (1) owner of the farm occupation must be engaged in the farm occupation.
- 429.5. Activities associated with the farm occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line.
- 429.6. Except as otherwise provided herein this section, all activities associated with the farm occupation shall take place in one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located to the rear (behind) the agricultural uses or farm's principal buildings, and must be no less than one hundred (100) feet from any adjoining roads or properties;
- A. Any new building constructed for use by the farm occupation shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to agricultural or farm use, or removed, if the farm occupation is discontinued.
- 429.7. Any sale of goods or merchandise occurring on the premises shall be limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the business use and directly related thereto.
- 429.8. No manufacturing, repairing, or other mechanical work shall be performed in any outdoor area.
- 429.9. All parking, loading, and outdoor storage areas shall be screened from adjoining roads and properties:
- A. Parking and loading areas must be located to the side or rear of the building containing the farm occupation.
- B. Outdoor storage of goods and materials must be located to the rear (behind) the building containing the farm occupation.
- 429.10. 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 the (R) Rural; (RL) Low Density Residential; (RM) Medium Density Residential; or (RH) High Density Residential Zones. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zone line.
- 429.11. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any driveway serving the farm occupation and the agricultural use or farm, shall not be calculated as land serving the farm occupation.
- 429.12. No more than fifty (50) percent of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.

- 429.13. Vehicular access to the farm occupation shall be limited to the same driveway connection with the public street right-of-way that serves the agricultural or farm use and/or related residence. No additional roadway connection shall be permitted for the farm occupation.
- 429.14. Drive thrus shall be prohibited.
- 429.15. In addition to the required parking spaces for the agricultural use or farm and related dwelling unit, one (1) parking space per nonresident employee, plus one (1) parking space per potential patron on site at one (1) time, shall be provided and designed in accordance with the provisions of Section 312 of this Ordinance.
- 429.16. Sign(s) advertising a farm occupation shall comply with Section 315 of this Ordinance.
- 429.17. The applicant shall submit evidence of all necessary State approvals or evidence that such approvals are not necessary.

### **Section 430 Funeral Homes**

- 430.1. Within the (V) Village Zone, funeral homes are permitted by special exception, subject to the following standards:
- 430.2. Public sewer facilities shall be utilized.
- 430.3. Sufficient off-street parking shall be provided to prevent back-ups onto adjoining roads; the applicant shall describe what measure will be used to prevent back-ups (e.g., overflow parking, parking attendants, etc.) to prevent such back-ups.
- 430.4. All parking areas shall be set back at least five (5) feet from adjoining lot lines, and no parking areas shall be permitted within the front yard.
- 430.5. No direct vehicular access shall be permitted to Water Street from the site.

### **Section 431 Golf Courses and Related Uses**

- 431.1. Golf courses including accessory uses (e.g., clubhouse, parking lots, storage sheds, pro shop, snack bar, restaurant, swimming pools, etc.) shall be permitted by conditional use in the (R) Rural; (RH) High Density Residential; and (RH1) High Density Residential Flex Zones subject to the following criteria:
- 431.2. The minimum lot area shall be thirty (30) acres.
- 431.3. No golf hole shall be arranged to require a golf ball to be driven across any building, road or parking lot.
- 431.4. Any points where the golf course crosses a road(s) shall be signed warning motorists and pedestrians, and any private road shall contain speed bumps in accordance with Section 312.16. of this Ordinance.
- 431.5. All accessory uses of the golf course shall be set back at least one hundred (100) feet from all lot lines.
- 431.6. All outdoor storage of maintenance equipment or golf carts shall be screened from adjoining

residences.

- 431.7. All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining parcels.
- 431.8. All off-street parking requirements for the principal and accessory uses shall be in accordance with Section 312.19. of this Ordinance.

## **Section 432 Health and Fitness Clubs**

- 432.1. Within the (GC) General Commercial Zone, health and fitness clubs are permitted by special exception, and within the (I) Industrial Zone, are permitted uses, subject to the following criteria:
- 432.2. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.
- 432.3. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines and one hundred (100) feet from any residentially-zoned properties.
- 432.4. Any accessory eating, or retail use, must be accessed only through the main clubhouse building.
- 432.5. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

## **Section 433 Heavy Equipment Sales, Service and/or Repair Facilities**

- 433.1. Within the (I) Industrial Zone, heavy equipment sales, service and/or repair service facilities are permitted by special exception, subject to the following criteria:
- 433.2. All service and/or repair activities shall be conducted within a wholly enclosed building.
- 433.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- 433.4. All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface.
- 433.5. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited.
- 433.6. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially-zoned property.
- 433.7. All vehicles shall be repaired and removed promptly from the premises.

## **Section 434 Home Improvement and Building Supply Stores**

- 434.1. Within the (GC) General Commercial Zone, home improvement and building supply stores are permitted by special exception, subject to the following criteria:



- 434.2. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
- 434.3. If the subject property contains more than (2) acres, it shall front along an arterial or collector road, as identified on the Official Zoning Map.

## **Section 435 Home Occupations**

- 435.1. Within the (A) Agricultural; (R) Rural; (RL) Low Density Residential; (RM) Medium Density Residential; (MRC) Mixed Residential/Commercial; (V) Village; (RL1) Low Density Residential Flex; and (RM1) Medium Density Residential Flex Zones, home occupations are permitted by special exception, subject to the following criteria:
- 435.2. For the purposes of this section, home occupations may involve any one (1) of a wide range of uses, so long as there is no more than one (1) home occupation per lot and it remains secondary and clearly incidental to and compatible with the primary use of the premises as a single family detached dwelling for living purposes.
- 435.3. No more than two (2) non-residents shall be employed by the home occupation, and at least one (1) resident of the dwelling must be engaged in the home occupation.
- 435.4. No modifications to the external appearance of the building which would alter its residential character shall be permitted.
- 435.5. Activities associated with the home occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line.
- 435.6. No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise that are produced on the premises, or are customarily incidental to the business use and directly related thereto, such as hair care products by a barber or beautician.
- 435.7. No mechanical equipment shall be employed in a home occupation.
- 435.8. No goods or materials shall be displayed or stored so as to be visible from the exterior of the premises.
- 435.9. Home occupations shall be limited to not more than twenty-five (25) percent of the habitable floor area of the dwelling unit, or five hundred (500) square feet of gross floor area, whichever is less.
- 435.10. Vehicular access to the home occupation shall be limited to the same driveway connection with the public street right-of-way that serves the single family detached dwelling. No additional roadway connection shall be permitted for the home occupation.
- 435.11. The home occupation shall not require delivery or pickup by tractor-trailer trucks.
- 435.12. Drive thrus shall be prohibited.
- 435.13. 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.

- 435.14. In addition to the required parking spaces for the dwelling unit, one (1) parking space per nonresident employee, plus one (1) parking space per potential patron on site at one (1) time, shall be provided and designed in accordance with the provisions of Section 312 of this Ordinance.
- 435.15. Sign(s) advertising a home occupation shall comply with Section 315 of this Ordinance.
- 435.16. The applicant shall submit evidence of all necessary State approvals or evidence that such approvals are not necessary.

## **Section 436 Hospitals**

- 436.1. Within the (GC) General Commercial Zone, hospitals are permitted by special exception, subject to the following criteria:
- 436.2. The minimum lot area shall be five (5) acres.
- 436.3. Public sewer and water shall be used.
- 436.4. The subject property shall have frontage along an arterial or collector road, as identified on the Official Zoning Map.
- 436.5. All buildings and structures shall be set back fifty (50) feet from all property lines.
- 436.6. Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties.
- 436.7. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

## **Section 437 Indoor Sports Facilities**

- 437.1. Within the (I) Industrial Zone, indoor sports facilities for amateur or recreational use only for uses such as soccer, ice skating, ice hockey, and roller skating are permitted, subject to the following criteria:
- 437.2. The use shall be entirely contained in an enclosed structure.
- 437.3. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 312.19. of this Ordinance:
- A. A two hundred (200) foot setback shall be maintained for buildings and structures from adjoining residentially-zoned land.

## **Section 438 Industrial Uses**

- 438.1. Within the (I) Industrial Zone, those industrial uses that are permitted by special exception are subject to the following criteria:
- 438.2. The applicant shall provide a detailed description of the proposed use in each of the

following topics:

1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any byproducts. In addition the applicant shall furnish evident that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
3. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances and commonly accepted standards.
4. The applicant shall provide a Traffic Evaluation Study in accordance with the Manor Township Subdivision and Land Development Ordinance.

## **Section 439 Junkyards**

- 439.1. Within the (I) Industrial Zone, junkyards are permitted by special exception, subject to the following criteria:
- 439.2. The minimum lot area shall be ten (10) acres.
- 439.3. 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 property lines and one hundred (100) feet from residentially-zoned properties.
- 439.4. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
- 439.5. All wholly-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.
- 439.6. No material may be stored or stacked so that it is visible from adjoining properties and roads.
- 439.7. All Federal and State laws shall be satisfied.
- 439.8. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.
- 439.9. No oil, grease, tires, gasoline, or other similar material shall be burned at any time.
- 439.10. 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.
- 439.11. No junkyard shall be located on land with a slope in excess of five (5) percent.

## Section 440      **Lawn Care Business**

- 440.1.      Within the (A) Agricultural and (R) Rural Zones, lawn care businesses are permitted by special exception, but only as an accessory use to a residential use on the same lot, subject to the following criteria:
- 440.2.      Minimum lot areas shall be two (2) acres with the maximum lot area devoted to the lawn care business use being limited to ten (10) percent of the total lot area.
- 440.3.      Structures to be used in the business shall be located at least fifty (50) feet from all property lines.
- 440.4.      The maximum lot coverage shall not be greater than twenty (20) percent.
- 440.5.      The primary economic activity of the subject tract shall be residential.
- 440.6.      The full-time resident of the property shall conduct the occupation.
- 440.7.      No more than two (2) non-family members shall be employed in the business.
- 440.8.      No commercial vehicles used in the business shall be permitted to be parked in any of the required yards.
- 440.9.      There shall be no outdoor storage of materials and equipment used in the business.
- 440.10.     The applicant shall demonstrate that the proposed business provides for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements.
- 440.11.     Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- 440.12.     All driveways, parking areas, and loading zones shall be surface and maintained in a manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.
- 440.13.     The owner and/or occupant of the business shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the business shall be conducted in a manner that does not allow the accumulation of trash and debris.
- 440.14.     The applicant shall acknowledge as part of the special exception application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements.

## Section 441      **Manor Township PRD Ordinance**

### **441.1      Applicability**

The provisions of this section are a furtherance of the land use and development controls of land in the Township. It is the intent of this section to utilize the *Planned Residential Development (PRD)* provisions of the PA MPC to address the unique planning and development issues of large tracts of land for both residential and other uses within the Urban Growth Boundaries of Manor Township.

This section shall not affect any of the provisions of the Township Zoning Ordinance as they apply to the Township as a whole. After a development plan is duly filed, approved, and recorded under the provisions of this section, the land area included in the development plan shall be governed

entirely by the provisions of this section excepting those ordinances, in whole or in part which are incorporated herein.

The PRD development provisions of this section are applicable by right within limited areas of the Township, which meet all of the following criteria:

1. Tracts which are within the Urban Growth Boundaries established by Manor Township.
2. Tracts within the (I) Industrial Zone containing greater than two hundred (200) contiguous acres.
3. Tracts which have frontage on, and are accessible via collector or arterial roads as designated in the Township Zoning Ordinance.
4. Tracts that are served by public water and sewer service.
5. Within those areas of the township meeting all of the above criteria and in addition, are areas which have, in whole or in part, been designated on the Comprehensive Plan of the Township to be suitable for consideration as a site for a mixed-use village development, the Planned Residential Development (PRD) provisions shall apply.

#### **441.2 Basis for Consideration**

Approval of a PRD development by the Manor Township Board of Supervisors shall not be construed under the provisions of this Ordinance to mean that the developer of a *Planned Residential Development* (PRD) can by right merely meet the standards set herein. These standards and requirements are minimums only and may be modified, or more stringent standards may be applied by the Township Board of Supervisors to protect the health safety and welfare of the citizens of the Township. Applicants under this ordinance are encouraged to propose innovative and flexible development plans that contribute to the quality of life in the community through a variety of well-planned land uses and amenities.

#### **441.3 Jurisdiction of Manor Township Board of Supervisors**

The Manor Township Board of Supervisors shall administer the Planned Residential Development Ordinance of Manor Township pursuant to Article VII of the Pennsylvania Municipalities Planning Code (MPC).

All plans for developments shall also be referred to the Manor Township Planning Commission and the Lancaster County Planning Commission for review and comment as prescribed by the MPC. The Manor Township Board of Supervisors may also request and consider the comments of Public Agencies providing services related to the health, safety and welfare of the present or future residents of the Township.

#### **441.4 PRD Approval Procedure**

The following procedural steps outline the process for approval of a PRD application. Requirements for the content of the application documents are described in subsequent sections of this ordinance.

##### **441.4.1 Sketch Plan Procedure**

1. The landowner *may* submit a Sketch Plan to the Township Board of Supervisors for preliminary discussion of intent.

2. The Township Board of Supervisors shall review the Sketch Plan in conference with the landowner and, by mutual agreement, determine a Sketch Plan which conforms to the intent of this Article.
3. The submission of a Sketch Plan shall not be deemed the beginning of the time period for review as prescribed by law, and the review of the Sketch Plan by the Township Board of Supervisors shall not bind the Township to approve or accept any aspect of the complete Application for Tentative or Final Approval when and if submitted.

