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# *Zoning Ordinance*

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2005

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**LANCASTER COUNTY, PENNSYLVANIA**

## **ZONING ORDINANCE**

An ordinance establishing zoning regulations for Conestoga Township, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Adopted April 5, 2005.

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## ARTICLE 1 - GENERAL PROVISIONS

### Section 100 - Short Title

This Ordinance shall be known as the "Township Zoning Ordinance of 2005," or "Zoning Ordinance."

### Section 101 - Authority

- A. **General Authority to Adopt and Amend Zoning.** The Township Board of Supervisors, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as it may be further amended, hereby enacts this Ordinance as the Township Zoning Ordinance.
- B. **Penalties for Non-Compliance.** Violations of this Ordinance may be punishable by civil penalties in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

### Section 102 - Applicability

- A. **General Applicability.** All uses of land, including but not limited to a change in lot dimension, a change of use, the erection of a structure, the occupation or use of a structure, are permitted only when such activities are in accordance with this Ordinance. The regulations of this Ordinance shall be the minimum necessary to promote the health, safety and welfare of the residents of the Township, and shall apply uniformly to each land use class or type of structure within particular districts. This Ordinance shall not apply to the normal and customary maintenance or properties.
- B. **Specific Applicability.** No building, structure, part of a structure or building, or land shall be hereafter used, erected, constructed, reconstructed, moved, or structurally altered except in accordance with all of the regulations specified for the zoning district in which it is located and as regulated in Article III of this Ordinance. No building or structure shall hereafter be erected or altered:
  - 1. To exceed the height or bulk standards established by this Ordinance;
  - 2. To accommodate or house a greater number of families as allowed by this Ordinance;
  - 3. To occupy a greater percentage of lot area as allowed by this Ordinance;
  - 4. To have narrower or smaller front, side or rear yards or other open spaces as required by this Ordinance. No part of any minimum yard, minimum open space area, or off-street parking or loading space required in connection with any building or land use shall, for the purpose of complying with this Ordinance, be included as part of any yard, open space, or off-street parking or loading space similarly required for any other building or land use. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet the minimum standards established herein.
- C. **Municipal Uses Shall Comply with this Ordinance.** The provisions of this Ordinance shall apply to all municipal properties and uses of land, and to all bona-fide governmental agencies, authorities, and emergency services, except those of Conestoga Township.
- D. **Zoning Map.** All areas within the Township are subject to the general and specific provisions contained in this Ordinance and as identified in the Zoning Map, as it may be amended.

### Section 103 - How To Use This Ordinance

- A. **Lists of Permitted Uses of Land and Dimensional Requirements.** This Ordinance lists the uses of land that may be allowed in the Township, as well as dimensional requirements, and utilizes a zoning map to show areas within the Township where such land uses are permitted. If a particular use of land is not specifically identified as a permitted or special exception use, it shall be considered to be prohibited, except as provided below.
- B. **How Land Uses are Regulated.** A particular use of land may be allowed or regulated in five ways:
1. As a permitted use. Each zoning district contains a list of land uses that are permitted within the district. In these cases, the land use is generally not subject to any additional regulations except for general regulations contained in Article 11 of this Ordinance.
  2. As a special exception. Each zoning district contains a list of land uses that have the potential to become nuisances if not properly regulated. Therefore, these land uses are permitted by special exception, which shall be granted by the Zoning Hearing Board if it finds that the proposed land use complies with additional regulations listed in Article 12 of this Ordinance. The Zoning Hearing Board will hold a public hearing on the proposed special exception, and may impose reasonable conditions in addition to those that are listed in Article 12.
  3. As a conditional use. The zoning districts also contain lists of land uses that are permitted by conditional use approval, which shall be granted by the Board of Supervisors if it finds that the proposed land use complies with additional regulations listed in Article 13 of this Ordinance. The Board of Supervisors will hold a public hearing on the proposed conditional use, and may impose reasonable conditions in addition to those that are listed in Article 13.
  4. By variance. If a particular site contains unique conditions that cause unnecessary hardships or practical difficulties in conforming to this Ordinance, a land use that is not specifically permitted by this Ordinance may be allowed by the Zoning Hearing Board as a variance. A public hearing will be held for the appellant to present, for consideration, the general conditions to be reviewed in support of his appeal for a variance.
  5. By approval of the Zoning Hearing Board as a land use that is substantially similar to permitted uses. This Ordinance does not address all possible land uses that may be appropriate for a particular zoning district. Some land uses that are not otherwise addressed by this Ordinance may be substantially similar to other land uses that are allowed as permitted uses or as special exception uses. Therefore, whenever a proposed land use is neither specifically allowed as a permitted or special exception use, nor specifically prohibited by this Ordinance, the applicant may apply to the Zoning Hearing Board for a determination that the proposed land use is substantially similar to another permitted or special exception land use. The Zoning Hearing Board shall hold a public hearing and may allow the proposed land use, with or without conditions, if it determines that the land use is substantially similar to another permitted land use or special exception use within the same zoning district. This shall not be construed to be an appeal for a variance, and this option shall apply to all zoning districts.
  6. As a pre-existing, legal non-conforming use. Lands in the Township that were developed prior to the adoption of this Ordinance (or its amendment, if such amendment renders such pre-existing legal non-conforming uses as non-conforming) may be continued to be occupied and used, but may not be expanded to a degree that exceeds limitations contained in Article 3 of this Ordinance.
- C. **The Zoning Officer Shall Administer the Ordinance.** The Zoning Officer shall apply this Ordinance with the strictest interpretation as is reasonable.
- D. **Computation of Time.** If there is any question regarding the length of any review time regarding any provision of this Ordinance, all time shall be computed from the date of the receipt of a complete application by the Township Secretary, Zoning Officer, or other individual so authorized to accept applications by the Board of Supervisors.

#### Section 104 - Intent

- A. **General Intent.** In accordance with the Pennsylvania Municipalities Planning Code, it is the intent, purpose and scope of this Ordinance to protect and promote the public safety, health, and morals, to facilitate coordinated development, to provide for the general welfare by guiding the development and protection of various amenities and conveniences, to promote future governmental, economic, practical, social and cultural facilities, to provide for development and growth, as well as to improve governmental processes and functions, to guide uses of land and structures, types and locations of streets, public areas and other facilities, to promote the conservation of energy through the use of land planning practices and the effective utilization of renewable energy resources, to promote the proper density of population, vehicle parking and loading areas, and to prevent the overcrowding of land, blight, danger, and congestion in travel and transportation, to prevent loss of life, health, or property, where possible, from flood, fire, panic, or other dangers, and to minimize land use conflicts as may presently exist or which may be foreseen.
- B. **No Repeal of Other Laws.** Except where specifically provided to the contrary, it is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises; nor is it the intent of this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction on the use of a building or premises, or requires larger open spaces than are imposed or required by other statute, ordinance, rule, regulation or permit, or by any easement or agreement, the provisions of this Ordinance shall prevail.

#### Section 105 - Statement of Community Goals and Objectives

This Ordinance is enacted in accordance with a comprehensive land planning program, which includes the Township Act 537 Sewage Facility Plan of 1991 (as it may be amended), the Township Comprehensive Plan of 1997 and the County Comprehensive Plan of 1993. Consideration has been given to the character of the Township and its various parts, and the suitability of these parts for various uses. This Ordinance is enacted to support the following general goals and objectives:

- A. **To Preserve and Promote Agriculture and the Township's Rural Character.** It is the specific intent of the Board of Supervisors to implement the provisions of Section 604 (g) and (h) and Section 604 (3) of the Pennsylvania Municipalities Planning Code, as amended, which requires that the provisions of zoning ordinances shall be designed to protect prime agricultural land and shall encourage the continuity, development and viability of agricultural operations, and to preserve prime agriculture and farmland considering topography, soil type and classification, and present use. This policy is primarily implemented through the provisions of the Township's Effective Agricultural (A) District. Agriculture in the Township and in the county represents a non-renewable resource, which is lost forever upon its conversion to non-agricultural uses. The Township contains substantial lands which are classified by the County Soil Conservation District as containing "prime agricultural" soils, which are regarded as particularly-valuable resources. Preserving these resources will also promote and preserve the Township's rural character.
- B. **To Meet the Township's Responsibilities for Accepting its Fair Share of Development, While Protecting Agricultural Areas.** Population levels that are appropriate to the Township's character, location, limited roadway accessibility, environmental constraints, projected utility capability, and rural character, should be accommodated.
- C. **To Stimulate the Local Economy.** The Township has a history of integrating limited commercial and light-industrial land uses into the rural character of the area. Therefore, controlled non-residential and non-agricultural land uses, including the reasonable development of minerals shall be permitted in appropriate areas, which will support agriculture and the local economy.
- D. **To Prevent Damage and Loss of Life From Flooding, Water Pollution (Both Surface and Subsurface), and Other Dangers.** The Township contains floodplains, areas of steep slopes, areas of contaminated groundwater, and other current or potential areas of environmental hazards. The policy of the Township is to correct these problems and prevent further environmental degradation, when reasonably possible.

- E. **To Preserve Property Values.** The value of property should be conserved and be protected from diminution caused by environmental degradation, pollution, inappropriate adjacent land uses, etc.
- F. **To Protect and Preserve Historic Resources.** Conestoga Township contains a number of irreplaceable structures that reflect its heritage. It is the purpose of this Ordinance to encourage their preservation.



## ARTICLE 2 - DEFINITIONS

### Section 200 - General Terms

A. **Interpretation of Terms.** The following rules of construction and interpretation shall be used in this Ordinance.

1. The word "lot" shall be construed to include the words "plot" or "parcel."
2. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be" prior to the words or phrase "used" or "occupied."
3. The words "building or structure" shall be construed as if followed by the words "or parts thereof."
4. Words in the singular may imply the plural, and the plural may imply the singular.
5. Words in the present tense may imply the future tense.
6. The masculine gender includes the feminine and neuter.
7. The word "person" shall be construed to include a partnership, corporation, association, trust, estate, or any legally recognized entity as well the officers of any corporation and the members of any partnership.
8. The word "shall" is mandatory; "should" and "may" are advisory.
9. References to ordinances, codes, rules, regulations, plans, maps, governmental bodies, commissions, and agencies apply to ordinances, codes, rules, regulations, plans, maps, governmental bodies, commissions, and agencies of the Township or the Commonwealth of Pennsylvania, as the case may be, unless the context indicates that another reference is intended.
10. All words and phrases shall have their common meanings unless the context indicates otherwise, or where such meanings as taken literally would be inconsistent with the intended meaning with the context of the section or where a more specific interpretation is included in the Pennsylvania Municipalities Planning Code.

B. **Captions.** Captions, illustrations and boldfaced introductory phrases used in this Ordinance are provided for convenience only and shall not control or affect the meaning or construction of any of the provisions in the Ordinance. In cases of conflict, the language following the captions, illustrations and boldfaced introductory phrases shall prevail.

### Section 201 - Definitions

The following terms shall have the corresponding meanings:

**ABANDONMENT** - The relinquishment of a use without the intention to resume it for a period of one year

**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.

**ADAPTIVE REUSE** - The development of a new use for a building originally designed or used for another purpose.

**ADJUSTED TRACT AREA:** The total area within a lot, exclusive of current and proposed roads and rights-of-way, slopes over 25%, floodplains, wetlands, water courses, stormwater management facilities, recreation areas, historic resources, etc., as determined in Table 4 of this Ordinance.

**ADMINISTRATIVE OFFICE** - An establishment primarily engaged in management and general administrative functions such as executive, personnel, finance, and sales activities.

**ADULT COMMERCIAL USE** - Adult commercial uses shall include the following:

- A. An establishment where the principal use is devoted to the display and selling of pornographic materials, pictures, drawings, photographs, films, or other depictions or printed matter and paraphernalia which, if sold knowingly to an individual under the age of 18 years of age, would violate the criminal laws of the Commonwealth of Pennsylvania
- B. Adult entertainment establishments such as cabarets, nightclubs, movie theaters, bars or similar establishments providing live or media entertainment when one or more of the activities listed in paragraph A above are emphasized.
- C. Any other business, establishment, or club which offers its patrons services, entertainment, or retail goods or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, or displaying sexual or erotic activities.

**AGRICULTURE, INTENSIVE** - Activities involving the accelerated processing or production of agricultural products, or Concentrated Animal Operations as calculated by the formula in Appendix 2, including but not limited to mushroom production, chickenhouses, feedlots, facilities for the accelerated growth or raising of animals, hog and poultry houses.

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

**AGRICULTURAL RELATED BUSINESS** - An establishment primarily engaged in the following activities: soil preparation services, crop services, landscaping, horticultural services, large-animal veterinary or other animal services, farm labor and management services, feed, seed and fertilizer stores, sale and repair of farm machinery and farm vehicles, stables, aquaculture, or apiaries.

**AGRITAINMENT** - A form of entertainment that is based on the periodic use of a farm as a subordinate land use, such as hayrides and similar activities.

**AIRPORT, PERSONAL USE** - An area for landing and take-off of aircraft (including ultra-lights and balloons, but not including helicopters) which is restricted solely for non-commercial use, is not conducted for financial return, and at which commercial flight operations are not conducted.

**ALTERATION** - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, or girders, as well as any change in exterior doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another.

**AMUSEMENT ARCADE or PARK** - A recreational use involving permanent structures or buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows or entertainment.

**ANIMAL HOSPITAL/VETERINARY OFFICE** - A place where animals or pets are given medical or surgical treatment and where the boarding of animals is limited to short-term care incidental to the hospital use.

**ANIMAL SHELTER** - The keeping of more than 10 dogs or more than 20 cats over six months of age, or a combination of dogs and cats equaling more than 15 animals, which are lost, strays, unwanted, unlicensed or unowned, whether or not the shelter is for the purpose of eventual adoption of the animals or whether the shelter is run as a for-profit or non-profit operation.

**ANTENNA, COMMERCIAL COMMUNICATIONS** - A structure that includes a transmitting, receiving, or relay tower and support structures and accessory buildings that is licensed by the Federal Communications Commission for the specified purpose of television, radio, telephone or other communications beyond that which would be used for normal personal or residential use. Such uses shall include a cellular, television, radio, or microwave tower.

**ANTENNA HEIGHT** - The vertical distance measured from grade to the highest point of the support structure or antenna, whichever is higher. If the support structure is on a sloped grade, then the lowest grade shall be used in calculating the height.

**ANTENNA, MICROWAVE DISH** - A parabolic earth-based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a "dish antenna," used or intended to receive microwaves, radio waves, or electromagnetic waves from an overhead satellite.

**ANTENNA, (RADIO OR TELEVISION)** - A device, either freestanding or attached to a building, used for receiving frequency signals, including television and radio antennae and which is not used for commercial purposes. Such devices shall also include ham and citizen band radio antennae used by amateur radio operators.

**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.

**APPLICANT** - A landowner or developer, as herein defined, who has filed an application for development, including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

**AUTOMOBILE SALES** - The use of any building, land area or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**AUTOMOBILE SERVICE or GAS STATION** - Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs, or the storage for sale of new or used motor vehicles.

**AUTOMOTIVE REPAIR FACILITIES** - Establishments engaged in furnishing automotive repair services to the general public and which may include painting or body and fender repairs.

**BANKING** (or financial institution) - Any building wherein the primary occupation or use is concerned with such businesses as banking, savings and loan associations, credit unions, loan companies, mortgage companies, or investment companies.

**BASEMENT** - Any area of a building having floor below ground level all sides.

**BASE SITE AREA** - The portion of a total tract that results after all existing and proposed road and utility rights-of-way are deducted.

**BED AND BREAKFAST** - A building occupied by a resident innkeeper containing eight or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast.

**BILLBOARD** - A sign that directs attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where the sign is located.

**BUFFER** - An area that provides year-round visual and/or sound attenuation between uses, through the application of such means as plantings, earthen berms, depressions, fences, and walls.

**BUILDING** - A combination of materials to form a permanent structure having walls and roof, including all manufactured homes and trailers used for human habitation.

**BUILDING, ACCESSORY** - A structure that is not structurally attached to, and is subordinate to, the principal building on a lot and used for purposes customarily incidental to those of the principal building.

**BUILDING COVERAGE** - The percentage of the lot area that is covered by buildings.

**BUILDING HEIGHT** - The vertical measurement from the mean level of the ground abutting the building to a point mid-way between the highest and lowest points on the roof, excluding the chimney and/or mechanical equipment and antennae above the roof.

**BUILDING LINE** - A line formed by the intersection of a horizontal and a vertical plane that coincides with the exterior surface of a building on any side.

**BUILDING, PRINCIPAL** - The main structure on a lot that houses the principal use.

**BUILDING SETBACK LINE** - The line established within a lot, measured from the adjacent street right-of-way and parallel thereto. In the case of an existing interior lot not fronting a street for its entire width, the building setback line shall be measured between a line parallel to the street right-of-way measured from the interior property line nearest the street and a parallel line within the lot that corresponds to the minimum front yard setback dimension.

**BULK REGULATIONS** - Standards that control the height, density, intensity and location of structures, i.e., setbacks or yard requirements.

**BUSINESS OFFICE** - An office where a particular kind of business is transacted or a service is supplied and shall be limited to offices for management, consulting, record keeping, and clerical work of a commercial, industrial, mercantile, or service enterprise.

**CARTWAY** - The traveled portion of a street (paved or unpaved) or right-of-way intended for vehicular use.

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

**CEMETERY** - Land used or intended to be used for interment of deceased humans or animals, including mausoleums and mortuaries when operated in conjunction within the cemetery and within its boundaries.

**CLEAR CUTTING** - The felling of all trees on a tract of land, or any portion thereof, at one time.

**CLEAR SIGHT TRIANGLE** - A triangular area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection down the centerlines of the street.

**CLUB or LODGE** - A building utilized as a private club or social organization offering restaurant or bar privileges for members.

**COMMERCIAL** - A use of land, or improvements thereto, for the purpose of engaging in retail, wholesale or service activities for profit.

**COMMERCIAL COMMUNICATIONS ANTENNA** - A commercial device used to receive and/or transmit wireless communication or radio signals (commonly referred to as "antenna" within the context of wireless communication facilities).

**COMMERCIAL COMMUNICATIONS ANTENNA SUPPORT STRUCTURE** - A tower, pole, mast, tripod, and associated cables or guy wires used to support the structure (commonly referred to as "tower" within the context of wireless commercial communication facilities).

**COMMERCIAL COMMUNICATIONS ANTENNA SUPPORT STRUCTURE HEIGHT** - The vertical distance measured from grade to the highest point of the support structure.

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

**COMMUNITY WASTEWATER TREATMENT SYSTEM** - A sewage disposal facility designed to serve a specific number of users in a particular development and that is permitted by the Pennsylvania Department of Environmental Protection, but which shall not include experimental permitting, and which is owned and operated by a private entity which may include a Pennsylvania Public Utility Commission-chartered entity limited to serve the particular development.

**COMMUNITY WATER TREATMENT SYSTEM** - A potable water supply facility designed to serve a particular development and which is permitted by the Pennsylvania Department of Environmental Protection, and which is owned and operated by a private entity that may include a Pennsylvania Public Utility Commission -chartered entity limited to serve the particular development.

**COMPLETELY DRY SPACE** - A space that will remain totally dry during flooding; the structure is designed to prevent the passage of water and water vapor.

**CONSTRUCTION** - The erection, rebuilding, renovation, repair, extension, expansion, alteration, demolition, or relocation of a building or structure, including the placement of mobile homes.

**CONVENIENCE STORE** - A retail activity designed to serve a local market which involves, but is not limited to, any of the following uses: delicatessen, food market, or video tape rental.

**CONVERSION** - An alteration of an existing building, structure or land to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations.

**CONVERSION, RESIDENTIAL** - The division of a single family detached dwelling into two or more dwelling units.

**DAY CARE** - Day Care shall include the following, when in compliance with the applicable requirements of the Pennsylvania Department of Public Welfare – Office of Children, Youth and Families, and any other applicable state regulation pertaining to day care facilities:

- A. **Commercial Adult Day Care** - A commercial facility where supervision is provided for adults.
- B. **Commercial Child Day Care Center** - A facility which exclusively provides supplemental parental care and/or instruction to children who are not related to the caregiver or operator; where tuition, fees, or other forms of compensation are charged; and which is licensed or approved to provide child care by the Commonwealth of Pennsylvania.
- C. **Home Day Care** - A major home occupation, in which a private residence is used for the care and supervision of six or more children or adults who are not related to the caregiver.

**DENSITY, GROSS** - The total land area divided by the total number of dwellings to be housed thereon, expressed in dwelling units per acre.

**DENSITY, NET** - The number of dwelling units per acre, including yards, off-street parking and driveway facilities directly serving those dwellings, but excluding common open spaces, permitted commercial uses, public streets, and other public grounds and rights-of-way.

**DEVELOPER** - Any landowner, agent of such landowner, or tenant with permission of such landowner, or equitable owner, who makes or causes to be made an application for a subdivision or land development.

**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.

**DEVELOPMENT PLAN** - The provisions for development (written and graphic materials), a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use of density of development, streets, ways and parking facilities, common open space and public facilities.

**DIAMETER AT BREAST HEIGHT** (or dbh) - The diameter of a tree trunk measured at a point four and one-half feet above ground level.

**DRAINAGE** - The movement of water from an area by stream or sheet flow, and removal of excess water from soil by downward flow.

**DRINKING ESTABLISHMENT** - Any inn, tavern, restaurant, club or lodge where alcoholic beverages are consumed on the premises.

**DWELLING** - Any building or other structure designed for and occupied exclusively for residential purposes, including an apartment and mobile home, but excluding rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like. It is the intention to include within the definition of dwelling, all recognized housing types, architectural types or styles, or combinations thereof, whether such housing units are for lease or for sale. Dwelling types include, but are not limited to, the following:

- A. **Double-Family Farm Dwelling: A Single-Family Semi-Detached (twin) dwelling**, but without a common vertical wall separating the two dwellings and which may include common housekeeping elements, typically found in farms housing an extended family.
- B. **Duplex**. A building designed for and occupied exclusively as a residence, containing two dwellings, in an "over and under" arrangement, separated by a horizontal common or party wall and having yards on all sides.
- C. **Multi-Family**. A building designed for and occupied exclusively as a residence, containing three or more dwellings, but which does not meet the definition of a "townhouse".
- D. **Single-Family Attached (townhouse)**. A building designed for and occupied exclusively as a residence, containing three but not more than eight dwellings each accommodating one family and which are attached by a vertical common party wall and which have side yards adjacent to each end unit.
- E. **Single-Family Detached**. A building designed for and occupied exclusively as a residence, containing one dwelling and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as a part of the building.
- F. **Single-Family Semi-Detached (twin)**. A building designed for and occupied exclusively as a residence, containing two individual dwellings separated by a vertical common or party wall and having yards on all but one side.

**DWELLING UNIT** - A single living space for one family, excluding individual rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like, which includes eating, sleeping and bathroom facilities.

**EATING ESTABLISHMENT** - A place of business open to the public that dispenses prepared food and non-alcoholic beverages.

**EDUCATIONAL USE** - Use of land or a building(s) for the establishment and maintenance of a public or private college, secondary or elementary school, or other educational institution for the primary purpose of instruction and learning.

**EFFECTIVE DATE OF THE ORDINANCE** - The date upon which this Ordinance officially comes into effect, except that with respect to the subject matter of any amendment, said date shall mean the date upon which the particular amendment became or becomes effective.

**ELECTRIC SUBSTATION** - Buildings or structures and equipment erected and used for the purposes of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews.

**ENGINEER, TOWNSHIP** - A professional engineer, licensed by the Commonwealth of Pennsylvania, and duly appointed as the engineer for the Township.

**ENVIRONMENTALLY SENSITIVE AREAS** - Those areas of land the disturbance of which would contribute significantly to the degradation of environmental conditions or amenities.

**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 designed to be substantially impermeable to the passage of water.

**FAMILY** - Family shall include the following:

- A. A single person occupying a dwelling unit;
- B. Two or more persons related by blood, marriage, or adoption occupying a dwelling unit, including not more than one boarder, roomer, or lodger;
- C. A group home; or
- D. Not more than four unrelated persons occupying a dwelling unit, living together, excluding a rooming or boarding house, fraternity house, dormitory, or transitional housing.

**FENCE or WALL** - Any freestanding and uninhabited structure erected to secure or divide a property from another, or parts of a property from the remaining part of the same property.

**FILL** - Material, exclusive of structures, placed or deposited so as to form an embankment or to raise the surface elevation of the land.

**FLOOD** - A temporary inundation of normally dry land areas.

**FLOOD, BASE (or FLOOD, ONE HUNDRED YEAR)**- The flood which has been selected to serve as the basis upon which the flood plain management provisions of this Ordinance have been prepared. For the purposes of this Ordinance, the Base Flood shall be the One Hundred-Year Flood.

**FLOOD ELEVATION, BASE** - The One Hundred Year Flood elevation. Within the Approximated Flood Plain, the Base Flood Elevation shall be established as a point on the boundary of the Approximated Flood Plain, which is nearest to the site in question.

**FLOOD ELEVATION, REGULATORY** - The One Hundred-Year Flood elevation, plus a freeboard safety factor of one and one-half feet.

**FLOOD FRINGE** - The remaining portions of the one hundred-year floodplain in those areas in the Flood Insurance Study where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

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

**FLOOD PLAIN AREA** - (also **IDENTIFIED FLOOD PLAIN 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 PLAIN** - A flood plain shall include:

- A. That land adjoining a river, stream, pond, lake, or watercourse that is within 50 ft from its banks.
- B. An area adjoining a river, stream, pond, lake, or watercourse that is subject to partial or complete inundation during a 100-year design frequency storm.
- C. An area subject to unusual and rapid accumulation of runoff or surface water from any source.

**FLOOD PLAIN SOILS** - See **SOILS, ALLUVIAL**

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

**FLOODWAY** - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude, and which shall be capable of accommodating a flood of the 100-year magnitude.

**FLOOR AREA, GROSS** - The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of the wall separating two buildings, but not including interior parking spaces, interior loading space for motor vehicles, or any interior space where the floor-to-ceiling height is less than six feet.

**FLOOR AREA, GROSS USABLE** - That floor area within a building, on all floors of such building which are used for or related to the business or use conducted within the building, including all lavatory areas, corridors, storage areas and other areas used to keep stock and inventory, but exclusive of elevator shafts, stairwells, a first floor lobby, basement storage area, and any room or area dedicated to the heating plant, air conditioning equipment or other utility areas necessary for the operation of the building.

**FLOOR AREA, HABITABLE** - The floor area within exterior walls designed for year round human occupancy, excluding such spaces as garages, accessory buildings, basements, attics, patios and porches.

**FORESTRY** - The management of forests and timberlands when practiced in accordance with sustainable practices, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

**FRONTAGE** - The length of a front lot line coinciding with a street line.

**GARAGE, PRIVATE** - An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than three motor vehicles owned and used by persons other than the owner or tenant of the premises.

**GARAGE, PUBLIC PARKING** - A building other than a private garage, used for the commercial storage or parking of motor vehicles.

**GARAGE or YARD SALE** - The temporary display and sale of goods and craft items on a residentially used property.

**GOLF COURSE** - An organized, unlighted playing area containing a minimum of nine holes, constructed according to generally recognized golfing standards but excluding miniature golf courses and driving ranges.

**GREENHOUSE, COMMERCIAL** - A building or structure over 5000 square feet whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature or humidity can be regulated for the commercial cultivation of plants or produce.

**GROUNDWATER RECHARGE** - The replenishment of water, contained in interconnected pores located below the water table in an aquifer, from the infiltration of precipitation, streams, lakes, or other water sources.

**GROUP HOME** - A licensed community-based living arrangement functioning as a single household and providing habilitation services and which provides residential services to persons who, due to age, disability or handicap, are not able to live without professional care or supervision. Group homes shall not include alcoholism or drug treatment facilities, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. (See also **TRANSITIONAL HOUSING**)

**HELIPORT** - An area of land or a structural surface which is designed, used, or intended to be used for the landing and take-off of helicopters, and which includes appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling, and hangars.

**HELISTOP** - An area of land or a structural surface that is designed, used, or intended to be used for the landing and take-off of helicopters, but which is restricted in use to the persons authorized by the owner of the facility.

**HIGHWAY ACCESS POINT** (or road access point) - The location or place of egress and ingress to a street or highway created by a driveway, alley, or other street.

**HIGHWAY COMMERCIAL DEVELOPMENT** - A commercial facility located on a contiguous area of ten acres or more that includes at least five retail stores that have a gross floor area of at least 100,000 square feet.



**HISTORIC RESOURCE or STRUCTURE** - Any structure, parcel, or site that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or determined by the United States 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 that have been approved by the United States Secretary of the Interior;
- 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, or
- E. Any building, site or parcel identified as having historic or cultural value in either the Conestoga Township Comprehensive Plan or Our Present Past, prepared by the Lancaster County Historical Commission.

**HOME OCCUPATION (NO-IMPACT)** – A business of commercial activity administered or conducted as an accessory use that is clearly secondary to a residential dwelling and that 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 a residential use.

**HOME OCCUPATION** – The use of a dwelling and/or accessory structure, or part thereof, incidental and accessory to the residential use of the premises and customarily carried on by one or more occupants of the dwelling. Home occupations include, but are not limited to, medicine, dentistry, architecture, beauty care, law, art, brokerage, veterinary practice and sales.

**HOMEOWNERS ASSOCIATION** - A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owner property. This term is synonymous with property-owners association.

**HORTICULTURE** - The cultivation of trees, shrubs, flowers, or ornamental plants.

**HOSPITAL** - An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

**HOTEL** - An establishment open to transient guests and in which lodging with or without meals is offered for compensation and in which access to guest rooms is from an interior lobby, corridor or hallway accessed from a common entrance.

**IDENTIFIED FLOODPLAIN AREA** – The floodplain area specifically identified in this Ordinance as being inundated by the 100-year flood.

**IMPERVIOUS SURFACES** - Areas or materials, such as buildings, structures, and paved areas, which are impenetrable by liquid and are incapable of allowing groundwater recharge or absorbing precipitation and liquids.

**INDUSTRIAL PARK** - A grouping of two more industrial establishments that are subdivided and developed according to a unified plan that includes the common use of streets and utilities.

**ITE TRIP GENERATION RATES** - Vehicle trips generated for a particular size of land use published by the Institute of Transportation Engineers, ITE Trip Generation Manual, latest edition.