#### **441.4.2 Application Procedure for Tentative Approval**

1. Fifteen (15) complete copies of an Application for Tentative Approval for a Planned Residential Development shall be submitted by the landowner to the Township. The landowner shall also submit a filing fee to the Township in an amount specified on the fee schedule of the Township. No plan shall be considered as properly filed until such time as the filing fee is submitted to the Township.
2. The complete application for Tentative Approval shall consist of the following:
  - A. Application form.
  - B. Site plans, architectural plans, site data.
  - C. Draft of covenants, easement agreements, conditions and restrictions.
  - D. Supporting Information.
  - E. Filing fee.
3. The complete copies of the Application for Tentative Approval will be distributed by the Township to the appropriate agencies and individuals.
4. Within sixty (60) days after the Township receives both an Application for Tentative Approval of a Planned Residential Development and the required filing fee, a public hearing shall be held by the Township Board of Supervisors, which shall be advertised, conducted and made a record in the manner prescribed herein:
  - A. Public notice of the public hearing scheduled on a Development shall be published once a week for two (2) successive weeks in a newspaper of general circulation in the Township, the first publication to appear not more than thirty (30) days and the second publication shall not be less than (7) days prior to the date of the hearing. Such public notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
  - B. The public hearing shall be conducted in accordance with Article IX of the MPC.
  - C. The Township Board of Supervisors may continue the public hearings from time to time, provided however, that in any event, the public hearing or hearings shall be within sixty (60) days after the date of the date of the first public hearing.
5. The Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearings, shall, by official written communication to the landowner, either:
  - A. Grant tentative approval of the development plan as submitted;

- B. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or,
- C. Deny tentative approval of the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted.

- 6. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. The written communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
  - A. The extent to which the development plan departs from this Zoning Ordinance including but not limited to density, bulk and use, and the reasons why such departures are, or are not deemed to be in the public interest.
  - B. The extent to which the development plan, is or is not consistent with the Comprehensive Plan for the development of the Township, or with the objectives of this section.
  - C. The purpose, location and amount of the common open space, the proposals for ownership, administration, maintenance and conservation of common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
  - D. The physical design of the development plan and the manner in which the design does, or does not, make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air and recreation.
  - E. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established.
  - F. In the case of a development plan which proposes development over a period of years, the sufficiency of terms and conditions intended to protect the interests of the public and or the residents of the Planned Residential Development in the integrity of the development plan.
  - G. The extent to which the original intent of the development plan is made clear for the benefit of future Township officials and future residents of the Planned Residential Development, in the Protective Covenants which shall be imposed for the preservation of the integrity of the development plan over the years, and through various stages of development where such are contemplated.
- 7. In the event a development plan is granted tentative approval with or without conditions, the Township Board of Supervisors may set forth in the official written communication the time within which an Application for Final Approval of the development plan shall be filed, or, in the case of a development plan which provided for development over a period of years, the periods of time within which Applications for Final Approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established

between grant of tentative approval and Application for Final Approval shall not be less than three (3) months and in the case of developments over a period of years, the time between Applications for Final Approval of each part of the plan shall not be less than twelve (12) months.

8. The official written communication shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the Official Zoning Map, effective upon final approval, and shall be noted on the Official Zoning Map.
9. In the event the Planned Residential Development is granted tentative plan approval subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication from the Township Board of Supervisors notify the Township Board of Supervisors of his refusal to accept all required conditions, in which case the Township Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within thirty (30) days, notify the Supervisors of his refusal to accept all said conditions, tentative approval of the development plan along with any conditions shall stand as granted.
10. Tentative approval of a development plan shall not qualify a plan of the Planned Residential Development for recording nor authorize construction or the issuance of any Zoning and/or Building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (provided the landowner has not defaulted or violated any of the conditions of the tentative approval), shall not be modified or revoked or otherwise impaired by action of the Township pending Application for Final Approval, without the consent of the landowner, provided an Application or Applications for Final Approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
11. In the event a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon the development plan and shall so notify the Supervisors in writing, or in the event the landowner shall fail to file application of applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all the portion of the area included in the development plan for which final approval has not been given shall be subject to those Ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Official Zoning Map and in the records of the Township Secretary.

#### **441.4.3 Application for Final Approval**

1. An application for Final Approval may be for all the land included in the development plan, or for a section of the development plan as delineated in the tentative approval.
2. Fifteen (15) complete copies of an Application for Final Approval shall be submitted by the landowner to the Township within the time specified by the official written communication granting tentative approval. The landowner shall also submit a filing fee to the Township in an amount specified on the fee schedule adopted from time to time by resolution of the Supervisors. No plan shall be granted final approval until such time as the filing fee is properly submitted to the Township.
3. Each copy of the Application for Final Approval shall consist of the following:
  - A. All materials and information required for submission for the Application for Tentative Approval.



- B. All additional or revised materials required by the official written communication granting tentative approval.
  - C. All improvement agreements and security for construction of all improvements that may be required by the Supervisors.
4. The complete copies of the Application for Final Approval will be distributed by the Township to the appropriate agencies and individuals.
  5. In the event an Application for Final Approval has been filed as required by this Article and the official written communication granting tentative approval, the Township Board of Supervisors, within forty-five (45) days after the Township receives the Application, shall grant the development plan final approval.
  6. A public hearing on an Application for Final Approval shall not be required provided the development plan submitted for final approval is determined to be consistent with this Article and the official written communication granting tentative approval.
  7. In the event the development plan as submitted contains substantial variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval, and within forty-five (45) days from the filing of the Application for Final Approval, shall so advise the landowner in writing of its refusal, setting forth in the notice the reasons why one or more of the variations are not in the public interest.
  8. In the event an Application for Final Approval is denied approval, the landowner may either:
    - A. Refile his Application for Final Approval without the variations objected to; or,
    - B. File a written request with the Township Board of Supervisors that it hold a public hearing on his Application for Final Approval. In which case, the Township Board of Supervisors shall consider the plan at its next regular public meeting. Should the Supervisors elect to hold a special hearing, advertising requirements shall be in accordance with Article IX of the MPC.

If the landowner wishes to take either action, he may do so at any time within which he is entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within the required time, he shall be deemed to have abandoned the development plan.

9. Any public hearing on an Application for Final Approval granted by the Township Board of Supervisors shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed herein for public hearings on Applications for Tentative Approval.
10. The Township Board of Supervisors, within thirty (30) days following the conclusion of the public hearings, shall by official written communication, either:
  - A. Grant the development plan final approval; or
  - B. Deny the development plan final approval.
11. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an Application for Tentative Approval set forth herein.

**441.1.4      Recording of Plan**

1. A development plan which has been granted final approval shall be certified without delay by the Township Board of Supervisors as being approved; provided, however, no development plan shall be certified unless security to secure the completion of improvements in accordance with Article V of the MPC has been posted.
2. Within ninety (90) days after certification by the Supervisors of final approval of the development plan, the plan shall be filed of record by the landowner in the Office of the Recorder of Deeds of Lancaster County.
3. Recording of the development plan after final approval of the Township Board of Supervisors shall have the effect of an irrevocable offer to dedicate to the public use, all streets and other public ways shown thereon unless reserved by the landowner as hereinafter provided. The approval of the Township Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated streets, or public uses, until the Township has accepted the same by ordinance or resolution.
4. No sale of lots or buildings, leasehold agreements, or construction of any buildings or development of any nature shall be permitted prior to recording of the approved development plan. The Zoning Officer shall not issue a Permit unless the application for the permit is accompanied by a certificate of recording issued by the Recorder of Deeds. After evidence of recording has been presented to the Zoning Officer, the development plan shall be placed upon the Official Zoning Map of the Township.
5. In the event a development plan or section thereof is given final approval and thereafter the landowner shall abandon the plan or section thereof and shall notify the Township Board of Supervisors in writing; or the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the MPC, no development or further development shall take place on the property included in the development plan until after the property is reclassified by enactment of an amendment to this Zoning Ordinance in the manner prescribed for such amendments in Article VI of the MPC.

**441.1.5      Construction, Dedication and Maintenance of Improvements**

1. After the landowner obtains the required permits in accordance with this Zoning Ordinance and other applicable Township ordinances, he may proceed with construction of the Planned Residential Development.
2. The Township shall inspect the improvements which are installed as part of the Planned Residential Development in accordance with the provisions of Article V of the MPC.
3. The Township shall release financial security which has been posted to secure the completion of improvements in accordance with the requirements of Article V of the MPC.
4. All required improvements that have been offered for dedication shall be deemed to private until such time as the improvements have been completely constructed and are accepted by the Township.

**441.5      Sketch Plan Requirements**

1. The sketch plan may be an approximate drawing but should be drawn to scale.

2. The sketch plan shall contain at least the following information but need not necessarily show precise dimensions:
  - A. The location, size and topography (Lancaster County GIS minimum) of the site and the nature of the landowner's interest in the land proposed to be developed.
  - B. The type and intensity of land use to be allocated to various parts of the site as well as the number of dwelling units, square footage of commercial and nonresidential uses.
  - C. If required, the general location and size of the common open space and the form of organization proposed to own and maintain the common open space.
  - D. The use and approximated location, height and bulk of buildings and other structures.
  - E. A written statement of a qualified professional concerning the feasibility of proposals for sewerage, water supply, and storm water management, but not to include drawings.
  - F. The substance of protective covenants, grants or easements or other restrictions intended to be imposed upon the land, or the use of the land, buildings and other structures including proposed easements or grants for public utilities.
  - G. The provisions to be made for parking of vehicles, and the location, width and general alignment of streets and public ways.
  - H. The required modifications in the Township regulations which would otherwise be applicable to the subject property.
  - I. In the case of development plans that call for execution over a period of years, an approximate schedule within which Applications for Final Approval of all sections of the Planned Residential Development may be expected to be filed.
  - J. The approximate tract boundary, north point, names of adjoining property owners, name and location of all abutting streets and utilities, and the location of any significant topographical and physical features.

#### **441.6 Requirements for Application for Tentative Approval**

1. Application Form. The "Application for Approval of a Planned Residential Development", supplied by the Township, shall be completed by the landowner or his agent.
2. Site Plans. Each map, plan and drawing shall be prepared by a professional engineer, surveyor, landscape architect or architect registered in the Commonwealth of Pennsylvania, who shall place his seal and signature on all applicable plans, maps, and drawings:
  - A. Site plans shall be drawn on sheets having a sheet size of twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet, sixty (60) feet or one hundred (100) feet to the inch. Master site plans may be drawn at any legible scale or sheet size. The landowner should utilize the scale and plan format that presents

the most readable plans. Site plans may consist of multiple sheets a key map showing the relationship of each sheet to the overall site plan is placed on all of the multiple sheets. Site plans shall show:

- (1) The project name or identifying title.
- (2) The name and address of the landowner of the tract, the developer, and the firm that prepared the plans.
- (3) The file or project number assigned by the firm that prepared the plan, the plan date, and the dates of all plan revisions.
- (4) A north arrow, a graphic scale, and a written scale.
- (5) The entire tract boundary with bearings and distances, and identification of all corner markers.
- (6) A location map, for the purpose of locating the site to be developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries and streams existing within one thousand (1,000) feet of any part of the property proposed to be developed.
- (7) The plotting of all existing adjacent land uses and lot lines within two hundred (200) feet of the proposed development including the location of all public and private streets, drives, or lanes, railroads, power lines, gas lines, towers, easements, embankments, walls, streams and watercourses, buildings and other structures, fences and walls, all residential and nonresidential land uses, sewer mains, water mains, fire hydrants, storm drainage structures, historic sites Survey, and other significant natural or man-made features.
- (8) The names of all immediately adjacent landowners and the names and plan book numbers of all previously recorded plans for adjacent projects.
- (9) Contours at vertical intervals of two (2) feet for land with average natural slope of twelve (12) percent or less, and at vertical intervals of five (5) feet for more steeply sloping land; location of bench mark, and datum used.
- (10) The delineation of one hundred (100) and five hundred (500) year flood plains.
- (11) The delineation of all soil types as indicated by the USDA Soil Conservation Service Soil Survey of Lancaster County.
- (12) An environmental analysis map(s) showing and identifying the location of unique land forms or natural features (such as hills, berms, knolls, mounds, swales, bowls, depressions, rock outcroppings or scenic views), areas exceeding twelve (12) percent slope, type of bedrock and its associated environmental characteristics affecting the tract to be type of soils and their associated environmental characteristics (such as depth to seasonal high water table, depth to bedrock, erodibility and permeability), water courses or bodies of water, flood plains, wetlands or other hydrologic conditions shall be provided by the landowner), and any other environmentally sensitive features.

- (13) The plotting of all existing landmarks within the proposed development including the location of all existing streets, buildings, easements, rights of way, sanitary sewers, water mains, storm drainage structures, and watercourses.
- (14) The location of all existing vegetation, including all agricultural fields, lawn areas, shrubs and wooded areas. Dominant tree and plant species should be identified.
- (15) A list of site data including but not limited to the following:
  - (a) Total acreage of the tract.
  - (b) Zone.
  - (c) Proposed use of the land.
  - (d) Proposed gross area of the development.
  - (e) Proposed gross residential density and schedule of nonresidential acreage and square footage.
  - (f) Proposed number of dwelling units and building type.
  - (g) Acreage and percentage of common open space.
  - (h) Proposed number of parking spaces for each use.
- (16) The proposed location and dimensions of all streets, access drives, parking compounds, sidewalks, bikeways, and curbing.
- (17) The proposed location of block or lot lines with approximate dimensions.
- (18) The approximate radius and arc dimensions for all lot line and street line curves.
- (19) The typical size of all lots in square feet and acreage.
- (20) The proposed general location and configuration of proposed building envelopes. Reference as to whether each existing structure on the tract is to be retained or removed.
- (21) The proposed location of building setback lines from all streets, and the distances between buildings and adjacent tract boundaries and lot lines.
- (22) The proposed location, size and use of all common open space areas and recreation facilities where applicable.
- (23) The proposed areas to be dedicated to the Township with approximate acreage of all areas and widths of all rights-of-way.
- (24) A proposed phasing plan of the development. If the Application for Tentative Approval covers only a part of the overall Planned Residential Development, it shall be accompanied by a sketch plan of the remainder of the development.
- (25) Typical cross-sections, details and specifications shall be submitted for all improvements including streets, parking lots, curbs, sidewalks, bikeways, recreation facilities, lighting and planting.
- (26) Architectural concept drawings, photographs or pictures that demonstrate the architectural guidelines are to be submitted of each

proposed structure type to demonstrate the vision of the Planned Residential Development.

- (27) Urban design concept diagrams that graphically depict the planning principles expressed in this ordinance as such have been applied in the development plan. The diagrams may be prepared at any appropriate scale and should illustrate the planning relationships of the community green and commercial uses to residential areas, sites for public and semi-public uses, community clubs and facilities, internal and peripheral open space, vistas and focal points, pedestrian walking distances, interconnections with the existing street and sidewalk system, buffers areas, and similar features of the plan.