**JUNKYARD (and JUNK)** - Any area or structure used for the collecting, storage and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, or salvaging of machinery or wrecked, disabled, or unregistered vehicles. The collecting, dismantling, deposit, storage and/or salvaging of two or more wrecked vehicles, disabled, currently unregistered or without a current inspection, shall constitute a junkyard. Toxic wastes, radioactive materials, poisons, and other potentially harmful substances are excluded from this definition. **JUNK** shall include the items in a **JUNKYARD**.

**KENNEL** - The use of land, buildings or structures for the purpose of breeding, boarding, training or grooming customary household pets for compensation, or the maintenance of four or more dogs that are more than six months old on a single lot or contiguous lots under single ownership or lease.

**LABORATORY** - A building or group of buildings in which are located facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

**LAND DEVELOPMENT** - Any of the following activities:

- A. The improvement or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The following activities shall not be considered as land developments:
  - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;
  - 3. The addition or conversion of buildings or rides within the confines of an enterprise that constitutes an amusement park. This exclusion shall not apply to newly acquired acreage by an amusement park until the proper authorities have approved initial plans for the expanded area.

**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.

**LANDSCAPING** - The planting of turf-grass or other appropriate ground cover in all open areas of the lot, and in addition, the planting of evergreen and deciduous trees, and shrubs, including the maintenance thereof, for the control of erosion, retention of precipitation, protection against the elements, promotion of human comfort, and otherwise protecting the public health, safety and welfare. (Also see **SCREEN**).

**LOADING SPACE** - A space, accessible from a street or accessway, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit, excluding any area within a public street right-of-way.

**LOT AREA** - The area contained within the lot lines of an individual parcel, excluding any street and railroad rights-of-way and common open space.

**LOT, CORNER** - A lot bounded by two or more intersecting streets, or at the point of change in direction of a single street when the interior angle of which is not greater than 135 degrees. Each street on which the corner lot abuts shall be deemed a front lot line and the other lines shall be deemed to be rear lines.

**LOT COVERAGE** - The ratio of the total ground floor area of all impervious surfaces to the total area of the lot on which they are located.

**LOT, FLAG** - A lot which provides access to a public road by a driveway which passes through a portion of the lot that does not meet minimum lot width requirements at the street line or at the required minimum building setback line.

**LOT LINE** - A property boundary line of any lot held in single and separate ownership exclusive of a street right-of-way.

**LOT LINE, "BUILD-TO"** - A required dimension from a lot line to which a structure shall abut.

**LOT LINE, FRONT** - The lot line abutting and coinciding with a street right-of-way line; in the case of a corner lot, each street on which the corner lot abuts shall be considered a front lot line.

**LOT LINE, REAR** - A lot line opposite and most distant from the front lot line; if the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line. In the case of a corner lot, see "Yard, Front."

**LOT LINE, SIDE** - Any lot line that is not a front or rear lot line.

**LOT, MOBILE HOME** - 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.

**LOT, REVERSE OR DOUBLE FRONTAGE** - A lot extending between and having frontage on two generally parallel streets with vehicular access only from the minor street.

**LOT WIDTH** - The distance, in feet, between the two opposite side lots, or between the side lot line and the front lot line in the case of a corner lot, measured at either the minimum building setback line or the street line, and parallel to the street line.

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

**MEDICAL CENTER** - Offices for the medical or dental examination and treatment of persons as outpatients, including laboratories incidental thereto.

**MANUFACTURED HOME** - A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. Also includes park trailers, travel trailers, recreational and similar vehicles that are placed on a site for more than 180 consecutive days.

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

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

**MINIMUM BUILDABLE AREA** - That area of a lot that has no development restrictions. The minimum buildable area shall not include the area of any required setbacks (except driveways that cross yards), buffer yards, natural features with one 100% protection as specified in Table 4 of this Ordinance, and the portion of other protected natural features that may not be developed or intruded upon.

**MINI-WAREHOUSE** - Storage units provided for lease to the public for the purpose of storage of personal property generally stored in residential structures and in which each storage unit has direct access from the outside.

**MINOR REPAIR** - The replacement of existing work with equivalent materials for the purpose of 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 or rearrangement of any required means of egress; nor shall minor repairs include addition to, alteration 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.

**MIXED USE** - The use of a building or a lot for two or more principal uses.

**MOBILE HOME (also MANUFACTURED HOME)** - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME PARK (also MANUFACTURED HOME PARK)** - A parcel or contiguous parcels of land, which has been so designed and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

**MOTEL** - An establishment open to transient guests and in which lodging with or without meals is offered for compensation and which has a parking space for each guest facility and access directly from the outside.

**MUNICIPAL USE** - Any building, structure, facility, complex, area, or use, provided, constructed, or maintained by the municipal government of the Township.

**NEIGHBORHOOD COMMERCIAL USE** - Commercial uses intended primarily for the use of local residential neighborhoods within the Township. Neighborhood commercial uses include retail businesses for the sale of food, drugs, flowers, household goods, newspapers, stationery, art supplies, fine art sales, and tobacco; and personal service uses, including barber or beauty shops, tailor shop, photographic studios, shoe repair, and similar types of businesses, but shall not include convenience stores as defined elsewhere in this ordinance.

**NEW CONSTRUCTION** (as related to areas in the 100-year Floodplain) – Structures for which the start of construction commences on or after September 30, 1980, and includes any subsequent improvements thereto.

**NONCONFORMING LOT** - A lot or 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 zoning district 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 Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - A use, whether of land or of a structure, which does not comply with the applicable use provisions of this 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.

**NURSERY** - Land or greenhouses used to raise flowers, shrubs, trees, and/or other plants for commercial purposes.

**NURSING HOME OR CONVALESCENT HOME** - A building or series of buildings for the housing and care of persons in need of specialized care and attention, but which does not necessarily meet hospital level of services.

**OFFICE BUILDING** - A building used primarily for conducting the affairs of a business, profession, service, industry or government, or similar activity and where no goods, merchandise, or materials are stored for sale, exchange, or delivery on the premises.

**OFFICE PARK** - A grouping of two or more office buildings which are subdivided and developed according to a unified plan involving the layout of several lots, buildings, access streets, landscaping, and other improvements typically in a campus-like setting.

**OPEN SPACE RATIO** - Total open space area divided by total site area.

**PARENT TRACT**- A tract or parcel of land in single and separate ownership as of the date of adoption of this Ordinance.

**PARKING SPACE, OFF STREET** - A space located off the public right-of-way designed and designated for the transient storage of a motor vehicle.

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

**PERSONAL SERVICE ESTABLISHMENT** - A building in which limited services consistent with neighborhood needs are offered to the general public. Examples of such services include, but are not limited to: barber and beauty shops, pharmacies, dry cleaning and tailoring shops, shoe repair shops, travel agencies, or photocopy shops.

**PLAN, YIELD** - A calculation and drawing that establishes a theoretical conceptual maximum development density of a particular parcel, which reflects a realistic layout that shows a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, easements, areas for utilities, and any other site element required in the Township Zoning Ordinance or applicable Subdivision and Land Development Ordinance. The yield plan is not to be considered a preliminary plan.

**PLANNED COMMERCIAL/SHOPPING CENTER** - A group of two or more commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, and with provision for goods delivery separated from customer access and which does not meet the definition of **HIGHWAY COMMERCIAL DEVELOPMENT**. For the purposes of this Ordinance, planned commercial centers shall also include any single commercial use with a gross floor area of 20,000 square feet or greater.

**PLANTING SCREEN** - A wall, fence, plantings, earth works, or combinations thereof, which are arranged or placed so as to divert attention from and obstruct (within five years of planting) at least 50% of an otherwise clear view of an use or activity during all seasons of the year, as outlined by this Ordinance.

**PRESERVATION or PROTECTION** - When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**PRIME AGRICULTURAL LAND (or SOILS)**- Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

**PROFESSIONAL OFFICE** - The office of a member of a recognized and lawful profession maintained for the conduct of that profession, including, but not limited to, dentists, doctors, chiropractors, attorneys, and accountants.

**PUBLIC GROUNDS** - Includes parks, playgrounds and other public areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PUBLIC SERVICE FACILITIES** - Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

**PUBLIC USE** - Any building, structure, facility, complex, or area used by the general public or which provides a service to the public, whether constructed by a state, county, or municipal government agency, or any private individual, partnership, association, or corporation.

**QUARRYING/MINING** - Removal of sand, clay, gravel, topsoil, or similar extractive operations including borrow pits or excavations for removing material for fill operations.

**RECREATION, ACTIVE** - Those leisure time activities which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts and swimming pools, excluding amusement parks.

**RECREATIONAL FACILITY** - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

**RECREATION, OUTDOOR** - A leisure time facility designed and equipped for the conduct of sports activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks, go-cart tracks, shooting ranges and other activities which generate noise objectionable to a residential environment.

**RECREATION, PASSIVE** - Leisure time uses which can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to hiking, biking, and picnicking.

**RECREATION USE, INDOOR** - The use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or which may be dangerous or disturbing to surrounding residents.

**RECREATIONAL VEHICLE** - A vehicle that is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- E. Is legally registered by a state department of motor vehicles.

**RECYCLING CENTER** - An activity that accumulates material such as paper, glass, aluminum, and plastic that is no longer useful for its original purpose. The materials are then transported off the premises to be manufactured into a new product, or a place for the collection and storage of materials suitable for recycling into usable products.

**REGULATORY FLOOD ELEVATION** - The 100-year flood elevation plus a freeboard safety factor of 1 ½ feet.

**RENTAL UNIT** - An individual space offered for compensation or lease within a motel, hotel, rooming house, tourist home, institutional home, dormitory, or in a professional or commercial office building.

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

**RESTAURANT** - A facility serving food and beverages prepared for consumption on the premises, and providing table or sit-down service, but not including outdoor curb service.

**RESTAURANT, FAST FOOD** - An eating establishment where customers place their orders at a service area located indoors, but separate from any seating facilities, and where food is either consumed at seating facilities or is taken out for consumption.

**RESTAURANT, FAST FOOD WITH DRIVE-THROUGH SERVICE** - A fast food restaurant as defined above, but which also provides service to customers who remain seated in automobiles where customers are served either through an exterior window in the establishment, or directly to parked automobiles on the premises.

**RETAIL SERVICES** - Establishments providing services or entertainment, as opposed to products, to the general public, real estate and insurance, personal service establishments, motion pictures, amusement and recreation service, educational and social services, museums and galleries.

**RETAIL STORE/TRADE** - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of goods such as, but not limited to, hardware store, pharmacy, magazine or bookstore, florist, or clothing store.

**RETIREMENT COMMUNITY** - Individual or multiple dwelling units which are designed for adults and which meets the definition of "housing for older persons" as set forth in the Fair Housing Act of 1988, as amended, exclusively for adult individuals and/or couples who are at least 55 years of age and includes facilities or services specific to the population.

**RIGHT-OF-WAY** - Land reserved or dedicated for use as a street, alley, walkway, or any other public or private purpose.

**RIGHT-OF-WAY, FUTURE** - The right-of-way deemed appropriate to provide adequate width for future street improvements.

**RIGHT-OF-WAY, LEGAL** - The existing right-of-way of dedicated streets as established by the Commonwealth of Pennsylvania or other appropriate governing authority.

**ROOMING HOUSE** - A dwelling in which weekly or monthly sleeping accommodations are provided for rent to more than two but less than ten persons, whether or not the serving of meals is included.

**SANITARY LANDFILL** - A site licensed by the Commonwealth of Pennsylvania for solid waste disposal where the waste is spread in thin layers, compacted to the smallest practical volume and covered with soil at the end of each working day.

**SCREEN or LANDSCAPE SCREEN** - Vegetative materials such as shrubs and trees (that may incorporate a berm) that shall grow to form a continuously opaque six-foot tall visual barrier within five years of planting.

**SECONDARY FARM FAMILY BUSINESS** - An agricultural accessory use, such as the repair of agricultural equipment, butcher shop, or processing of local agricultural products, which provide a secondary source of income to the primary agricultural use.

**SELECTIVE CUTTING** - The felling of certain, but not all trees in an area for the purposes of:

- A. Removing dead, diseased, damaged, mature or marketable timber;
- B. Improving the quality of a tree stand or species; or
- C. Meeting personal domestic needs (such as for fuel).

**SEWAGE** - Any substance that contains any of the waste products or excrement matter or other discharge from the bodies of human beings or animals and laundry, bathroom, and kitchen waste water.

#### **SEWAGE DISPOSAL SYSTEM**

- A. **Individual** - The disposal of sewage from one dwelling unit by use of septic tanks or other safe and healthful means, approved by the Pennsylvania Department of Environmental Protection.
- B. **Central/Community Collection and Treatment (Centralized)** - A sanitary sewage system which carries sewage from points of individual discharge by a system of pipes to one or more common treatment and disposal facilities, either on-site or off-site, and approved by the Pennsylvania Department of Environmental Protection.

- C. **Public Sewer System (Centralized)** - An off-site system for collection, treatment, and disposal of sewage in which sewage is conveyed to a common treatment facility, and disposed through means and approved by the Pennsylvania Department of Environmental Protection.

**SIGHT DISTANCE** - The maximum extent of unobstructed vision (in a vertical or horizontal plane) along a street from a vehicle located at any given point on the street.

**SIGN** - Any permanent or temporary structure or part thereof or any device attached, painted or represented, directly or indirectly, on a structure or other surface that displays or includes any letter, word, insignia, flag, or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction, or which is designed to attract the eye or bring the subject to the attention of the public.

**SIGN AREA** - 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. The area shall not include any structural component, borders, or framing, unless it is in the form of a symbol or contains advertising elements.

**SIGN - (BUSINESS SIGN)** - A sign that directs attention to any commercial, industrial or professional activity occurring on the premises on which the sign is located, but not including a home occupation sign.

**SIGN HEIGHT** - The distance from the existing ground elevation at the base of the sign, or immediately below the sign, to the highest point of the sign structure.

**SIGN - (SITE IDENTIFICATION SIGN)** - A sign used to identify the name and display information about the individual, organization, agency, institution, or similar development located on the premises on which the sign is located, but not including a business sign.

**SIGN - (SPECIAL EVENT SIGN)** - A temporary sign that contains information about a transitory event such as an auction, flea market, festival, carnival, or similar event, but not including any business sign or "for-sale" signs.

**SINGLE AND SEPARATE OWNERSHIP** - The ownership of property by any person, partnership, or corporation, in which ownership is separate and distinct from that of any adjoining property.

**SITE RESTORATION** - Measures taken following completion of land disturbance activities that will stabilize the land surface and minimize possible erosion or sedimentation.

**SOILS, ALLUVIAL (FLOOD PLAIN)** - Areas subject to periodic flooding as listed in the Soil Survey of Lancaster County, Pennsylvania, U.S. Department of Agriculture, NRCS.

**SOLID WASTE** - All refuse including garbage and trash, and all solid material that is putrescible and originating from the preparation, cooking and consumption of food and market produce.

**SPECIAL PERMIT** - (as applicable to the 100-year floodplain area) 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.

**STEEP SLOPES** - Those areas of land where the undisturbed grade is 25% or greater.

**STORAGE** - The keeping of new or used products, merchandise, materials, equipment or vehicles for a continuous period greater than one week. Excluded from this definition are the following:

- A. Equipment, vehicles and materials that are used in connection with a construction project during the period of construction.
- B. The unloading or loading of vehicles, which are parked against a building so that all activity occurs within the building.

**STORAGE, OUTDOOR** - The keeping of goods or materials for present or future use in an area unprotected from the elements.



**STREET** - A public (dedicated) or private (undedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, road, or similar terms. Streets are classified in the Conestoga Township Comprehensive Plan as follows:

- A. **Local Street** - Those streets used primarily to provide access to abutting properties.
- B. **Minor Collector Street** - Those streets that, in addition to giving limited access to abutting properties, intercept local or collector streets, carry considerable volumes of traffic to community facilities and to major traffic arteries.
- C. **Major Collector Street** - Those streets serving large volumes of comparatively high-speed and long distance traffic and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
- D. **Lane** - A street serving a single development.

**STREET, CENTERLINE** - A line that is an equal distance from both street lines unless officially designated otherwise.

**STREET LINE** - The legal right-of-way line of a street dividing a lot from the boundary of a public street.

**STREET, PRIVATE** - A lane held in single and separate ownership and not deeded or dedicated to the Township.

**STREET, PUBLIC** - A public thoroughfare that has been dedicated, deeded and accepted by the Township and which affords the principal means of access to abutting property.

**STREET, SINGLE ACCESS** - A street which has access to an existing public road and circulation system only at one point. A single access street includes cul-de-sacs, loop roads, and dead end streets.

**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. Includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

**STRUCTURE, TEMPORARY** - A structure without foundation or footings that is removed within a designated time period, or after the activity or use for which the temporary structure was erected, has ceased.

**SUBDIVISION** - The division or redivision of a lot, tract or parcel of land by any means, into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street, easement of access or residential dwellings 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 50% or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure to an extent or amount equaling 50% or more of the market value of the structure before the start of construction of the improvement. "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either of the following:

- 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."

**SUPPLEMENTAL COMMERCIAL ACTIVITY** - An on-site occupation by a property owner and his immediate family that is accessory and secondary to the principal residential and/or agricultural use, according to the provisions of Section 1320 of this Ordinance.

**SWIMMING POOL** - An enclosure, designed to be filled with water, permanent or temporary, with sides having a depth of more than 18 inches below the level of the immediate surrounding grade, or an above surface pool having a depth of more than 30 inches, designed, used, and maintained for swimming and recreation. **SWIMMING POOL** shall include "surface swimming pool" and "above-surface swimming pool" as regulated in Township Ordinance 83-1, as it may be amended.

**TRACT** - An area of land, parcel, or property that is the subject of a development application.

**TRACT AREA (ADJUSTED)** - Land within a lot or parcel exclusive of constrained areas, as defined in Table 5 of this Ordinance.

**TRACT AREA (GROSS)** - The total amount of land within a lot or parcel.

**TRAIL** - A right-of-way containing a marked or beaten path, either paved or unpaved.

**TRAILER** - A drawn vehicle, not self-propelled, which is permitted on the highways when properly licensed.

**TRANSFER STATION** - A facility where municipal solid waste is delivered for the purpose of consolidating the material into larger vehicles for transport to a final disposal site or processing facility.

**TRANSITIONAL HOUSING** - Living arrangements for up to five unrelated individuals that do not meet the definition of "family" or "group home." Transitional housing may include a licensed community-based facility which provides lodging, habilitation services, or meals to clients where supervision is provided seven days a week, 24 hours a day, or is staffed continuously by the provider whenever the structure is occupied.

**TREE DRIPLINE** - A line marking the outermost edges of a tree's branches.

**UNIFORM CONSTRUCTION CODE** - The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable to the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**USES** - Any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure on a tract of land.

**USE, ACCESSORY** - See **ACCESSORY USE OR ACCESSORY STRUCTURE**

**USE, BY-RIGHT** - A use of land that is permitted in a zoning district without the need for a special exception, variance, or conditional use permit.

**USE, CONDITIONAL** - A use which is generally not appropriate to a particular zoning district as a whole, but which may be suitable in certain places within the district only when specific conditions and factors, prescribed for such cases within this Ordinance, are present. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission.

**USE, SPECIAL EXCEPTION** - A use that is permitted as a right, and which, when deemed suitable, with or without the imposition of conditions or restrictions under applicable standards, may be allowed by the Zoning Hearing Board after public hearing.

**WAREHOUSE** - A building used primarily for the indoor storage of goods and materials.

**WATERCOURSE** - A stream, creek, run, or other body of running water with a defined bed and banks in which water flows in a definite direction or course, either continuously or intermittently, as depicted on the most current edition of the applicable U.S.G.S. Quadrangle Map.

**WATER SUPPLY** - Water Supply shall include the following:

- A. **Individual** - A supply of water to a single use or dwelling from a private well or spring located on the lot in which the use is located and which does not fall under the definition of "community water supply."
- B. **Community** - A system for supplying water from a common source or sources to more than one dwelling and other buildings within a development. The water supply source may be located on-site or off-site and may be publicly or privately owned.
- C. **Public** - A system for supplying water in sufficient quantities to more than one dwelling or other buildings of a development, which is administered by a municipal authority or by a municipality or public utility as defined and regulated by the Pennsylvania Public Utility Commission.

**WATER TABLE** - The upper surface of a zone of saturation.

**WETLAND** - Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of a wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

**WHOLESALE TRADE** - Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or establishments acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WHOLESALE** - A commercial activity comprising the sale of commodities in large quantities or in bulk to retailers or jobbers, rather than to consumers directly, including the warehousing, loading and unloading, and shipping of such commodities.

**WIRELESS COMMUNICATION FACILITY** - The Commercial Communications Antenna, Commercial Communications Antenna Support Structure, Wireless Communications Equipment Building, parking areas, and other facilities, structures and equipment involved in receiving or transmitting wireless communications or radio signals on a site.

**WIRELESS COMMUNICATIONS EQUIPMENT BUILDING** - A structure or cabinet containing equipment involved in receiving or sending wireless communications.

**WOODLAND** - A plant community predominantly of healthy trees and other woody vegetation, well-stocked and growing more or less closely together. Specifically, woodlands consist of one-quarter acre or more of continuous wooded land where the largest trees measure at least six inches diameter at breast height (dbh). The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one canopy where 10 or more trees measure at least six inches dbh.

**WOODLAND MANAGEMENT PLAN** - A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land, prepared by a qualified individual with demonstrable expertise in forest management, and documenting measures to be taken to: protect water quality; minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and ensure site restoration.

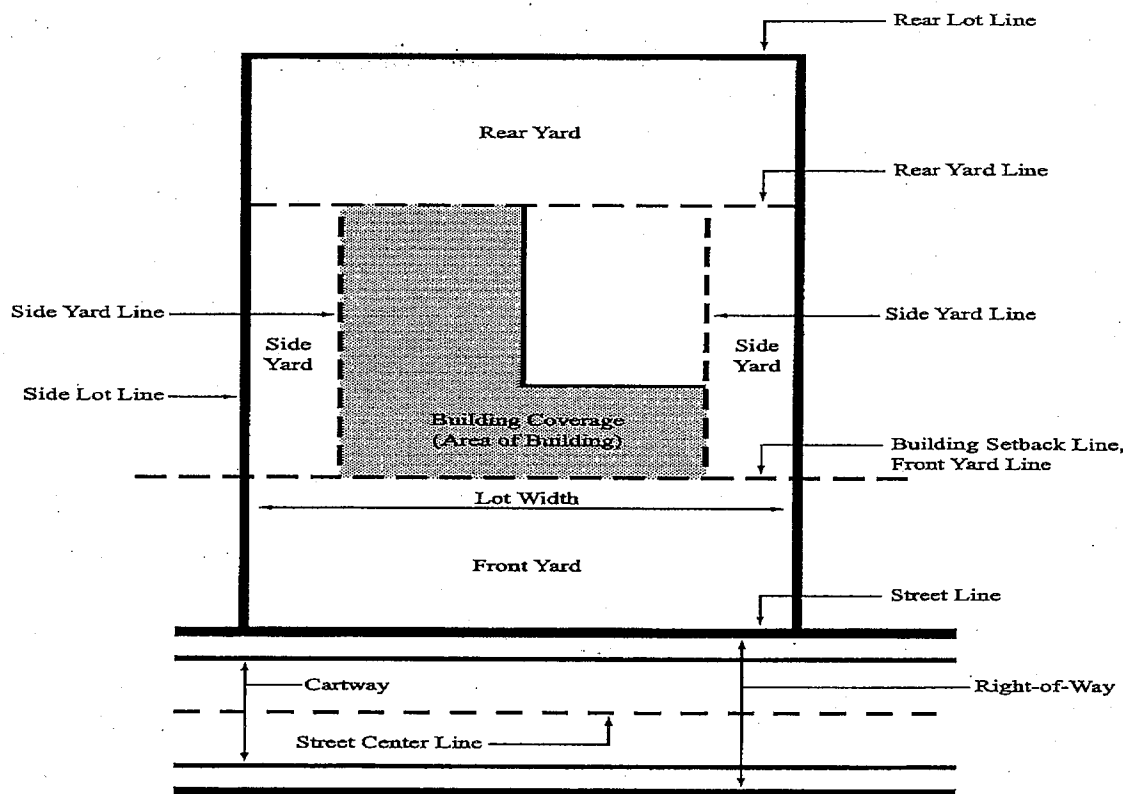
**YARD** - An open area around the periphery of a lot; a yard extends inward from and parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines. (Refer to illustration on next page).

**YARD, FRONT** - The required open space between the front set back line and the street right-of-way line projected along the full width of the lot. In the case of a corner lot, the yards extending along all streets are front yards and the remaining yards shall include a rear yard opposite the street on which the principal building has its address. (Refer to illustration below).

**YARD, REAR** - The required open space extending the full width of the lot along the rear lot line at a specified depth from such rear lot line. ((Refer to illustration below).

**YARD, SIDE** - The required open space extending the full depth of the lot along a side lot line extending a specified depth from such side lot line. ((Refer to illustration below).

**YIELD CALCULATION:** The conceptual calculation that identifies the development potential of the site, after all protected areas are deducted from the gross site area.



## ARTICLE 3 - CONFORMITY AND NON-CONFORMITY REGULATIONS

### Section 300 - Purpose

It is the intent of this Article to allow, with conditions, the continuance of legally-existing uses of land and structures that, as of the effective date of this Ordinance, do not meet the bulk, use, or other standards established by this Ordinance.

### Section 301 - Abandonment of Structures or Uses

- A. **Re-establishment of Non-Conforming Uses.** Except as provided below, no non-conforming use or structure shall be reestablished after it has been intentionally discontinued, inoperative, vacated, or abandoned, except in conformity with the provisions of this Ordinance.
- B. **Hazards.** Certain non-conforming uses that are deemed to be hazardous to the public health or welfare may be required by the Board of Supervisors to be removed within a reasonable time, when allowed by applicable laws.
- C. **Non-Conforming Use of Open Land.** All non-conforming signs, billboards, junkyards, storage areas, and other non-conforming uses of open land, when discontinued for a period of one year or damaged of deteriorated to an extent of 60% of replacement costs, shall not be continued, repaired, or reconstructed, except in compliance with this Ordinance.

### Section 302 - Continuance of Non-Conforming Uses of Land, Structures, or Lots

Except as otherwise provided in this Article, any use of land, structure, or lot which lawfully existed at the time of enactment of this Ordinance may be continued, even though the use, structure or lot does not conform with the provisions of this Ordinance.

### Section 303 - Expansion of Non-Conforming Uses of Land, Structures, or Lots

- A. **Limited Expansions Allowed by Right.** Any lawful non-conforming use of land or structures, and any use contained therein, may be expanded or extended upon the same lot on which it existed at the time of the effective date of this Ordinance, subject to the following limitations:
  - 1. A non-conforming use of open land shall be extended not more than 100 feet in any direction on the same lot from the existing non-conforming use, or expanded to an area equal to not more than 25% of the existing non-conforming use, whichever is the lesser.
  - 2. A building may be expanded to an area not to exceed 50% of the previous usable floor area devoted to the non-conforming use of the building.
  - 3. All expansions or extensions of non-conforming uses or structures shall abut existing current non-conforming uses or structures.
  - 4. Yard set back, building height, and parking regulations for the zoning district in which the non-conformity is located, shall be complied with.
  - 5. No expansion shall occupy a flood plain, except in conformance with this Ordinance.
  - 6. The expansion shall not create any new non-conformities, except when authorized by this Ordinance.
  - 7. Any expansion permitted by this Section shall not occur on another lot which does not already not contain the same non-conformity.

8. Any non-conformity that is expanded to the limits established above shall occur not more than once.
- B. Expansions allowed by the Zoning Hearing Board.** Proposed expansions exceeding any of the limitations listed above may be granted by the Zoning Hearing Board, subject to the provisions of Article 17 of this Ordinance.

#### **Section 304 - Restoration of Damaged Non-Conforming Uses**

A non-conforming use that is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage occurred, provided the reconstructed structure is not larger than the damaged structure or results in new non-conformities, and provided that a good-faith effort is made to commence reconstruction within one year after the initial damage, and is completed not more than one year later.

#### **Section 305 - Substitution with Another Non-Conforming Use**

The Zoning Hearing Board may allow a non-conforming use or structure to be substituted with another non-conforming use or structure, subject to the provisions of Section 1233 of this Ordinance.

#### **Section 306 - Non-conforming Lots of Record**

- A. Certain Pre-existing Lots Permitted to be Used.** In any zoning district, a conforming building (including accessory buildings) may be constructed for a conforming use on any single and separate lot of record as described and recorded in the County Office of Recorder of Deeds, if the lot was in existence prior to the effective date of adoption or amendment of this Ordinance that made such lot non-conforming, even though the lot fails to meet the requirements for minimum area or width that are applicable to the zoning district, provided that:
1. All yard and lot coverage requirements for the zoning district shall be met.
  2. The requirements of Section 1223 are complied with prior to any permit required by Article 12 of this Ordinance being issued for the construction of any principal building.
- B. Certain Lots Require Special Exception.** No non-conforming lot of record containing the characteristics below shall be issued a permit for construction, without first being granted a special exception by the Zoning Hearing Board, pursuant to the provisions of Section 1223 of this Ordinance:
1. The lot is less than 21,780 square feet in size,
  2. Any portion of the lot contains slopes in excess of 15% or,
  3. Any portion of the lot contains or is traversed by watercourses, floodplain, or regulated wetlands, and
  4. The lot is in single and separate ownership.

#### **Section 307 - Lot Size Reductions Prohibited**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width, or other requirements of this Ordinance, are not maintained.

### **Section 308 – Effects of Zoning District Changes**

Whenever the boundaries of a district are changed so as to transfer an area from one zoning district to another district, the regulations pertaining to each district as amended shall apply to all existing non-conforming uses or structures contained within the district.

### **Section 309 - Registration of Non-conforming Lots, Structures and Uses**

- A. Upon Order by the Supervisors.** Upon order of the Board of Supervisors, the Zoning Officer shall prepare a list of non-conforming lots, structures and uses, and shall revise it as necessary.
- B. By Request of the Owner.** The owner or tenant of a use, structure or lot which becomes non-conforming due to the adoption of this Ordinance, but which is otherwise lawful, may request that the Zoning Officer register the non-conforming use. This registration shall state the nature of the non-conformity and specify the extent to which the non-conformity may be continued, as determined by the Zoning Officer.

## ARTICLE 4 - ZONING DISTRICTS

### Section 400 - Establishment of Zoning Regulations

- A. **Purpose.** The Township hereby establishes regulations for the use and development of lands according to zoning districts, each of which is based on an assessment of the general ability of the resources of each district to support certain land uses at appropriate densities.
- B. **Establishment of Zoning Districts.** The boundaries of zoning districts are hereby established as shown on the Zoning Map, as may be amended, including all explanatory material, and which is hereby adopted as and made part of this Ordinance.

### Section 401 - Zoning Districts

The following districts are established:

- A. **Effective Agriculture (A).** See Article 5.
- B. **Rural conservation (RC).** See Article 6.
- C. **Low Density Residential (LDR).** See Article 7.
- D. **Village Residential (VR).** See Article 8.
- E. **Village Mixed Use (VMU).** See Article 9.
- F. **Flood Plain-Conservation (FP-C).** See Article 10.

### Section 402 - Interpretations of Boundaries

- A. **General.** As shown on the zoning map, zoning districts are intended to follow obvious features such as roads, lot lines, streams, ridgelines, etc. In determining the actual physical locations of district boundaries, the following rules shall be followed:
  - 1. **Center Lines.** Unless otherwise shown, district boundaries shall be construed to coincide with the center lines of streets, roadways, or similar cartways.
  - 2. **Property Lines.** Where shown as approximately following property lines, district lines shall be construed to follow such lines.
  - 3. **Boundary Divisions.** Where a lot is divided by a district boundary, the regulations contained in each district shall apply to each portion of the lot.
  - 4. **Boundary Divisions Near Lot Lines.** In cases where a district boundary is not dimensioned or appears to be located not more than 15 feet from a lot line, such district boundary shall be construed to follow the lot line.
  - 5. **Intersections of Angles and Other Map Features.** Where it appears that a district line on the zoning map intersects with a nearby angle or similar feature formed by a nearby lot line, roadway, stream, etc., such connection shall be construed to actually occur.
  - 6. **Other Cases.** In all other cases, the location of district boundaries shall be determined by the Zoning Officer, utilizing the scale appearing on the map.
  - 7. **Zoning Map.** The Official Zoning Map is maintained at the Township office. The zoning map enclosed in this Ordinance is a reduction of the Official Zoning Map and may be



used for general reference purposes, but shall not be used for determining dimensions, distances, or for scaling purposes. For uses that require accurate scaling, the Official Zoning Map shall be used.

**Section 403 - Land Use Summary Table, Bulk and Lot Standards Table.**

- A. **Land Use Summary Table.** Table 20 of this Ordinance includes a summary of permitted uses, special exception and conditional uses, and a number of accessory uses, listed according to the zoning districts in which they are permitted. This Table is to be used for reference purposes only. In the event of a contradiction or ambiguity between Table 20 and other parts of this Ordinance, the other parts of the Ordinance shall prevail.
- B. **Bulk and Lot Standards Table.** Table 21 of this Ordinance includes a summary of bulk and lot standards, listed according to the zoning districts in which they are permitted. This Table is to be used for reference purposes only. In the event of a contradiction or ambiguity between Table 21 and other parts of this Ordinance, the other parts of the Ordinance shall prevail.

## ARTICLE 5 - EFFECTIVE AGRICULTURAL DISTRICT

### Section 500 - Purpose

The purposes of this Article, among others, are as follows:

- A. To protect prime agricultural land and encourage the continuity, development and viability of agricultural operations as provided for in Section 603 (b) (5), 603 (c) 7, 603 (g) 1, 603 (h), 604 (3), and 605 (2) (vii) of the Pennsylvania Municipalities Planning Code, as amended, and the Conestoga Township Comprehensive Plan;
- B. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- C. To provide for the reasonable development of minerals;
- D. To reduce erosion and sedimentation;
- E. To provide development options for farmers to subdivide their properties for development in a configuration that protects the viability of the remaining land for agricultural production.
- F. To provide for agricultural uses and uses compatible with and supportive of agriculture.
- G. To limit the type and amount of non-agricultural uses within the district in order to avoid conflicts between agricultural and non-agricultural uses.

### Section 501 - Permitted Uses

- A. **The Following Uses are Permitted By-Right.** A building or other structure may be erected, altered, or used, and a lot may be used or occupied for any one of the following purposes, and no other in accordance with the requirements of this Article and other applicable provisions:
  - 1. Agricultural operations, forestry, timber harvesting (when not clear cutting).
  - 2. Day care facilities for fewer than six children, in single-family detached dwellings.
  - 3. Dwelling of the owner/operator of the farm, on the parent agricultural tract, or dwelling on a parent tract.
  - 4. Intensive agricultural uses, provided that the facility shall be set back not less than 250 feet from the nearest dwelling on an adjacent lot and not less than 150 feet from any lot line, and that the applicant shall comply with the regulations in Section 1314 A, B, C, and D, although there shall be no requirement to apply for a conditional use approval.
  - 5. Woodland, wildlife preserve, or conservation use.
- B. **The Following Uses are Allowed as Special Exceptions:** The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exceptions, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.
  - 1. **Accessory apartments**, subject to the provisions of Section 1201.

2. **Adaptive re-use of existing structures, residential conversion units**, subject to the provisions of Section 1200.
  3. **Barns or stables for horses**, (on lots less than five acres) subject to Section 1204.
  4. **Agricultural Employee Housing**, subject to the provisions of Section 1202.
  5. **Bed and Breakfast establishments**, subject to the provisions of Section 1205.
  6. **Cellular communication facilities** exceeding the limits in Section 1104, subject to the provisions of Section 1206.
  7. **Day care facilities for more than six children**, subject to the provisions of Section 1207.
  8. **Farm machinery service and repair**, subject to the provisions of Section 1210.
  9. **Farm-related businesses**, subject to the provisions of Section 1211.
  10. **General non-professional home occupation**, subject to the provisions of Section 1218.
  11. **Non-Farm detached dwelling on a non-farm lot**, subject to the provisions of Section 1224.
  12. **Timber harvesting (only when clear-cutting)**, subject to the provisions of Section 1215.
  13. **Limited Periodic Development**. Not more than one lot may be subdivided from any parent tract within any consecutive five-year period, subject to Section 1219.
  14. **Uses substantially similar to permitted or special exception uses within this District**, subject to the provisions of Section 1234.
- C. **The Following Uses are Permitted as Conditional Uses:** The following uses are permitted when conditional uses are granted by written approval of the Board of Supervisors. In granting any special exceptions, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.
1. **Agritainment**, subject to the provisions of Section 1308
  2. **Supplemental Commercial Activities**, subject to the provisions of Section 1320.
  3. **Raw Material Extraction (Mining), and/or Processing**, subject to the provisions of Section 1318.
- D. **The Following Uses Are Allowed As Accessory Uses:** The following are permitted as accessory uses located on the same lot with a permitted principal use:
1. **Accessory Apartment**, subject to the provisions of Section 1106.
  2. **Animal Shelters**, subject to the provisions of Section 1102.
  3. **Barns, silos, feed containers**, and similar agricultural-related facilities, subject to the provisions in Table 1.
  4. **Farm Ponds**, subject to the provisions of Section 1003E.
  5. **Fish Hatchery**, subject to the provisions of Section 1102.
  6. **Home Occupations (no-impact)**, subject to the provisions of Section 12.
  7. **Signs** subject to the provisions of Article 14.

8. **Roadside sales of farm products** grown on the premises, provided off-road parking spaces are provided for the customers, subject to the provisions of Section 1107.
  9. **Other customary accessory uses and buildings**, provided that they are incidental to the principal use.
- E. **Incompatible Uses:** Uses not specifically permitted in Sections 501 A – D above are not permitted in the Effective Agricultural District. In general, land uses and activities that induce non-farm development, generate large amounts of traffic, require substantial parking or could pose a threat to agricultural water supplies are deemed to be inconsistent with the purposes of the Effective Agricultural District. Without limiting the foregoing, the following land uses are deemed by the Township Board of Supervisors to have the effect of altering the essential character of the Effective Agricultural District and causing substantial and permanent impairment to the prevailing agricultural uses within this District and therefore are detrimental to the public welfare, and such uses will therefore be in contravention of the requirements set forth in Section 910.2 of the Pennsylvania Municipalities Planning Code within the context of the consideration of variances, such as (but not necessarily limited to): landfills, quarries, golf courses, regional sewage treatment plants (excluding small community-oriented facilities), airports, and country clubs.
- F. **Conservation Plan Required.** A Conservation Plan shall be required for any agricultural, horticultural, animal husbandry or forest uses that require substantial earthmoving activities of more than one acre of disturbed area in total. The commercial harvesting of trees shall receive an approved conservation plan by the Lancaster County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection, or any prevailing regulations.

#### SECTION 502 - AREA AND BULK REGULATIONS

**Agricultural Uses.** In order to preserve and promote the continuation of agricultural uses in the Effective Agricultural District the following area and bulk regulations in Table 1 shall apply to all intensive and non-intensive agricultural uses:

**Table 1 - Bulk and Lot Requirements for Agricultural Uses: Effective Agriculture District**

Regulation	Minimum Requirement
Lot size	The minimum lot size for agricultural uses shall be 25 acres. Each parent tract containing 25 acres or more shall be permitted to subdivide not more than one farm parcel and per every 25 acres that compose the parent tract, provided the remaining tract from which the parcel is divided shall not be reduced to less than 25 acres. The maximum number of parcels permitted for subdivision from the parent tract shall be determined by dividing the total area of the parent tract by 25. Fractional values shall be rounded down to the next lowest whole number. <sup>1</sup>
Maximum Building Height	35 feet, except that barns, silos, and bulk bins shall be exempt from the maximum building height limit when attached to an existing structure or located such that the distance from the base of the barn, silo, or bulk bin to both the nearest property line and the nearest street right-of-way line is not less than the height of the barn, silo, or bulk bin. In no case shall any building exceed 85 feet in height.
Minimum Front Yard Setback	50 feet <sup>2</sup>
Minimum Lot Depth	250 feet
Minimum Lot Width	250 feet
Minimum Rear Yard <sup>3</sup>	60 feet (25 feet for accessory buildings)
Minimum Side Yard <sup>3</sup>	25 feet
Maximum Lot Coverage	5%
<p><sup>1</sup> Exemptions from the provisions of this limitation: a) A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the parent tract from which the land is being taken and the tract to which the land is being transferred will be 25 acres or more after such subdivision. b) A subdivision, the sole purpose of which is to transfer not more than ½ acre of land to increase the size of an adjoining parcel, and which shall not result in the potential for creating additional lots for residential development.</p> <p><sup>2</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be in proper relation to adjacent buildings, subject to Section 1103 B.</p> <p><sup>3</sup> Vegetation Setback. On any non-farm parcel, no non-agricultural shrub or tree shall be planted within 20 and 30 feet, respectively, of any land used for agricultural purposes.</p>	

### **SECTION 503 - NON-AGRICULTURAL DWELLING OR USE NOTICE**

The primary purpose of this district is to accommodate commercial agricultural production. Owners, residents, and other users of property in this district shall be subject to common characteristics of agriculture activities which are sometimes regarded as objectionable, including, but not limited to, the creation of noise, odors, dust, the operation of machinery of any kind during any time, the storage and application of manure, fertilizers, herbicides, etc., and the heavy or slow vehicle use of roads. Owners, residents, and users of this property should regard these activities as normal, ordinary, routine, and as unavoidable characteristics of an agricultural area and are furthermore assumed to have accepted these characteristics by willingly choosing to reside in the Agricultural Preservation District. Owners, residents, and users of this property should be familiar with and aware of Section 4 of Pennsylvania Act 133 of 1992 "The Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations.

### **SECTION 504 - GENERAL DESIGN STANDARDS**

The following design standards shall apply to all uses, as applicable, in this zoning district:

- A. **Lighting.** Lighting regulations, Screening and Buffering, Storage, and Landscaping shall be in accordance with Section 1115.
- B. **Signage.** Signage regulations shall be in accordance with Article 14.
- C. **Parking and Loading.** Parking and Loading shall be in accordance with Article 15.
- D. **Nonconforming Uses.** Nonconforming Uses shall be in accordance with Article 3.

<b>ARTICLE 6 – RURAL CONSERVATION DISTRICT</b>
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**Section 600 - Purposes** - The purposes of this Article, among others, are as follows:

- A. To protect prime agricultural land and encourage the continuity, development and viability of agricultural operations as provided for in Section 603 (g) and (h) of the Pennsylvania Municipalities Planning Code, as amended, and the Conestoga Township Comprehensive Plan, considering soil type, topography, and present use;
- B. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- C. To provide for the reasonable development of minerals;
- D. To allow greater design flexibility and efficiency in the provision of services and infrastructure, including the opportunity to reduce road lengths, utility runs, and the amount of paving required for development;
- E. To reduce erosion and sedimentation;
- F. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that the Township's "fair share" population may be accommodated;
- G. To allow controlled commercial and industrial land uses;
- H. To create neighborhoods with direct visual and physical access to open land and with a strong neighborhood identity;
- I. To encourage active or passive recreational uses;
- J. To provide multiple options for landowners in order to minimize the adverse effects of development on sensitive environmental resources, and limit disturbance to natural or cultural features such as woodlands, hedgerows and tree lines, critical wildlife habitats, and historic buildings;
- K. To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and
- L. To conserve scenic views and the Township's rural character, and to minimize perceived development density by limiting views of new development from existing roads.

**Section 601 - Description of the Residential Development Options in this District**

To achieve the purposes of Section 600, this Article provides for flexibility in designing residential subdivisions by allowing two cluster development options and one conventional lot design option allowed by conditional use. The applicant is encouraged to select either **Option 1** or **Option 2** because these options allow for the greatest opportunity for innovative site design and open space retention. **Option 3** provides the opportunity to develop conventionally designed lots at densities of generally one lot per acre, allowed by conditional use. These design options are described below:

- A. **Option 1: Cluster development**, providing for residential uses and open space areas. The flexibly designed lots may utilize either individual or centralized wells and septic treatment systems. This option requires the provision of open space that can be used for various purposes.
- B. **Option 2: Cluster development with conservation of valuable natural resources**, providing for higher-density residential uses that require the preservation of prime agricultural soils and other environmental features, typically utilizing central wells and sewage treatment facilities. This option

requires the provision of open space that can be used for agriculture, recreation or other similar purposes.

- C. **Option 3: Conventional lot designs**, providing for suburban-density residential uses at lower densities and in conventional designs, allowed through the conditional use process.

#### Section 602 - Permitted Uses

A. **The Following Uses are Permitted By-Right:**

1. **Single-Family detached or semi-attached dwellings** in **Option 1** or **Option 2** subdivision designs as described in Sections 603 through 609 below.
2. **Agricultural operations, forestry, timber harvesting**, and associated activities.
3. **Open space land** uses on a portion of residential development, as specified above and according to requirements of Sections 606 H of this Article.
4. **Option 3** subdivisions under the exemption provisions of Section 603 B of this Article (i.e., when tracts are in single and separate ownership and are less than ten acres in size as of the effective date of this Ordinance).
5. **Township uses**.
6. **Day care facilities for fewer than six children**, in single-family detached dwellings.
7. **Limited non-Option 1, 2 or 3 development**. Notwithstanding other Sections of this Ordinance to the contrary, not more than one non-farm residential lot may be subdivided from any parent tract within any consecutive 12-month period, provided that the lot shall not be more than two acres in size. Lots may be created for agricultural purposes at any time, provided that such lots shall not be less than 25 acres.
8. **Wildlife observation blinds, blinds for hunting**, and similar facilities.

B. **The Following Uses are Allowed as Special Exceptions:** The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exceptions, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

1. **Accessory apartments**, subject to the provisions of Section 1106.
2. **Adaptive re-use of existing structures, residential conversion units**, subject to the provisions of Section 1201.
3. **Animal hospitals** (for small animals), **veterinary facilities, kennels**, subject to the provisions of Section 1203.
4. **Barns or stables for horses**, (on lots less than five acres) subject to the provisions of Section 1204.
5. **Bed and Breakfast establishments**, subject to the provisions of Section 1205.
6. **Cellular communication facilities** exceeding the limits in Section 1104, subject to the provisions of Section 1206.
7. **Day care facilities for more than six children**, subject to the provisions of Section 1207.
8. **Delivery-based retail facility**, subject to the provisions of Section 1208.



9. **Farm machinery service and repair**, subject to the provisions of Section 1210.
10. **Farm-related businesses**, subject to the provisions of Section 1211.
11. **Firing range**, subject to the provisions of Section 1212.
12. **General non-professional home occupation**, subject to the provisions of Section 1218.
13. **Manure processing, hauling, soils and sludge composting, and similar activities**, subject to the provisions of Section 1220.
14. **Mass outdoor gathering**, subject to the provisions of Section 1221.
15. **Places of worship, cemetery**, subject to the provisions of Section 1225.
16. **Recreational facility**, subject to the provisions of Section 1226.
17. **Retirement, nursing home, lifecare facility**, subject to the provisions of Section 1227.
18. **Riding school, horse boarding facility**, subject to the provisions of Section 1228.
19. **River-related recreational facility**, subject to the provisions of Section 1229.
20. **School**, subject to the provisions of Section 1230.
21. **Timber harvesting (only when clear-cutting)**, subject to the provisions of Section 1215.
22. **Uses substantially similar to permitted or special exception uses within this District**, subject to the provisions of Section 1234.

H. **The Following Uses are Permitted as Conditional Uses:** The following uses are permitted when conditional uses are granted by written approval of the Board of Supervisors. In granting any special exceptions, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

1. **Agritainment**, subject to the provisions of Section 1308.
2. **Amusement park**, subject to the provisions of Section 1303.
3. **Campground**, subject to the provisions of Section 1305.
4. **Correctional facility**, subject to the provisions of Section 1307.
5. **Golf course**, subject to the provisions of Section 1309.
6. **Greenhouse, nursery and garden materials sales**, subject to the provisions of Section 1316.
7. **Heavy equipment sales, service, repair**, subject to the provisions of Section 1310.
8. **Heliport/helistop**, subject to the provisions of Section 1311.
9. **Raw material extraction and/or processing**, including commercial water extraction, subject to the provisions of Section 1318.

10. **Single-family detached dwellings in Option 3 subdivisions** as described in Section 605 below.
  11. **Retail or industrial activities, (Commercial)**, not associated with an agricultural use, subject to the provisions of Section 1306.
  12. **Intensive agriculture, Stockyard**, subject to the provisions of Section 1314.
  13. **Non-Farm Entertainment-Related Activity and Agritainment**, subject to the provisions of Section 1308.
  14. **Outdoor recreation areas and facilities:** parks, (except amusement parks), playgrounds, picnic grounds, campgrounds, golf courses and country clubs (except miniature golf courses). Lodges for climbing, fishing, nature observation or other similar recreation purposes, subject to the provisions of Section 1305.
  15. **Supplemental Commercial Activities**, subject to the provisions of Section 1320.
- I. **The Following Uses Are Allowed As Accessory Uses:** The following are permitted as accessory uses located on the same lot with a permitted principal use:
1. **Animal Shelters**, subject to the provisions of Section 1102.
  2. **Display and Sale of Farm Products**, subject to the provisions of Section 1107.
  3. **Farm Ponds**, subject to the provisions of Section 1003 E.
  4. **Fish Hatchery**, subject to the provisions of Section 1003 E.
  5. **Flea Market**, subject to the provisions of Section 1110.
  6. **Home occupations (no-impact)** subject to the provisions of Section 1112.
  7. **Private garage or parking areas serving permitted uses**, subject to the provisions of Article 15.
  8. **Signs** subject to the provisions of Article 14.
  9. **Roadside sales of farm products** grown on the premises, provided off-road parking spaces are provided for the customers, subject to the provisions of Section 1107.
  10. **Other customary accessory uses and buildings**, provided that they are incidental to the principal use.

## Section 603 - Option 1 Subdivision Bulk and Lot Requirements

- A. **Option 1 Bulk and Lot Requirements.** The design of all **Option 1** subdivisions shall comply with the following minimum standards in Table 2 below:

Table 2 - Bulk and Lot Requirements: Rural Conservation District - Option 1			
Regulation	Lots Served by Individual Water and Sewer Disposal Systems	Lots Served by Centralized Sanitary Sewer and Individual Water Service	Lots Served by Centralized Sanitary Sewer and Centralized Water Service
Minimum Total Tract Size	Ten acres. Tracts may be owned by one or more persons and may be combined.		
Maximum Tract Density	One dwelling per 87,120 net square feet (two acres) of gross tract area, provided, that for each 5000 square feet (or portion thereof) of prime agricultural soils that are removed from potential agricultural use, maximum density shall be reduced by one dwelling unit. This provision shall not apply when roadways are extended to property lines at the direction of the Township.		
Minimum Tract Open Space (also see Table 5 for perimeter setback regulations)	40%	50%	60%
	The open space areas may be privately owned (part of individual lots) but must be permanently preserved through the use of restrictive covenants or as approved by the Township.		
Maximum Building Height	35 feet		
Minimum Individual Lot Area	87,120 square feet (two acres) <sup>2</sup>	40,000 square feet	20,000 square feet
Minimum Front Yard Setback <sup>1</sup>	50 feet	25 feet	
Minimum Lot Depth	200 feet	150 feet	100 feet
Minimum Lot Width	150 feet at the front setback line <sup>3</sup>	75 feet at the front setback line <sup>3</sup>	
Minimum Rear Yard	45 feet	30 feet	25 feet
Minimum Side Yard	25 feet	20 feet	15 feet
Maximum Lot Coverage	25%	35%	
<sup>1</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be placed in proper relation to adjacent buildings, subject to the provisions of Section 1103 B. <sup>2</sup> This minimum lot size may be reduced to not less than 30,000 square feet through the use of sewage effluent easements on adjoining areas. Such adjoining areas shall remain undeveloped. <sup>3</sup> Corner lots shall increase the minimum lot width by 10%.			

- B. Exemptions from the Use of Option 1 and 2 Designs for Lots Less Than Ten Acres:**  
On tracts of less than ten acres, existing in single and separate ownership on the effective date of this ordinance, single-family detached dwellings shall be permitted under the standards for **Option 3** found in Section 605, provided that the requirement for obtaining a conditional use shall not be required.

**Section 604 - Option 2 Subdivision Bulk and Lot Requirements**

- A. Bulk and Lot Requirements.** The design of all new Option 2 subdivisions shall comply with the following minimum standards in Table 3:

Table 3 - Bulk and Lot Requirements: Rural Conservation District - Option 2

Regulation	Lots Served by Individual Water and Sewer Disposal Systems	Lots Served by Centralized Sanitary Sewer and Individual Water Service	Lots Served by Centralized Sanitary Sewer and Centralized Water Service
Minimum Total Tract Size	Ten acres. Tracts may be owned by one or more persons and may be combined.		
Maximum Tract Density	One dwelling per 43,560 net square feet (one acre) of adjusted tract area as defined in Table 4, provided, that for each 5000 square feet (or portion thereof) of prime agricultural soils that are removed from potential agricultural use, maximum density shall be reduced by one dwelling unit. This provision shall not apply when roadways are extended to property lines at the direction of the Township.		
Minimum Tract Open Space (also see Table 5 for perimeter setback regulations)	50%	60%	75%
Maximum Building Height	35 feet		
Minimum Individual Lot Area	40,000 square feet <sup>2</sup>	20,000 square feet	10,000 square feet
Minimum Front Yard Setback <sup>1</sup>	50 feet	25 feet	20 feet
Minimum Lot Depth	200 feet	100 feet	75 feet
Minimum Lot Width	150 feet at the front setback line <sup>3</sup>	50 feet at the front setback line <sup>3</sup>	40 feet at the front setback line <sup>3</sup>
Minimum Rear Yard	40 feet	20 feet	15 feet
Minimum Side Yard	25 feet	15 feet	10 feet
Maximum Lot Coverage	30%	50%	60%

<sup>1</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be in proper relation to adjacent buildings, subject to the provisions of Section 1103 B.

<sup>2</sup> This minimum lot size may be reduced to not less than 20,000 square feet through the use of sewage effluent easements on adjoining areas. Such areas shall remain undeveloped.

<sup>3</sup> Corner lots shall increase the minimum lot width by 10%.

- B. Exemptions from the Use of Option 1 and 2 Designs for Lots Less Than Ten Acres:**  
On tracts of less than ten acres, existing in single and separate ownership on the effective date of this ordinance, single-family detached dwellings shall be permitted under the standards for **Option 3** found in Section 605, provided that the requirement for obtaining a conditional use shall not be required.

- C. Density Determination For Option 2 Subdivisions.** The maximum permitted residential building density for Option 2 subdivisions shall be determined by calculating the **Adjusted Tract Acreage**, as follows:

The **Adjusted Tract Acreage** shall be determined by multiplying the acreage within the Land Feature categories listed below by the "deduction factor" for that land feature as shown on Table 4. The resulting areas shall then be deducted from the total (gross) tract area. The identification of the land features may be performed in any manner acceptable to the Township Zoning Officer, when conducted in accordance with commonly-accepted practices. The applicant shall submit to the Township a map showing the Land Feature areas listed in Table 4, including shaded areas corresponding to the areas that exceed the maximum density factors in Table 4:

<b>Table 4 - Adjusted Tract Acreage Density Determination For Rural Conservation District - Option 2 Subdivisions</b> (See formula below <sup>1</sup> )	
<b>Land Feature Acreages <sup>2</sup></b>	<b>Deduction Factor</b>
All areas within the rights-of-way of existing public streets or highways, or within access easements	100%
Existing private streets	100%
Floodways, floodplains, flood fringes (but shall not include conservation terraces and drainage ways)	100%
Recreation areas and historic sites as identified in the Township Comprehensive Plan	100%
Steep slopes over 25% (defined as change in elevation divided by horizontal distance, measured prior to site disturbance)	100%
Existing stormwater management facilities	100%
Existing wetlands, ponds and streams	100%
Contiguous areas of rock outcrop and boulder fields over 1000 sf	90%
Moderately steep slopes between 15% - 25% (measured prior to site disturbance)	40%
Prime Agricultural Soil (USDS Class I, II, III)	90%
Woodlands	20%
<sup>1</sup> Calculating the Adjusted Tract Acreage: (Acreage of each Land Feature above) X (Deduction Factor) = Acreage to be deducted from gross tract area This calculation shall be performed for each of the individual land features, then added to result in the total amount of land area that shall be deducted from the gross tract acreage.	
<sup>2</sup> If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage that acreage shall be subject to the most restrictive deduction only. The identification of the land features may be performed in any manner acceptable to the Township Zoning Officer, when conducted in accordance with commonly-accepted practices.	

**Section 605 - Option 3 Subdivision Bulk and Lot Requirements.**

The design of all Option 3 subdivisions in the Rural Conservation District shall comply with the following minimum standards in Table 5. This design option is permitted as a conditional use:

<b>Table 5 - Bulk and Lot Requirements: Rural Conservation District - Option 3</b>	
<b>Regulation</b>	<b>Minimum Requirement</b>
Minimum lot size <sup>1</sup>	One dwelling per 87,120 (two acres) gross sf <sup>1</sup> . No prime agricultural soils shall be removed from potential agricultural use, unless in residentially developed areas as approved by the Board of Supervisors where the infill of development at similar densities is appropriate. No residential lot may be located within 100 feet of any area of prime agricultural soils.
Maximum Building Height	35 feet
Minimum Front Yard Setback	50 feet <sup>2</sup>
Minimum Lot Width	150 feet
Minimum Rear Yard	60 feet (25 feet for accessory buildings)
Minimum Side Yard	25 feet
Maximum Lot Coverage	10%
<sup>1</sup> The Board may allow a reduction of the minimum lot size to not less than one acre, provided that the gross density of the parent tract does not exceed one lot per 87,120 square feet. <sup>2</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be in proper relation to adjacent buildings, subject to Section 1103 B.	

**Section 606 - General Design Standards for Option 1 and 2 Subdivisions**

The following standards shall apply to all Option 1 and 2 subdivisions. All plans shall be submitted to the Township Planning Commission for its review.

- A. **Ownership.** The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be developed as a single entity with common undivided authority with a single applicant.
- B. **Limitations on Site Disturbance.** The natural features listed in Table 4 shall not be disturbed by an amount exceeding the area that results from subtracting the deduction factor from 100. (For example, not more than 40% of moderately steep areas may be disturbed: 100 - 40% deduction factor for moderately steep slopes = 60% maximum site disturbance of moderately steep slopes.)
- C. **Combining Design Options.** The various layout and density options described in this Article may be combined, based upon demonstration by the applicant that such a combination would better meet the intent of this Ordinance and the stated purposes of this Article, as compared with applying a single development option to the parcel.



- D. **Intersections and Access.** Subdivisions containing fewer than 15 dwellings shall not include more than one roadway entrance onto public roads unless required by the Township Supervisors.
- E. **Access From Interior Streets.** All houselots shall gain access from interior streets unless permitted by the Township due to unusual physical circumstances.
- F. **Tract Setback Requirements:** Minimum tract perimeter setbacks (i.e., from outer tract boundary to individual dwellings) for **Options 1 and 2** subdivisions shall be as required in Table 6:

Table 6 – Tract Perimeter Setback Requirements for Rural Conservation District - Options 1 and 2	
Land Feature	Setback
All external road ultimate rights-of-way	100 ft
All other tract boundaries	50 ft
Cropland or pasture land on the site or on adjacent areas	100 ft
Buildings or barnyards housing livestock on the site or on adjacent areas	300 ft
Active recreation areas such as courts or playing fields but not including tot lots	150 ft

- G. **Open Space Design Requirements.** Open space areas that are provided in **Options 1 and 2** subdivisions shall meet the following requirements:
1. **Accessibility.** Not less than 50% of the minimum required open space land shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, walking trails, footpaths, community park, or any combination of the above. In addition, no more than 50% of the minimum required open space land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc. Open space land shall not be used for residential lots, except as provided below.
  2. **Location.** The required open space land shall be located and designed to add to the visual amenities of villages and hamlets and to the surrounding area, by maximizing the visibility of internal open space and terminal vistas at the ends of streets (or along the outside edges of street curves), and by maximizing the visibility of external open space as perimeter greenbelt land. Greenbelt land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
  3. **Views of Houselots.** Views of houselots from exterior roads and abutting properties should be minimized by the use of changes in topography, existing vegetation, or additional landscaping. This land shall generally remain undivided and may be owned and maintained by a homeowners association, land trust, another conservation organization recognized by the municipality, or by a private individual (typically as part of the original farmstead).
  4. **Buffers for Adjacent Public Parkland.** Where the proposed development adjoins public parkland, a natural open space buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or for the removal of noxious or invasive plants). Where this buffer is unwooded, the Township may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive species.