3. Supporting Information This report shall contain the following information:

- A. A written statement explaining why the proposed Planned Residential Development would be in the public interest and would be consistent with the Township Comprehensive Plan, and what modifications are necessary to the Township land use regulations which would otherwise be applicable to the subject property.
- B. Present zone of the tract and adjacent properties.
- C. A written statement describing the natural features of the tract including, but not limited to, an analysis of the hydrology, geology, soils, topography, and vegetation.
- D. A listing of all proposed dwelling unit types, approximate square footage figures per unit, number of bedrooms, and structure types; a listing of all nonresidential structures with approximate square footage figures.
- E. A description of the use and improvement of common open space throughout the tract, and the means by which the landowner will guarantee its continuity and maintenance.
- F. The ratio of vehicle parking spaces to dwelling units and nonresidential uses proposed.
- G. A statement describing proposed lighting, sewerage, water, electric, gas, telephone, cable television and refuse removal.
- H. A master utility plan including acknowledgments from appropriate utilities, authorities and agencies shall be included and shall include the following:
  - (1) Appropriate sewer authority: An acknowledgment of intent to provide service to the Planned Residential Development and approval of the proposed points of connection and general location of mains and service laterals. Requirements for improvements to existing infrastructure and terms and conditions for easements shall be determined.
  - (2) Appropriate water authority or company: An acknowledgment of intent to provide public water service to the Planned Residential Development and approval of the proposed points of connection and general location of mains and service laterals. Requirements for improvements to off-

site infrastructure and terms and conditions for easements shall be determined.

- I. A master traffic evaluation study in accordance with the Manor Township Subdivision and Land Development Ordinance. A master plan of proposed on and off-site traffic improvements which is coordinated with the project phasing plan shall be prepared and submitted as part of the study.
- J. A master storm water management plan and report which demonstrates the overall storm water management concept for the project. Preliminary design of major facilities and off-site improvements shall be described in sufficient detail to ascertain their feasibility and general compliance with applicable standards. Design standards shall be in accordance with the Manor Township Storm Water Management Ordinance.
- K. A master landscape planting plan depicting the principal landscape plantings i.e.: buffers, street trees, natural areas or specimens to be preserved or augmented and typical details of key landscape elements such as entrances, streetscapes and public spaces which typify the style of the project.

#### **441.7**

#### **Requirements for Final Approval**

- 1. All parts of the Application for Tentative Approval shall be submitted. All maps, plans, drawings, and written material shall be revised according to the official written communication granting tentative approval. Revisions shall be noted and dated on all exhibits.
- 2. All additional maps, plans, drawings, agreements, approvals and other items required by the official written communication granting tentative approval shall be submitted.
- 3. The site plans shall include the following:
  - A. Source of title to the land of the Planned Residential Development as shown by the records of the Lancaster County Recorder of Deeds.
  - B. Lot lines with accurate bearings and distances; distances to be to the nearest hundredth of a foot and proposed survey monumentation.
  - C. Acreage of all lots.
  - D. Accurate dimensions and bearings and distances of any property to be dedicated or reserved for public, semi-public, or community use, including street centerlines and street rights of way lines.
  - E. Accurate tract boundary lines with dimensions and bearings closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
  - F. Accurate distance to the intersection of the centerlines of the nearest established street intersection or official monument.
  - G. Complete curve data for all lot line, tract boundary line, street centerline and street right of way line curves within the development. Curve data shall include radius, arc, tangent, angle of deflection, and chord bearing and distance.

- H. Certification, with seal, by a registered professional to the effect that the plan is correct.
  - I. A certificate, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner of the property, to the effect that the subdivision or land development shown on the final plan is the act and deed of the landowner, that he is the owner of the property shown on the survey and plans, and that he desires the same to be recorded as such.
  - J. Certification of the offer of dedication of applicable required improvements.
  - K. A certificate for approval by the Township Board of Supervisors.
  - L. A certificate to accommodate the recording information.
  - M. Certification with seal, by a registered professional permitted to design storm drainage facilities within the Commonwealth of Pennsylvania that the storm drainage facilities designed are in conformance with the Township Regulations.
  - N. A notation describing any public uses, streets, drives or common open spaces which are not to be offered for dedication to the public, in which event the title to such areas shall remain with the landowner, and the Township shall assume no responsibility for improvements or maintenance thereof.
4. A lighting plan with the location and size of all street, parking compound, recreational and open space lighting fixtures whether free-standing or affixed to buildings, including the delineation of isolux lighting lines at increments of two tenths (0.2), one half (0.5) and one (1.0) foot-candles for each fixture, as applicable, and construction details, manufacturers specifications, elevations, materials and colors for each type of lighting fixture proposed.
5. A planting plan for the development, except for single family detached and semi-detached lots to be sold to individual owners. The planting plan shall include the identification and location of the following information.
- A. All pertinent information regarding the general site layout, existing man-made and natural features on the tract, proposed grading, existing vegetation to be retained and other conditions affecting proposed landscaping.
  - B. Proposed plantings, including shade trees, designated by symbols appropriately scaled to represent the sizes of such at time of planting. Planting beds shall be shown by a clearly delineated border outline. Identification of all proposed plantings shall be numerically quantified and keyed to the planting schedule by the first letters of each plants botanical name.
  - C. Planting schedule shall be provided for all proposed plantings, including both botanical and common plant names, identification key, total quantity, size (height, width and caliper) at time of planting based on American Association of Nurserymen increments and minimum size of maintenance after a three (3) year growth period.
  - D. Details and specifications for all proposed plantings, top soiling, seeding and mulching, including notes regarding special maintenance requirements temporarily during the period of establishment, or permanently, and the limits of any such special maintenance areas.



- E. Proposed buffering, screening, walls and fences, including construction details, cross sections, elevations, manufacturer's specifications materials and colors for same.
  - F. Proposed courtyards, plazas, lanes, walkways, paths, common open space and recreation areas and facilities, street or site furniture, ponds, fountains, trellises, pergolas, gazebos, accessory structures, art and sculpture, common mail boxes, solid waste and recycling storage facilities and HVAC equipment and utility service boxes, to be located at or above grade. Construction details, cross-sections, elevations, manufacturer's specifications, materials and colors for all of the above items where applicable.
6. A signage plan for the development, including construction details, elevations, signage message or content, materials and colors for each type of sign proposed.
  7. Detailed prototypical yard and patio plans, except for single family detached and semi-detached lots to be sold to individual owners, including detailed plans for the proposed treatment of patios and private or semi-private yard areas, including screening, landscaping, ground material treatment, lighting and access, for each residential dwelling.
  8. Profile drawings shall be submitted for all streets, storms sewers, and sanitary sewer mains. Generally, the drawings shall be at a scale of fifty (50) feet to the inch horizontally and ten (10) feet to the inch vertically. Existing and proposed grades shall be shown on each drawing.
  9. Cross-sections, details and specifications shall be submitted for all improvements including streets, parking lots, curbs, sidewalks, bikeways, recreation facilities, play equipment, lighting, planting, sanitary sewer facilities, and sediment and erosion control facilities.
  10. Architectural drawings shall be submitted of each proposed structure type in the Planned Residential Development. Drawings shall include but not be limited to the following information:
    - A. Typical elevations of the exterior sides of all existing and proposed buildings and structures exposed to view, showing the proposed building treatment in terms of architectural style, materials, colors and details, to be drawn at a scale not smaller than one (1) inch equals eight (8) feet (1"=8').
    - B. Floor plans of all proposed buildings and structures, to be drawn at a scale not smaller than one (1) inch equals eight (8) feet (1"=8').
    - C. A ground level perspective drawing, one (1) showing the community green and the surrounding buildings and showing a typical residential street as seen from the public right-of-way.
    - D. Drawing showing the proposed development in its surrounding context, including adjacent buildings and properties as such exist, to be drawn at the same scale as the site plan.
    - E. Accurately colored architectural renderings of all prototypical buildings, structures and signs.
  11. Urban design concept diagrams that graphically depict the planning principles expressed in this ordinance as such have been applied in the development plan. The diagrams may

be prepared at any appropriate scale and should illustrate the planning relationships of the community green and commercial uses to residential areas, sites for public and semi-public uses, community clubs and facilities, internal and peripheral open space, vistas and focal points, pedestrian walking distances, interconnections with the existing street and sidewalk system, buffers areas, and similar features of the plan. (required for PRD projects only)

12. Declaration of Covenants, Grants of Easements, Conditions, and Restrictions
  - A. All deeds for conveyance of property within the Planned Residential Development shall bind the purchasers to the Declaration of Covenants, Grants of Easement, Conditions, and Restrictions and shall state the requirement of mandatory membership for all owners in the development in the owners association, if such an association is to be created for the ownership, administration and maintenance of the common open space.
  - B. Copies of any other restrictions that will run with the land and will become covenants in the deeds of the lots shall be submitted.
13. An agreement shall be entered into between the Township and the landowner to cover in detail the improvements required to be constructed as a condition of acceptance of a Planned Residential Development which specify time limits for the completion of required improvements. The items to be covered by the agreement shall include, but not necessarily be limited to, the construction of streets, storm drainage facilities, sanitary sewers, water lines, street signs, survey markers and monumentation, sidewalks, curbs, off-street parking, street lights, street trees, fire protection, and common open space improvements.
14. Financial security shall be calculated and posted secure the completion of improvements in accordance with the requirements of Article V of the MPC and the Township Subdivision and Land Development Ordinance. The financial security shall be released as construction progresses in accordance with the procedure set forth in Article V of the MPC. Upon completion of the improvements and acceptance of dedication by the Township of any improvements, the landowner shall post financial security to secure the structural integrity and functioning of the improvements which have been accepted by the Township in accordance with the requirements of Article V of the MPC.
15. The proposed location, width, and purpose of all easements.
16. A grading plan of the development.
17. A clearing and vegetation protection plan showing and identifying the location of all area of the tract to be cleared, all areas of soil disturbance, all areas of topsoil stockpiling during the period of development, all existing vegetation to be retained, details for the methods of vegetation protection during the period of development.
18. PennDOT: highway occupancy permits.
19. Lancaster County Conservation District: approval of soil erosion and sediment control plans.
20. PADEP: sewer and water approval; erosion and sediment control approval (earth moving).
21. Electric company: approval of the lighting plan and location of all electric power lines and easements.

22. Gas company: approval of location of all gas lines and easements, if applicable.
23. Appropriate utility and transmission companies: approval of development around rights of way and easements.
24. Appropriate railroad company: approval of any proposed grade crossings, utility crossings, rail extensions or alterations.
25. Local postmaster: approval of street names.
26. Updated Traffic Evaluation Study in accordance with the Manor Township Subdivision and Land Development Ordinance pertaining to the phase to be constructed.

#### **441.8 Permitted Uses**

**441.8.1.** All of the uses set forth in the (I) Industrial Zone (Section 209) as permitted by right, special exception or in accordance with certain criteria are allowed in a Planned Residential Development (PRD).

**441.8.2.** The following uses are permitted in a Planned Residential Development (PRD), in the (I) Industrial Zone, with Village designation on the Comprehensive Plan, and subject to all the applicable development standards and requirements:

1. Residential uses:
  - A. Single family detached dwellings.
  - B. Single family semidetached dwellings.
  - C. Duplexes.
  - D. Townhouses.
  - E. Multiple-family dwellings.
  - F. Apartments.
  - F. Accessory dwellings.
2. Public and semipublic uses, including parks and playgrounds and structures typically constructed as part of this type of facility:
  - A. Community clubs.
  - B. Community facilities.
  - C. Day care facilities.
  - D. Churches and related uses.
3. The following commercial uses:
  - A. Banks and other financial institutions, including drive-through banking facilities.
  - B. Offices.
  - C. Retail sales of goods and services.
  - D. Restaurants, except drive-through facilities.
  - E. Convenience stores including automotive fuel sales.
  - F. Golf courses.
  - G. Public and semipublic recreational uses.
  - H. Cemeteries.
  - I. Bed and Breakfasts.

### **441.9 Permitted PRD Accessory Uses**

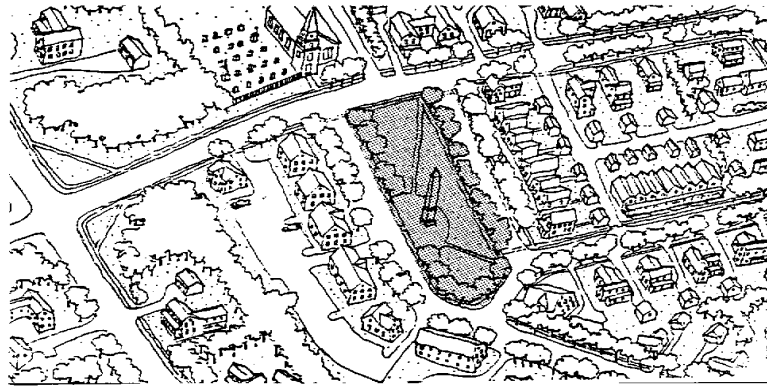
The following uses are permitted in a PRD, subject to all the applicable development standards and requirements.

1. All village accessory uses shall comply with the Accessory Uses and Structures regulations of Section 302 of this Ordinance.
2. Home occupations as a special exception in accordance with the standards set forth in Section 435 of this Ordinance.
3. Accessory uses, buildings or structures for all other nonresidential uses as approved by the Township Board of Supervisors.

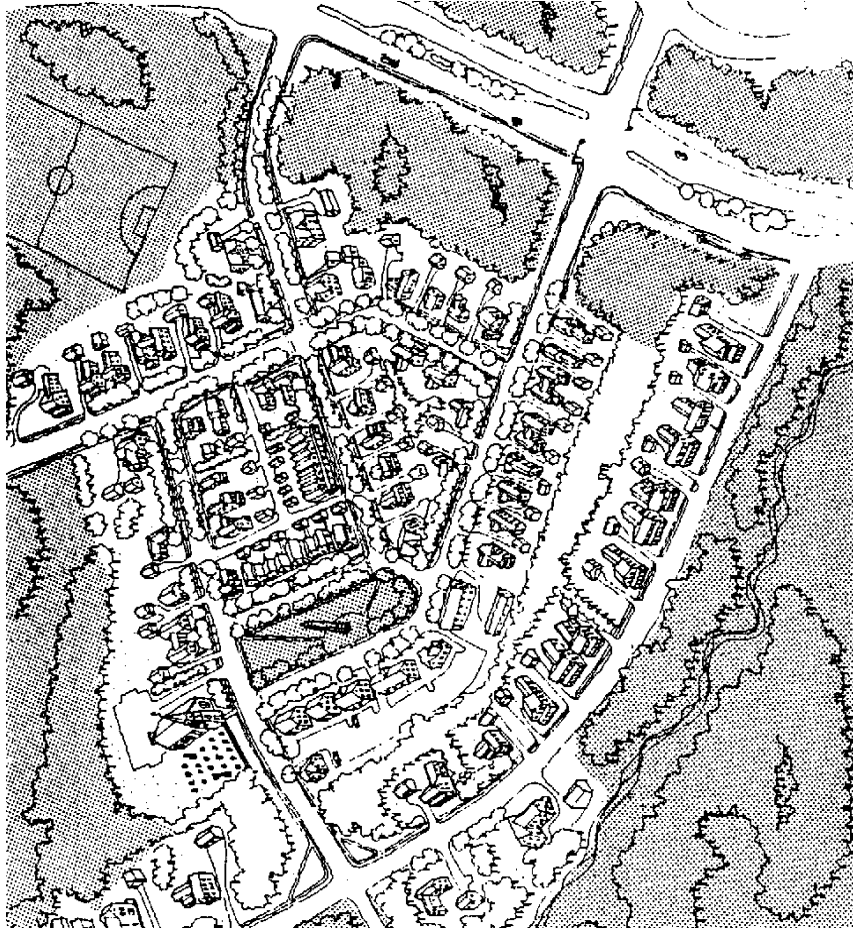
### **441.10 PRD Common Open Space**

1. Twenty-five (25) percent of the gross area of the PRD shall be allocated to and shall remain common open space. Common open space within the (FP) Floodplain Zone as set forth in Section 211 of this Ordinance shall be included within the required common open space; however, the provisions of that district shall apply. Common open space shall be deed restricted to prohibit future subdivision or development, except for agricultural, recreational, golf course uses that may be permitted with the approval of the Manor Township Board of Supervisors. The common open space shall be provided in the form of internal open space and peripheral open space.
2. Internal open spaces (*Ill.15 &16*) shall contain a minimum area of five hundred (500) square feet and shall be of a distinct geometric shape (generally rectilinear or square) appropriate for use as a public space. Internal open spaces shall function as traditional urban public space i.e.: park, monumental, public gathering or visual. Internal open spaces shall in general be the focus or be spatially enclosed by the buildings that front on the area or front upon the streets bounding the area.
3. Common open space, particularly peripheral open space areas, containing existing attractive or unique natural features, such as streams, creeks, ponds, floodplains, wetlands, woodlands, specimen trees and other areas of matures vegetation worthy of preservation may be left unimproved and natural state. As a general principle, the preservation of undeveloped open space in its natural state or as existing farms is encouraged. To the greatest extent possible, common open space shall include all environmentally sensitive areas, including areas with slopes greater than twenty (20) percent, one hundred (100) year floodplains, wetlands, areas of seasonally high water, and other such critical areas. Existing man-made features, such as farmsteads, may be preserved through incorporation in common open space.

4. Peripheral open space (*Ill. 16*) areas may be used for public and semipublic recreation purposes with the approval of the Township Board of Supervisors.



*Illustration 15 - Community green surrounded by neighborhood development.*



*Illustration 16- Neighborhood development focused on central internal open space (community green) and surrounded by peripheral open space.*

5. Recreational facilities shall be required to serve the anticipated needs of the residents of the PRD, taking into account the anticipated characteristics and demographic profile of the developments' population, the recreational facilities available in neighboring developments, and the relevant provisions regarding recreational facilities contained in the Township Comprehensive Plan.

Cemeteries may be permitted in both internal and peripheral open space areas with the approval of the Township Board of Supervisors.

The buildings, structures, and improvements permitted in the common open space shall be appropriate to the authorized uses and shall conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

6. The Phasing Plan of the PRD shall coordinate the improvement of the common open space with the construction of dwellings. At no time in the development of various phases of the PRD may the total area of common open space in the phases developed be less than twenty-five (25) percent of the gross area of the developed lands unless additional areas to produce the required percentage are permanently reserved as common open space on the remaining land of the total development. The location or size of this reserved common open space on remaining land may be altered or changed upon the approval and recording of the development plan of an additional phase of development.
7. The ownership, administration and maintenance of common open space shall be arranged to be in accordance with one (1) or more of the following:
8. The Township may accept dedication of common open spaces or any interest therein for public use and maintenance, for no consideration to be paid by the Township. Unless waived by the Manor Township Board of Supervisors at time of approval, the Township shall have the option to accept all or any portion of the common open space at any time within ten (10) years of the recording of the final subdivision plan for the development. The final plan shall contain a note, in language acceptable to the Township Solicitor that the common open space is irrevocably offered for dedication to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated common open space unless and until it has been accepted by formal action of the Township. This provision does not preclude future plan modification by the developer.
9. The landowner may establish a property owners' association made up of the owners of property in the Planned Residential Development, for the purpose of owning, administering and maintaining common open space; provided however, the association shall not be dissolved nor shall it dispose of the common open space by sale or otherwise (except to an organization conceived and established to own, administer and maintain common open space approved by the Township) without first offering the common open space for dedication to the Township. The property owners' association shall be empowered to levy and collect assessments from the property owners of the PRD to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
10. The landowner may establish a deed or deeds of trust, approved by the Township Board of Supervisors, for the purpose of owning, administering and maintaining common open space, with the Trustee empowered to levy and collect assessments from the property owners of the PRD to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
11. 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 the fee simple title in the common open space or a portion thereof to a private,

nonprofit organization among whose purposes is the conservation of open space land and/or natural resources; provided that:

- A. The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
  - B. The conveyance contains appropriate provisions for proper retransfer or reverser in the event that the organization becomes unable to continue to carry out its functions.
  - C. A maintenance agreement acceptable to the Township is entered into by the developer, organization and Township.
12. If a portion of the common open space is to be used for agricultural purposes, that portion of the common open space may be transferred to a person or other entity that will farm the land. Prior to the transfer of any common open space for agricultural purposes, a permanent conservation easement in favor of the Township, in language acceptable to the Township Solicitor, shall be imposed against such land. The conveyance shall contain appropriate provisions for the retransfer or reverser to the Township or any association or trustee holding the remainder of the common open space in the event the land ceases to be used for agricultural purposes.
13. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the property within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year. Said maintenance by the Township, shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Township, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Township, shall not, at the option of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain the common open space in reasonable condition, the Township shall cease to maintain said open space at the end of said year. If the Township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding decision of the Township shall be subject to appeal to court in such manner, and within the same time limitation as is provided for zoning appeals by the MPC, as amended or supplemented. The cost of maintenance of such common open space by the Township shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of Lancaster

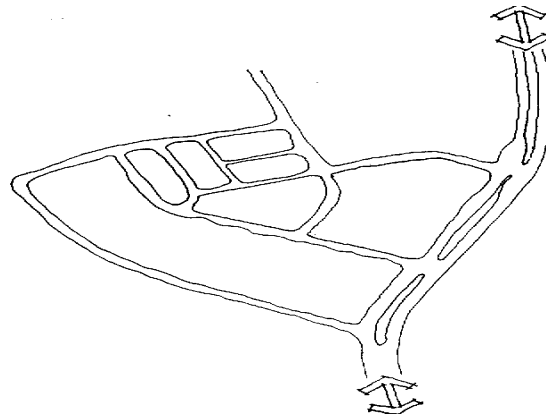
County, Pennsylvania, upon the properties affected by the lien within the Planned Residential Development.

**441.11 Blocks Within Planned Residential Developments**

1. To the greatest extent possible, blocks shall be designed to have a maximum length of six hundred (600) feet. Alleys shall be permitted to bisect blocks.
2. Each block shall be designated with a building setback line, which shall establish the front yard setback for the lots on the block. The actual building location shall fall between the minimum and maximum front yard setbacks for the proposed uses. Building locations, lot areas and lot widths shall vary at random to the greatest extent possible, in order to create variation and appropriate human scale in the streetscape. A maximum of five (5) percent of all lots for single family detached dwellings may be flag lots.

**441.12 Streets within Planned Residential Developments**

1. The street layout shall be a modified grid street pattern adapted to the topography, unique natural features and environmental constraints of the tract. The street layout shall take into consideration the location of the community focus, other internal open space areas and vistas. Refer to Illustration 18. A minimum of two (2) interconnections with the existing public street system shall be provided where possible. Linkages to adjacent developments and neighborhoods with pedestrian and bicycle paths are recommended where possible. *Refer to Illustration 19.*
2. The street layout shall form an interconnected system of streets primarily in a rectilinear grid pattern, however, modified to avoid a monotonous repetition of the basic street/block pattern.
3. The street layout shall incorporate a hierarchy of street types. All streets shall generally conform to one (1) of the following street categories. *Refer to Illustration 20.*

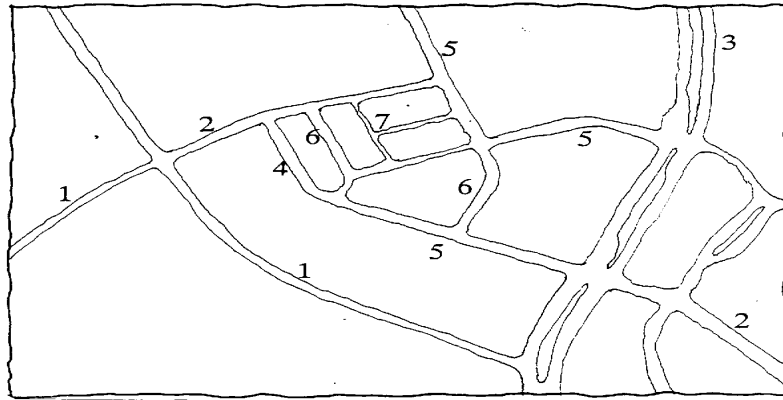


*Illustration 19- Diagram of a modified grid street pattern with two (2) interconnections with the surrounding street system.*

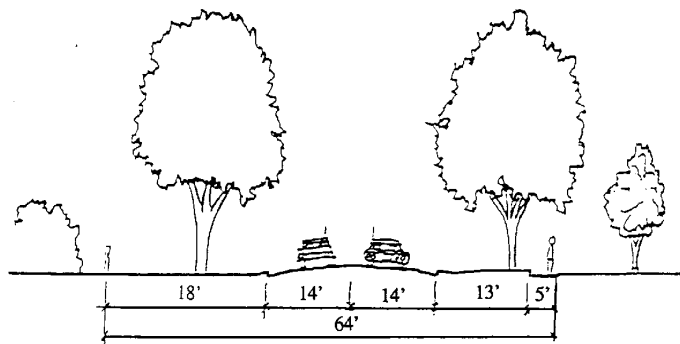


Hierarchy of Street Types (See Illustrations 20-28)

1. Major Road - Type A
2. Major Road - Type B
3. Boulevard - Type A
- Boulevard - Type B
4. Main Street
5. Village Street - Type A
6. Village Street - Type B
7. Alley



*Illustration 20  
Hierarchy of Street Types*



*Illustration 21 - Street Section for Major Road - Type A.*

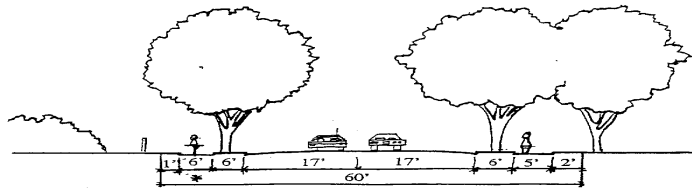


Illustration 22 - Street Section for Major Road - Type B.  
\*Bike Path

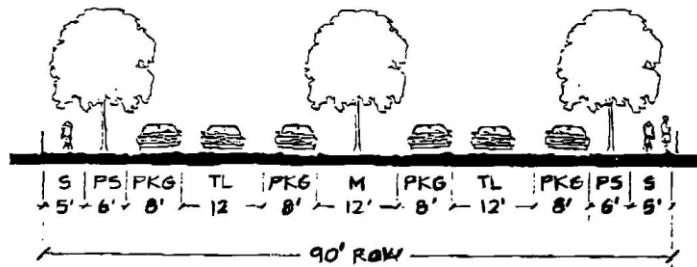


Illustration 23A- Street Section for Residential Street Boulevard – Type A

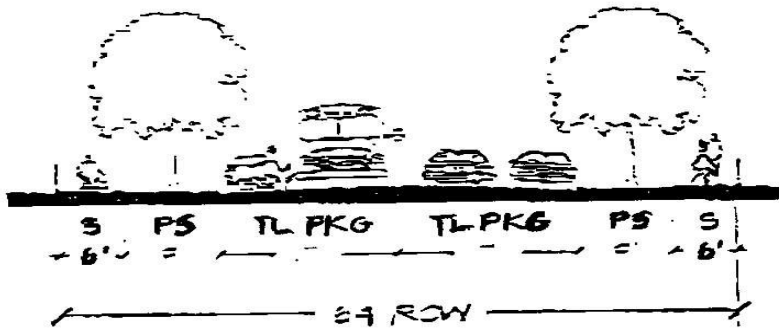


Illustration 23B- Street Section for Boulevard / Main Street – Type B

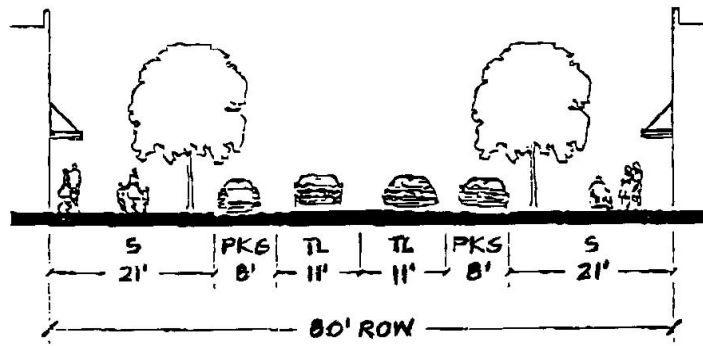


Illustration 24- Street Section for Main Street / Village Center Street.