5. **No portion of any building lot may be used for meeting the minimum required open space land**, unless permanently preserved from development. However, active agricultural land, excluding areas used for residences and farm buildings, may be used to meet the minimum open space requirement.
6. **Pedestrian and maintenance access.** Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to open space land in accordance with the following requirements:
  - a. Not less than one point of access to the open space area shall be provided within each portion of road in excess of 300 feet in length. The access shall not be less than 20 feet in width.
  - b. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
7. **Landscaping.** All open space land areas that are not wooded or farmed shall be landscaped.
8. **Management plan.** The applicant shall prepare a long-range management plan for the open space land.
9. **Minimum Dimensions of Open Space Areas.** No open space or buffer area shall have a dimension less than 40 feet, although trails may have a dimension not less than 10 feet.

**H. Uses Permitted on Open Space Lands:**

1. **Conservation of open land** in its natural state (i.e., woodland, fallow field, or meadow);
2. **Agricultural**, forestry, silviculture and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are intensive agricultural activities.
3. **Pastureland** or areas for horses.
4. **Common neighborhood uses** such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding wheeled vehicles (except for agricultural vehicles), and rifle ranges.
5. **Active non-commercial recreation areas**, such as playing fields, playgrounds, courts, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 50 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
6. **Golf courses** may comprise up to half of the minimum required open space land, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within any minimum open space requirement; their parking and access ways may be paved and lighted.
7. **Water supply and sewage disposal systems**, and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space.
8. **Easements** for drainage, access, sewer or water lines, or other public purposes;
9. **Aboveground utility rights-of-way.** Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required open space land.
10. **Township park, Township recreation** and accessory structures.

**Section 607 - Land Dedication for Public Recreational Use and the "Fee-In-Lieu" Alternative.**

- A. Minimum Dedication Requirements.** Applicants for new residential developments involving ten or more dwellings shall be required to dedicate to the Township not less than the minimum amount as required by the Conestoga Township Comprehensive Plan (as it may be amended) of the gross tract acreage of each proposed dwelling for use as public recreational facilities subject to the provisions of Section 503 (11) of the Pennsylvania Municipalities Planning Code. Such land shall be suitable for active and/or passive recreation, with at least 50% of the land suitable for active recreation, where such facilities are required by the Conestoga Township Comprehensive Plan.
- B. Alternatives to Dedication.** In lieu of dedication of land, the applicant may choose among the following alternatives:
1. The applicant may offer a dedication accessible to recreational usage by the residents of the proposed subdivision. If land is set aside in this manner for private recreational use, it shall also be permanently protected through a conservation easement enforceable by the municipality and/or a land trust, prohibiting future non-recreational (or commercial recreational) uses.
  2. The applicant may offer to pay a fee to the Township in lieu of any recreational land dedication. The Board of Supervisors may accept this fee upon determination that the provision of land would not result in a public benefit.
  3. The decision whether to accept a fee-in-lieu offer by the applicant shall lie with the Board of Supervisors. The amount of the fee shall be based upon the fair market value of land that is similar in area, location and in other attributes to land which would otherwise have been dedicated by the developer to satisfy this Section. The determination of fair market value shall be made by a person familiar with land values in the Township, and who is mutually acceptable to the Board of Supervisors and to the applicant. Such fees shall be based on land values at the time of development of the applicant's parcel. All such fees collected shall be deposited in an interest-bearing account identifying the specific recreation facilities for which the fee was received. Upon request of any person who paid any fee under this Section, the Board of Supervisors shall refund such fee, plus interest accumulated thereon from the date of payment, if the Board of Supervisors had failed to utilize the fee paid for the purposes set forth in this Section within three years from the date such fee was paid.
  4. In **Option 1** and **2** subdivisions involving fewer than ten dwelling units where, in the judgment of the Township, there would be no specific public benefit accruing from a public dedication (as described above), or from a set-aside for shared private recreational usage among the subdivision lot owners, the applicant may offer to place a conservation easement on certain areas of land within individual lots where certain environmentally-sensitive features are present, without conferring common access rights or privileges for the subdivision's residents or the public. The percentage of land that is thus protected shall generally be not less than 20% of the gross land area of the subdivision. This land may be access-restricted not only from the public but also from other residents in the subdivision.

**Section 608 - Transportation Impact Analysis**

Applicants for developments that result in more than 75 new peak hour trips shall prepare a Transportation Impact Analysis according to the provisions in the Appendix of this Ordinance.

**Section 609 - Environmental Impact Analysis**

- A. Environmental Impact Analysis.** Applicants for developments that result in the disturbance of an aggregate of five acres or more shall prepare an Environmental Impact Analysis according to the provisions in the Appendix of this Ordinance.
- B. Conservation Plan Required.** A Conservation Plan shall be required for any agricultural, horticultural, animal husbandry or forest uses that require substantial earthmoving activities of

more than one acre of disturbed area in total. The commercial harvesting of trees shall receive an approved conservation plan by the Lancaster County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection, or any prevailing regulations.

#### **Section 610 - Discretionary Density Bonuses**

Additional density may be authorized by the Township upon its determination that one of the following public benefits will occur (this determination shall be at the Township's sole discretion):

- A. Public Usage of Open Space Land.** The Board of Supervisors may allow a density bonus up to a maximum of one dwelling unit per five acres of open space land that becomes publicly accessible and available (including active and passive recreation areas, spray or drip irrigation areas (i.e., disposal of sewage), municipal buildings, etc.) The decision to accept an applicant's offer to dedicate open space land to public usage within a proposed subdivision shall be at the discretion of the Board of Supervisors, when it determines that a public benefit will occur.
- B. Endowment For Open Space Maintenance:**
  - 1. The Board of Supervisors may allow a density bonus up to 10% in exchange for the creation of a permanent fund to offset continuing costs of maintaining open space land (involving activities such as mowing, removing exotic species, meeting insurance premiums and local taxes, etc.), and costs associated with active or passive recreation facilities. Expenditures from this fund should be restricted to disbursements of interest so that the principal may be preserved. The minimum amount of the fund shall be adequate to ensure continued maintenance of the open space and the amount shall be determined by an agency, firm, or organization with experience in managing conservation land and recreational facilities and which is acceptable to the Township, and the fund shall be in an amount acceptable to the Township.
  - 2. Open space land that is not accessible by the subdivision's residents is not required to be included when estimating ongoing maintenance costs. (Such lands would typically include areas designated on the Final Plan for future agricultural, horticultural, silvicultural, or equestrian uses, which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement.)
- C. Implementation.** These density bonuses may be implemented by reducing the amount of required open space land by up to 10%, reducing the minimum lot area requirements by up to 10%, or by a combination of these approaches, at the discretion of the Board of Supervisors.

#### **Section 611 - Ownership And Maintenance Of Open Space Land And Common Facilities**

- A. Restrictions on Open Space Land.** No development shall be permitted in open space areas at any time, except for those uses listed in Section 606 H above.
- B. Ownership Options.** Ownership of common facilities may be in the forms below as approved by the Township (however, open space land may be initially offered for dedication to the Township. Common facilities shall not be transferred to another entity except for transfer to another form of ownership permitted under this Section, provided that there is no change in the common facilities or in the open space ratio of the overall development):
  - 1. **Fee Simple Dedication to the Township:** The Conestoga Township Board of Supervisors may, but shall not be required to, accept any portion of the common facilities, provided that:
    - a. There is no cost of acquisition to the Township; and,
    - b. The Board of Supervisors agrees to and has access to maintain such facilities.
  - 2. **Condominium Association:** Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with the

Pennsylvania Uniform Condominium Act of 1980, as amended. All open land and common facilities shall be held as a "common element."

3. **Homeowners' Association:** Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in applicable Pennsylvania regulations. In addition, the following standards shall be met:
    - a. The applicant shall provide the Board of Supervisors with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
    - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
    - c. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title, who shall have joint and undivided interests in any common areas.
    - d. The association shall be responsible for maintenance and insurance of common facilities.
    - e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with all accrued interest before the lien may be lifted.
    - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance of common facilities must be given to all members of the association and to the Board of Supervisors not less than 30 days prior to such event.
    - g. The association shall have adequate staff to administer, maintain, and operate such common facilities.
  4. **Dedication to Private Conservation Organization or to the County:** With the permission of the Board of Supervisors, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:
    - a. The conservation organization is acceptable to the municipality and is a bona fide conservation organization intended to exist indefinitely.
    - b. The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its functions.
    - c. The open space land is permanently restricted from future development through a conservation easement and the Board of Supervisors are given the ability to enforce these restrictions; and,
    - d. A maintenance agreement acceptable to the Board of Supervisors is established between the owner and the organization.
    - e. A satisfactory maintenance agreement shall be reached between the owner and the Board of Supervisors.
  5. **Dedication of Easements to the Township:** The Board of Supervisors may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the Board of Supervisors holds the easements. In addition, the following regulations shall apply:
    - a. There shall be no cost of acquisition to the Board of Supervisors.
    - b. Any such easements for public use shall be accessible to the residents of the Township.
- C. **Maintenance.** Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

1. The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance of open space lands and operation of common facilities in accordance with the requirements of Article V of the Pennsylvania Municipalities Planning Code and with the following:
  - a. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);
  - b. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
  - c. At the Board of Supervisors' discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common public facilities for up to 18 months; and,
  - d. The Board of Supervisors shall approve any changes to the maintenance plan.
2. In the event that the organization established to maintain the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Board of Supervisors may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
3. In the event of a violation of the terms of this Section, the Board of Supervisors or its authorized representative may enter the premises and take corrective action, including maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. The Township shall file notice of such lien in the office of the Prothonotary of Lancaster County.

## **ARTICLE 7 - LOW DENSITY RESIDENTIAL (LDR) DISTRICT**

### **Section 700 - Purpose**

The purpose of this district is to provide for low-density residential development opportunities in the areas generally surrounding the central village portion of the Township and the areas to its north. This area contains established residential developments as well as agricultural and undeveloped areas, and provides opportunities for development of single-family detached dwellings. This area will rely primarily on private septic and water systems, although there is opportunity for the development of community systems in the future, especially in the areas near the Village.

### **Section 701 - Permitted Uses**

- A. Agriculture, forestry, timber harvesting.**
- B. Single-family detached dwellings.**
- C. Public parks and playgrounds.**
- D. School and related uses.**
- E. Family day care facilities for not more than six children.**
- F. Home occupations (no-impact), subject to the provisions of Section 1112.**
- G. Double-family farm dwellings, subject to the provisions of Section 1109.**
- H. Accessory uses and structures customarily incidental to the uses listed above, when in conjunction with those uses and when conducted on the same lot.**

### **Section 702 - Special Exceptions**

The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exceptions, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- A. Accessory apartments, subject to the provisions of Section 1201.**
- B. Adaptive re-uses of existing structures, residential conversion units, subject to the provisions of Section 1217.**
- C. Barns or stables for horses (on lots less than five acres), subject to the provisions of Section 1204.**
- D. Bed and Breakfast, subject to the provisions of Section 1205.**
- E. Day care facilities for more than six children, subject to the provisions of Section 1207.**
- F. Farm-related businesses, subject to the provisions of Section 1211.**
- G. General (non-professional) home occupation, subject to the provisions of Section 1218.**
- H. Places of worship, cemetery, subject to the provisions of Section 1225.**
- I. Private recreation facilities, subject to the provisions of Section 1226.**

- J. Riding school, horse-boarding facility, subject to the provisions of Section 1228.
- K. Accessory uses and structures customarily incidental to the uses listed above, when in conjunction with those uses and when conducted on the same lot.
- L. Uses substantially similar to permitted or special exception uses, subject to the provisions of Section 1234.

### Section 703 - Bulk and Lot Regulations of Principal Buildings

Bulk, lot, height and other area regulations shall be determined on the provision of private or public water and sanitary sewer facilities, as follows. (Developments using public or community sanitary sewer and/or water service shall have primary vehicular access from a major or minor collector road):

Table 7 - Bulk and Lot Requirements: LDR District				
Regulation	Lots Not Served by Public Water and Sanitary Sewer Service	Lots Served by Public Water Service Only	Lots Served by Public Sanitary Sewer and Private Water Service	Lots Served by Public Sanitary Sewer and Public Water Service
Maximum Building Height	35 feet			
Minimum Lot Area	65,000 square feet	43,560 square feet	30,000 square feet	20,000 square feet
Minimum Front Yard Setback <sup>1</sup>	Major Collector - 80 feet from roadway center line Minor Collector - 60 feet from roadway center line Local - 50 feet from roadway center line			
Minimum Lot Depth	200 feet	150 feet	135 feet	120 feet
Minimum Lot Width	150 feet at the front setback line <sup>2</sup>	100 feet at the front setback line <sup>2</sup>	85 feet at the front setback line <sup>2</sup>	
Minimum Rear Yard	50 feet	40 feet	25 feet	
Minimum Side Yard	25 feet	15 feet		
Maximum Lot Coverage (all structures)	20 %			
<sup>1</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be in proper relation to adjacent buildings, subject to Section 1103 B. <sup>2</sup> Corner lots shall increase the minimum lot width by 10 %.				



**Section 704 - Height and Area Regulations for Accessory Structures**

Bulk and lot regulations for accessory structures shall be as follows:

<b>Table 8 - Bulk and Lot Requirements: LDR District - Accessory Structures</b>	
<b>Standard</b>	<b>Regulation</b>
Maximum Building Height	20 feet
Minimum Front Yard (from roadway center lines of roadways as shown in Section 1003 A)	The minimum front yard setback shall be equal to the distance provided for principal buildings, plus 15 feet, but shall not be less than 35 feet.
Minimum Rear Yard	15 feet
Minimum Side Yard	10 feet
Maximum Aggregate Floor Coverage (all accessory structures not including garages)	200 feet

## ARTICLE 8 - VILLAGE - RESIDENTIAL (V-R) DISTRICT

### Section 800 - Purpose

Parts of Main Street to the northeast of the downtown area, to the east and west of Main Street, Orchard Hills and nearby areas, and the eastern parts of Stone Hill Road and Valley Road are similar to the Village area in terms of their small lots, narrow side and front yards, and instances of older architecture. However, these areas do not have the mix of residential and non-residential land uses that characterize the Village. Therefore, the Village-Residential district is created to recognize that such areas have different physical conditions from surrounding areas, but a broad mix of land uses is not appropriate.

The Village-Residential district differs from the Village Mixed Use district primarily because the V-R district allows a narrower range of land uses, and forms a transition between the higher-density Village district area with surrounding lower-density residential areas.

### Section 801 - Permitted Uses

- A. Agriculture, forestry, timber harvesting.
- B. Double-family farm dwellings, subject to the provisions of Section 1109.
- C. Family day care facilities for not more than six children.
- D. Home occupations (no-impact), subject to the provisions of Section 1112.
- E. Public parks and playgrounds.
- F. School and related uses.
- G. Single-family detached dwellings.
- H. Accessory uses and structures customarily incidental to the uses listed above, when in conjunction with those uses and when conducted on the same lot.

### Section 802 - Special Exceptions

The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- A. Accessory apartments, subject to the provisions of Section 1201.
- B. Adaptive re-use of existing structures, residential conversion units, subject to the provisions of Section 1217.
- C. Barns or stables for horses (on lots less than five acres), subject to the provisions of Section 1204.
- D. Bed and Breakfast, subject to the provisions of Section 1205.
- E. Day care facilities for more than six children, subject to the provisions of Section 1207.
- F. Farm-related business, subject to the provisions of Section 1211.
- G. General (non-professional) home occupation, subject to the provisions of Section 1218.

- H. **Places of worship**, subject to the provisions of Section 1225.
- I. **Riding school, horse-boarding facility**, subject to the provisions of Section 1228.
- J. **Accessory uses and structures customarily incidental to the uses listed above**, when in conjunction with those uses and when conducted on the same lot.
- K. **Uses substantially similar** to permitted or special exception uses, subject to the provisions of Section 1234.

#### Section 803 - Height and Area Regulations of Principal Buildings

Bulk, lot, height and other area regulations shall be based on the provision of private or public water and sanitary sewer facilities, as follows. (Developments using public or community sanitary sewer and/or water service shall have primary vehicular access from a major or minor collector road):

Table 9 - Bulk and Lot Requirements: VR District				
Regulation	Lots Not Served by Public Water and Sanitary Sewer Service	Lots Served by Public Water Service Only	Lots Served by Public Sanitary Sewer and Private Water Service	Lots Served by Public Sanitary Sewer and Public Water Service
Maximum Building Height	35 feet (barns, silos and similar structures shall not be subject to maximum height regulations)			
Minimum Lot Area	43,560 square feet		20,000 square feet	10,000 square feet
Minimum Front Yard Setback <sup>1</sup>	Major Collector - 80 feet from roadway center line Minor Collector - 60 feet from roadway center line Local - 50 feet from roadway center line			
Minimum Lot Depth	150 feet	100 feet		
Minimum Lot Width	75 feet at the front setback line <sup>2</sup>		50 feet at the front setback line <sup>2</sup>	
Minimum Rear Yard	30 feet		20 feet	
Minimum Side Yard	15 feet			10 feet
Maximum Lot Coverage (all structures)	20 %		30 %	25 %
<sup>1</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be in proper relation to adjacent buildings, subject to Section 1103 B. <sup>2</sup> Corner lots shall increase the minimum lot width by 10 %.				

# **Section 804 - Height and Area Regulations for Accessory Structures**

Bulk and lot regulations for accessory structures shall be as follows:

<b>Table 10 - Bulk and Lot Requirements: VR District Accessory Structures</b>	
<b>Regulation</b>	<b>Standard</b>
Maximum Building Height	15 feet
Minimum Front Yard (from roadway center lines of roadways as shown in Section 1003 A)	Setback shall be equal to the distance provided for principal existing building, plus 15 feet.
Minimum Rear Yard	10 feet
Minimum Side Yard	10 feet
Maximum Aggregate Floor Area (all structures)	200 square feet

## **ARTICLE 9 - VILLAGE MIXED-USE (VMU) DISTRICT**

### **Section 900 - Purpose**

The Conestoga Village Mixed-Use district is the established core of the Township, and currently contains an assortment of single-family and multi-family homes, commercial, and office establishments. A second, much smaller VMU district is located on Slackwater Road in the northern part of the Township. Lots in these areas are generally small, and setbacks from the street are often shallow. Some homes have been expanded during the years, many have varying architectural styles, and some are large. This district helps define the character of the Township and offers locally oriented goods and services that may otherwise only be available at shopping centers. The VMU district needs individual attention because bulk and lot dimensions are often very different from newer areas within the Township.

### **Section 901 - Permitted Uses**

- A. Banks, business offices.
- B. Confectionery and bakery shops.
- C. Dwellings when in combination with a business use.
- D. Duplex units.
- E. Forestry, timber harvesting.
- F. Home occupations (no-impact), subject to the provisions of Section 1112.
- G. Medical and dental clinics.
- H. Multi-family dwellings not exceeding five dwellings per acre.
- I. Parking facilities.
- J. Personal service shops, including tailor, barber, beauty shop, dressmaking, shoe repair or similar shop.
- K. Professional offices.
- L. Retail stores and shops, restaurants, theaters, dry cleaning and laundry establishments.
- M. Single-family dwellings.
- N. Two single-family dwellings on one lot, subject to the provisions of Section 1109.
- O. Veterinary office, but not including kennels.
- P. Accessory uses and structures customarily incidental to the uses listed above, when in conjunction with those uses and when conducted on the same lot.

### **Section 902 - Special Exceptions**

The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- A. **Adaptive re-use of existing structures, residential conversion units**, subject to the provisions of Section 1217.
- B. **Accessory apartment**, subject to the provisions of Section 1201.
- C. **Bed and Breakfast**, subject to the provisions of Section 1205.
- D. **Day care facilities for more than six children**, subject to the provisions of Section 1207.
- E. **Delivery-based facilities**, subject to the provisions of Section 1208.
- F. **Funeral home**, subject to the provisions of Section 1216.
- G. **General (non-professional) home occupations** subject to the provisions of Section 1218.
- H. **Mobile home parks** subject to the provisions of Section 1222.
- I. **Places of worship** subject to the provisions of Section 1225.
- J. **Public or private recreational facilities**, subject to the provisions of Section 1226.
- K. **School**, subject to the provisions of Section 1230.
- L. **Uses substantially similar to permitted or special exception uses**, subject to the provisions of Section 1234.
- M. **Accessory uses and structures customarily incidental to the uses listed above**, when in conjunction with those uses and when conducted on the same lot.

#### **Section 903 – Conditional Uses**

The following uses are permitted when conditional uses are granted by written approval of the Board of Supervisors. In granting any conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- A. **Adult entertainment establishments**, subject to the provisions of Section 1301.
- B. **Amusement arcade**, subject to the provisions of Section 1302.
- C. **Automotive/vehicular sales and service, gas station, and similar facilities**, subject to the provisions of Section 1304.
- D. **Heavy equipment sales**, subject to the provisions of Section 1310.
- E. **Hospital and related use**, subject to the provisions of Section 1312.
- F. **Hotel, motel**, subject to the provisions of Section 1313.
- G. **Motor vehicle sales, car washes, motor vehicle service and/or repair establishments and gasoline stations** subject to the provisions of Section 1304.
- H. **Nightclub and similar places of entertainment**, subject to the provisions of Section 1315.

#### **Section 904 - Height and Area Regulations of Principal Buildings**

Bulk, lot, height and other area regulations shall be determined on the provision of private or public water and sanitary sewer facilities, as follows on Table 11. (Developments using public or community sanitary sewer and/or water service shall have primary vehicular access from a major or minor collector road):

Table 11 - Bulk and Lot Requirements: VMU District

Regulation	Lots Not Served by Public Water and Sanitary Sewer Service	Lots Served by Public Water Service Only	Lots Served by Public Sanitary Sewer and Private Water Service	Lots Served by Public Sanitary Sewer and Public Water Service
Maximum Building Height	40 feet (barns, silos and similar structures shall not be subject to maximum height regulations)			
Minimum Lot Area	43,560 square feet	20,000 square feet	20,000 square feet. Maximum Density Per Unit: (Square feet per dwelling): Single Family Attached: 7500 sf Duplex: 5000 sf Garden Apartment: 1800 sf Other Multi-Family & Mobile Home Park: 7500 sf	
Minimum Front Yard Setback <sup>1</sup>	Major Collector - 80 feet from roadway center line Minor Collector - 60 feet from roadway center line Local - 50 feet from roadway center line			
Minimum Lot Depth	100 feet			
Minimum Lot Width	50 feet at the front setback line <sup>2</sup>	100 feet at the front setback line <sup>2</sup>	75 feet at the front setback line <sup>2</sup>	
Minimum Rear Yard	30 feet		20 feet	
Minimum Side Yard	15 feet	10 feet		
Maximum Lot Coverage (all structures)	40 %			Single Family Detached: 20% Duplex: 20 % Garden Apartment: 50 % Other Multi-Family & Mobile Home Park: 50 %

<sup>1</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be in proper relation to adjacent buildings, subject to Section 1103 B.

<sup>2</sup> Corner lots shall increase the minimum lot width by 10 %.

**Section 905 - Height and Area Regulations for Accessory Structures**

Bulk and lot regulations for accessory structures shall be as follows:

<b>Table 12 - Bulk and Lot Requirements: VMU District Accessory Structures</b>	
<b>Regulation</b>	<b>Standard</b>
Maximum Building Height	15 feet
Minimum Front Yard (from roadway center lines of roadways as shown in Section 1103, Table 14)	Setback shall be equal to the distance provided for existing principal building, plus 15 feet.
Minimum Rear Yard	10 feet
Minimum Side Yard	5 feet
Maximum Aggregate Floor Area (square feet per dwelling):	
Single Family Detached:	200
Duplex:	100
Garden Apartment:	75
Other Multi-Family and Mobile Home Park:	75



## ARTICLE 10 - FLOODPLAIN - CONSERVATION (FP-C) DISTRICT

### Section 1000 - Intent and Purpose

- A. **General Intent.** Floodplains are not appropriate for development because inundation may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare. Therefore, the Floodplain - Conservation District is intended to protect areas subject to flooding, to permit and encourage the retention of open space, and to guide incompatible developments into other more appropriate zoning districts. Generally, development in floodplain areas is restricted, although some of these areas may be suitable for open space uses that do not involve the construction of structures, such as agriculture, recreation, forestry, etc. as described in this Ordinance.
- B. **Purpose.** In addition to the general goals listed in the Intent, Section 104, and Statement of Community Goals and Objectives, Section 105, the purposes of this district are:
1. To promote the general health, welfare, and safety of the Township's residents.
  2. To reduce financial burdens imposed on the community, its government and its individuals by preventing excessive development in areas subject to periodic flooding.
  3. To require all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage through the use of appropriate construction practices.
  4. To regulate uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
  5. To restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding.
  6. To comply with the provisions of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (Act 1978 - 166).

### Section 1001 - Areas in the Floodplain-Conservation District

The Floodplain-Conservation District shall be those areas of Conestoga Township, Lancaster County, which are subject to the 100 year flood and sub-districts as determined in Section 1001.A. below, as identified in the Flood Insurance Study (FIS) dated April 19, 2005, and the accompanying maps prepared by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof. Such areas are not specifically shown on the Township Zoning Map, and shall be deemed an overlay to any other district. Terms specific to floodplain areas are listed in **Article 2 Definitions**.

- A. **Areas Contained Within the District.** The Flood Plain-Conservation District shall be comprised of three sub-districts as follows:
1. **Floodway.** The areas identified as "Zone A" in the most recent edition of the Flood Insurance Study (FIS) prepared by FEMA. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.
  2. **Flood Fringe.** The remaining portions of the 100 year floodplain in those areas in the FIS where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100-year flood elevations as shown in the flood profiles contained in the FIS.
  3. **Flood Plain (F-3).**

- a. The areas identified as Zone A in the FIS for which the 100 year flood elevations have been provided. When available, information from other Federal State, and other acceptable sources (including those listed in subsection b) below) shall be used to determine the one hundred year elevation, as well as a floodway area, if possible. When no other information is available, the 100-year elevation shall be determined by using a point on the boundary of the identified floodplain area nearest the site.

In lieu of the above, the Township may require the applicant to determine the 100 year flood elevation with hydrologic and hydraulic engineering techniques. Only professional engineers or others of demonstrated qualifications, who shall certify that the technical methods correctly reflect currently accepted technical concepts, shall prepare hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

- b. In addition to the sources listed in subsection a) above, the following data may be used to determine the approximated flood plain areas:
  - i. Corps of Engineers - Flood Plain Information Reports.
  - ii. U.S. Geological Survey - Flood-Prone Quadrangles.
  - iii. USDA Soil Survey of Lancaster County - Alluvial soils types.
  - iv. DEP flood control investigations.
  - v. Known high water marks from past floods.

**B. Boundary Disputes.** In the event of a dispute concerning the actual boundary of the Flood Plain-Conservation District, an initial determination shall be made by the Zoning Officer, which may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall rest with the appellant. All revisions to the boundaries of the Flood Plain-Conservation District are subject to the review and approval of FEMA in accordance with its rules and regulations.

**C. District Boundary Change.** The delineation of the Flood Plain-Conservation District may be revised and modified by the Board of Supervisors to reflect changes through natural or man-made events and where the effects of those changes have been documented and/or recommended by the U.S. Army Corps of Engineers, or FEMA. All such changes shall be subject to the review and approval of FEMA.

## Section 1002 - Applicability

The provisions of this Article shall apply to all areas of the Township located within the boundaries of any Flood Plain-Conservation District.

- A. **Compliance.** No structure shall be constructed and no existing structure shall be enlarged, converted, relocated or structurally altered, and no area shall be graded, filled, or excavated, in the Flood Plain-Conservation District except in full compliance with the terms and provisions of this Article and other applicable regulations.
- B. **Permit Required.** A building/zoning permit shall be required for all activities which include, but are not limited to, constructing, demolishing, or moving buildings or other structures, paving, filling, grading, excavation, mining, dredging or drilling operations, or the storage of materials and equipment, provided, however, that those structures, land uses, and water uses lawfully existing prior to the adoption of this Ordinance shall not be required to comply with this Article unless expansions or exterior additions are proposed, or compliance is necessary to correct a serious and substantial threat to public health, safety, or property.
- C. **Disclaimer of Liability.** The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on the use of normal and customary engineering methods of study. Floods that exceed the levels anticipated in this Article may occur on rare occasions, and floodwater heights may be increased by man-made or natural causes. In such events, areas outside identified flood plains and land uses permitted within such areas may be subject to flooding or flood damage, regardless of the adherence to the standards of this Article.

The adoption of this Article and Ordinance, the granting of a building/zoning permit, or the issuance of any administrative decision under this Ordinance shall not constitute a representation,

guarantee, or warrant by the Township or by any official, agent or employee thereof, of the practicability or safety of any structure or land use with respect to damage from flooding, collapse, erosion or otherwise, and shall create no liability upon or cause of action against such public body, official, agent or employee for any damage that may result pursuant thereto or as a result of reliance on this Article or Ordinance.

### Section 1003 - Permitted Uses

The following uses and no others are permitted within the Flood Plain-Conservation District, provided they are conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 349 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, all other applicable provisions of this Ordinance and other local, state and federal regulations. However, buildings and structures shall not be permitted:

- A. **Activities related to the preservation of natural amenities**, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens or arboretums.
- B. **Agriculture, forestry, timber harvesting, horticulture**, excluding any fill or structures within the 100-year floodplain; provided, however, that the exclusion of fill shall not be construed to prohibit grading, filling or depositing that would not cause any rise in the water surface elevation of the 100-year flood.
- C. **Blinds** for the shooting or observation of wildlife, provided that such blinds shall comply with the regulations of the Pennsylvania Game Commission. Blinds shall not impede floodwater flow or increase floodwater heights.
- D. **Erosion and sedimentation control measures**, facilities and structures.
- E. **Farm ponds** that are constructed in accordance with a conservation plan reviewed by the Lancaster County Conservation District and which do not create any increase in flooding.
- F. **Flood proofing and flood hazard reduction structures** to protect only lawfully existing non-conforming structures and lawfully existing non-conforming uses within structures.
- G. **Harvesting of any wild crop**, such as marsh hay, ferns, moss, berries, fruits and seeds, or rice.
- H. **Open space and front, side, or rear yard areas** required by this Ordinance. Floodplain areas may be used to meet minimum open space, yard, lot area and natural landscaping requirements, provided that no construction occurs on the flood plain.
- I. **One or two-strand wire fences, (but not chain link), picnic tables, park benches, fireplaces and grills and playground equipment**, if anchored to prevent flotation.
- J. **Public and private recreational uses** such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding campsites within the 100 Year Floodplain), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms (with provisions for escape of animals during floods), areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), unpaved bicycle paths and hiking and horseback riding trails, excluding any fill or structures; provided, however, that the exclusion of fill shall not be construed to prohibit grading, filling or depositing that would not cause any rise in the water surface elevation of the 100 year flood.
- K. **Public utility facilities** (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission.
- L. **Stream improvements** whose sole purpose is to improve aquatic habitats, and which are approved by the Pennsylvania Fish and Boat Commission and reviewed by the County Conservation District.
- M. **Accessory uses and structures customarily incidental to the uses listed above**, when in conjunction with those uses and when conducted on the same lot.