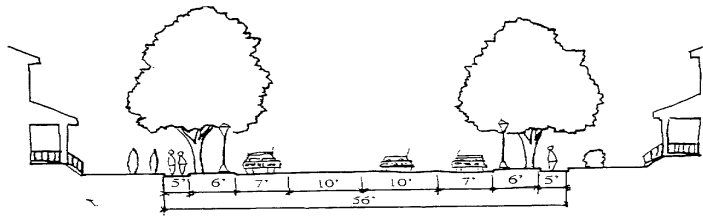


Illustration 25- Street Section for Residential Street - Type A.

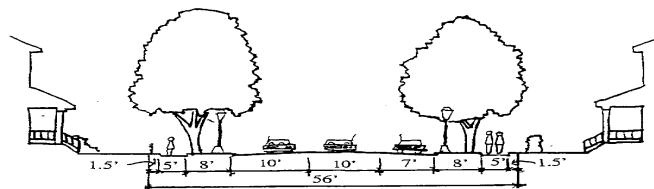
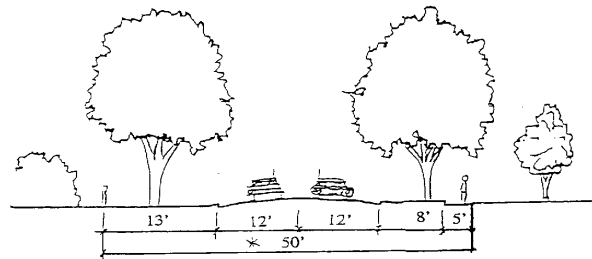
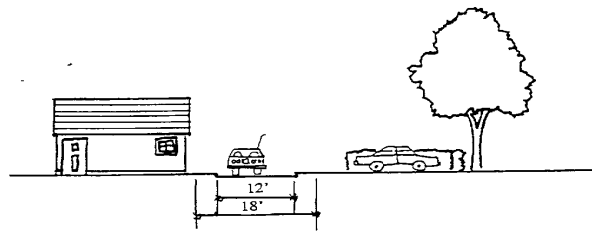


Illustration 26- Street Section for Residential Street - Type B.



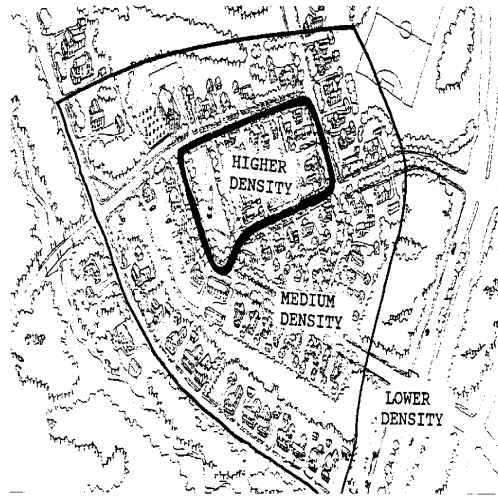
*Illustration 27- Street Section for Residential Street- Type C.  
\* On street parking yield condition*



*Illustration 28- Street Section for an Alley.*

**441.13 Residential Development within a Planned Residential Development (PRD)**

1. The maximum allowable gross density of the PRD shall not exceed five and one half (5 ½) units per gross acre.
2. A range of village dwelling types shall be provided in the development. The number of single family detached dwellings, including both large lot and small lot types, shall range from a minimum of thirty (30) percent to a maximum of ninety (90) percent. Of the remaining number of dwellings other than single family detached dwellings, no more than fifty (50) percent shall be the same type of dwelling unit (e.g. semi-attached, duplexes, townhouses, apartments, multiple-family dwellings, or accessory dwellings).
3. Residential net density shall generally decrease from the community green towards the periphery of the development. A mix of dwelling unit types shall be distributed throughout the development. The segregation of different dwelling unit types is discouraged and different types of dwelling units may be mixed in any distribution within any single block if desired. Refer to Illustration 29.



*Illustration 29- Residential density should generally decrease from the community green towards the periphery of the neighborhoods.*

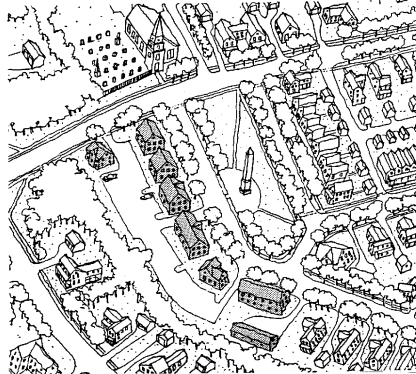
4. **Buildings containing dwelling units shall be designed to vary in appearance.** Building designs shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, front entrance and porch locations. Colors, materials and architectural details should be limited in number, compatible, and used repeatedly throughout the neighborhood.
5. Accessory dwellings includes apartments integrally attached to single family detached dwellings, or detached accessory dwellings, such as carriage houses or agricultural-type outbuildings, located on the same lot as single family detached dwellings. Accessory dwellings shall be limited to areas specifically designated for such use accessory dwellings shall not affect overall density determination. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single family detached dwelling.
6. Apartment dwellings located on upper floors above commercial uses shall be limited to areas designated for such use. For the purposes of calculating residential density each such apartment dwelling shall count as one-half (1/2) dwelling unit. Refer to Illustration 30.



*Illustration 30- Apartment dwellings may be located on the upper floors of mixed-use buildings above commercial uses.*

#### 441.14 Commercial Development within a Planned Residential Development

1. The commercial density of a PRD shall range from a minimum of twenty-five (25) square feet of commercial floor area per residential dwelling unit to a maximum of one hundred fifty (150) square feet of commercial floor area per dwelling unit. The commercial component of a PRD shall be mandatory unless waived by the Manor Township Board of Supervisors. *Refer to Illustration 31.*



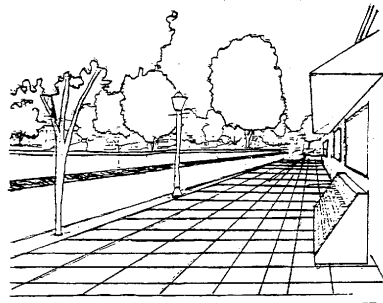
*Illustration 31- The greatest concentration of commercial development in a neighborhood should be around a community green and/or within a Main Street commercial area.*

2. The commercial component shall consist of a minimum of commercial uses primarily oriented to serve both the residents of the development and residents of the immediately surrounding community. The remaining commercial uses may consist of any permitted commercial uses, including other types of retail and service uses.
3. Commercial uses may be contained in multistory, mixed-use structures with commercial uses on the ground level and apartment dwellings on the upper levels. Such buildings contained within any neighborhood shall vary in terms of footprint and architectural elevations. Storefront commercial buildings shall be designed to coordinate with the scale and character of the streetscape upon which it fronts. Contemporary commercial structures shall be detached and visually separated from the village streetscape.
4. Restaurant uses shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way, and in courtyards, provided pedestrian circulation or access to store entrances shall not be impaired. Refer to Illustrations 32 and 33. The following standards and guidelines are applicable:
  - A. To allow for pedestrian circulation, a minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables or other encumbrances.
  - B. Planters, posts with ropes or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the cafe.
  - C. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.

- D. Outdoor cafes shall be required to provide additional outdoor trash receptacles.
- E. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.



*Illustration 32- Restaurants may have outdoor cafes on sidewalks or in courtyards.*



*Illustration 33- Commercial uses may have sidewalk displays of retail merchandise.*

- 5. For Storefront commercial uses on street parking shall be provided as a supplement to off-street parking facilities to serve customers of Storefront commercial uses. The minimum requirement for on-street parking shall be one (1) curbside space for each two thousand (2,000) square feet of gross floor area of Storefront commercial uses. Where the minimum on-street parking requirement cannot be completely complied with, the deficient number of spaces shall be provided in off-street parking lots. Commercial on-street parking shall be provided as curbside parallel or angle parking located along both sides of the streets on all blocks upon which commercial uses front. Contemporary Commercial uses shall provide off-street parking and loading in accordance with the off-street parking and off-street loading provisions of Sections 312 and 313 of this Ordinance.
- 6. Parking for all dwelling units shall be prohibited in front yard setback areas. With the exception of single family detached dwellings, single family semidetached dwellings and

duplexes, driveways shall be prohibited in any front yard area. For other dwelling types driveway access shall be provided from lanes.

7. Parking Lot Landscaping, Buffering and Screening:
  - A. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare onto adjacent properties.
  - B. The interior of all parking lots shall be landscaped to provide shade and visual relief. Parking lots with ten (10) spaces or less may not require interior landscaping if the applicant demonstrates to the Manor Township Board of Supervisors that there is adequate perimeter landscaping.
  - C. Parking lot layout shall take into consideration pedestrian circulation -- pedestrian crosswalks shall be provided, where necessary and appropriate.

#### **441.15 Area and Bulk Guidelines**

The following Area and Bulk Guidelines are intended to establish a basis for evaluation and approval of site specific standards as proposed by the applicant. The applicant shall provide an equally complete set of guidelines that relate to the proposed PRD. When approved by the Township Board of Supervisors, these dimensions will become the applicable standards for the project. See the following table:

1. Bulk Standards for Accessory Dwellings- An accessory dwelling located on the same lot as a large lot single family detached dwelling, whether attached or detached to same, shall additionally comply with the bulk standards as specified above without modification, except that a detached accessory dwelling shall be limited to a maximum building height of thirty-five (35) feet.
2. Additional Standards for Accessory Dwellings- An accessory dwelling located on the same lot as a small lot single family detached dwelling, whether attached or detached to same, shall additionally comply with the standards as specified above without modification, except that a detached accessory dwelling shall be limited to a maximum building height of twenty-five (25) feet.
3. Where buildings are aligned front to front, rear to rear or obliquely whether or not separated by property lines, the applicant shall propose, for approval by the Board of Supervisors, standards which are consistent with the intended character of the neighborhood and demonstrate adequate provision for maintenance and the health safety and welfare of the Township and occupants of the community.



|                             | <b>Single Family-Detached Dwellings</b> | <b>Single Family Semi-Detached Dwellings</b> | <b>Duplex Dwellings</b>                | <b>Townhouse Dwellings</b>             | <b>Apartment Dwellings</b>             | <b>Commercial Uses And Mixed-Use Buildings</b> |
|-----------------------------|---|--|--|--|--|--|
| <b>Min Lot Area</b>         | 4,000 sq. ft. per unit                  | 1,800 sq. ft. per unit                       | 1,800 sq. ft. per unit                 | 1,800 sq. ft. per unit                 | None required                          | None required                                  |
| <b>Min Lot Width</b>        | 40 ft.                                  | 18 ft.                                       | 18 ft.                                 | 18 ft.                                 | None required                          | None required                                  |
| <b>Min Lot Depth</b>        | 100 ft.                                 | 100 ft.                                      | 100 ft.                                | 100 ft.                                | None required                          | None required                                  |
| <b>Min Ft. Yd.</b>          | See sub-section 441.15.3.               | See sub-section 441.15.3                     | See sub-section 441.15.3               | See sub-section 441.15.3               | See sub-section 441.15.3               | See sub-section 441.15.3                       |
| <b>Max. Building Height</b> | 35 ft.                                  | 35 ft.                                       | 35 ft.                                 | 35 ft.                                 | 65 ft.                                 | 65 ft.   |
| <b>Accessory Dwellings</b>  | See sub-section 441.15.1. or 441.15.2.  | See sub-section 441.15.1. or 441.15.2.       | See sub-section 441.15.1. or 441.15.2. | See sub-section 441.15.1. or 441.15.2. | See sub-section 441.15.1. or 441.15.2. | See sub-section 441.15.1. or 441.15.2.         |
| <b>Building separation</b>  | See sub-section 441.15.3.               | See sub-section 441.15.3                     | See sub-section 441.15.3               | See sub-section 441.15.3               | See sub-section 441.15.3               | See sub-section 441.15.3                       |

**441.16 Required Loading and Service Areas**

1. When required, loading docks, solid waste facilities, recycling facilities and other service areas shall be adequately separated and/or screened from the public right-of-way and adjacent properties.
2. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spillover glare, noise or. Screening and buffering shall be achieved through walls, fences and landscaping and shall be visually impervious. Recesses in the building, architectural design or depressed access ramps may also be used.

**441.17 Flood Plain Control**

All flood plain areas shall comply with "The requirements of the (FP) Floodplain Zone Section 211 of this Ordinance." Floodplain areas may be utilized in meeting open space requirements and for the computation of maximum allowed density based on gross acreage.

**441.18 Signs**

All signs located within a PRD shall comply with the Sign Regulations as delineated by Section 315 of this Ordinance or as approved as part of the Tentative Plan approval process.

**441.19      Landscaping**

1. Landscaping shall be required in accordance with a Master landscape plan. All areas of a site not occupied by buildings, parking lots, other improvements or textured paving shall be planted with trees, shrubs, hedges, ground covers and/or grasses, unless such area consists of existing vegetation to be retained.
2. Landscaping plans shall be prepared by a Registered Landscape Architect.

**441.20      Shade Trees**

1. Shade trees shall be provided along streets, public or private, in accordance with the overall Landscape plan.

**441.21      Lighting**

1. Streets and sites shall provide adequate lighting, while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and the public right-of-way.

**441.22      Street Furniture**

1. Elements of street furniture, such as benches, waste containers, planters, phone booths, bus shelters, bicycle racks and bollards should be carefully selected to ensure compatibility with the architecture of surrounding buildings, the character of the area and with other elements of street furniture. Selection and location of the various elements of street furniture shall be indicated on the Master landscape plan.

**441.23      Architectural Design Standards and Guidelines**

1. Buildings shall generally relate in scale and design features to indigenous regional architecture. An applicant for tentative approval shall prepare an architectural design guide that will describe the key elements of style and design that will be employed as parameters for subsequent design of structures and architectural features throughout the life of the project.

**Section 442      Medical Residential Campuses**

- 442.1. Within the (RH) High Density Residential and (RH1) High Density Residential Flex Zones, medical residential campuses are permitted by special exception, and within the (I) Industrial Zone, are permitted uses, subject to the following criteria:
- 442.2. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus.
- 442.3. The campus shall achieve a balanced residential/medical environment that cannot be achieved through the use of conventional zoning techniques.
- 442.4. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers.
- 442.5. Commercial, medical and recreational uses shall be grouped together and located near the populations being served.

- 442.6. The minimum land area devoted to the campus shall be ten (10) contiguous acres.
- 442.7. The site shall front on and have access to a collector or arterial road as identified on the Official Zoning Map.
- 442.8. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned land, and fifty (50) feet from all lot lines of the campus property.
- 442.9. The maximum permitted overall density is ten (10) dwelling units per acre.
- 442.10. All buildings or structures used solely for residential purposes shall be set back at least fifty (50) feet from all lot lines of the campus property.
- 442.11. The maximum permitted height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for that portion of building height exceeding thirty-five (35) feet. Furthermore, any building exceeding thirty-five (35) feet in height shall be sprinkled and shall require verification from the local fire chief that adequate fire-fighting protection is available.
- 442.12. No more than seventy (70) percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces.
- 442.13. Each off-street parking lot shall provide at least five (5) percent of the total parking spaces as those designed for the physically handicapped (See Section 312.8. of this Ordinance for design regulations). Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required.
- 442.14. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:
1. Dwellings, nursing homes, and congregate living facilities for the elderly or physically handicapped.
  2. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities.
  3. Commercial uses that are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area.
  4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or visitors.

## **Section 443 Mini-Warehouses**

- 443.1. Within the (GC) General Commercial and (LTD) Limited Commercial Zones, mini-warehouses are permitted by special exception, subject to the following criteria:
- 443.2. Off-street parking spaces shall be provided for “mini-warehouses” according to the schedule

listed in Section 312.19. of this Ordinance.

- 443.3. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one (1) side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- 443.4. 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/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- 443.5. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- 443.6. A resident manager shall be required to live on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. The actual dwelling of the resident manager shall comply with all of those requirements listed within the (RM) Medium Density Residential and (RM1) Medium Density Residential Flex Zones, and shall be entitled to all residential accessory uses provided in this Ordinance.
- 443.7. 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.
- 443.8. No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned property.
- 443.9. 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 and/or use contracts shall specifically prohibit these uses.

## **Section 444 Mobile Home Parks**

- 444.1. Within the (RH) High Density Residential Zone, mobile home parks are permitted by conditional use, subject to the following criteria:

- 444.2. The minimum parcel size for any mobile home park development shall be ten (10) acres.
- 444.3. The maximum number of mobile home units shall be limited to seven (7) per gross acre.
- 444.4. No single mobile home lot shall contain less than four thousand, two hundred (4,200) square feet.
- 444.5. No mobile home lot shall be within fifty (50) feet of a park boundary or within fifty (50) feet of an outside street right-of-way. This area shall constitute the mobile home park boundary area.
- 444.6. No mobile home, office or service building shall be located within fifty (50) feet of a park boundary; nor within seventy-five (75) feet of an outside street right-of-way; nor within ten (10) feet of the right-of-way of an interior park street, or the paved edge of a common parking area or common walkway; nor within twenty (20) feet of an adjacent structure or mobile home.
- 444.7. Each mobile home shall have a minimum front yard of thirty (30) feet, rear yard of twenty-five (25) feet, and two (2) sides of ten (10) feet each. In no case shall the distance between any two (2) mobile homes be less than twenty (20) feet.
- 444.8. A paved on-site walkway of a minimum width of three (3) feet shall be provided to each mobile home unit from an adjacent street.
- 444.9. There shall be a common walk system four (4) feet wide throughout the development.
- 444.10. All roads in the park shall be private access drives shall be lighted and shall be paved with a bituminous or concrete surface at least twenty-four (24) feet wide.
- 444.11. Each mobile home lot shall abut on a park access drive with access to such access drive. Access to all mobile home lots shall not be from public streets or highways.
- 444.12. Each mobile home space shall contain no more than one (1) mobile home or more than one (1) family.
- 444.13. No less than ten (10) percent of the total mobile home park area shall be set aside for recreation and open space purposes. Such area may not include any of the required mobile home park boundary area. No service buildings or offices may be constructed within the required recreation and open space area.
- 444.14. Each mobile home stand shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to an approved method of sewage disposal, and water and electrical supply.
- 444.15. Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
- 444.16. No travel or vacation trailer or other form of temporary living unit shall be placed upon any mobile home stand or used as a dwelling within the mobile home park.
- 444.17. Individual mobile home owners may install accessory or storage sheds, extensions and additions to mobile homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard and in every case, shall

substantially conform in style, quality and color to the existing mobile homes.

- 444.18. Each mobile home shall be provided with a minimum of two (2) paved parking spaces that shall be located on the mobile home space. If on-street parking is not provided, one (1) additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to those units served.
- 444.19. Each mobile home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the mobile home it is to support.
- 444.20. All mobile home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the conditional use application.
- 444.21. All mobile home parks shall access only onto collector or arterial streets.

## **Section 445 Nightclubs**

- 445.1. Within the (GC) General Commercial Zone nightclubs are permitted by special exception, subject to the following criteria;
- 445.2. No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land.
- 445.3. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
- 445.4. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- 445.5. A working plan for the clean up of litter shall be furnished and implemented by the applicant.

## **Section 446 No-Impact Home-Based Business**

- 446.1. Within the (A) Agricultural; (R) Rural; (RL) Low Density Residential; (RM) Medium Density Residential; (RH) High Density Residential; (CO) Commercial Office; (MRC) Mixed Residential/Commercial; (V) Village; (RL1) Low Density Residential Flex; (RM1) Medium Density Residential Flex; and (RH1) High Density Residential Flex Zones, no-impact home-based businesses are permitted subject to the following criteria:
- 446.2. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 446.3. The business shall employ no employees other than family members residing in the dwelling.
- 446.4. There shall be no display or sale of retail goods and no stockpiling or inventory of substantial nature.
- 446.5. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.

- 446.6 The business may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 446.7 The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.
- 446.8 The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area or five hundred (500) square feet of gross floor area, whichever is less.
- 446.9 The business may not involve any illegal activities.

## **Section 447 Nonresidential Buildings Existing on Separate Lots**

- 447.1. Within the (V) Village Zone, nonresidential buildings existing on separate lots on December 7, 1996 may be used for the uses specified in Section 216.3.9. of this Ordinance subject to the following criteria:
- 447.2. No outside storage is permitted.
- 447.3. One (1) sign is permitted which may not exceed two (2) square feet on one (1) side and which may not be illuminated.
- 447.4. The nonresidential building may not be expanded to exceed the square footage that existed on December 7, 1996.
- 447.5. Off-street parking shall be provided in accordance with Section 312 of this Ordinance.

## **Section 448 Nursing, Rest or Retirement Homes**

- 448.1. Within the (R) Rural; (RH) High Density Residential; and (RH1) High Density Residential Flex Zones, nursing, rest or retirement homes are permitted by special exception, and within the (I) Industrial Zone are permitted uses, subject to the following criteria:
- 448.2. The minimum lot area shall be one (1) acre and further provided that no more than thirty-two (32) resident patients or resident guests shall be permitted per acre of lot area.
- 448.3. The applicant shall furnish evidence that an approved means of water supply and connection to a public sewage treatment and disposal system shall be utilized.
- 448.4. Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned lands.
- 448.5. At least five (5) percent of required parking spaces shall be designed for handicapped persons as prescribed in Section 312.8 of this Ordinance.
- 448.6. When a subject property adjoins and has access to a Collector or Arterial road as identified on the Official Zoning Map, and is served by public water and public sewer, and contains a minimum of sixty (60) contiguous acres, the following standards shall apply in lieu of all other standards:
1. The maximum overall density allowed is six and one half (6 ½) independent living units per acre, exclusive of nursing care facilities. All levels of care provided shall be licensed by the Commonwealth of Pennsylvania.

2. No more than fifty (50) percent of the subject property may be covered with building, paving and loading areas and/or other impervious materials.
3. Maximum Permitted Height:
  - A. Principal structures – Seventy (70) feet.
  - B. Accessory structures – Thirty (30) feet.

## Section 449 Public Uses

- 449.1. Within the (A) Agricultural Zone public uses (as defined herein) are permitted by special exception upon demonstration that the proposed use at its proposed location within the (A) Agricultural Zone is necessary for the public health, safety, welfare, or convenience. Furthermore, the applicant shall show that the proposed use either (1) is not located on prime agricultural soils, or (2) cannot be located elsewhere on nonprime soils, without jeopardizing the use's utility and/or effectiveness.

## Section 450 Quarries and Other Extractive-Related Uses

- 450.1. Within the (E) Excavation Zone, quarries and other extractive-related uses are permitted by special exception, subject to the following criteria.
- 450.2. General - Quarry operations:
1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
  2. May not adversely affect any public or private water supply source.
  3. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township.
  4. May not create any significant damage to the health, safety, welfare of the Township and its residents and property owners.
  5. May not result in the land area subject to quarrying being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation.
  6. Must demonstrate compliance with all applicable State regulations at all times.
- 450.3. 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 tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:
1. The boundaries of the proposed land affected, together with the drainage area above and below the area.
  2. The location and names of all streams, roads, railroads and utility lines on or immediately adjacent to the area.
  3. The location of all buildings within one thousand (1,000) feet of the outer perimeter of the area affected and the names and addresses of the owners and present occupants.



4. The purpose for which each building is used.
5. The name of the owner of the affected area and the names of adjacent landowners, the municipality and the county.

450.4. **Minimum Lot Area** - Fifty (50) acres.

450.5. **Fencing** - A fence measuring at least eight (8) feet in height must enclose the area of actual quarrying. 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 quarry.

450.6. **Setbacks** – See the following table which identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:

| Quarry-Related Feature   | Existing Residence | Existing Nonresidential Building | Residential Zone | Adjoining Road | Public/ Nonprofit Park | Cemetery or Streambank | Adjoining Property |
|--|--------------------|----------------------------------|------------------|----------------|------------------------|------------------------|--------------------|
| Stockpiles or Spoilpiles   | 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.            |
| Quarry Pit   | 300 ft.            | 300 ft.                          | 1,000 ft.        | 100 ft.        | 300 ft.                | 100 ft.                | 100 ft.            |
| On-Site Access Roads and Off-Street Parking, Loading and Vehicle Storage and Weighing Facilities | 300 ft.            | 300 ft.                          | 500 ft.          | 100 ft.        | 300 ft.                | 100 ft.                | 100 ft.            |
| Other Operational Equipment, Structures and/or Improvements                                      | 300 ft.            | 300 ft.                          | 500 ft.          | 100 ft.        | 300 ft.                | 100 ft.                | 100 ft.            |

450.7. **Access** - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads, as identified on the Official Zoning Map.

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. See the following table:

| Speed Limitation on Public Street | Required Sight Distance |
|-----------------------------------|-------------------------|
| 25 mph                            | 240 ft.                 |
| 30 mph                            | 275 ft.                 |
| 35 mph                            | 315 ft.                 |
| 40 mph                            | 350 ft.                 |
| 45 mph                            | 425 ft.                 |
| 50 mph                            | 475 ft.                 |
| 55 mph                            | 550 ft.                 |

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 (90) degrees as site conditions permit, however in no case shall access drives intersect public streets at less than seventy (70) degrees. Said angle shall be measured from the centerline of the street to the centerline of the access drive.
- 450.8. The applicant shall submit a Traffic Evaluation Study in accordance with the Manor Township Subdivision and Land Development Ordinance.
- 450.9. Reclamation - The applicant shall demonstrate compliance with Section 7. (c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. 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 PADEP.
- 450.10. Screening - Where the proposed use adjoins any of the Residential Zones, an existing residence and/or a public road, 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 quarry site and placed so as to maximize the berm's ability to absorb and/or block views of and/or noise, dust, smoke, etc., generated by the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. In addition, a landscape screen shall also be provided atop the above-described berm. The 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.
- 450.11. Operations Progress Report - Within ninety (90) days after commencement of surface mining operations and each year thereafter, the operator shall fill an operations and progress report with the Zoning Officer setting forth all of the following:
1. The name or number of the operation.
  2. The location of the operation with reference to the nearest public road.
  3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.
  4. The name and address of the landowner or his duly authorized representative.
  5. An annual report of the type and quantity of mineral produced.
  6. The current status of the reclamation work performed in pursuance of the approved reclamation plan.

7. A maintenance report for the site that verifies that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance has been performed.
8. Verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PADEP.

## **Section 451 Recycling Stations for Paper, Glass and Metal Products**

- 451.1. Within the (I) Industrial Zone, recycling of paper, glass and metal products is permitted by special exception, subject to the following criteria:
- 451.2. All operations, including collection shall be conducted within a wholly enclosed building.
- 451.3. There shall be no outdoor storage of materials used, or generated, by the operation.
- 451.4. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust and litter.
- 451.5. The applicant will demonstrate a working plan for the regular maintenance of the site to assure the immediate collection of stray debris.

## **Section 452 Restaurants and Taverns**

- 452.1. Within the (V) Village Zone, restaurants and taverns are permitted by special exception, subject to the following:
- 452.2. Such uses can only occur within buildings that comply with Section 216.6. of this Ordinance
- 452.3. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- 452.4. All off-street parking and/or loading areas shall be screened from adjoining residences and roads.
- 452.5. One (1) sign shall be permitted which is no larger than nine (9) square feet and is located at least ten (10) feet from all lot lines.
- 452.6. The proposed use shall not involve drive-thru, or fast-food restaurant operations, or nightclubs, as defined herein.
- 452.7. All restaurant seating shall be provided within the completely-enclosed building, except that limited exterior seating may be provided if:
  1. Such seating is situated and designed so as not to adversely impact nearby residences.
  2. Such seating is accessory to the principal interior seating accommodations.
  3. During use, such seating is continuously supervised by an employee or owner of the restaurant.
  4. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties.
  5. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.