- N. **Uses substantially similar** to permitted or special exception uses, subject to the provisions of Section 1234.

#### **Section 1004 - Special Exception Uses**

The following uses in the Floodplain-Conservation District are permitted only when special exceptions are granted in writing by the Zoning Hearing Board and when conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP), FEMA, and all other provisions of this Ordinance. In granting any special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- A. **Adaptive re-use of existing structures** and residential conversion units located outside the 100-year floodplain, subject to the provisions of Section 1217.
- B. **Bridges, culverts, and approaches, parking lots, loading areas, and driveways** subject to the provisions of Section 1214 and that meet all of the following conditions:
1. Review and or approval by the Lancaster County Planning Commission, if required.
  2. Approval by the Susquehanna River Basin Commission, if required.
  3. Approval by the DEP, if required.
  4. Approval by the United States Corps of Engineers, if required.
  5. Approval by PennDOT, if required.
- C. **Extraction of sand, gravel, water, and other mineral resources**, subject to the provisions of Sections 1214, 1215 and 1220, and further provided, that this shall be regarded and processed as a Conditional Use.
- D. **Fish hatcheries**, subject to the provisions of Section 1214.
- E. **Parks for passive recreation**, subject to the provisions of Sections 1214 and 1226.
- F. **Uses substantially similar to other permitted or special exception uses**, subject to the provisions of Section 1234.

#### **Section 1005 - Relationship to Other Articles**

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

**Section 1006 - Yard, Bulk and Lot Requirements**

- A. **Bulk and lot requirements for principal structures** (note that this table shall apply to existing structures, and is provided to determine separation distances).

<b>Table 13 - Bulk and Lot Requirements: FP-C District</b>	
<b>Regulation</b>	<b>Standard</b>
Maximum Building Height	25 feet <sup>1</sup>
Minimum Lot Area	2 acres
Minimum Front Yard (from roadway center lines of roadways as shown in Section 1103 A, Table 14) <sup>2</sup>	Major Collector - 80 feet Minor Collector - 60 feet Local - 50 feet
Minimum Lot Depth	200 feet
Minimum Lot Width	200 feet at the front setback line <sup>3</sup>
Minimum Rear Yard	75 feet
Minimum Side Yard	25 feet
Maximum Lot Coverage (When located outside the 100-Year Floodplain, excluding one-lane driveways not exceeding 10 feet in width)	2% per acre
<sup>1</sup> Barns, silos, and similar structures shall not be subject to height requirements <sup>2</sup> In developed areas, the minimum building setback line requirements may be reduced in order that the building may be in proper relation to adjacent buildings, subject to Section 1103 B. <sup>3</sup> Corner lots shall increase the minimum lot width by 10 %.	

- B. **Non-Conforming Uses and Existing Structures in the Flood Plain-Conservation District.** All uses or structures in the Flood Plain Conservation District lawfully existing on the effective date of this Ordinance that do not conform to the provisions of this Article shall be deemed to be nonconforming. Such nonconforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise prohibited in this Article. Such nonconforming uses or structures may be improved to comply with current FEMA, Federal Insurance Program, Pennsylvania or Township health, safety or sanitary code specifications that are solely necessary to assure safe living conditions, subject to the following conditions:

1. No expansion or enlargement of an existing structure and/or use shall be allowed within any floodway that would cause any increase in flood heights.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of less than 50% of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

C. **Abandonment.** Notwithstanding provisions in this Ordinance to the contrary, no abandoned nonconforming use or structure shall be re-established, repaired, or re-occupied except in conformance with this Article. The Township may require the removal of any abandoned nonconforming use or structure, upon a determination that the use or structure constitutes a threat to public safety.

D. **Prohibited Uses.** The following uses shall be prohibited within any designated Flood Plain - Conservation District, and shall not be eligible for variance consideration:

1. The production or storage of any of the following materials or substances, or any activity requiring maintenance of a supply of more than 275 gallons, or other comparable volume of such materials or substances, or any amount of radioactive substances insofar as such substances are not otherwise regulated:
 

<ol style="list-style-type: none"> <li>a. Acetone;</li> <li>b. Ammonia;</li> <li>c. Benzene;</li> <li>d. Calcium carbide;</li> <li>e. Carbon disulfide;</li> <li>f. Celluloid;</li> <li>g. Chlorine;</li> <li>h. Hydrochloric acid;</li> <li>i. Hydrocyanic acid;</li> <li>j. Magnesium;</li> <li>k. Nitric acid and oxides of nitrogen;</li> </ol>	<ol style="list-style-type: none"> <li>l. Pesticides (including insecticides, fungicides, and rodenticides);</li> <li>m. Petroleum products (gasoline, fuel oil, etc.);</li> <li>n. Phosphorus;</li> <li>o. Potassium;</li> <li>p. Sodium;</li> <li>q. Sulfur and sulfur products;</li> <li>r. Other hazardous or toxic materials similar to those listed above.</li> </ol>
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2. Hospital.
3. Nursing home.
4. Jail.
5. Mobile home or mobile home park or any substantial improvement to an existing mobile home park.
6. Junk yard.
7. Cemetery.

E. **Flood Plain-Conservation District General Design and Performance Standards.** The following standards shall apply to all new construction, including additions or improvements, and development within the Flood Plain-Conservation District, together with the provisions of all other Articles and all other ordinances in the Township. No regulations of the State governing watercourses are amended or replaced by this Article. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from Department of Environmental Protection, South Central Regional Office Water Quality Manager, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit, application and municipal notifications shall be forwarded to the FEMA and the Pennsylvania Department of Community and Economic Development.

1. No increase in flood heights. No new construction and/or development shall be permitted within any floodway area that may cause any increase in flood heights.
2. Proximity to watercourses. Where permitted within any identified flood plain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank, whichever is greater, of any watercourse, unless a permit is obtained from the Pennsylvania Department of Environmental Protection.
3. Changes to watercourses. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

4. Elevation of residential structures. Where otherwise permitted within any identified Flood Plain-Conservation District, the elevation of the lowest floor (including the basement) of any substantial improvement of a residential structure, including an existing mobile home, shall be one and one-half feet or more above the 100 Year Flood elevation. In addition, the mobile home shall be placed on a permanent foundation.
5. Flood proofing of non-residential structures. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half feet above the 100 year flood elevation, shall be flood-proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled, "Floodproofing Regulations," published by the U.S. Army Corps of Engineers (June 1972 as amended), or in accordance with an equivalent standard approved by the Township Engineer. All plans and specifications for such flood-proofing shall be accompanied by a statement sealed by a registered professional engineer or architect who states that the proposed design and methods of construction are in conformance with the above referenced standards.
6. Space Below the Lowest Floor.
  - a. Fully or partially enclosed spaces below the lowest floor (including basements and crawl spaces) of any residential or non-residential structure is prohibited.
  - b. Partially enclosed spaces below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - 1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
    - 2) The bottom of all openings shall be no higher than one foot above grade.
    - 3) Openings may be equipped with screens, louvers, etc. or other covering or devices provided that they permit the automatic entry and exit of floodwaters.
7. Fill. Where fill is used, it shall:
  - a. Extend laterally at least 15 feet beyond the building line from all points.
  - b. Consist of soil or small rock materials only - sanitary landfills or construction and demolition debris shall not be permitted.
  - c. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - d. Have a slope with a ratio no steeper than one foot vertical to three feet horizontal.
  - e. Be used to the extent to which it does not adversely affect adjacent properties, and does not extend closer than 10 feet to any lot line.
8. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and appropriate channels or pipe, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
9. Water and Sanitary Sewer Facilities and Systems. All water and sanitary facilities and systems shall conform to the following:
  - a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
  - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  - c. No part of any on-site sewage system shall be located within any identified flood plain area, except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

10. Other Utilities. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
11. Streets. The finished elevation of all new streets shall not be below the Regulatory Flood Elevation.
12. Storage. All materials that are buoyant, flammable, explosive, or, in time of flooding, could be injurious to human, animal or plant life, and not listed in Section 1006.D.1, Prohibited Uses, shall be stored at or above the Regulatory Flood Elevation and/or be flood-proofed to the maximum extent possible.
13. Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
14. Anchoring.
  - a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - b. All air ducts, large pipes, storage tanks and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
15. Floors, Walls and Ceilings.
  - a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - b. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" grade or similar water-resistant variety.
  - c. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - d. Window frames, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

**F. Application Requirements for Building Permits**

1. Zoning Officer Determination Required. If any proposed construction or development is located entirely or partially within any identified flood plain area, applicants for building 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 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.
2. Required Information. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the information contained in Section 1006.E .Flood Plain-Conservation District General Design and Performance Standards) as may be required by the Zoning Officer to make the determination as required in Section 1001.A:
  - a. A completed building permit application form showing site location and address.
  - b. A plan of the entire site, clearly and legibly drawn at a scale of one inch equals 100 feet or less, showing the following:
    - 1) North arrow, scale and date.



- 2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of not more than two feet.
  - 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 accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
  - 6) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
- 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 100 year flood.
  - 3) Profiles and elevations of buildings and streets showing the 100 year flood.
  - 3) Detailed information concerning any proposed flood-proofing measures.
- d. The following data and documentation:
- 1) A document, sealed 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 100 year flood. Such statement shall include a description of the type and extent of flood-proofing measures that have been incorporated into the design of the structure and/or the development.
  - 2) Detailed information needed to determine compliance with Section 1006 E.12. Storage, including:
    - (a) The amount, location and purpose of any dangerous materials or substances that are intended to be used, produced, stored or otherwise maintained on the 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 1006 D.1 during a 100-year flood.
  - 3) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - 4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
  - 5) A description of the proposed use and estimated cost and, if a repair to flood damage is proposed, a breakout of the flood-related cost and the market value of the building before flood damage occurred.
  - 6) 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:
    - (a) International Building Code (IBC) 2003 of the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
    - (b) International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

**G. Application Requirements for Special Exceptions.**

1. Required Information. Applications for Special Exceptions shall conform to the requirements of Section 1214. In addition, the Zoning Hearing Board shall consider the following factors:
2. Review Factors. In reviewing applications for special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures contained in other sections of the Zoning Ordinance, as well as the following:
  - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - e. The importance of the services provided by the proposed facility to the community.
  - f. The requirements of the facility for a waterfront location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the Township Comprehensive Plan and Act 167 Storm Water Management Act for the area.
  - j. The safety of access to the property in times of flood of ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - l. Such other factors which are relevant to the purposes of this Ordinance.
3. Supplemental Technical Review. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for special exception to the Township Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
4. Conditions for Approving Special Exceptions. Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:
  - a. Any increase in flood heights.
  - b. Additional threats to public safety.
  - c. Extraordinary public expense.
  - d. The creation of nuisance.
  - e. Any defrauding or victimization of the public.
  - f. Any conflict with local laws or ordinances.

**H. Variances Within the Flood Plain-Conservation District.** Variances to the provisions of this Ordinance are discouraged, except where prohibited by this Ordinance. If compliance with any of the requirements of this Ordinance would result in an unnecessary hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon appeal, grant relief from the strict application of the requirements.

1. Variance Requirements. Appeals for variances shall be considered by the Zoning Hearing Board in accordance with the following:
  - a. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation, cause additional threats to public safety, extraordinary public expense, defraud or victimize the public, conflict with any other applicable laws,

ordinances, or regulations, or jeopardize the flood insurance program of the Township.

- b. Except for a modification of the freeboard requirements, no other revisions or modifications shall be granted, to the provisions of Section 1006.E. Flood Plain-Conservation District General Design and Performance Standards.
- c. If granted, a variance shall involve only the least modification necessary to provide relief.
- d. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- e. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - 1) The granting of the variance may result in increased premium rates for flood insurance.
  - 2) Such variance may increase the risks to life and property.
- f. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
  - 1) That there is good and sufficient cause.
  - 2) That failure to grant the variance would result in unnecessary hardship to the applicant.
  - 3) That the request meets the criteria for the granting of a variance as required by this Ordinance.
- g. The Zoning Hearing Board shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be included in the annual or biennial report to FEMA.
- h. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

**I. Appeal Requirements for Variances.** In addition to the requirements of Article 17, appellants for variances shall provide five copies of the following items:

- 1. A written request including a completed building permit application form with the data and material as required in Section 1006.G. and describing the proposed activity or construction and estimated cost.
- 2. A map drawn at a scale of one inch equal to not more than 1000 feet, showing the site location in relation to other nearby Township features.
- 3. A plan of the entire site, clearly and legibly drawn at a scale no smaller than one inch equals 100 feet, showing the following:
  - a. All property and lot lines and rights-of-way, including dimensions, and the size of the site expressed in acres or square feet.
  - b. The location of the flood way and flood fringe boundary lines, information and spot elevations concerning the 100 year flood and Regulatory Flood elevations, and information concerning the flow of water including direction and velocities.
  - c. The location of all proposed buildings, structures, utilities, and other improvements.
  - d. Any other information that the Township considers necessary for adequate review of the application.
- 4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - a. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
  - b. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.
  - c. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.

- d. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and other utilities and facilities.
5. The following data and documentation:
- a. Certification from the applicant that the site is owned by the applicant or the client he represents or in which the applicant has a demonstrated equitable interest.
  - b. A statement sealed by a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.
  - c. A statement, sealed by a registered professional engineer, architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.
  - d. A statement, sealed by a registered professional engineer, architect, or landscape architect that contains a complete and accurate description of the effects proposed development will have on the 100-year flood elevations and flows.
  - e. A statement, sealed by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevations and flows.
  - f. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 166.
  - g. An evacuation plan that fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

## ARTICLE 11 - SUPPLEMENTAL REGULATIONS

### Section 1100 - Purpose

The provisions of this Article shall apply to all land uses, developments, and structures in the Township, regardless of district, and shall be considered to be additional conditions or restrictions to other provisions of this Ordinance. To the extent anything contained in this Article conflicts with any other provision of this Zoning Ordinance, the most stringent and restrictive provision shall apply.

### Section 1101 - Access to Buildings

All buildings shall be situated on a lot adjacent to a public right-of-way, or with suitable access to an improved private access road, and all buildings shall be so located as to allow safe access by emergency vehicles.

### Section 1102 - Animal Shelters

Animal shelters for domesticated animals owned by the occupant of a lot may be maintained for non-commercial purposes in any district, provided the shelter is suitably enclosed, yard set back requirements are maintained, and is no closer than 50 feet to any dwelling, other than that of the occupant. The forgoing provision shall not apply to agricultural activities or typical dog houses.

### Section 1103 - Building Set Back Lines

- A. **Building Set Back Lines.** Building set back lines are established for all existing and proposed roadways, subject to the minimum set back requirements as shown in Table 14:

Table 14 - Building Setback Lines	
<b>Major Collector</b>	<b>Setback shall be:</b> 40 ft from existing or proposed right-of-way
Pequea Boulevard	
Main Street	
Stehman Road from Manor Township to Long Lane	
<b>Minor Collector</b>	<b>Setback shall be:</b> 30 ft from existing or proposed right-of-way
Kendig Road	
Stehman Road south of Long Lane	
Stony Lane between Kendig Road and Stehman Road	
River Corner Road	
Long Lane from Stehman Road east to Pequea Township	
<b>Local Access</b>	<b>Setback shall be:</b> 25 ft from existing or proposed right-of-way
All other roads	

- B. Yard Reductions.** A required front yard may be reduced to form a more consistent set back pattern in an area that is predominately developed, according to the following guidelines:
1. The reduction shall be equal to the average set back of existing buildings on the same side of the street.
  2. Adequate sight distances shall be preserved, in accordance with applicable PennDOT regulations.
  3. No variance shall be required to allow a reduction under these provisions.
- C. Flag Lots.** A dwelling on a flag lot may be situated facing in any direction, provided that front, side and rear yards shall be provided as if the dwelling actually faces its front yard and the street, and provided that the dwelling is not less than 250 feet from any public right-of-way. Not more than one flag lot shall be created per parcel.

#### **Section 1104 - Cellular Communication Facilities (Limited)**

Cellular facilities that are not more than 25 ft in height when placed atop existing facilities and less than 500 sf in floor area, are permitted as follows:

- A. Location.** Cellular communication facilities may be co-located atop or within existing electrical transmission towers, barns, smokestacks, silos, steeples and similar structures as accessory uses, provided that such facilities do not extend more than 25 ft above the top of the existing structure.
- B. Structures.** Surface structures serving cellular communication facilities containing equipment and associated facilities not exceeding 500 sf or 10 ft in height, and driveways or access facilities shall be permitted by as accessory uses.
- C. Freestanding Facilities.** Facilities that exceed any of the limitations in this Section, and freestanding facilities (including cable-stabilized structures), shall be allowed by special exception according to the provisions of Section 1206.

#### **Section 1105 - Commercial / Industrial Performance Standards**

All lawful agricultural activities shall be exempt from the following provisions.

- A. All commercial and industrial uses of land shall comply with the following standards:** No commercial or industrial use of land shall cause an increase in any of the following pollutants or emissions that exceed any applicable standard set by the Pennsylvania Department of Environmental Protection (DEP) or the United States Environmental Protection Administration (EPA): Noise, Smoke, Dust, Dirt, Odor, Toxic Gases, Petroleum Products, Pesticides, Herbicides, and Similar Noxious Substances, Vibration, Spill light, Heat, and Waste Products. Waste products shall be stored within enclosed buildings or in containers adequate to prevent the spread or attraction of vermin, and prevent the carrying of material by the wind. No liquid or solid waste or material, including any material of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous elements, shall be discharged at any point into any sewage disposal system, watercourse, lake, or into the ground, except in accordance with standards approved by the DEP or other applicable regulatory department or agency.
- B. Fuel Storage.** All fuel storage areas shall comply with applicable regulations of the Pennsylvania State Fire Marshall and/or the Pennsylvania State Police.

#### **Section 1106 - Country Property Accessory Dwelling Units (including elder cottages and tenant houses)**

- A. Location and Construction.** Accessory dwelling units in principal residences or in new traditional outbuildings (such as barns, stables, carriage houses, and spring houses) shall be designed to harmonize with vernacular rural buildings in the municipality's historic landscape.

- B. **Maximum Number.** There shall be a maximum of one accessory dwelling unit (ADU) on any building lot, and a maximum of two ADUs on any building lot containing 10 or more acres, provided all performance standards of this ordinance are met. No additional Accessory Dwelling Units shall be created.
- C. **Gross Floor Area.** The gross floor area in the first ADU shall not exceed 900 sf. In the second ADU, where permitted, the maximum area shall be 750 sf. However, on lots exceeding 15 acres, the second ADU may take the form of a tenant house containing up to 2000 sf of floor space. Under this section, historic accessory buildings identified in the Comprehensive Plan that exceed these floor space limits may be permitted by the Township to be used as ADUs without having to meet the dimensional setback requirements of this ordinance.

#### **Section 1107 - Display and Sale of Farm Products**

Farm products may be sold as accessory uses to a farm, subject to the following provisions:

- A. **On-Site Production.** At least half of the dollar value of all products sold must be produced on the premises or on adjacent premises.
- B. **Setbacks.** Any structure that is used for the display or sale of farm products shall be set back not less than 50 ft from all street right-of-way lines.
- C. **Parking.** Adequate and safe off-street parking shall be provided for employees and customers.

#### **Section 1108 - Driveways**

All driveways serving dwellings shall be constructed with dustless surfaces such as gravel or asphalt not less than eight feet wide. No driveway shall be located less than five feet from any adjoining lot, except where a driveway meets a roadway, or where joint driveways are utilized. Agreements relating to the ownership, maintenance, and usage of joint driveways shall be required. Driveways serving three or more dwellings or non-residential uses shall be constructed with hard all-weather surfaces such as concrete or asphalt. Driveways shall comply with the Township Driveway Ordinance.

#### **Section 1109 - Erection of More Than One Principal Building on a Lot**

Not more than one principal or primary structure containing a permitted use may be constructed on a single lot, provided that the yard areas, frontage and other provisions of this Ordinance shall be met for each structure, as if they were on individual lots.

#### **Section 1110 - Garage or Yard Sales**

An owner or occupant of a parcel may conduct garage or yard sales as accessory uses to a dwelling for periods not to exceed a total of seven days per parcel per year. Such sales may include personal property, but shall not include articles on consignment, and no stocking of inventory shall be permitted. No public right-of-way areas shall be used during the garage sale.

#### **Section 1111 - Height and Yard Limit Exceptions**

Typical architectural elements and mechanical facilities associated with permitted structures such as belt courses, bay windows, roof overhangs, chimneys, antennas, flagpoles, air handling equipment, utility poles, and similar facilities, may project above the maximum height or yard set back limits established in zoning districts, subject to the following:

- A. **Horizontal Elements.** Horizontal architectural elements may project into required yards not more than 18 inches.

- B. **Vertical Elements.** Vertical elements may project above the maximum height limit provided that the element is set back from all lot lines a distance not less than 150% of its height.

#### **Section 1112 - Home Occupations (No-Impact)**

The business or commercial activity must satisfy the following requirements:

- A. **Area Compatibility.** The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. **Employee Limit.** The business shall employ no employees other than family members residing in the dwelling.
- C. **Limits on Inventory and Retailing.** There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. **Outside Appearance.** There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. **No Commercial Vehicles.** No on-site parking of commercially identified vehicles shall be permitted.
- F. **Noise, etc.** The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable beyond limits otherwise prohibited in this Ordinance.
- G. **Waste, etc.** 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.
- H. **Floor Area Limit.** The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- I. **No Illegal Activities.** The business shall comply with all other local, state, and federal laws and regulations.

#### **Section 1113 - Junk or Discarded Materials**

No parcel shall be used for the deposit or storage of junk or discarded materials unless authorized pursuant to this Ordinance.

#### **Section 1114 - Landscaping**

All applicants for zoning permits for land uses other than agriculture or other than residential developments containing less than five dwellings or residential lots shall submit to the Township a landscape plan for the site, according to the applicable landscaping regulations.

#### **Section 1115 - Lighting**

All exterior lighting facilities shall be situated such that no spill light is directed towards other lots or public right-of-way.

#### **Section 1116 - Lot Size Reductions**

No lot, even though it may consist of one or more adjacent parcels or lots of record, shall be reduced in size such that any minimum required yard area, bulk, or other requirement of this Ordinance are not maintained.



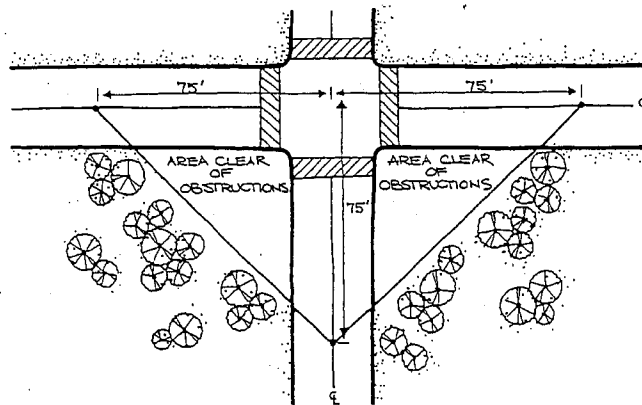
### Section 1117 - Mobile Homes/Manufactured Housing

Individual mobile homes shall be considered to be single family detached dwellings if they conform with the requirements pertaining to single-family dwellings, and to the following:

- A. **Foundations.** All mobile homes shall be securely fastened to foundations that will resist heaving, settling, shifting, or other movement due to frost action, inadequate drainage, high winds, or other similar forces acting upon the structure. Foundations shall be constructed as specified by the manufacturer of the mobile home, but not less than one tie-down shall be provided for each 10 feet along the perimeter of the dwelling.
- B. **Wheels Removed.** All wheels, hitches, tongues, and facilities used for the transportation of the home shall be removed.
- C. **Construction.** The construction of all mobile homes shall conform with the requirements of Act 69 of the General Assembly of the Commonwealth of Pennsylvania, enacted May 11, 1972, as may be amended, as well as any other applicable state or federal laws or regulations regarding mobile homes.
- D. **Base Enclosures.** The base of the mobile home shall be surrounded by concrete block, vinyl, decorative wood siding, or similar material, extending from the bottom of the dwelling to grade, and shall be constructed to inhibit decay and shall resist penetration by vermin.
- E. **Mobile Home Parks.** Mobile home parks shall comply with the regulations pertaining to mobile home parks in the current or applicable Subdivision and Land Development Ordinance.
- F. **Sewage Disposal Inspections.** The Township Engineer Sewage Enforcement Officer shall inspect and approve the proposed method of sewage disposal.

### Section 1118 - Obstruction to Vision at Street Intersections

A clear sight triangle shall be maintained at all street intersections according to standards and dimensions of the Pennsylvania Department of Transportation. See diagram below.



### Section 1119 - Pollution Control, Open Burning

No building or structure shall be erected, altered or used, and no lot or premises may be used for any activity that is noxious, injurious or offensive by reason of dust, smoke, refuse, odor, gas, fumes, noise, vibration, electronic interference, radiation, illumination, use or production of hazardous materials or hazardous wastes or similar substances or conditions such that any regulation of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, the National Occupational Safety and Health Administration, or the State Air Pollution Control Act of January 8, 1960, Public Law 2119, are violated. These provisions shall not apply to the agricultural activities. Open burning

shall be conducted in accordance with Pennsylvania Code Title 25, Section 129.14, Paragraph C – Open Burning Regulations and according to other applicable Township regulations.

#### **Section 1120 - Prohibited Uses and Removal of Nuisances**

- A. General.** Any activity, use of land, trade or process that may be in any way dangerous, noxious or injurious to public health, safety or welfare, such that any regulation of the Pennsylvania Department of Environmental Protection or United States Environmental Protection Agency is violated, are specifically prohibited.
- B. Certain Activities Constitute Nuisances.** The storage or parking of wrecked, junked, stripped or abandoned vehicles or machinery, equipment, household appliances, debris or waste materials of any kind or description, or parts thereof, shall occur only when such items are stored within an enclosed building are stored out of sight from the public right-of-way on which the property abuts, or is otherwise authorized in conjunction with a business properly operated pursuant to this Ordinance and other laws of the Township.
- C. Notice to Remove Property.** If the Township finds that a violation of this Article exists, the Township shall notify the owner of the property on which the violation exists, or the owner of the vehicle or other discarded or abandoned item, or both, of this violation.
- D. Authority for Township to Remedy Violations.** If the violation shall not have been remedied within the period as required by the order, the Township may remedy the violations as permitted by applicable law.

#### **Section 1121 - Rural Boarding House**

Rural boarding houses in structures existing as of the date of the adoption of this Ordinance, providing temporary lodging shall be permitted according to the following:

- A. Lot Size.** Lots shall not be less than 10 acres.
- B. Location Within Detached Dwellings.** All boarding houses shall be conducted in detached dwellings.
- C. Number Per Lot Area.** Not more than one unit is permitted for each acre of gross lot area.
- D. Preservation of Exterior Elevation.** The residential character of the front facade shall be maintained.
- E. Sewage Facilities.** All sewage facilities shall be inspected and approved by the Township Sewage Enforcement Officer and shall comply with Pennsylvania DEP regulations.
- F. Parking Setbacks.** All parking areas shall be set back not less than 25 feet from all lot lines.
- G. Parking.** Not less than one off-street parking space shall be provided for each dwelling unit. No additional front yard areas shall be utilized for parking.
- H. Egress.** All units shall have not less than two means of egress.
- I. Signs.** Not more than one unlighted outdoor sign is permitted, and shall not exceed four square feet on a side.
- J. Occupancy.** Not more than 10 individuals may be accommodated in boarding house apartments.
- K. Owner in Residence.** The owner and operator of the boarding house shall reside on the premises.

## Section 1122 - Steep Slope Conservation Overlay District

### A. Purposes. The purposes of this Section are as follows:

1. To promote the public health, safety and welfare by the protection of steep slope areas and by encouraging the retention of open space.
2. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetation and by restricting the re-grading of steep slope areas.
3. To limit soil erosion and the resultant destruction of the land, siltation of streams and damage to property.
4. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of steeply slope areas, changes of ground cover or the erection of structures on steeply slope areas.
5. To maintain the ecological integrity and habitat value of steeply sloped areas.
6. To allow the continuing replenishment of groundwater resources and the maintenance of springs.

### B. General Provisions.

1. Compliance with these Provisions. No area within the Steep Slope Conservation Overlay District shall hereafter be used without full compliance with the terms of this Section and other applicable regulations.
2. Overlay. The Steep Slope Conservation Overlay District shall be deemed to be an overlay on any zoning district now or hereafter enacted. The physical limits of this District are not graphically shown on the Zoning Map.
3. Additional Requirements to Underlying District. In those areas of the Township where the Steep Slope Conservation Overlay District applies, the requirements of the Overlay District shall be in addition to and supersede where inconsistent with the requirements of the underlying zoning district.
4. Changes to Steep Slope Boundary - Effect on Underlying District. If the boundaries of the Steep Slope Conservation Overlay District are changed as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district without consideration of this Section.
5. Changes to Underlying Zoning District - Effect on Steep Slope Overlay District. For any parcel or any part thereof on which the Steep Slope Conservation Overlay District is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Steep Slope Conservation Overlay District.
6. Preservation of Other Restrictions. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail.
7. Municipal Liability. Any determination that a proposed use complies with this Section or any approval of a subdivision or land development plan or any issuance of a building or zoning permit within or near the Steep Slope Conservation Overlay District shall not constitute a representation, guaranty or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees. This Section does not imply that areas outside the Steep Slope Conservation Overlay District or land uses permitted within said district will always be totally free from the adverse effects of erosion.

**C. Designation and Interpretation of Overlay District Boundary.**

1. The Steep Slope Conservation Overlay District consists of slopes of greater than 25% slope. In any application for subdivision and/or land development, or when otherwise required by this Ordinance, where the tract includes areas of Steep Slopes, the applicant shall, using two-foot contours, delineate slopes greater than 25%. Further, the applicant shall use an actual field topographic survey or aerial survey as the source of contour information and the basis for depicting Steep Slopes.
2. This Section shall apply only to those Steep Slopes which exist for three or more consecutive two-foot intervals and which are greater than 1000 square feet in area. Isolated areas of land over 25% slope that are less than 1000 square feet in area or that are not continuous over three contour intervals, must be shown on the plan, but are not subject to the restrictions of this Section. Land slopes over 25% may not be averaged with areas of less than 25% for the purpose of reducing the area of Steep Slopes. Areas less than 1000 sf in area and less than 25% slope occurring within areas of 25% slope or greater shall be considered a part of the Steep Slopes.
3. Boundary interpretation and appeal procedure.
  - a. Each application for construction or land disturbance within the Steep Slope Conservation Overlay District shall be submitted in accordance with Section 1122 E. below.
  - b. Any area of the Steep Slope Conservation Overlay District that falls within the parcel shall be shown on the site plan.
  - c. Where an interpretation is needed as to the exact location of the boundaries of the district in relation to a given parcel, an initial determination shall be made by the Township Zoning Officer, who may engage the assistance of the Township Engineer. Any person seeking such a determination shall submit a topographic survey of the property with Steep Slopes delineated. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors. The cost of these determinations shall be borne by the applicant.
  - d. Any person aggrieved by any such determination of the Township Engineer or other decision under this Section may appeal to the Zoning Hearing Board.