## **Section 453      Retail and Wholesale Sales of Nursery and Garden Stock**

- 453.1.      Within the (R) Rural Zone, retail and wholesale sales of nursery and garden materials are permitted by special exception, subject to the following criteria:
- 453.2.      All greenhouses and nurseries shall have vehicular access to an arterial or collector road, as identified on the Official Zoning Map.
- 453.3.      The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five (25) of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
- 453.4.      All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line. All structures, parking lots, off-street loading and outdoor sales areas shall be set back at least one hundred (100) feet from any side or rear lot lines.
- 453.5.      All improvements (including parking and loading facilities) shall be screened from adjoining residentially-zoned properties.
- 453.6.      Sign(s) shall be permitted in accordance with Section 315 of this Ordinance.

## **Section 454      Riding Stables**

- 454.1.      Within the (A) Agricultural; (R) Rural; and (C) Conservation Zones, riding stables are permitted by special exception, subject to the following criteria:
- 454.2.      Minimum Lot Area - At least one (1) acre per two (2) animals of area dedicated solely to the stabling/grazing/pasturing of such animal(s) and no other use; a minimum of ten (10) acres when a riding stable is proposed to be the site of riding shows or events open for attendance or participation by the general public.
- 454.3.      Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line.
- 454.4.      All stables shall be maintained so to minimize odors perceptible at the property line.
- 454.5.      All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot high fence; the fence for such areas adjacent to any zones other than (A) Agricultural; (R) Rural; or (C) Conservation Zones shall be located at least ten (10) feet from the property line(s).
- 454.6.      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 occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.
- 454.7.      All manure storage facilities shall be subject to the requirements for such facilities described in the (A) Agricultural Zone.
- 454.8.      For those riding stables proposed to include shows or events open to attendance or participation by the general public, the applicant must submit credible evidence that demonstrates that the proposed show or event can be effectively accommodated without

adverse impact to adjoining uses due to traffic, number of participants or spectators, hours of operation, parking, noise, light, litter, dust, and pollution.

## **Section 455 Schools**

- 455.1. Within the (A) Agricultural; (R) Rural; (RH) High Density Residential; (LC) Local Commercial; (V) Village; and (RH1) High Density Residential Flex Zones, schools are permitted by special exception, subject to criteria of the applicable school governing body so long as those criteria meet or exceed the following criteria:
- 455.2. Except within the (V) Village Zone, all buildings shall be set back at least one hundred (100) feet from any adjoining land within any of the Residential Zones. Within the (V) Village Zone, schools shall only be permitted within buildings that existed on December 7, 1996.
- 455.3. Within the (A) Agricultural and (R) Rural Zones, schools shall not be located on prime agricultural soils.
- 455.4. No part of a school property shall be located within one thousand (1,000) feet of a property containing an adult-related facility (as defined herein), nor three hundred (300) feet of a property containing an automobile filling station.
- 455.5. If education is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6)foot-high fence, and screened from adjoining residentially-zoned properties or properties within the (V) Village Zone. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
- 455.6. Enrollment shall be defined as the largest number of students on the site at any one (1) time during a seven (7) day period.
- 455.7. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- 455.8. For schools within the (A) Agricultural Zone, the minimum lot area shall be twenty thousand (20,000) square feet. In other zones, the underlying lot area requirement applies.

## **Section 456 Shopping Centers**

- 456.1. Within the (GC) General Commercial Zone, shopping centers may be permitted by special exception, subject to the following criteria:
- 456.2. The subject property shall front on an arterial or collector road, as identified in Section 316 of this Ordinance.
- 456.3. Only one (1) access drive intersection with a road is permitted per road frontage of the entire shopping center site, regardless of the number of lots within the shopping center site. Access drive intersections with a road shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines along the same side of the street and at least one hundred (100) feet from any side and/or rear property line. Access drives shall be setback at least fifteen (15) feet from any side and/or rear property lines; however, this setback is waived along any side and/or rear property line when a joint parking lot is shared by adjoining uses.

456.4. Both public sewer and public water shall be utilized.

456.5. See the following table for the required off-street parking and loading, and interior landscaping standards for shopping centers:

| Use  | Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Leasable Floor Area | Minimum Required Interior Landscaping As Described in Section 312.15.2.A. of this Ordinance | Minimum Required Off-Street Loading Spaces  |
|--|---|---|---|
| Shopping center, as defined herein, with up to 75,000 sq. ft. of gross floor area.   | 5.0*  | 5% of any off-street parking lot that is constructed at grade and is open to the sky above. | 1 per 25,000 sq. ft., or fraction thereof, of gross leasable floor area                             |
| Shopping center, as defined herein, with between 75,000 & 150,000 sq. ft. of gross floor area.                               | 5.0*  | 5% of any off-street parking lot that is constructed at grade and is open to the sky above. | 1 per 20,000 sq. ft., or fraction thereof, of gross leasable floor area                             |
| Shopping center, as defined herein, with over 150,000 sq. ft. of gross floor area.   | 5.0*  | 5% of any off-street parking lot that is constructed at grade and is open to the sky above. | 8 plus 1 per 50,000 sq. ft., or fraction thereof, of gross leasable floor area over 150,000 sq. ft. |
| * At least two (2) percent of the required off-street parking spaces shall be designed and designated for park-and-ride use. |   |   |   |

456.6 In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages to any nearby residentially-zoned neighborhoods, and industrially-zoned areas, even if these are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas.

456.7. Any shopping center must provide an improved bus stop that would be conveniently accessible for patrons and employees who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one (1) shade tree.

456.8. The proposed shopping center shall comply with the applicable regulations contained within the following table. See the following table:

| <b>SHOPPING CENTER DESIGN REQUIREMENTS</b>  |                           |                                      |  |  |  |   |   |   |                                   |
|---|---------------------------|--------------------------------------|--|--|--|---|---|---|-----------------------------------|
| Use   | Minimum Required Lot Area | Minimum Required Lot Width           | Required Minimum Yard Setbacks   |  |  |   | Minimum Required Setback from Residential District  | Maximum Permitted Impervious Lot Coverage | Maximum Permitted Building Height |
|   |                           |                                      | Front, as Measured from Street R.O.W.  | One (1) Side   | Both Sides   | Rear  |   |   |                                   |
| Shopping center, as defined herein, with up to 75,000 sq. ft. of gross floor area.  | 2 acres                   | 250 ft. at the building setback line | 35 ft. for buildings & structures (except permitted signs) 20 feet for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard. | 25 ft. for buildings & structures (except permitted signs); 15 ft. for off-street parking & loading spaces & dumpsters | 50 ft. for buildings & structures (except permitted signs); 30 ft. for off-street parking & loading spaces & dumpsters | 25 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters                       | 50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters.                            | 75%                                       | 70 ft.                            |
| Shopping center, as defined herein, with between 75,000 & 150,000 sq. ft. of gross floor area. See Note A below.  | 5 acres                   | 400 ft. at the building setback line | 50 ft. for buildings, off-street parking & structures (except permitted signs); no off-street loading, nor dumpsters are permitted within the front yard.            | 35 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters            | 70 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters            | 50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 75 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters.  | 70%                                       | 70 ft.                            |
| Shopping center, as defined herein, with over 150,000 sq. ft. of gross floor area; See note B below.  | 7 acres                   | 500 ft. at the building setback line | 100 ft. for buildings, off-street parking & structures (except permitted signs); no off-street loading, nor dumpsters are permitted within the front yard.           | 50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters            | 100 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters           | 50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters | 100 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters. | 65%                                       | 70 ft.                            |
| <p><b>Note A</b> - Shopping centers with more than seventy-five thousand (75,000) square feet, but less than one hundred fifty thousand (150,000) square feet, of gross floor area shall locate no less than forty (40) percent of the total area comprised of the gross floor area of the principal building plus the required off-street parking either above, below or both the ground level floor (i.e. two [2] stories minimum).</p> <p><b>Note B</b> - Shopping centers with one hundred fifty thousand (150,000) square feet or more, of gross floor area shall locate no less than sixty (60) percent of the total area comprised of the gross floor area of the principal building plus the required off-street parking either above, below or both, the ground level floor (i.e. three [3] stories required). No single story shall contain less than thirty (30) percent of the total area comprised of the gross floor area of the principal building plus the required off-street parking and no single story shall contain more than forty (40) percent of the total area comprised of the gross floor area of the principal building plus the required off-street parking.</p> |                           |                                      |  |  |  |   |   |   |                                   |

- 456.9. The applicant shall furnish a Traffic Evaluation Study in accordance with the Manor Township Subdivision and Land Development Ordinance.
- 456.10. The shopping center shall be screened from any of the adjoining Residential Zones or existing residential uses by a landscape screen with a planting strip. The planting strip shall have a width of at least twenty-five (25) feet measured from the property line or right-of-way line; shall be planted in grass, shrubbery, trees, or other plant material; shall be broken only by approved entrances or exits; and shall not have any other paved or impervious surfaces. The landscape screen shall be composed of a combination of trees and shrubs; at the time of planting the shrubs shall have a height of at least four (4) feet from ground level, and the trees shall have a height of at least ten (10) feet from ground level and a trunk caliper of at least one and one-half (1 ½) inches measured six (6) inches above ground level. The plants selected for the landscape screen shall be suited for such plantings and shall be arranged in such a manner as to provide an effective visual barrier within two (2) years of planting. In order to determine compliance with the requirements of this paragraph, a plan shall be submitted showing the proposed design of the planting strip and landscape screen; said plan shall include a plant schedule and sufficient information as required for the installation of the planting strip and screen; the plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.
- 456.11. In addition to the requirements of Sections 312.13 and 313.9 of this Ordinance, light emanating from any source on the property shall not be greater than 0.1 horizontal foot-candles measured at the property line. At designated vehicular entrances/exits, a maximum illumination level of one half (0.5) horizontal foot-candles shall be allowed; provided said area of illumination is limited to the said property and the adjoining pavement and right-of-way(s) of public streets. The area of illumination shall not extend beyond fifty (50) feet from the centerline of the designated entrance/exit in any direction along the property line(s) of the said property.
- 456.12. The applicant shall identify any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances and commonly accepted standards.

## **Section 457**

### **Single-Family Detached Dwellings and/or Seasonal Residences in the (C) Conservation Zone**

- 457.1. Within the (C) Conservation Zone, single-family detached dwellings and/or seasonal residences are permitted by special exception, subject to the following criteria:
- 457.2. Each dwelling shall be located on a five (5) acre minimum lot which is at least two hundred (200) feet wide. All structures shall be set back at least fifty (50) feet from each property line.
- 457.3. The applicant shall demonstrate that measures are being used to:
1. Avoid the clearing of vegetation in areas that have a high potential for soil erosion.
  2. Prevent the construction of structures and other site improvements on areas with slopes exceeding fifteen (15) percent.
  3. Minimize grading throughout the site.



4. Protect and preserve any natural wildlife and/or plant habitats that coincide with the steep-slopes, woodlands, wetlands, floodplains or other environmentally-sensitive areas both during, and after construction.
  5. Protect any sensitive environmental conditions adjacent to the site.
  6. Prevent a “strip” development pattern along the Township's existing roads.
- 457.4. In those instances where buildings and/or other structures are being placed on slopes exceeding eight (8) percent, a description of the methods used to overcome foundation problems, shall be provided.
- 457.5. Woodland Preservation Requirements - In existing wooded areas (as of September 19, 1990) at least eighty (80) percent of the number of trees of a minimum trunk caliber of five (5) inches, measured six (6) inches above the ground, shall be maintained or replaced immediately following construction, and prior to use or occupancy. Replacement trees shall be a minimum of two (2) inches in diameter measured at a height of six (6) inches above finished grade.
- Only those areas necessary for the construction of buildings or structures, for which a zoning permit has been issued, shall be cleared of existing woodland.

## **Section 458      Solid Waste Disposal and Processing Facilities**

- 458.1. Within the (E) Excavation Zone, solid waste disposal and processing facilities are permitted by special exception, subject to the following criteria:
- 458.2. Any processing or solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.
- 458.3. No refuse shall be deposited or stored, and no building or structure shall be located within two hundred (200) feet of any property line, and one thousand (1,000) feet of any land within any of the Residential Zones.
- 458.4. Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- 458.5. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 458.6. The use shall be screened from all roads and adjoining properties.
- 458.7. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
- 458.8. All driveways onto the site shall be paved for a distance of 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.
- 458.9. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site

shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

- 458.10. Hazardous waste as described by PADEP shall not be disposed of within the proposed area.
- 458.11. 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.
- 458.12. The unloading, processing, transfer and deposition of solid waste shall be continuously supervised by a qualified facility operator.
- 458.13. Any waste that cannot be used in any disposal process/or material 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.
- 458.14. All storage of solid waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property that is needed to keep the facility in constant operation; but in no event for more than seventy-two (72) hours.
- 458.15. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
- 458.16. Leachate from the solid 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, 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 PADEP's regulations.
- 458.17. All structures shall be set back at least a distance equal to their height.
- 458.18. 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, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

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 municipality.

A water feasibility study shall include the following information:

- calculations of the projected water needs.
- a geologic map of the area with a radius of at least one (1) mile from the site.
- the location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
- the location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
- the location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.

- based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
- a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
- a statement of the qualifications and the signature(s) of the person(s) preparing the study.

458.19. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.

458.20. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

## **Section 459 Temporary Farm Employee Housing**

459.1. Within the (A) Agricultural and (R) Rural Zones temporary farm employee housing shall be permitted by special exception, subject to the following criteria:

459.2. For each farm, one (1) mobile home is permitted for the use of farm workers (and their families), who are employed by the owner of the farm, for such time as the employee works the land of the owner.

459.3. All such units shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings.

459.4. 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 that shall be at least equal to the dimensions of the mobile home. Each mobile home pad shall include properly-designed utility connections.