**D. Permitted Uses.** The following are the only uses permitted in the Steep Slope Conservation Overlay District. Such uses also shall be in compliance with the base zoning district.

1. Uses permitted by right.
  - a. Parks and outdoor recreational uses.
  - b. Logging and woodcutting, where such activity is limited to selective removal of trees and when conducted in conformity with conservation practices approved by the US Dept. of Agriculture NCRS, or the County Conservation District. No clear-cutting will be permitted.
  - c. Agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the US Dept. of Agriculture NRCS or the County Conservation District.
  - d. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing that avoids slopes exceeding 25% is feasible.
  - e. Yard areas of any permitted building, so long as such building is itself not within the Steep Slope Conservation Overlay District, except where permitted by special exception.
2. Uses by Special Exception. The following uses shall be permitted in the Steep Slope Conservation Overlay District as a special exception when authorized by the Zoning Hearing Board. In making its determination, the Board shall give particular consideration to the criteria and standards in Section 1006 E. In granting any Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition

to those expressed below, as it may deem necessary to implement the purposes of this Ordinance.

- a. Single-family detached dwelling, subject to the provisions of Section 1231.
- b. Any road necessary to provide primary or emergency access to a use permitted by this Section, when no practical alternative exists in an area of lesser slope, subject to the provisions of Section 1231.
- c. Sealed public water supply wells, where approved by all regulatory agencies, subject to the provisions of Section 1231.
- d. Sanitary or storm sewers where approved by all regulatory agencies, subject to the provisions of Section 1231.
- f. Terracing to provide for agricultural uses, provided that side slopes are permanently stabilized.

**E. Administration.** The following requirements shall apply:

- 1. Required materials. Before a permit is issued for any construction or land disturbance activity, the applicant shall submit the following material for review to the Township Zoning Officer, who shall engage the assistance of the Township Engineer. No approval or building permit shall be authorized by the Zoning Officer, and no special exception shall be granted by the Zoning Hearing Board, without the Township Engineer's review of this material and his recommendation thereon:
  - a. An earthmoving plan which indicates existing grades with field run or aerial contour lines at two-foot intervals and proposed grades within the area of any proposed activity, disturbance or construction. All areas within the Steep Slope Conservation Overlay District shall be shaded accordingly.
  - b. A site plan indicating existing and proposed structures, impervious surfaces, storm drainage facilities and retaining walls. The site plan shall also locate and identify existing vegetation and ground cover within the Steep Slope Conservation Overlay District, as well as proposed landscaping material.
  - c. Architectural plans, elevations and sections.
  - d. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by Steep Slope conditions, and which shall also indicate how and by what means watersheds will be preserved and how and by what means soil erosion and excessive surface water runoff shall be curtailed.
  - e. Plan, profile and typical cross-sections of any proposed street, emergency access or driveway, with the seal of a registered professional engineer thereon.

**F. Limitations and Additional Criteria.**

- 1. Each lot containing slopes over 25% shall contain no less than 50% of the minimum required lot area after the exclusion of all steeply sloped ground as defined herein. Criteria for stabilization and compaction of excavated and/or filled areas shall be in accordance with acceptable engineering standards and shall be subject to the approval of the Township Engineer.
- 2. All grading shall be minimized, and shall be undertaken in accordance with all applicable Township Ordinances and regulations. No grading shall be undertaken within any area of the Steep Slope Conservation Overlay District, except where approved in conjunction with a use permitted under the terms of this Section.
- 3. Finished slopes of all cuts and fills shall not exceed 33% unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to prevent erosion. All final grades shall be stabilized by vegetation.
- 4. The total amount of impervious surface that may be installed or maintained shall not exceed 50% of the maximum amount of impervious surface permitted in the underlying base zoning district.
- 5. No area of existing slope greater than 25% shall be disturbed within 25 feet of any lot line except when necessary for driveway access.

6. Not more than 15% of the total area of slopes greater than 25% on a tract shall be disturbed.

#### **Section 1123 - Swimming Pools, Tennis Courts, and Other Recreational Accessory Structures**

- A. **Location.** No swimming pool (surface or aboveground), tennis court, or recreational structure shall be located within any minimum yard. All swimming pools with depths of more than two feet shall be enclosed by a permanent fence not less than four feet in height, and which contains a self-closing and self-latching gate. Fences shall be designed and constructed so as to discourage climbing or unauthorized access.
- B. **Lighting.** Exterior lighting shall not be directed towards adjoining properties.
- C. **Isolation Distances From Sewage Disposal Facilities.** No pool, tennis court or other recreational facility shall be placed less than 10 ft from any septic field or tank.
- D. **Compliance with Township Ordinance 83-1.** Swimming pools shall comply with the provisions of Township Ordinance 83-1, as it may be amended, relating to the construction, maintenance, and operation of swimming pools.

#### **Section 1124 -Trailers, Motor Homes, Recreational Vehicles, and Similar Facilities**

Trailers, motor homes, recreational vehicles, and similar facilities shall be deemed accessory structures, and shall conform to all applicable setback requirements of this Ordinance.

#### **Section 1125 - Waste Storage Facilities**

This Section shall apply to non-agricultural dumpsters and similar facilities, excluding sanitary sewage facilities.

- A. **Commercial Facilities.** All commercial facilities shall provide appropriate outdoor waste storage facilities, and shall be routinely emptied.
- B. **Screening.** All waste storage facilities shall be screened or landscaped, and shall be fully enclosed to limit animal access and wind-blown waste.
- C. **No Parking Spaces to be Occupied.** No required parking areas may be occupied by any waste storage facility.
- D. **Location.** No facilities shall be located in any front yard.

<b>ARTICLE 12 - SPECIFIC REGULATIONS FOR SPECIAL EXCEPTION USES</b>
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**Section 1200 - Purpose, Standards And Conditions**

- A. **Control of Potential Adverse Effects.** This Ordinance establishes a list of land uses that possess characteristics that may result in adverse effects on adjoining properties if not properly controlled and regulated. The Zoning Hearing Board is empowered to authorize these land uses, contingent upon meeting certain safeguards, standards and conditions that are intended to limit such potential adverse effects. These standards shall supersede any standard or regulation contained elsewhere in this Ordinance, and shall be regarded as conditions that are necessary for the approval of any Special Exception.
- B. **Compliance with Special Standards.** The applicant shall demonstrate compliance with these standards and must furnish evidence as may be necessary to demonstrate such compliance. The burden of proof shall rest with the applicant, and the Zoning Hearing Board may reject any purported evidence or proof offered in support of an application if the Board finds that the evidence or proof is not compelling or adequate. All Special Exceptions uses shall also comply with the standards for uses in the zoning district in which the Special Exception is to be established, unless provisions in this Article require different standards, in which case the more stringent standards shall apply. These standards shall be continually complied with.
- C. **Additional Conditions.** In granting any Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed below, as it may deem necessary to implement the purposes of this Ordinance.
- D. **Use of Experts.** In hearing and deciding upon applications for any Special Exception, the Zoning Hearing Board may call upon any experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
- E. **Fees.** Fees for hearing and deciding upon Special Exceptions may be assessed in accordance with a fee schedule adopted by the Board of Supervisors.
- F. **Hearings.** The Zoning Hearing Board shall hold a hearing on all applications for Special Exceptions, following the procedures in Article 1705.
- G. **Referral to the Planning Commission.** The Zoning Officer may request that applicants for Special Exceptions attend a meeting of the Township Planning Commission, to allow the Planning Commission to make comments to the Zoning Hearing Board.
- H. **Expansions of Special Exceptions.** The expansion, enlargement, intensification, or other increase in the extent of any special exception granted by the Zoning Hearing Board shall require the issuance of an additional special exception approval.

**Section 1201- Accessory Apartment**

- A. **Temporary housing units.** Temporary housing units for elderly family members or persons with disabilities may be permitted as accessory residential dwellings on a lot containing not more than one other single-family detached dwelling. They may be freestanding, semi-detached, or be located within existing structures.
- B. **Relationship.** At least one of the occupants of the apartment shall be a blood relative of the owner of the lot. However, a nurse may occupy the apartment if the nurse is providing medically necessary care for another occupant of the premises.
- C. **Not more than three occupants.** There shall be not more than three occupants of the apartment.

- D. **Owner-occupancy.** The owner of the parcel shall permanently live on the parcel.
- E. **Termination.** The occupation of the apartment shall terminate upon its vacancy, the removal of the occupants, or the failure to comply with any of the provisions in this Section.
- F. **Parking.** Not less than one off-street parking space shall be provided for the apartment, in addition to the spaces required by Article 15 for the principal residence. The parking space shall not be located on any additional front yard area.
- G. **Minimum floor area.** The apartment shall have a minimum floor area of 200 square feet, and a maximum of 800 square feet.
- H. **Height.** The apartment (if detached) shall not exceed 20 feet in height.
- I. **Setbacks.** Detached apartments shall be set back not less than 20 ft from all lot lines or the required yard setback, whichever is greater.
- J. **Removal.** Vacant apartments shall be removed completely within 120 days, and no apartment shall be occupied for other residential uses.
- K. **Sewage Inspections.** The Sewage Enforcement Officer shall inspect and approve the proposed method of sewage disposal.
- L. **Inspections.** The Zoning Hearing Board may require periodic inspections of the premises to ensure compliance with these provisions.

#### Section 1202 - Agricultural Employee Housing

- A. **Occupancy.** The dwelling must be occupied by a bona-fide employee or a relative living with the employee.
- B. **Temporary, Non-Permanent.** The dwelling shall be non-permanent or shall be located within or attached to the principal dwelling.
- C. **Bulk and Lot Requirements.** The dwelling shall comply with all bulk and lot requirements.
- D. **Removal.** Non-permanent dwellings shall be removed when farm laborers no longer occupy the property.
- E. **Limit Per Tract.** Not more than two employee dwellings per tract are permitted.

#### Section 1203 - Animal Hospital (For Small Animals), Veterinary Facility, Kennel

- A. **Lot Size.** Lots shall not be less than five acres.
- B. **Setbacks for Exterior Structures.** No outdoor facility shall be located within any required yard, and no outdoor enclosure shall be within 100 ft of any lot line or 500 ft from any residential area.
- C. **Screening.** The Township may require screening around exterior kennels and exterior facilities.
- D. **Control of Nuisances.** A plan for controlling noise, odor, sanitation, and waste disposal shall be provided.
- E. **Licenses.** The applicant shall provide copies of all required licenses.
- F. **Sewage Disposal.** The Sewage Enforcement Officer shall inspect and approve the method of sewage disposal.
- G. **Occupancy of Agricultural Soils.** Not more than 25% of the facility shall be located on prime agricultural soils.



**Section 1204 - Barn or Stable for Horses (on lots less than five acres)**

- A. **Accessory to Single-Family Dwellings.** Barns or stables for recreational use of horses may be permitted on lots occupied by single-family detached dwellings.
- B. **Lot Size.** Not less than two acres of pastureland shall be provided for the first horse, and not less than one acre shall be provided for each additional horse. Pasture areas shall be fenced.
- C. **Locational Criteria.** No barn or stable shall be located within any minimum yard.
- D. **Floor Area.** The floor area shall not exceed 500 square feet.
- E. **Height.** The height shall not exceed 20 feet or the height of the principal building, whichever is less.
- F. **Waste.** No manure or waste shall be stored within 100 feet of any lot line and shall be removed not less than once each 14 days.

**Section 1205 - Bed and Breakfast Establishment**

- A. **Location.** All bed and breakfast establishments shall be conducted in a single-family detached dwelling, or in a detached structure not less than 50 ft from all lot lines.
- B. **Exterior Modifications.** No modifications shall be made to the front elevation of the home, which would alter its character as a single-family home.
- C. **Parking Areas.** No additional front yard areas shall be used for required parking.
- D. **Duration of Occupancy.** Guests shall be limited to lodging for a maximum of 14 consecutive days.
- E. **Egress.** All units shall have at least two means of egress.
- F. **Parking.** One off-street parking space shall be provided for each room available for rent, in addition to those required for the principal dwelling.
- G. **Owner-Residency.** The owner of the bed and breakfast establishment must be a resident of the dwelling.
- H. **Exterior Advertising.** There shall be no outside advertising other than one one-sided or two-sided sign, of not more than four square feet in area per side. The sign may be lighted if there are no other adjacent residences within 100 ft.
- I. **Sewage Disposal.** All sewage facilities shall be reviewed and approved by the Township Sewage Enforcement Officer.

**Section 1206 - Cellular Communication Facilities**

This Section shall apply to freestanding facilities, facilities that exceed 25 ft in height when placed above existing structures, and structures in excess of 500 square feet.

- A. **Purpose and Intent.** The purpose of this Section is to permit the use, construction and siting of wireless communication facilities according to the characteristics of such facilities and subject to the provisions of the Federal Telecommunications Act of 1996. These regulations are intended to:
  - 1. Accommodate the need for wireless communications facilities while regulating the number and location of such facilities in order to ensure the proper and efficient provision of wireless communication services,

2. Limit potential adverse visual effects of such facilities by imposing design, location, screening, landscaping standards, and encouraging the cooperative co-location of facilities on existing structures,
3. Insure the structural integrity of communication facilities through compliance with applicable industry standards, and
4. Promote the health, safety and welfare of the Township's residents.

**B. Applicability.** The provisions of this Section shall apply to commercial cellular communication facilities, freestanding antennae and similar communication facilities that exceed the limitations in Section 1105.

**C. Standards.** Commercial communications facilities shall comply with the following standards:

1. Maximum Height. No commercial communications antenna shall exceed 150 ft above the average undisturbed ground elevation unless the applicant demonstrates to the Zoning Hearing Board that a greater height is necessary to provide satisfactory service. The applicant shall demonstrate to the Zoning Hearing Board that the proposed height is the minimum necessary to provide adequate service,
2. Setbacks. Towers or anchor points of any cable support or guy wire supporting a freestanding tower, shall be set back from all lot lines a distance not less than 40% of the proposed total height of the tower and antenna. When a tower is proposed to be located adjacent to a residential area, school, or other occupied structure, the set back shall not be less than 100% of the total height of the tower and antenna unless the applicant demonstrates that in the event of a collapse, no portion of the tower would fall outside a radius equal to 40% of the total height of the tower.
3. Freestanding Facilities. No freestanding commercial communications tower or antenna shall be permitted unless the applicant demonstrates to the Zoning Hearing Board that either no other existing electrical tower, silo, smokestack, or other similar tall structure within 5000 ft of the proposed antenna is available and adequate for use to support the antenna, or that the owners of such tall structures have denied the applicant permission to place an antenna upon such structure. The applicant shall submit letters or documents to demonstrate that he has made a good-faith effort to achieve such a shared use of the existing tall structure. The Zoning Hearing Board may deny an application when the applicant has not made, or cannot demonstrate, a good-faith effort to avoid the construction of a commercial communications facility support structure or a commercial communications antenna through the use of co-location efforts.
4. Support Facilities. The applicant shall demonstrate that the proposed structures, such as wireless communications equipment buildings; equipment sheds, parking facilities, etc., are the smallest such facilities that are necessary to provide adequate service.
5. Safety. The applicant shall demonstrate that the proposed facility shall be designed and constructed in accordance with all applicable industrial construction standards for such structures, including standards of the Electronics Industry Association, American National Standards Institute, and Electrical Industry Association. The applicant shall submit documentation showing that the facility shall not cause any danger to nearby persons or property, and shall not cause any significant interference with nearby radio or television reception.
6. Screening and Fencing. The Zoning Hearing Board may require that the applicant install screening and fencing around any facility to limit the visual effects of the structure and to prevent unauthorized access. Existing vegetation around the site should be preserved.
7. Visual Mitigation. The Zoning Hearing Board shall determine whether the proposed facility:
  - a. is compatible with the surrounding area,
  - b. will preserve the rural character of its area, including forested areas,
  - c. will not cause an unusual visual intrusion onto nearby areas, and
  - d. will not cause adverse effects on neighboring property values.

When the Zoning Hearing Board finds that one or more of these conditions may not be met by the applicant, the Board may require towers and antennas to use construction techniques, colors, and materials that are intended to mimic the appearance of a tree or other natural plant material, including simulated tree branches or similar measures, or common local structures such as silos. Equipment cabinets or other at-grade facilities may be required to be placed underground.

8. Co-Location. The Zoning Hearing Board may require a freestanding facility to be constructed so as to accommodate the future location of additional communication facilities and users upon it, including other commercial wireless communication providers, police, ambulance, fire or other similar users.
9. Licensing. The applicant must be licensed by the Federal Communications Commission (FCC) and provide the Zoning Hearing Board with copies of all applicable applications, permits, approvals, licenses, and conditions imposed as part of other permits or licenses.
11. Lighting and Signs. Antennas and support structures shall comply with all Federal Aviation Administration (FAA) regulations. No artificial lighting shall be provided unless required by the FAA or by the Zoning Hearing Board. No spill light shall be cast past the immediate area occupied by the facility. No signs are permitted except as may be required by the FCC, FAA, other governmental agency, or for safety purposes.
12. Historic Impacts. The applicant shall submit a Federal Section 105 National Register of Historic Places report, and shall minimize any impacts on any historic resources.
11. Inspections. The applicant shall submit to the Township Secretary copies of annual inspections of the facility by an independent professional engineer as required by the ANSI-EIA-TIA-222-E Code, as amended.
12. Removal Upon Termination of Use. The applicant shall provide to the Zoning Hearing Board a plan for the removal of the facility upon its disuse for any period exceeding six months, including methods for paying for such removal.

#### **Section 1207 - Day Care Facility (for more than six children)**

- A. **Licenses**. Copies of applicable licenses or permits from the Pennsylvania Department of Public Welfare – Office of Children, Youth and Families shall be provided to the Township.
- B. **Play areas**. All outdoor play areas shall be fenced. Outdoor play areas shall not be located within the front yard and must be set back not less than 25 ft from all property lines. The Township may require screening.
- C. **Drop-off and pick-up areas**. Off-street drop-off and pick-up areas shall be arranged so that children do not cross traffic lanes, and vehicles will not back into travel lanes.
- D. **Employee Parking**. Off-street parking shall be provided for each employee. No additional front yard areas shall be used for parking spaces.
- E. **Signs**. Not more than one two-sided sign may be permitted, not to exceed four square feet, and shall not be lighted.

#### **Section 1208 - Delivery-Based Retail Facility**

- A. **Access**. Access shall be from a major collector road.
- B. **Control of Nuisances**. The applicant shall provide a plan for controlling traffic, vehicle circulation, noise, and litter.
- C. **Hours of Operation**. The Township may place limits on hours of operation.

- D. **Parking.** On-site parking spaces shall be provided as required by Article 15, notwithstanding any emphasis on deliveries instead of on walk-in trade.

#### **Section 1209 - Expansion of Non-Conforming Uses**

Any lawful non-conforming use of land or structures, and any use contained therein, may be expanded or extended upon approval of the Zoning Hearing Board to an extent greater than permitted in Section 303 of this Ordinance, subject to the following limitations:

- A. The Zoning Hearing Board shall consider the character of the adjacent areas and shall determine whether the requested expansion is compatible with such areas.
- B. The Zoning Hearing Board may require the use of landscaping, increased setbacks, or other buffers to limit any adverse effects of the expansion on adjacent areas.
- C. The applicant shall comply with the provisions of Section 303 A. 4-8 of this Ordinance.
- D. The Board may impose conditions to minimize potential adverse effects of the expansion, including but not limited to landscaping, screening, modifications on hours of operation, setbacks, etc.

#### **Section 1210 - Farm Machinery Service and Repair**

- A. **Intent.** Farm machinery service and repair facilities are intended to support agricultural land uses. Repairs shall be limited primarily to agricultural equipment. Incidental and normal repairs shall not be subject to this Section.
- B. **Fuel Storage.** All fuel usage and storage on the premises shall comply with applicable State regulations pertaining to use and storage of fuels and flammable liquids.
- C. **Area.** Not more than two acres and 4000 sf of floor area shall be devoted to the operation.
- D. **Screening.** All service shall be conducted in an enclosed structure, or in a rear yard, or in a screened area.
- E. **Setbacks.** All facilities shall be set back not less than 50 feet from all lot lines.
- F. **Exterior Storage.** All exterior storage within 200 ft of any residence on an adjacent site shall be screened.

#### **Section 1211 - Farm Related Business**

- A. **Intent.** Farm businesses provide at-home employment opportunities that are intended to supplement family income, especially during non-growing seasons. The farm business opportunity is intended to enhance and preserve the agricultural viability of the parent tract, it shall be a secondary use of part of the parent tract, and it shall not become the primary use on the parcel. The primary use of the parcel should remain an agricultural use. Therefore, the applicant must provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users.

Farm-related businesses may involve the following types of uses. Other uses may be permitted if the applicant demonstrates that the proposed farm-related business would primarily serve the local farming community.

- 1. facilities for agricultural-related manufacturing, storage, sales, repair and service of agricultural equipment, vehicles (including carriages and buggies), or supplies,
- 2. blacksmith or carpentry shops, farrier, harness making,
- 3. butcher shops,

4. veterinary activities that primarily involve farm animals, stables, kennels,
  5. agricultural-related processing or assembly of materials.
- B. Coverage.** The maximum lot coverage of a farm related business shall not exceed two acres of the parent parcel, including all structures, buildings, parking and outdoor storage, and shall not exceed a total of 4000 sf of building space.
- C. Setbacks.** All facilities shall be set back not less than 50 feet from all lot lines.
- D. Site Area.** The applicant shall demonstrate that the size of the site is the minimum needed to conduct the farm-related business.
- E. Access.** Farm-related businesses shall front on a major or minor collector road, or the applicant shall demonstrate to the Zoning Hearing Board that adjacent roadways can accommodate anticipated traffic.
- F. Paving.** The Zoning Hearing Board may require a paved apron or a gravel scraping area to prevent tracking of mud or manure onto any public roadway.
- G. Length of Driveway.** The length of access drives shall be sufficient to accommodate stacking of delivery and customer vehicles.
- H. Proximity to Residential Areas.** Farm-related businesses shall not be located within 500 ft of any residential area.
- I. Screening.** Except for the display of farm equipment for sale, outdoor storage of supplies, materials and products shall be screened from adjoining residential areas. The Zoning Hearing Board may require the use of screening at parking areas
- J. Signs.** Notwithstanding provisions in Article 14 to the contrary, not more than one outdoor sign shall be permitted for a farm-related business, not to exceed 16 square feet. The Zoning Hearing Board may limit lighting if the sign is within 200 feet of a residential area.
- K. Hazards.** If a proposed farm-related business presents a fire hazard, emits smoke, dust or other air pollutants, noise, light and spill light, or create a nuisance as a result of the hours of operation, the Zoning Hearing Board may attach such other reasonable conditions as deemed appropriate.
- L. Storage.** No outside storage areas shall be located closer than 50 feet to any rear property line or 100 feet to any side property line. Such set backs shall be 100 feet at rear property lines and 150 feet from side property lines at residential areas. All such storage shall be screened from roads and residences (except dwellings located on the parcel).
- M. Mobile Homes.** No mobile home used for non-residential purposes or trailer may be utilized as part of the farm business, unless screened from view from adjacent areas.
- N. Residence of Owner.** At least one owner or operator of the farm business shall reside on the premises. The owner shall be the operator of the business.
- O. No Subdivision.** No portion of the farm related business shall be subdivided from the parent parcel.
- P. Conversions.** Any building constructed for the use of the farm occupation shall be of the nature that it can be converted to only a permitted agricultural use or removed from the property if the farm occupation is discontinued.
- Q. Traffic Study.** The Board may require the applicant to prepare a traffic study.

#### Section 1212 - Firing Range (commercial)

- A. Setbacks.** All facilities shall be set back not less than 500 feet from all lot lines.

- B. **Safety Berm.** An earthen mound, not less than ten feet in height, shall be constructed along the downrange side of the field, and along the right and left sides of the field.
- C. **Hours.** The Zoning Hearing Board may impose limits on hours of operation.
- D. **Occupancy of Agricultural Soils.** No prime agricultural soils shall be used for the firing range.
- E. **Fencing.** Fencing shall be provided around the periphery of the facility. Such fencing shall be designed to discourage climbing, shall not be less than six feet in height, and shall be either solid or composed of chain-link material.

#### **Section 1213 - Flea Market**

This Section shall apply to commercial activities conducted three or more times per year, including yard sales.

- A. **Lot Area.** Not more than one acre, including parking, shall be used by the flea market.
- B. **Parking.** Off-street parking shall be provided at the rate of one space per 500 square feet of gross ground area devoted to the activity.
- C. **Setbacks.** All facilities shall be set back not less than 50 feet from all lot lines.
- D. **Signs.** Notwithstanding provisions in Article 14 to the contrary, not more than one temporary sign, not exceeding six square feet, shall be permitted, and shall be removed within two weeks of its initial placement. The sign shall conform to all other applicable requirements of Article 13.
- E. **Control of Nuisances.** The applicant shall provide a plan for controlling lighting, traffic, litter, sanitation, and noise.
- F. **Maximum Number Per Year.** Flea markets shall not exceed three events per year.

#### **Section 1214 - Flood Plain – Conservation District Special Exception Uses**

- A. **General Standards and Criteria.** In deciding upon applications for special exception uses in the Flood Plain - Conservation District, the Zoning Hearing Board shall also evaluate and determine whether the following standards and criteria have been complied with:
  - 1. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, are minimized.
  - 2. That a minimum of floodwater or material will be carried downstream.
  - 3. That the proposed land use requires a waterfront, floodplain, or steep slope location.
  - 4. That reasonable alternatives, which do not involve encroachment into the flood plain or steep slope area, do not exist.
  - 5. That the proposed use is compatible with existing and anticipated developments.
  - 6. That the proposed use is compatible with the Township Comprehensive Plan.
  - 7. That access to the site by emergency vehicles during times of flood, collapse of foundation, of other emergency, is preserved.
  - 8. That the anticipated area, height, depth, velocity, pressure, frequency, duration, rate of rise, and sediment load in floodwaters is compatible with the proposed use.
  - 9. That the proposal will not unduly alter the course of natural water flow.

10. That the natural, scenic, and aesthetic values of the proposed site will be preserved.
  11. That important archaeological sites, historic sites or structures, endangered flora or fauna, or other especially valuable land uses, will be preserved.
  12. That a minimum of potential danger, damage, or injury to all adjoining parcels, regardless of municipal location, will result.
  13. That the proposed land use will not cause:
    - a. a significant increases in flood heights,
    - b. a significant threats to public safety,
    - c. an extraordinary potential public expense,
    - d. the creation of nuisances, or
    - e. a conflict with any law or regulation.
- B. Required Plans.** In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the burden of proof shall fall upon the applicant. The Zoning Hearing Board may require the applicant to provide such reasonable plans, specifications, studies, and other information as may be necessary for the Board to arrive at a fair, impartial, and informed determination. Such required information may include, but is not necessarily limited to, the following:
1. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, erosion control, and their relationship to the location of the floodway or steep slope areas.
  2. Typical cross-sections of the channel, elevations of land areas on both sides of the channel and of the areas to be occupied by structures, high water information.
  3. A plan view showing elevations or contours, pertinent structures, fill or storage elevations, the size, location, and arrangement of proposed structures, the locations of streets, water supply facilities, soil types and other similar information.
  4. Profiles of the slope.
  5. Specifications of building materials and construction, flood proofing or slope stabilization measures, filling, grading, storage of materials, channel improvement, and similar facilities.
- C. Historic Structures.** The Zoning Hearing Board may waive any of the requirements of this Section for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks.
- D. Permitted Uses-Specific Regulations.** The following uses may be permitted in the Flood Plain - Conservation District, subject to any pertinent regulations:
1. Bridges, culverts, and approaches, subject to the review and/or approval by the Lancaster County Planning Commission, the Susquehanna River Basin Commission, and the Pennsylvania Department of Environmental Protection, if required. If not required, the proposed improvements shall then meet the minimum pertinent requirements for such uses as established by the Pennsylvania Department of Transportation. The proposed structure shall be designed to allow the unrestricted passage of waters of maximum flood elevation below and through it, without any significant upstream or downstream increase in water surface elevation.
  2. Fish hatcheries.
  3. Extraction of minerals, excluding topsoil, subject to all applicable regulations of the Pennsylvania Department of Environmental Protection and the US. Army Corps of Engineers.
  4. Implement or tool sheds, provided that no vehicles or hazardous materials may be stored on the site.

5. Water-oriented uses, such as docks, piers, wharves, marinas, boat liveries, launching ramps, and similar uses, provided that all Pennsylvania Department of Environmental Protection regulations are met.
6. Parking lots, loading areas, and driveways, provided that no vehicles or materials are stored on the floodplain areas.

**Section 1215 – Forestry, Timber Harvesting (when clear cutting only)**

- A. **Purpose.** This Section lists requirements that are necessary to encourage minimal standards of proper forest management practices and protect the Township from any unnecessary consequences of improper clear-cutting practices. The following requirements shall apply to all clear-cutting activities, provided, however, that forestry practices and the normal and routine removal or maintenance of trees by a homeowner, shall be exempted from these regulations.
- B. **Erosion and Sedimentation Control Plan.** An erosion and sedimentation control plan shall be prepared for each tree harvesting operation. The plan shall comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued under the Act of June 22, 1987, P.L. 1987 (Clean Streams Law), and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and Regulations, issued under the Act of 1978, P.L. 1375, No. 325, (Dam Safety and Encroachment Act).
- C. **Contents of Plan.** At a minimum, the Erosion and Sedimentation Control Plan shall address each of the following:
  1. Design of the road system
  2. Water control structures
  3. Stream crossings
  4. Log landings
  5. Construction, use and restoration of haul roads, skid roads, log landings, and skid trails
  6. Maintenance of all roads and structures and provisions to prevent mud from being tracked onto public roads, such as rock landings
  7. The general location of the areas of operation in relation to local and state roadways
  8. Estimated starting and completion dates of the operation
- D. **Erosion Control Plan Filed with the Township.** The Erosion and Sedimentation Control Plan shall be filed with the Township not less than 30 days prior to the start of the harvesting operation.
- E. **Procedures and Requirements.** The following requirements shall apply to all harvesting operations:
  1. No tops or slash shall be left within 25 feet of any public thoroughfare.
  2. Felling or skidding across any public thoroughfare is prohibited without written permission by either the Township or the Pennsylvania Department of Transportation, whichever is responsible for the thoroughfare.
  3. All soil and debris washed or carried onto public streets during tree harvesting operations shall be cleaned daily. The applicant shall be responsible for the restoration of any property that may be damaged due to erosion caused by the timber harvesting operation.



4. Upon the conclusion of any timber harvesting operation, all litter, trash, discarded equipment, and similar items shall be removed from the site before the operator vacates the site.
  5. Upon the completion of any logging operation, the area shall be re-seeded in compliance with the Erosion and Sedimentation Control Plan.
  6. All clear-cut areas shall be reclaimed by reseeding, replacement of plant materials, or by other methods such that the area does not increase sedimentation and stormwater runoff.
  7. The applicant shall be responsible for repairing berms and/or shoulders on public roads that may be damaged due to the timber harvesting operation.
- F. **Bonding.** Road bonding for timber harvesting shall comply with PennDOT regulations Chapter 189, found in Publication 221, "Posting and Bonding of Municipal Bonds."
- G. **Admission to the Site.** The Township may enter onto the site to ensure compliance with the provisions of this Special Exception and Erosion and Sedimentation Control Plan.
- H. **Violations.** In the event that the Township finds a timber harvesting operation to be in violation of the provisions of this Special Exception or Erosion and Sedimentation Control Plan, the Township may order the immediate cessation of operations, and/or order the owner to implement specific measures necessary to bring the operation into compliance.

#### Section 1216 - Funeral Home

- A. **Parking.** The applicant shall submit a plan to demonstrate that sufficient off-street parking will be provided to prevent traffic back-ups onto adjoining roads.
- B. **Screening.** The Township may require screening.
- C. **Control of Nuisances.** The applicant shall provide a plan for controlling traffic, noise, and lighting.

#### Section 1217 - Historic Structures - Adaptive Re-Use

- A. **Intent.** The Township contains many structures that are historically important, represent a locally important architectural style, or represent an important link to the Township's past. Owners of these structures may desire to adapt them to modern uses instead of demolishing them or altering them in order to comply with various yard, bulk and lot regulations contained in this Ordinance, which could result in the elimination of their historical value. Therefore, the Board may adjust any yard, bulk or setback regulation in this Ordinance in the interest of adapting a historic structure to a modern use, subject to the provisions in this Section.
- B. **Applicability.** The provisions of this Section shall apply to the sites and structures identified on the National Register of Historic Places, sites listed in "Our Present Past," sites identified by the Pennsylvania Historical and Museum Commission, and historic resources identified in the Conestoga Township Comprehensive Plan of 1997.
- C. **Adjustments to Standards.** The provisions of this Ordinance may be adjusted to implement the purposes of this Article. Any adjustment to the provisions of this Ordinance shall be necessary to allow the cost-effective and practical use of a historically or architecturally significant structure. The appellant shall demonstrate that the structure is important in terms of its history or architectural style, and he shall also show that the structure cannot be made to conform to the provisions of this Ordinance without a significant reduction in its historic or architectural value.
- D. **Minimum Adjustments.** Any adjustment to the provisions of this Ordinance shall be the minimum necessary to meet the intent of Section 1217 A above.
- E. **Conditions.** The Board may impose conditions on the grant of any adjustment to the provisions of this Ordinance, such as requiring adherence to a particular architectural style, the use of screening, limitations on the use, etc.

- F. **Basis for Denials of Requests for Adjustments.** The Board may deny any request for adjustment to the provisions of this Ordinance on the basis of excessive congestion, traffic, population density, or danger due to fire, flood, structural integrity, or other danger.
- G. **Conditions for Increase in Population or Lot Number.** This provision shall not be used to increase population density or number of lots unless such increase is necessary to preserve the integrity of the structure and shall result in some benefit to the neighborhood.
- H. **Variances.** The use of this Section shall not be construed to represent an appeal for a variance, unless requested by the appellant.

#### Section 1218 - Home Occupation (non-professional)

- A. **Location.** The home occupation shall only be conducted within a building used for residential purposes or in an accessory building, and no products utilized in the home occupation shall be stored outside unless screened. Lots less than one acre shall not include a non-professional home occupation.
- B. **Area Limitation.** An area representing not more than 25% of the total square footage of the dwelling, including all floors and habitable basement areas but excluding attic space, shall be devoted or used for the home occupation.
- C. **Employees.** No more than two persons other than persons residing in the dwelling shall be employed on-site in the home occupation.
- D. **No Subdivisions.** The home occupation structure shall not be subdivided from the parent parcel.
- E. **No Alterations.** No alterations to the exterior front facade of the dwelling shall be permitted, the effect of which would establish that the building is being used for purposes other than a dwelling.
- F. **Parking.** Not less than two parking spaces shall be provided for the non-professional home occupation, in addition to the parking spaces provided for the dwelling. Notwithstanding provisions in Section 1501 B to the contrary, "stacked" or tandem parking spaces in driveways may be used to meet off-street parking requirements. Parking for the home occupation shall be located in side or rear yard areas or in garages; no additional front yard areas shall be used for parking. Commercial vehicles may be placed in side yard areas or on existing driveways. In such cases, the Township may require the use of screening. Notwithstanding the above, refrigerator trucks or other vehicles which operate machinery which is audible at any lot line for periods exceeding two hours when stationary, shall be set back not less than 100 feet from all lot lines.
- G. **Permits.** Before any building is used as a home occupation, the person intending to operate the home occupation shall apply for and receive a permit from the Zoning Officer, which shall state that it is issued subject to the applicant complying with the conditions of this Section.
- H. **Sewage Disposal Inspections.** The Township may require that the Sewage Enforcement Officer approve the method of sewage disposal.
- I. **Periodic Reinspections.** The Township may require periodic re-inspection to ensure continued compliance with all applicable conditions.

#### Section 1219 - Limited Periodic Development (in the Effective Agriculture District)

Notwithstanding the provisions of other Sections in this Ordinance to the contrary, not more than one non-farm residential lot may be subdivided from any parent tract within any consecutive five year period, subject to the following conditions:

- A. **Tract Size.** The tract from which the new lot is created shall not be more than 25 acres in size prior to the subdivision.
- B. **Lot Size.** New non-agricultural lots shall not be less than one or more than two acres in size.

- C. **Lots for Agricultural Purposes.** Lots may be created for agricultural purposes at any time, provided that no agricultural lots shall be less than 25 acres. Lots in the Effective Agricultural District that are created under the provisions of this paragraph shall be counted towards the maximum limitation in Section 502 and Section 1224.
- D. **Location Near Existing Lots.** New non-agricultural lots shall abut any existing non-farm lots that were previously created under this Section.
- E. **Limitations to Further Subdivision.** The recorded subdivision that creates any new lot under the provisions of this Section shall include a map note indicating that a lot has been created under the provisions of this Section, and reflects limitations to further subdivision according to the provisions of this Section.
- F. **Number of Subdivisions Per Tract.** Not more than five lots shall be created per tract under the provisions of this Section.

#### **Section 1220 - Manure Processing, Hauling, Soil and Sludge Composting, and Similar Activities**

- A. **Setbacks.** All facilities (except for garages) shall be located not less than 500 feet of any lot line. No vehicles shall be parked or maintained less than 100 feet from any lot line.
- B. **Lot Size.** Lots shall not be less than 200 acres.
- C. **Screening.** The Zoning Hearing Board may require screening.
- D. **Control of Nuisances.** A plan, acceptable to the Zoning Hearing Board, for controlling noise and waste disposal, shall be provided. The Board shall require the applicant to provide an odor analysis related to prevailing winds and anticipated area-wide effects from odors.

#### **Section 1221 - Mass Outdoor Gathering**

The following Section is intended to control the periodic gatherings of people on an intermittent, accessory basis, and shall apply to cumulative gatherings of more than 300 people.

- A. **Not More than Three Events Per Year.** Mass outdoor gatherings shall be periodic and shall not exceed three events per year per site, which shall not exceed two days each, and shall be accessory to a primary permitted use.
- B. **Control of Nuisances.** The applicant shall prepare a plan for the orderly control of parking, litter, noise, lighting, traffic, emergency access, sanitation, automobile and pedestrian movement.
- C. **Hours of Operation.** The Zoning Hearing Board may impose reasonable limitations on hours of operation.
- D. **Removal of Structures.** All structures shall be completely removed within seven days of the conclusion of each event.
- E. **Access.** Access shall be from a major or minor collector road.

#### **Section 1222 - Mobile Home Park (manufactured housing)**

- A. **Lot Size.** Tracts shall not be less than 10 contiguous acres.
- B. **Setbacks.** Mobile homes and associated structures shall be set back not less than 100 feet from all lot lines, and no mobile home park shall be located less than 2500 feet from any other mobile home park.

- C. **Density.** Not more than six mobile homes per acre shall be permitted. Individual mobile homes and accessory structures shall be separated by not less than 20 feet.
- E. **Landscaping.** Landscaping or other suitable screening and buffering materials shall be provided to screen the surrounding areas. All natural features (lakes, streams, topsoil, knolls, basins, trees, natural views and shrubs) should be preserved and incorporated into the final landscaping whenever possible and desirable. The mobile home park shall be designed with regard to the topographic and natural features of the site, according to the following requirements:
1. Not less than 40 percent of the gross area of the mobile home park shall be set aside as common open space. No common open space area with any dimension of less than 50 feet or which contains less than one-half acre shall be counted towards meeting the minimum open space requirement, unless the common open space area contains a trail.
  2. There shall be at least one contiguous designated common open space area within the mobile home park containing no less than 25 percent of the required common open space.
  3. The mobile home park shall provide an evergreen (but not white pine - "Pinus Strobus") planting screen at least 20 feet in depth along the property line at the periphery of the development. The finished topography shall not require excessive earthmoving and destruction of natural amenities.
  4. No more than 50 percent of the common open space shall be composed of lands within areas within the 100-year floodplain, of areas delineated as wetlands and/or of areas exceeding 20 percent slope prior to site development.
  5. Common open space shall be planned and located as a contiguous area within the mobile home park that is accessible to all homes. Existing and/or proposed roads may bisect the common open space areas, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas within other adjacent areas shall be considered by the applicant as part of the special exception application.
  6. Significant natural features shall be incorporated into the common open space areas whenever possible.
  7. No more than 50 percent of the common open space shall include land areas that contain or are proposed to contain utility easements and/or stormwater management facilities.
  8. For all common open spaces, satisfactory written agreements approved by the Township shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the Final Plan.
  9. The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.
- F. **Utilities.** Public water and sanitary sewer facilities shall be provided, as required by the Pennsylvania DEP. The applicant shall provide screened trash collection areas. Unless otherwise required by the utility provider, all public utility services shall be underground within the mobile home park.
- G. **Access.** Access shall be from a major or minor collector road. There shall be at least one street within the mobile home park, which serves as an internal collector street from which minor streets shall connect so as to provide direct access to each mobile home lot or lease area. Every mobile home and open space area shall have access to an improved street within the mobile home park. A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails, which shall be surfaced with a durable material (wood chip is unacceptable).
- H. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.
- I. **Traffic Impact Analysis.** A Traffic Impact Analysis shall be prepared.

- J. **Design and Other Issues.** The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting. Exterior storage areas for refuse stations shall be properly screened from the view of all mobile homes within the mobile home park and from adjacent property owners. All containers shall be air-tight, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. The mobile home park shall have a solid waste management plan. No on-street parking shall be permitted within the mobile home park.

#### Section 1223 - Non-Conforming Pre-Existing Lots

- A. **Plot Plan Required.** Lots that are in single and separate ownership, which are not more than one acre in size, may be permitted to be developed with single-family dwellings, subject to the following:
1. The applicant shall submit an accurate plot plan drawn to a suitable scale, showing the location of all existing improvements or other man-made feature.
  2. The plot plan shall show for all proposed improvements, including structures, finished grading, locations for any drainage facility, driveway, and septic field.
  3. The applicant shall identify an alternate septic field area, which shall be approved by the Township Sewage Enforcement Officer for use in the event that the primary septic field fails.
  4. The plot plan shall show the locations of all existing structures, wells and septic fields within 50 feet of the parcel.
  5. The applicant shall demonstrate that driveway grades shall be adequate to provide safe access to the site during periods of adverse weather conditions.
- B. **Additional Conditions.** The Zoning Hearing Board shall determine whether or not the proposed construction upon or use of the lot may endanger the health, safety or welfare of future occupants of the lot or others, including but not limited to interference with neighboring wells by the proposed septic system of the diversion or concentration of storm water.

#### Section 1224 - Non-Farm Detached Dwelling on a Non-Farm Lot.

**Subdivision of Parent (Agricultural) Tract for Non-Agricultural Use.** In order to protect, preserve, and promote agricultural uses within the Effective Agricultural District, it is the intent that the creation of non-agricultural uses shall be regulated in order to retain tracts of sufficient size to be efficiently used for agricultural purposes and to avoid the fragmentation of the District, as follows.

- A. **Applicability.** These provisions shall apply to all tracts of 25 acres or more held in single and separate ownership as of the effective date of this Ordinance, or when the tract was first placed within the Effective Agricultural district or a previous Agriculture District, whichever is earlier. The parent tract and subsequent subdivided lots shall meet all applicable dimensional requirements. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional lots except as permitted pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tract. Likewise, any subsequent owner of any parent tract shall be bound by the provisions of this Article and the actions of the previous owners such that for purposes of subdivision the number of new lots or dwellings erected on the parent tract shall be fixed according to the original number permitted on the parent tract, and this number shall not be increased by the further subdivision of the parent tract, thus transfer of ownership shall not create a new or additional right to subdivide.

**Table 15 - Bulk and Lot Requirements for Non-Agricultural Uses: Effective Agriculture District**

Regulation	Minimum Requirement
Density	Each parent tract containing 25 acres or more shall be permitted to subdivide not more than one farm parcel and/or non-farm parcel per every 25 acres that compose the parent tract, provided the remaining tract from which the parcel is divided shall not be reduced to less than 25 acres. The maximum number of parcels permitted for subdivision from the parent tract shall be determined by dividing the total area of the parent tract by 25. Fractional values shall be rounded down to the next lowest whole number. <sup>1</sup>
Lot size	Not less than one acre and not more than two acres. <sup>2</sup>
Maximum Building Height	35 feet
Minimum Front Yard Setback	See Table 14
Minimum Lot Depth	200 feet
Minimum Lot Width	150 feet
Minimum Rear Yard <sup>3</sup>	60 feet (25 feet for accessory buildings)
Minimum Side Yard <sup>3</sup>	25 feet
Maximum Lot Coverage	10%
<p><sup>1</sup> Exemptions from the provisions of this limitation: a) A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the parent tract from which the land is being taken and the tract to which the land is being transferred will be 25 acres or more after such subdivision. b) A subdivision, the sole purpose of which is to transfer not more than ½ acre of land to increase the size of an adjoining parcel, and which shall not result in the potential for creating additional lots for residential development.</p> <p><sup>2</sup> If DEP regulations require an area greater than two acres for the dispersal of nitrate nitrogen, the land area necessary for this dispersal shall not be permitted to be a part of the lot. The owner of the parent tract from which the lot is created shall record all necessary documentation to establish and grant a plume easement over adjoining land on the parent tract to provide for the necessary dispersal of the nitrate nitrogen in the septic effluent.</p> <p><sup>3</sup> On any non-farm parcel, no shrub or tree shall be planted within 20 and 30 feet, respectively, of any land used for agricultural purposes.</p>	

- B. **Configuration.** The layout of non-agricultural lots shall be grouped so that no more than one additional access to an existing public road will result from the parent tract. To allow for the non-agricultural development permitted in this district, yet to preserve prime agricultural soils and areas,

the layout of lots shall create the least amount of disruption to agricultural practices, operations, and Class 1, 2, and 3 soils listed in order of preference as follows:

1. Preference 1 - Development on non-Productive Soils/Areas Adjacent to existing development. Lots that are subdivided from the parent tract for non-agricultural uses shall be adjacent to developed lots or lots which were subdivided previously for non-agricultural uses.
  2. Preference 2- Development on Non-Productive Soils/Areas. Lots that are subdivided from the parent tract for non-agricultural uses shall be on soils that can not feasibly be farmed due tract location, shape, or configuration, or physical features not conducive to farming, such as rock or poor soils.
  3. Preference 3 - Development on Productive Soils/Areas. If it is proposed that lots can not be located in accordance with subsections a and b, above, due to physical features, lots may be located on Class 1, 2, or 3 soils but in any case on the least agriculturally productive land or in an area that will minimize interference with agricultural practices or operations including but not limited to corners or removed areas of the tracts, along road frontage, and adjacent to other non-agricultural land uses. It shall be the burden of the applicant to demonstrate why the lot can not be subdivided in accordance with subsections a and b.
- C. **Compatibility with Agricultural Activities.** The placement of the proposed dwelling lot shall not conflict with agricultural operations. The Board may require the dwelling lot to be placed upwind from any agricultural activities, and shall consider any existing intensive agricultural activity in its evaluation of the proposed dwelling lot location.
- D. **Location Near Similar Lots.** In order to avoid the fragmentation of the agricultural area, the Board may require the proposed dwelling lot to be located at or near an intersection, near similar lots, or at a place where a grouping of dwellings exists or may reasonably be created in the future.
- E. **Additional Information:** In addition to all other information required by the Township Zoning Ordinance, the following information shall be submitted:
1. Delineation and the calculated area of all Class 1, 2, and 3 agricultural soils.
  2. The location and uses of structures within 100 feet of the lot line.
  3. Delineation and the calculated area of the following: tract location, shape, wetlands, areas of at least 25% slope and rock outcrop areas, streams, utility easements and rights-of-way.
  4. Approximate location of future subdivision of lots from the parent tract, when less than the maximum number of lots permitted is proposed.
- F. **Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss this development option in the form of an informal sketch plan prior to the official submission of an application. Sketch plans are useful tools to identify and correct potential design problems before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.
- G. **Pre-Existing Lots in Single and Separate Ownership.** Any use permitted in this Article may be erected on any single undeveloped lot of record (parent tract) as of the effective date of this Ordinance. Such lot must be a parent tract in single and separate ownership. The parent tract must meet applicable requirements for minimum lot size, and all buildings erected on the lot must meet yard setback, lot coverage, and height regulations.
- H. **Identification of Additional Potential Lots.** Any subdivision or land development plan hereafter filed for a parent tract in the Effective Agricultural District shall specify the number of lots and which lot(s) shall carry with them the right to erect or place thereon any unused quota of lots as determined and limited by the provisions of this Article.
- I. **Effect of Subsequent Agricultural Rezonings.** In the event a tract of land not originally classified as part of the Effective Agricultural District on the effective date of this Ordinance is hereafter classified as part of said district, the size and ownership of such tract of land and its classification as a parent tract

shall be determined as of the effective date of the change in its zoning classification to the Effective Agricultural District.

#### **Section 1225 - Place of Worship and Related Uses**

- A. **Lot Size.** The lot area shall not be less than two acres.
- B. **Access.** Access shall be from a major or minor collector road.
- C. **Parking Setbacks.** All off-street parking areas shall be set back at least 25 feet from all lot lines.
- D. **Screening of Parking Areas.** The Zoning Hearing Board may require screening of parking areas.
- E. **Regulations for Associated Facilities.** Residences, rectories, educational facilities, day care, and other facilities associated with places of worship shall conform to the following requirements:
  - 1. All accessory residential uses shall be located upon the same, or a directly adjacent, lot.
  - 2. All educational or day care uses shall be adjacent to or located upon the same lot.
  - 3. Outdoor play areas shall not be located within the front yard, shall be set back 25 feet from all property lines, and shall be fenced.
  - 4. Passenger drop-off areas shall be provided and arranged such that passengers do not cross traffic lanes.

#### **Section 1226 - Recreation Facility**

This Section shall apply to outdoor recreation facilities, excluding amusement parks and campgrounds.

- A. **Access.** Access and frontage shall be on a major or minor collector road.
- B. **Setbacks.** Active outdoor activities shall be set back not less than 150 feet from any lot line.
- C. **Height.** Notwithstanding provisions otherwise limiting maximum height, structures exceeding the maximum permitted height may be permitted if they are set back from all property lines a distance equal to their height, plus an additional 50 feet.
- D. **Control of Nuisances.** The applicant shall provide a plan for controlling traffic, noise, light, litter, trespassing, dust and pollution.
- E. **Control of Lighting.** Outdoor lighting shall be shielded so not to shine towards adjoining properties.

#### **Section 1227 - Retirement, Nursing Home or Lifecare Facility**

- A. **Lot Size.** The minimum lot size shall not be less than 10 acres.
- B. **Screening of Parking.** Off-street parking areas shall be screened. Parking areas shall be constructed of asphalt or similar material.
- C. **Screening.** All outdoor recreation facilities shall be screened.
- D. **Parking.** Off-street van or bus parking areas shall be provided.
- E. **Access.** Access shall be from a major or minor collector road.



**Section 1228 - Riding School, Horse Boarding Facility (commercial facilities)**

- A. **Lot Size.** The minimum lot size shall not be less than five acres.
- B. **Manure Area Setbacks.** No manure may be stored or piled within 100 feet of any residential property (except that of the owner).
- C. **Parking.** Not less than one off-street parking space shall be provided for each stable.
- D. **Control of Nuisances.** The applicant shall provide a plan for the control of noise, odors, and litter.
- E. **Applicability.** These provisions shall not apply to horses kept for non-commercial use, for farming activities, or for private transportation.

**Section 1229 - River-Related Recreational Uses**

- A. **Intent.** This provision is intended to permit the limited use of areas near the Pequea and Conestoga Creeks and Susquehanna River for river-related recreational uses, while protecting the waterfront area and ensuring the long-term viability of such activities.
- B. **Permitted Uses.**
  - 1. Water-related recreational activities such as boating or swimming facilities, docks, and related facilities.
  - 2. Restaurants.
  - 3. Retail establishments providing water-related recreational activities.
- C. **Lighting.** The Zoning Hearing Board may limit the use of lighting within 200 feet from the nearest residential parcel.
- D. **Reuse to Other Uses.** The Zoning Hearing Board may require the proposed use to be designed such that it may be reused for a permitted use upon the termination of the proposed use.
- E. **Control of Nuisances.** The Zoning Hearing Board may require the applicant to provide a plan for controlling noise, litter, parking, trespassing, sanitation, safe access and egress, and traffic.
- F. **Alcohol.** When alcoholic beverages are to be served, the Zoning Hearing Board may impose regulations relating to hours of operation, areas where alcoholic beverages may be consumed, and related regulations, to the extent not preempted by the State Liquor Code.

**Section 1230 - School (public or private)**

- A. **Parking.** Off-street parking lots shall be set back not less than 25 feet and screened from adjoining property lines.
- B. **Setbacks.** All buildings shall be set back not less than 500 feet from any residential area.
- C. **Access.** Access shall be from a major or minor collector road.

**Section 1231 - Steep Slope Review Criteria**

In evaluating any application for special exception, the Zoning Hearing Board shall evaluate the consistency of the proposal with the following criteria:

- A. Disturbance to particularly sensitive features of the site shall be minimized; special emphasis in planning for the site shall be given to the protection of:

1. The steepest areas, i.e., those greater than 25 percent.
  2. Soils with seasonal high water table.
  3. Underlying geology that comprises, or contributes to, a major groundwater resource, including the flow of existing springs.
- B. Disturbance shall be minimized where the area within the Steep Slope Conservation District, both on the site and on adjacent lands within 200 feet of the site, is extensive.
- C. The proposed development, impervious ground cover, and the resultant disturbance to the land and existing vegetative cover shall not cause increased runoff and/or related environmental problems off the site.
- D. Removal of or disturbance to existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. The Board may require mitigation measures.
- E. Important visual qualities of the site, to the maximum extent feasible, shall be retained. In addition to vegetation, these may include hilltops or ridgelines, rock outcroppings, and the natural terrain and contours of the site.
- F. Road construction shall follow the natural topography, with minimized cuts and grading.
- G. Innovative, imaginative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.
- H. The equilibrium of the slope shall be disturbed as little as possible.

#### Section 1232 - Stockyard

- A. **Fencing.** All animal holding areas shall be fenced.
- B. **Setbacks for Holding Areas.** No holding areas shall be located within 100 feet of any lot line.
- C. **Manure Area Setbacks.** No manure storage shall be located within 500 feet of any lot line.
- D. **Disposal of Materials.** The applicant shall provide a plan for the safe disposal of manure and animals for rendering.
- E. **Occupancy of Agricultural Soils.** Not more than 20% of the facility shall be composed of prime agricultural soils.

#### Section 1233 - Substitution of Non-Conforming Uses

One non-conforming use may be substituted with another non-conforming use, subject to the following regulations:

- A. **No Increase in Detrimental Effects.** No non-conforming use shall be substituted with a different non-conforming use unless the Board determines that the proposed replacement use shall not be more detrimental to the neighboring properties and uses than the existing non-conforming use, and shall not represent a greater degree of non-conformity. The proposed use shall not generate higher levels of noise, smoke, spill light, or other potential nuisance or safety hazard off or on the property than the existing non-conforming use.
- B. **No Increase in Traffic.** The proposed non-conforming use shall not increase traffic.
- C. **Control of Adverse Effects.** The Zoning Hearing Board may impose conditions on the proposed non-conforming use to limit potential adverse effects on adjoining areas. Such conditions may

include, but need not be limited to, limitations on hours of operation, setback requirements, limitations on the physical extent of the proposed use, or other modifications to the conduct of the proposed non-conforming use.

- D. **Landscaping.** The Zoning Hearing Board may require landscaping.

**Section 1234 - Uses Not Specifically Provided For, Uses Substantially Similar to Other Permitted or Special Exception Uses, Temporary Permits**

- A. **Purpose.** A particular use, which is not otherwise listed in a district as a use permitted by right, special exception or conditional use, may be allowed if the applicant demonstrates that:
1. The proposed use is not materially different from other permitted uses or special exception or conditional uses allowed in the same district.
  2. The proposed use shall not create adverse effects to a degree materially greater than other permitted uses or special exception uses allowed in the same district.
- B. **Conditions.** If the proposed use is similar to a use that is permitted by right in the same district, the Township may allow the use, provided the preceding requirements in this Section are met. If the proposed use is similar to a use permitted by special exception, the Township may allow the use, provided the preceding requirements in this Section are met, subject to the conditions expressed for the special exception use that are most similar to the proposed use. If the proposed use is similar to a use permitted by conditional use, the Board of Supervisors may allow the use, provided the preceding requirements in this Section are met, subject to the conditions expressed for the conditional use that are most similar to the proposed use. The preceding provisions shall not be construed as a variance.
- C. **Temporary Permit.** A temporary permit may be authorized by the Zoning Hearing Board for a non-conforming structure or use that it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed one year, and may be renewed annually for an aggregate period not exceeding three years.

## ARTICLE 13 - CONDITIONAL USES

### Section 1300 - Purpose, Standards and Conditions

- A. **Control of Potential Adverse Effects.** This Ordinance establishes a list of land uses possessing characteristics that may result in adverse effects on adjoining properties if not properly controlled and regulated. The Board of Supervisors is empowered to authorize these land uses, contingent upon meeting certain safeguards, standards and conditions that are intended to limit such potential adverse effects. These standards shall supersede any standard or regulation contained elsewhere in this Ordinance, and shall be regarded as conditions that are necessary for the approval of any Conditional Use.
- B. **Compliance with Special Standards.** The applicant shall demonstrate compliance with these standards and must furnish evidence as may be necessary to demonstrate such compliance. The burden of proof shall rest with the applicant, and the Board of Supervisors may reject any purported evidence or proof offered in support of an application if the Board finds that the evidence or proof is not compelling or adequate. All Conditional Uses shall also comply with the standards for uses in the zoning district in which the Conditional Use is to be established, unless provisions in this Article require different standards, in which case the more stringent standards shall apply. These standards shall be continually complied with.
- C. **Additional Conditions.** In granting any Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed below, as it may deem necessary to implement the purposes of this Ordinance.
- D. **Use of Experts.** In hearing and deciding upon applications for any Conditional Use, the Board of Supervisors may call upon any experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
- E. **Fees.** Fees for hearing and deciding upon Conditional Uses may be assessed in accordance with a fee schedule adopted by the Board of Supervisors.
- G. **Hearings.** The Board of Supervisors shall hold a hearing on all applications for Conditional Uses, following the procedures in Section 1709.
- H. **Referral to the Planning Commission.** The Zoning Officer may request applicants for Conditional Uses to attend a meeting of the Township Planning Commission, to allow the Planning Commission to make recommendations to the Township Supervisors.
- I. **Expansions of Conditional Uses.** The expansion, enlargement, intensification, or other increase in the extent of any conditional granted by the Township Supervisors shall require the issuance of an additional conditional use approval.

### Section 1301 - Adult Entertainment Establishments

- A. **Permits.** No person shall operate an adult entertainment establishment without first obtaining any use or occupancy permits as may be required by law.
- B. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.
- C. **Proximity Requirements:**
  - 1. No adult entertainment establishment shall be located within 500 feet of any other adult entertainment establishment.
  - 2. No adult entertainment establishment shall be located within 500 feet of any parcel of land that contains any of the following land uses:

- |    |                        |    |                                |
|----|------------------------|----|--------------------------------|
| a. | amusement park,        | g. | park or playground,            |
| b. | camp,                  | h. | school, or                     |
| c. | child care facility or | i. | residence. The Township may    |
|    | day care facility,     |    | require the use of a landscape |
| d. | place of worship or    |    | screen along any residential   |
|    | associated facility,   |    | area.                          |
| e. | community center,      |    |                                |
| f. | museum,                |    |                                |
3. No person operating an adult entertainment establishment shall permit any material to be visible from any street that depicts or relates to any material found to be pornographic by a court of competent jurisdiction.
4. The Board of Supervisors may require additional outdoor lighting at any adult entertainment establishment.
5. The Board of Supervisors may limit hours of operation.