459.5. The mobile home shall be occupied at least thirty (30) 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.

## **Section 460 Truck or Motor Freight Terminals**

460.1. Within the (I) Industrial Zone, truck or motor freight terminals are permitted by special exception, subject to the following criteria:

460.2. Access shall be via an arterial road, as identified on the Official Zoning Map.

460.3. The applicant shall provide a Traffic Evaluation Study in accordance with the Manor Township Subdivision and Land Development Ordinance.

## **Section 461 Warehousing and Wholesale Trade Establishments**

461.1. Within the (I) Industrial Zone, warehousing and wholesale trade establishments having a gross floor area in excess of one hundred thousand (100,000) square feet are permitted by special exception, subject to the following criteria:

- 461.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials and the methods for disposal of any surplus or damaged materials. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  2. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.
  3. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances and commonly accepted standards.
  4. The applicant shall provide a Traffic Evaluation Study in accordance with the Manor Township Subdivision and Land Development Ordinance.

## **Section 462 Wholesale Sales and Storage of Contracting Supplies (Excluding Heavy Construction), and Plumbing, Heating, Air Conditioning, Electrical and Structural Components of Buildings**

- 462.1. Within the (LTD) Limited Commercial Zone, the wholesale sales and storage of contracting supplies (excluding heavy construction), and plumbing, heating, air conditioning, electrical and structural components of buildings is permitted by special exception, subject to the following criteria:
- 462.2. No site shall contain more than sixty thousand (60,000) square feet of lot area.
- 462.3. No retail sales, machinery repair, nor junking of any materials or machinery shall be permitted.
- 462.4. Outdoor storage shall be limited to the side and rear yards and shall be set back no less than twenty (20) feet from adjoining properties.
- 462.5. All outdoor storage areas shall be covered with a dust-free surface and screened from adjoining roads and properties.

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# Article 5

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## Nonconformities

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### Section 501 Continuation

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

### Section 502 Abandonment

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of two (2) years or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

### Section 503 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 existed on September 19, 1990, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on September 19, 1990, or any amendment thereto creating the nonconformity.

### Section 504 Expansion or Alteration

504.1. Nonconforming Uses - Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 605.3 of this Ordinance:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on September 19, 1990, or any amendment thereto creating the nonconformity.
2. The total of all such expansions or alterations of use shall not exceed an additional fifty (50) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent to the nonconformity when it was created.

3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
7. The expansion of the nonconforming use 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 September 19, 1990 shall be permitted in the (FP) Floodplain Zone.
9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use located in the (FP) 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.

504.2. Nonconforming Structures - Any nonconforming structure may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 605.3 of this Ordinance:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on September 19, 1990, or any amendment thereto creating the nonconformity.
2. The expansion of the buildings or structures shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
3. The total of all such expansions or alterations of use shall not exceed an additional fifty (50) percent of the area of those buildings or structures 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 to the nonconformity when it was created.
4. No expansion of a nonconforming structure existing on September 19, 1990 shall be permitted in the (FP) Floodplain Zone.
5. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming structure located in the (FP) 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.

## **Section 505      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, than the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

## **Section 506      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:

- 506.1.            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:
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.
  2.            Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.
  3.            Any lawful nonconforming accessory building may be reconstructed in the same location, provided that:
    - A.            The reconstructed accessory building shall not exceed the height, area or volume of the prior lawful nonconforming accessory building and such reconstructed accessory building shall not increase any dimensional nonconformities.
    - B.            The accessory building must be reconstructed within sixty (60) days from the date the prior accessory building is removed.
- 506.2.            Any lawful nonconforming building or other structure which has become deteriorated or dilapidated may be restored provided that the restored building or structure shall not exceed the height, area, or volume of the original building or structure and such restored building or structure shall not increase any dimensional nonconformities.

## **Section 507      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 508          Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any lot of record in existence on September 19, 1990, provided that all setback, height and lot coverage requirements of the zone in which the nonconforming lot is located are met.

## **Section 509          Expansion of Nonconforming Single-Family Detached Dwellings**

Any single-family detached dwelling that was legally in existence as of September 19, 1990, may be expanded without obtaining a special exception or variance, provided that such expansion does not result in a further encroachment into the yard setback requirement or exceed the lot coverage requirement within the zone.



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# Article 6

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## Zoning Hearing Board

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### Section 601 Establishment and Membership

When used hereafter in this Article, the word “Board” shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board that shall consist of three (3) members who shall be appointed by resolution by the Board of Supervisors. However, the Board of Supervisors may, by resolution, increase the size of the Board to five (5) members. All Board members must be Township residents. Terms of the office shall be three (3) years for three (3) member Boards and five (5) years for five (5) member Boards. If a three (3) member Board is changed to a five (5) member Board, the members of the existing three (3) member Board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this Section. The Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the 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 municipality to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 602 of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 603 of this Ordinance, unless designated as a voting alternate member pursuant to Section 602 of this Ordinance.

### Section 602 Organization of Board

The 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 Board, but the 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 Board as provided in Section 604 of this Ordinance. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the 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 Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The 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 603            Expenditures for Services**

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the 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 602 of this Ordinance, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

## **Section 604            Hearings**

- 604.1.            The Board shall conduct hearings and make decisions in accordance with the following requirements:
1.            Public notice shall be given to the applicant, the zoning officer, such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board. 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.
- 604.2.            The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- 604.3.            The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- 604.4.            The chairman or acting chairman of the 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.

- 604.5. 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.
- 604.6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 604.7. The 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 Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the 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.
- 604.8. The 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.
- 604.9. The 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 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 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 Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the 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 Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 604.1 of this Ordinance. If the 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.
- 604.10. 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. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- 604.11. Effect of Board's Decision - Once the Zoning Hearing Board finally approves a variance or special exception, or authorizes the issuance of a permit, the applicant must secure a permit and begin work towards completion within six (6) months of Final Land Development

Plan/Final Subdivision Plan recordation. All permitted work must be completed within twelve (12) months, unless the applicant applies in writing, and is granted an extension. Such extension shall be limited to no more than one (1) additional twelve (12) month period.

Should the applicant fail to obtain a permit or begin work towards completion within the first six (6) months, it shall be presumed that the applicant has abandoned his/her application or appeal, and any approvals or authorizations by the Zoning Hearing Board shall be automatically rescinded.

Should the applicant fail to complete permitted work within twelve (12) months, or any specified time extension, the Zoning Hearing Board may, after ten (10) days written notice to the applicant, revoke any approvals or authorizations.

## **Section 605      Functions of the Board**

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

605.1.            Substantive Challenges to the Validity of the Zoning Ordinance, except those brought before the Board of Supervisors pursuant to Section 704.5 of this Ordinance.

1.     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:
  - A.    The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
  - B.    If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map.
  - C.    The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features.
  - D.    The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - E.    The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
2.     The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the forty-sixth (46<sup>th</sup>) day after the close of the last hearing.
3.     The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

4. Public notice of the hearing shall be provided as specified in Section 704.2.2. of this Ordinance.
- 605.2. Challenges to the Validity of the Zoning 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.
- 605.3. Application for Special Exceptions pursuant to the expressed following requirements:
1. Filing Requirements: In addition to the required zoning permit information (See Section 702 of this Ordinance) each special exception application shall include the following:
    - A. Ground floor plans and elevations of proposed structures.
    - B. Names and address of adjoining property owners including properties directly across a public right-of-way.
    - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
    - D. 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 Zoning Ordinance.
    - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
    - C. The proposed use will not substantially change the character of the subject property's neighborhood.
    - 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 (FP) Zone, that the application complies with those requirements listed in Section 211.10 of this Ordinance.
    - F. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
    - G. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.
  3. Conditions: The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7 of this Ordinance.
  4. Site Plan Approval: Any site plan presented in support of the special exception

pursuant to Section 605.3.1. of this Ordinance 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 property not reflected on the originally approved site plan, shall require the obtainment of another special exception approval.

605.4. Variations - The Board shall hear requests for variations where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer. The Board may grant a variance, provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located.
2. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.
6. That variations within the (FP) Zone shall require compliance with those regulations contained in Sections 211.7. and 211.10. of this Ordinance.
7. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 7 of this Ordinance.
8. Filing requirements. In addition to the required zoning permit information (see Section 702 of this Ordinance), each variance application shall include the following:
  - (a) Ground floor plans and elevations of existing and/or proposed structures.
  - (b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
  - (c) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.
  - (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.

- 605.5. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- 605.6. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the (FP) Zone.
- 605.7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
- 605.8. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act (MPC).
- 605.9. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a Planned Residential Development as regulated in Articles V and VII of the Act, respectively.

## **Section 606 Parties Appellant Before the Board**

Appeals under Sections 605.5, 605.6, 605.7, 605.8 and 605.9 of this Ordinance and proceedings to challenge this Ordinance under Sections 605.1 and 605.2 of this Ordinance may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 605.4. of this Ordinance and for special exception under Section 605.3. of this Ordinance may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

1. The name and address of the appellant and applicant.
2. The name and address of the landowner of the real estate to be affected.
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.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
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 607 Time Limitations**

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound

by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

## **Section 608      Stay of Proceeding**

Upon filing of any proceeding referred to in Section 606 of this Ordinance and during its pendency before the 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 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 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 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 Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

## **Section 609      Appeal**

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



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# Article 7

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## Administration

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### Section 701 Administration and Enforcement

701.1. 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/she 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 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. 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.

- E. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.
- F. Upon the granting by the Zoning Hearing Board, of a variance pertaining to the Floodplain Zone, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
  - (1) The granting of the variance may result increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property, pursuant to Section 211.7. of this Ordinance.
- 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 render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.

701.2. 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/her for any purpose except in compliance with the literal, provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

701.3. 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 that 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.

701.4. 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 \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) 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.

701.5. 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 governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by 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 municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

## Section 702 Permits

702.1. General Requirements for Zoning Permits:

- 1. A zoning permit shall be required prior to:
  - A. the change in use of land or structure;
  - B. the erection, construction, improvement, or alteration of any structure, or part thereof;
  - C. the alteration or development of any improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation and/or drilling operations, and excluding tilling associated with agricultural or horticultural uses;

- D. the erection or alteration of any signs listed in Section 315 of this Ordinance; and/or,
- E. the construction or installation of manure storage facilities, lakes, ponds, dams, or other water retention basins.

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 the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his 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. No permit shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to the resolution establishing application fees shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other Ordinances or law.
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 therefore 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 one (1) year.
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.

## 702.2.

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.
2. If the proposed development, excavation or construction is located upon a property that contains land within the (FP) 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.

702.3. Application for Zoning Permits for Uses in Any of the Commercial Zones and (I) Industrial Zone:

1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries.
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. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
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 (1) firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

9. An approved land development plan.
10. Approval from the PA Department of Labor and Industry, or a letter therefrom, indicating that no such approval is necessary.

702.4. Certificate of Use and Occupancy:

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein,
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 is 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 roadway 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 any of the Commercial Zones and (I) Industrial Zone 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.

702.5. Zoning Permits and Building Permits – Zoning permits shall hereafter be secured from the Zoning Officer's office prior to the issuance of a building permit for the construction, erection or alteration of a structure or sign or part of a structure or upon a change in use of a

structure or land. The regulations of the Uniform Construction Code shall govern the requirements for and processing of building permits in the Township.

## Section 703 Fees

- 703.1. 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 704 Amendments

- 704.1. 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,

- 704.2. 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 (as defined herein and listed below) has been given,
2. Public Notice: Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
  - A. Notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail.

If the full text is not included:

- A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  - 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 sign(s) shall be posted at least one (1) week prior to 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 municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one (1) newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding 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 at least thirty (30) days prior to public hearing to the Township Planning Commission to review and comment. The Township Planning Commission shall submit a report of its review, together with any recommendations, to the Board of Supervisors within forty-five (45) 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 amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Township. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Township Planning Commission; however, should the Township Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation.
  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 public hearing on such amendments. The Lancaster County Planning Commission may submit recommendations to the Board of Supervisors within forty-five (45) days of such referral. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Lancaster County Planning Commission; however, should the Lancaster County Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation.
  6. Continuance 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.
- 704.3. 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.

- 704.4. 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 704.2. of this Ordinance.
- 704.5. 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 (1) 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. All properties that are subject to petition for rezoning under this Section shall require signature by at least one (1) property owner for each and every parcel to be rezoned. 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.
- 704.6. 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, as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Lancaster County Planning Commissions as provided for in Section 704.2 of this Ordinance and public notice of the hearing shall be provided as defined herein.
1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The 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 roads, sewer facilities, water supplies, schools and other public service facilities.
    - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map.
    - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
    - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
    - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

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 Subsection 704.6.2 of this Ordinance, a denial of the request is deemed to have occurred on the forty-sixth (46<sup>th</sup>) day after the close of the last hearing;
4. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
5. The challenge shall be deemed denied when:
  - A. The 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 municipality.
6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this Section or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 605.1 of this Ordinance, 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 (2) year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner that 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 building permit. Within the one (1) year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner that 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.

704.7. 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:
    - (1) references to specific uses that are either not permitted or not permitted in sufficient quantity;
    - (2) references to a class of use or uses which require revision; or
    - (3) references to the entire Ordinance which requires revisions;
  - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 605.1. of this Ordinance subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

704.8. 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 705            Conditional Uses**

705.1. 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. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

705.2. 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 properties.
3. The proposed use will not effect a change in the character of the subject property's neighborhood.
4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.).
5. For development within the (FP) Zone, that the application complies with those requirements listed in Section 211.10. 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.

705.3. Conditions - The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

705.4. Site Plan Approval - Any site plan presented in support of the conditional use pursuant to Section 705.1 of this Ordinance 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.

705.5. Hearing Procedures:

1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon; pursuant to public notice. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations.
2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
3. The Board of Supervisors may prescribe reasonable fees without respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including, civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.
5. The Chairman or Acting Chairman of the Board of Supervisors 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.
6. 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.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors; or shall be paid by the person appealing the decision of the Board of Supervisors 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.
9. The Board of Supervisors 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.

## **Section 706      Repealer**

Any Resolution, Ordinance or part of any Resolution or Ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed.

**Section 707      Effective Date**

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Manor Township, County of Lancaster, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this \_\_\_\_\_ day of \_\_\_\_\_.

BOARD OF SUPERVISORS OF  
MANOR TOWNSHIP

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)