#### Section 1302 - Amusement Arcade

- A. **Lot Size.** Lots shall not be less than one acre.
- B. **Control of Nuisances.** The applicant shall provide a plan to control noise, litter, loitering, parking, traffic, and lighting spill light.
- C. **Parking.** Notwithstanding the provisions of Article 15, not less than one parking space for each 100 square feet of gross floor area shall be provided.
- D. **Hours of Operation.** The Board of Supervisors may regulate hours of operation to limit adverse effects on adjacent residential areas.
- E. **Annual Review.** The Board may require an annual review of compliance with these conditions.
- F. **Enclosed Buildings.** All devices shall be located in, and all activities shall take place within enclosed buildings.
- G. **Proximity Requirements.** No amusement arcade shall be located within 500 feet of any parcel of land that contains any of the following land uses:
- |    |                                 |    |                                |
|----|---------------------------------|----|--------------------------------|
| a. | camp                            | c. | place of worship or associated |
| b. | child care facility or day care |    | facility                       |
|    | facility                        | d. | park or playground, and        |
|    |                                 | e. | school.                        |
- H. **Landscaping.** The Township may require screening and landscaping.

#### Section 1303 - Amusement Park

- A. **Site Size.** Sites shall not be less than 10 acres.
- B. **Setbacks.** All facilities and parking areas shall be set back not less than 250 feet from all lot lines, and 500 feet from any residential area.
- C. **Access.** All access shall be from a major collector road.
- D. **Screening.** The Township may require screening.
- E. **Vegetation and Erosion Control.** Amusement parks shall not permanently destroy the natural vegetation or ground cover, or cause erosion or sedimentation.

- F. **Transient Uses.** Amusement parks shall be permitted as transient uses, not to exceed two events of not more than one week each in duration each per year.
- G. **Occupancy of Agricultural Soils.** Not more than 25% of the facility shall be located on prime agricultural soils.
- H. **Control of Nuisances.** The applicant shall submit a plan for controlling noise, litter, hours of operation, parking, traffic, pollution, trespassing on nearby properties, sanitation, and loitering.
- I. **Traffic Impact Analysis.** A traffic impact analysis shall be provided, evaluating the following:
  - 1. Existing traffic volume data for all roadways within 1000 feet that are to be used to provide access to the site.
  - 2. Anticipated traffic volumes resulting from the proposed use for the area listed above, in addition to background traffic.
  - 3. Analysis of current and future levels of service for the roadways identified above, as well as any intersections to be used within one-half mile.
  - 4. Physical analysis of all roadways identified above, including horizontal and vertical sight distances, widths, pavement conditions, and drainage characteristics.
  - 5. Analysis of levels of service for intersections within one-half mile.
- J. **Lighting.** Lighting shall not be directed towards any adjoining property.
- K. **Height.** Notwithstanding provisions otherwise limiting maximum height, structures exceeding the maximum permitted height may be permitted if they are set back from all property lines a distance equal to their height, plus 50 feet.
- L. **Removal Upon Closing.** All park facilities shall be removed within two weeks after the event.
- M. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.

#### Section 1304 - Automotive/Vehicular Sales and Service, Gas Station, and Similar Facilities

- A. **Lot Area.** The minimum lot area shall be two acres.
- B. **Locational Controls.** No facility shall be located within 200 feet of a school, place of worship, or public recreation area, or within 500 feet of any residential area.
- C. **Access.** All accesses shall be designed to provide safe and convenient travel without the potential for backing vehicles into a public street.
- D. **Setbacks.** Pumps, pump islands, vacuum stations, air towers, vending machines, canopies, and other structures shall not be located in any required yards or set backs. No outdoor display of products not associated with the use shall be permitted.
- E. **Landscaping.** A landscaped screening area shall be provided along all property lines, excluding the front line, property lines adjacent to existing commercial uses, and access points. Planting shall not interfere with the normal line of sight needed for safe access and egress.
- F. **Review Requirements.** The following shall be shown on a land development plan:
  - 1. All vehicles (except for tow trucks) shall be stored within a building when the facility is not open for business, but may be stored in rear yards, or in front or side yards when screened from view. Licensed vehicles, unregistered or dismantled automobiles, trucks, tractors, trailers, or parts may be placed outside for periods not to exceed 14 days. No Township rights-of-way may be utilized for any purpose. Vehicles shall not be parked outside the main structure during the hours of 9 PM to 6 AM in excess of one vehicle for

every 300 square feet of business lot area exclusive of buildings or structures, unless screened. There shall be no limitation on the number of vehicles parked within a structure.

2. There shall be no unscreened outside storage of material, although items for sale may be displayed provided they are not placed in required minimum yard areas. No portable signs are allowed at any time or at any location.
  3. Trash, oil cans, tires, discarded motor vehicle parts and components and any other waste materials may be stored in a completely fenced-in or screened enclosure for periods not to exceed 14 days. The area of such enclosure shall not exceed 200 square feet.
  4. All landscaped areas shall be maintained in a neat and healthy condition at all times.
  5. A public-address system or any other outdoor-amplified noises are prohibited.
  6. All parking areas and spaces shall have paved, dustless or gravel surfaces, and shall use rolled curbs, wheel stops, curbs, or other means to define the areas in which vehicles may be stored.
  7. No vehicles shall be parked or placed in required minimum yards.
- G. **Signs and Lighting.** The Board of Supervisors may limit lighting of signs if there are residential uses within 100 feet.
- H. **Occupancy of Agricultural Soils.** The facility shall not occupy areas composed of more than 25% prime agricultural soils.
- I. **Hours of Operation.** The Board of Supervisors may impose limits on hours of operation.

#### Section 1305 - Campground

- A. **Lot Area.** The lot area shall not be less than 20 acres.
- B. **Location.** Not more than 20% of impervious area may be located upon prime agricultural soils.
- C. **Setbacks.** All campsites shall be set back not less than 100 feet from all lot lines.
- D. **Density.** Not more than eight campsites per gross acre shall be permitted.
- E. **Parking.** Not less than one parking space per campsite shall be provided.
- F. **Recreation Areas.** All outdoor recreation areas shall be set back not less than 100 feet from all lot lines and shall be screened from adjoining residential properties.
- G. **Refuse.** All sanitary and refuse collection facilities shall be set back not less than 200 feet from any lot line. Such facilities shall be screened from adjoining residential properties unless natural features or vegetation are present.
- H. **Retail Uses.** Campgrounds may include accessory retail or service facilities for the exclusive use of the campground's registered guests and their visitors. All accessory commercial uses and related parking shall be screened from adjoining residential parcels and shall be set back not less than 200 feet from all lot lines.
- I. **Access.** All campgrounds containing more than 100 campsites shall have vehicular access to a major or minor collector road.
- J. **Signs.** Not more than one two-sided sign is permitted per roadway frontage, not to exceed eight square feet per side.
- K. **Coverage.** Roadways, campsites, or impervious surfaces may cover not more than five percent of the site.

- L. **Permanent Structures.** Campgrounds are not to be used for permanent habitation.
- M. **Plan for Controlling Nuisances.** The applicant shall submit a plan for controlling noise, stormwater runoff, light, litter, traffic, and trespassing. Events such as concerts or outdoor activities that involve music or amplified sounds shall be set back not less than 500 feet from any residential area.
- N. **Maximum Road Grade.** Maximum road grades shall be 10%.
- O. **Maximum Slope.** No areas of 15% slopes or greater shall be disturbed.
- P. **Screening.** The Board of Supervisors may require screening at the periphery of the parcel.
- Q. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.

**Section 1306 Commercial, Retail or Industrial Activities**

- A. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.
- B. **Standards for Retailing, Offices, Manufacturing, Commercial Storage, and Similar Activities:**
  - 1. Parking shall be provided according to Article 15 of this Ordinance, and shall be set back not less than 30 ft from all adjacent residential lots and ten feet from all other lots. Waste storage facilities shall be screened. Parking for tractor-trailers shall not be less than 50 feet from residential lots.
  - 2. No structure over 1000 square feet shall be within 200 feet of a residential area.
  - 3. The Board of Supervisors may require screening and landscaping along residential lots.
  - 4. Signs shall be regulated according to Article 14 of this Ordinance.
  - 5. Lighting shall not cast spill light beyond lot lines.
  - 6. No prime agricultural soils shall be disturbed.
- C. **Standards for Commercial Activities Within Structures Existing As Of The Effective Date of this Ordinance (i.e., Conversions):**
  - 1. The exterior dimensions of the structure shall not be substantially altered except to add necessary safety-related facilities such as additional exits or fire escapes.
  - 2. The Board of Supervisors may restrict the use of front yard areas for parking when residential land uses are located across the street or abut the site.
  - 3. No exterior storage or other activities shall be located less than 20 feet from adjacent residential lots.
- D. **Standards for Commercial Activities in Structures Constructed After the Effective Date of this Ordinance:**
  - 1. Access shall be from a major or minor collector road.
  - 2. No prime agricultural soils shall be disturbed.
  - 3. Dimensional standards for commercial activities in new structures are listed in Table 16:



<b>Table 16 - Dimensional Standards for Commercial Activities in New Structures</b>	
<b>Regulation</b>	<b>Standard</b>
Minimum lot size	80,000 sf
Minimum street frontage	400 ft
Minimum lot width at building line	300 ft
Minimum yard regulations	Front: 60 ft Side: 40 ft Rear: 60 ft
Maximum impervious coverage	25%
Maximum height	35 ft

**E. Standards for Manufacturing, Warehousing and Commercial Storage, Laboratories:**

1. Access shall be from a major or minor collector road.
2. All roof-mounted machinery shall be screened from view from adjacent lots.
3. The applicant shall prepare a Transportation Impact Analysis for any proposal that will result in 100 new peak hour vehicle trips, according to the most recent trip generation standards of the Institute of Transportation Engineers. In addition, a TIA may be required if the Township Engineer and Board of Supervisors find that current transportation conditions exist in the area, such as a high-accident location, inadequate intersection geometry, or a congested intersection, which directly affect the proposed development and which would be further exacerbated by the development in the absence of improvements. (see Appendix).
4. No facility shall contain more than 10,000 sf of non-residential floor space.
5. The applicant shall provide a plan for controlling noise, waste disposal, litter, odors, air pollution, and for addressing any deficiencies identified in the TIA.
6. No prime agricultural soils shall be disturbed.
7. The Township may require the applicant to demonstrate that the activity's anticipated water use shall not adversely affect nearby wells.
8. Dimensional standards for manufacturing, warehousing, commercial storage and laboratory activities are listed in Table 17:

<b>Table 17 - Dimensional Standards for Manufacturing, Warehousing, Commercial Storage and Laboratory Activities</b>	
<b>Regulation</b>	<b>Standard</b>
Minimum lot size	Four acres
Minimum street frontage	500 ft
Minimum lot width at building line	400 ft
Minimum yard regulations	Front: 60 ft Side: 40 ft Rear: 60 ft
Maximum impervious coverage	15%
Maximum height	35 ft

**Section 1307 - Correctional Facility**

- A. **Lot Size.** Lots shall not be less than 10 acres.
- B. **Screening.** Perimeter screening shall be provided, with a width of not less than 100 feet.
- C. **Setbacks.** No structure shall be within 500 feet of any lot line.
- D. **Public Address System.** No outdoor public address system shall be audible at any point along any lot line.
- E. **Access.** All access shall be from a major collector road.
- F. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.

**Section 1308 – Farm-Based Entertainment Activity (Agritainment)**

- A. **Intent.** The Township Supervisors seek to preserve the rural and agricultural character of the Township and its open space. This is primarily accomplished through the preservation and promotion of agricultural land uses. However, circumstances occasionally require the use of supplemental income-generating activities to preserve farmlands, especially during non-growing seasons. Therefore, the Township seeks to permit and regulate farm-based entertainment-type activities on farmlands, subject to the standards and conditions in this Section. The farm based entertainment activity is intended to enhance and preserve the agricultural viability of the parent tract and shall be the secondary use of part of the tract (as determined by the length of time when the entertainment activity is occurring, amount of impervious areas, etc.) and shall not become the primary use of the parcel. Such activities may include, but are not necessarily limited to, hayrides, concerts, carnivals, “capture the flag-type activities,” and similar activities.
- B. **Minimum Parcel Size.** The farm-based activity shall be conducted on parcels at least 25 acres in size. Not more than one farm-based entertainment activity shall be conducted per parcel. The activity may include more than one form of event.
- C. **Duration.** The Township shall establish a maximum period of time during which the activity may occur, based on the following considerations as they apply to the proposed activity. Specific dates on which the activity may occur shall be determined by the Township (for example, by limiting an activity to Memorial Day and the Saturday and Sunday immediately preceding it.)

1. Potential for disturbance of neighbors. Activities occurring on weekdays shall be required to conclude at earlier in the evening and begin later in the morning.
2. Potential for traffic disruption. Activities that may result in a significant increase in traffic may be limited in duration or in hours of operation.

The Township shall specify hours of operation. Patrons shall not be permitted onto the site later than 9:00 PM on weekdays and Sundays, 10:00 PM on Friday and Saturday nights, and not earlier than 10:00 AM on any day. However, the Township may modify these hours when the applicant can show that alternate hours shall not substantially increase any disturbance identified in items C.1 and C.2 above. All automated rides shall conclude at these specified hours unless it is necessary to serve patrons who have entered lines for such rides prior to these times. The maximum number of dates per year shall not exceed 30-days within any consecutive 60-day period, and shall not exceed 30 days in any calendar year.

- D. **Preservation of Prime Agricultural Soils.** No areas of prime agricultural soil shall be occupied by an activity in a way such that the soils are rendered no longer available for agricultural use at times when the activity is not operating.
- E. **Inspections.** The applicant shall demonstrate that structures to be occupied by the public shall not pose any danger to life or safety due to fire, collapse, panic, or similar danger. The applicant shall hold liability insurance in an amount not less than one million dollars, which shall name the Township as an additional insured, and shall be in effect continuously during the operation of the activity. Inspections by the Pennsylvania Department of Labor and Industry may be required.
- F. **Exterior Storage.** All exterior storage of items used during the activity within 200 feet of a residential area shall be screened.
- G. **Access, Parking and Screening.** The activity shall front on and gain primary access from at least one major collector road. Driveway entrances and exits should be set back not less than 300 feet from all adjoining residential areas, where conditions permit. Parking areas for more than 100 vehicles shall be set back from adjoining residential structures (not owned by the applicant) not less than 200 feet. The Township may require the applicant to install a 15-foot wide vegetative screen along the property line that abuts any parking area. The applicant shall prepare a plan for controlling traffic and circulation on the site and at streets and intersections within one mile of the site that are anticipated to be used by patrons traveling to and from the site. The Township may require that applicant to provide qualified traffic-control personnel and to reimburse the Township for any unusual municipal expense it incurs in controlling traffic due to the activity.
- H. **Paving.** The Township may require a paved apron or a gravel scraping area to prevent tracking of mud or debris onto any public roadway.
- I. **Proximity to Residential Areas.** The activity (excluding parking) shall be located not less than 400 feet from any existing residence not owned by the applicant, and not less than 100 feet from any residential property line.
- J. **Signs.** Notwithstanding provisions of Article 13 to the contrary, not more than two outdoor roadway signs shall be permitted at the farm-based entertainment activity, not to exceed 16 square feet each, excluding directional signs. Maximum height shall be 15 feet. The Township may limit lighting if the sign is within 200 feet of a residential area. Additional temporary off-site signs may be permitted by the Township with the consent of the owners on which they are to be located, but shall be removed not later than 24 hours after the close of the activity.
- K. **Temporary Structures.** Structures used for the event shall be removed not later than 14 days after the last scheduled date of the event. Such structures may be relocated to a designated and screened storage area on another portion of the parcel. This provision shall not apply to utilities and fences.
- L. **Residence of Owner.** At least one owner or operator of the farm-based entertainment activity shall reside on the premises as the primary domicile.
- M. **No Subdivision.** No portion of the site containing the farm-based entertainment activity shall be subdivided from the parent tract.

- N. **Conversions.** All structures constructed for the farm-based entertainment activity shall be of the nature that they can reasonably be converted to accommodate a permitted agricultural use, or shall be removed upon the close of the activity.
- O. **Emergency Telephone Use.** The applicant shall establish a telephone number that is staffed continuously while the farm-based entertainment activity is in operation, which shall be available for use by persons with a bona-fide need to communicate with the applicant, such as to convey a complaint. The telephone number shall be provided to persons upon written request made not less than one week prior to the first scheduled date of the activity.
- P. **Lighting.** Pole-mounted lights shall not exceed 25 feet in height and shall be directed towards the interior of the site.
- Q. **Noise.** Sound-amplification devices used in conjunction with carnivals, games of chance, rides, recorded music, and similar activities (not including live concerts) shall be positioned such that the speakers are oriented at an angle of not less than 45 degrees below the horizon. This provision shall not apply to artificially-amplified or created sound that is manifestly not perceptible by persons of average hearing ability at the nearest residential parcel, and shall not apply to amplified sound that originates within a completely-enclosed structure.
- R. **Plan for the Control of Litter.** The applicant shall provide a plan for the removal of litter (on-site and off-site) resulting from the farm-based entertainment activity.
- S. **Written Plan of Activity.** The Township's written decision shall be based on and shall clearly reflect the plan for the activity as it is approved by the Township, which may be supplemented with drawings, maps, or other materials deemed necessary to illustrate the extent and limits of the farm-based entertainment activity.
- T. **Additional Conditions.** If a proposed farm-based entertainment activity presents a fire hazard, emits smoke, dust or other pollutants, noise, light or glare, or may create a nuisance, the Township may attach other reasonable conditions as deemed appropriate.
- U. **Expiration of Permit.** The permit for the farm-based entertainment activity shall automatically expire if the applicant does not conduct the activity for a consecutive period of one year. The permit shall be transferable to subsequent resident-operators of the activity, who shall meet with the Zoning Officer to review the terms and conditions of the approval prior to reinstating the activity.

#### Section 1309 - Golf Course

- A. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.
- B. **Conventional size golf courses:**
  - 1. **Lot Size.** The minimum lot area shall be 25 acres.
  - 2. **Setbacks.** All greens and fairways shall be set back not less than 50 feet from all lot lines. All accessory uses shall be set back not less than 100 feet from all lot lines.
  - 3. **Water Analysis.** The applicant shall submit a water analysis to demonstrate that any water use shall not have adverse effects on existing or future adjacent water wells.
  - 4. **Screening.** The Board of Supervisors may require screening around structures.
  - 5. **Roadways and Pedestrians.** All roadways shall be designed to minimize conflicts between automobiles and golf carts and pedestrians.
  - 6. **Parking Setbacks.** All parking shall be set back not less than 50 feet from any residence.
  - 7. **Access.** Access shall be from a major or minor collector road.

8. **Control of Nuisances.** The applicant shall submit a plan for controlling noise, litter, traffic, lighting, and hours of operation.

**C. Miniature size golf courses:**

1. **Lot Size.** The minimum lot size shall be five acres.
2. **Parking Setbacks.** All parking shall be set back not less than 50 feet from any residential area.
3. **Screening.** The Township may require screening.
4. **Control of Nuisances.** The applicant shall submit a plan for controlling noise, litter, traffic, lighting, and hours of operation.
5. **Lighting.** No lighting shall shine towards adjoining properties.
6. **Access.** Access shall be from a major or minor collector road.

**Section 1310 - Heavy Equipment Sales, Service, and/or Repair Facility**

- A. **Location of Activities.** All service and/or repair facilities shall be conducted within enclosed structures or in rear or side yards.
- B. **Screening.** All exterior storage and/or display areas shall be screened from adjoining residential areas. All exterior storage or display areas shall be set back not less than 50 feet from adjoining lot lines and shall be covered with a dustless surface.
- C. **Fencing.** The storage of junked vehicles, boats, machinery, trucks, trailers, motor homes, vehicle bodies, and similar equipment shall be located only within a fenced-in area (fences facing front yards shall be solid and not less than six feet in height).
- D. **Vents.** All ventilation outlets shall be set back not less than 50 feet from any lot line.
- E. **Outside Storage of Vehicles.** No unregistered vehicle shall be stored outside for more than 180 days.
- F. **Control of Nuisances.** The applicant shall submit a plan for controlling noise, traffic, and lighting.
- G. **Coverage.** The impervious surface associated with the facility shall not exceed 15% of the site.

**Section 1311 – Heliport, Helistop**

- A. **Lot Size.** Minimum lot size shall be 10 acres.
- B. **Setbacks.** All landing facilities, hangars, fueling facilities and support structures shall be set back from all lot lines not less than 300 feet.
- C. **Landing Surface.** The landing surface shall be paved, and shall contain no structure or other obstacle other than those required for safety purposes.
- D. **Screening.** Trees, shrubbery and other landscaping shall be provided in quantities and dimensions deemed necessary by the Township to minimize the visual impact of the facility.
- E. **Approach Zones.** At least two approach zones to each landing pad shall be provided according to the provisions of the Federal Aviation Administration or the State Bureau of Aviation or according to the following regulations, whichever correspond most closely to the specific conditions of the site: Landing approach zones shall be maintained free of obstructions and shall not be placed less than 90 degrees apart. Each landing approach shall be located within 45

degrees left or right downwind of the prevailing winds and shall fan out at a horizontal and vertical angle of not less than 10 degrees from the width of the landing pad to a width of 1000 feet and shall have a glide slope of eight to one, measured from the outer edge of the pad. Deviations from these conditions shall be permitted upon demonstration by the applicant that all applicable FAA regulations are met, and the proposed landing and departure zones do not represent a danger to adjoining areas.

Landing area lights shall be pilot-operated. No portion of the approach zone shall be within the minimum safe altitudes as expressed in Federal Aviation Regulations Part 91.119, as may be amended.

- F. **Fuel and Fire Facilities.** All fuel, fire and safety equipment shall be subject to the approval of the State Fire Marshal.
  - G. **Control of Nuisances.** The applicant shall provide a plan for the control of noise, spill light, odors, and other effects of the facility. The Township may impose restrictions on hours of operation and lighting, flight altitude over residential areas, or such other requirements as may be appropriate and reasonable to protect the health, welfare, and safety of Township residents and their property.
  - H. **Compliance with other Applicable Regulations.** In addition to the requirements of the Township, the applicant shall comply with the Rules and Regulations of the Bureau of Aviation, Pennsylvania Department of Transportation, and the Federal Aviation Administration. No permit for the use of a heliport or helistop shall be issued by the Township until the applicant has obtained and submitted to the Township an appropriate license or other certification of regulatory compliance from the Bureau of Aviation, Pennsylvania Department of Transportation.
- B. **Parking.** Parking shall be provided as required in Article 14.
- C. **Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.

#### Section 1312 - Hospital and Related Use

- A. **Lot Size.** Not less than 15 acres shall be provided.
- B. **Access.** Access shall be from a major or minor collector road.
- C. **Entrances Near Residential Areas.** No entrance shall face any residential area within 100 feet.
- D. **Control of Nuisances.** The applicant shall provide a plan for controlling traffic, lighting, and noise, including noise from ambulance and helicopter use.
- E. **Screening.** The Township may require screening.

#### Section 1313 - Hotel, Motel

- A. **Lot Size.** Not less than five acres shall be provided.
- B. **Conditions of Occupancy.** Hotel or motel units shall not be used as apartments for non-transient tenants, shall not contain more than two rooms and shall not be connected by interior doors in groups of more than two units each.
- C. **Unit Size and Facilities.** Each hotel or motel room unit shall have an area of at least 300 square feet. Each hotel or motel unit shall have a bath facility with at least one shower or bath, toilet facility and sink.
- D. **On-Site Office.** Each hotel or motel shall have an on-site office.
- E. **Facilities for Managers.** One apartment with or without kitchen facilities for the use of the hotel or motel manager or caretaker and family within the building is a permitted accessory use.

- F. **Access.** Access shall be from a major or minor collector road.

#### **Section 1314 - Intensive Agricultural Uses**

- A. **Fencing.** All grazing areas shall be fenced.
- B. **Manure Setbacks.** No manure storage shall be located within 300 feet of any lot line.
- C. **Nutrient Management Plan.** The Township shall require the provision of a nutrient management plan, as may be regulated by the USDA NRCS and the Agricultural Extension Service.
- D. **Long-Term Disposal of Manure.** The applicant shall demonstrate that an adequate site for the disposal of manure is available on a long-term basis.
- E. **Setbacks.** Poultry houses and facilities for the housing of swine or hogs shall be no closer than 500 feet to any residential structure, except any such structure located on the same premises, and shall be no closer than 300 feet to any property line or street right-of-way.

#### **Section 1315 - Nightclub and Similar Places of Entertainment**

- A. **Locational Criteria.** No parking shall be located within 100 feet of any residential area.
- B. **Screening.** The Township may require screening.
- C. **Control of Nuisances.** The applicant shall provide a plan for controlling loitering, noise, littering, and lighting.
- D. **Control of Lighting.** No lighting shall shine towards any residentially zoned area.
- E. **Access.** Access shall be from a major or minor collector road.
- F. **Licenses.** Applicants shall secure all appropriate State permits or licenses prior to the issuance of a building permit.

#### **Section 1316 - Nursery and Garden Material Sales**

- A. **Storage Setbacks.** No storage of plants or materials shall be located within 25 feet of any residential area.
- B. **Vehicle Setbacks.** No motorized vehicles or equipment (i.e., backhoes, dump trucks, forklifts, etc.) shall be used within 75 feet of any lot line, except for property maintenance.
- C. **Screening.** The Township may require screening to limit adverse effects on residential areas.
- D. **Access.** All facilities involving sales areas of more than 10,000 gross square feet (both indoors and outdoors) shall have access to a major or minor collector road.
- E. **Parking.** Parking shall be provided according to the provisions of Article 14.

#### **Section 1317 - Option 3 Subdivisions**

When an applicant proposes to develop property according to the provisions of **Option 3**, the applicant shall demonstrate that:

- A. **Similar Adjoining Lot Sizes.** Lot sizes of adjoining subdivisions or developments are similar to the lot sizes as proposed by the applicant.

- B. **No Public Utility Service.** The parcel is not served by public sewer or water utilities and that the provision of common sewer and water facilities is not feasible.
- C. **Protection of Environmental Features.** Sensitive environmental features as listed in the Conestoga Township Comprehensive Plan will not be disturbed by the use of the **Option 3** development.
- D. **Yard Setbacks.** Lot sizes in excess of the standards for **Option 1** and **2** subdivisions are necessary to achieve greater setbacks from collector roadways as described in the Township Comprehensive Plan.
- E. **Demonstration of Inadequacy of Alternate Options.** The applicant shall show (with a sketch plan or other similar presentation) that both Option 1 and 2 subdivision shall not be appropriate for the tract.

#### **Section 1318 - Raw Material Extraction and/or Processing**

This Section shall apply to quarrying or other extractive uses (including groundwater), solid waste disposal and processing facility, transfer station, spent mushroom compost processing, commercial mushroom operations, and similar facilities.

- A. **Lot Sizes.** Lots shall not be less than the following:
  - 1. Quarry and Solid Waste Disposal (i.e., landfill) and Processing- 50 acres
  - 2. Spent Mushroom Compost Processing and Commercial Mushroom Operations- 25 acres
  - 3. Transfer Station- five acres
- B. **Setbacks.** No extraction or processing shall be permitted within 200 feet of any lot line, or 500 feet of any residential area.
- C. **Compliance With Other Regulations.** The Board may condition Township approval upon securing the approvals of applicable State and Federal agencies.
- D. **Screening.** The Township may require the use to be screened from all roads and adjoining properties, and may require the use of chain-link fencing, not less than eight feet in height.
- E. **Driveway Access.** All uses shall provide sufficiently long stacking lanes into the facility, to avoid the back-up of vehicles onto public roads.
- F. **Driveway Paving.** All driveways onto the site must be paved with asphalt not less than 100 feet from the street right-of-way line. In addition, a 40 foot-long gravel section of driveway shall be placed just beyond the preceding one-hundred-foot paved section to dislodge any debris that may have become attached to wheels. All access roads shall be cleaned of debris daily.
- G. **Supervision.** A qualified facility operator shall continuously supervise all operations.
- H. **Access Control.** Access to the site shall be controlled to prevent unauthorized dumping, trespassing, or vandalism.
- I. **Control of Leachate.** Leachate shall be disposed in compliance with any applicable State and Federal laws or regulations. In no event shall leachate be disposed of in any storm water facility, into the ground, or in any other manner inconsistent with the regulations of the Pennsylvania Department of Environmental Protection.
- J. **Water Study.** A water study will be provided to enable the Township to evaluate the effect of the proposed development on the ground water supply and on existing wells, to determine if there is an adequate supply of water for the proposed development and to estimate the effect of the new development on existing wells in the vicinity. The applicant shall submit an analysis of raw water needs (ground water or surface water) from either private or public sources, indicating the quantity of and periods of water demand. The Township engineer shall review the water feasibility study.



The Township shall not approve 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 ground water recharge considering the water withdrawn by the proposed development.

A water feasibility study shall include the following information (unless more stringent regulations are set by County, State, or Federal agencies, in which case the more stringent regulations shall be met):

1. calculations of the projected water needs
  2. a geologic and soils map of the area
  3. the location of all existing wells within 1000 feet of the site and all known point sources of water pollution
  4. the long-term safe water yield shall be determined
  5. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and ground water table
  6. a statement of the qualifications and signature of the person preparing the study
- K. Landscaping.** A 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. Fences or other screening erected on the site must not be located within this landscape strip. Quarries shall provide not less than a 100 foot-deep landscaping screen, and all other uses shall provide not less than 50 feet. The Township may require that an elevated berm be incorporated into the landscape strip.
- L. Control of Nuisances and Access Control.** The applicant shall submit a plan demonstrating safe access to the site, control of odors, noise, vermin, sanitation, trespassing, control of blowing litter, and control of fly rock if blasting is proposed.
- M. Hours of Operation.** The Board of Supervisors may limit hours of operation.
- N. Access.** All access shall be from a major or minor collector road.
- O. Plan for Reclamation.** A plan shall be prepared for reclamation of the site upon conclusion of the activity.
- P. Prime Agricultural Soils.** No prime agricultural soils may be occupied by the activity.
- Q. Environmental Impact Assessment.** The applicant shall provide an Environmental Impact Assessment according to the provisions in the Appendix of this Ordinance.

#### **Section 1319 - Recycling Center**

- A. Lot Size.** Lots shall not be less than 10 acres.
- B. Staffing.** All facilities shall be staffed during hours of operation.
- C. Control of Unauthorized Access.** All facilities shall be fenced to prevent unauthorized access or dumping during times when no attendant is on duty, and the Township may require the use of secure fencing, not less than eight feet in height.
- D. Screening of Storage.** Outdoor storage shall be screened.
- E. Control of Nuisances.** The applicant shall provide a plan for controlling noise, traffic, odor, and litter.

- F. **Storage of Hazardous Substances.** Activities involving waste oil, pesticides, paints, or other hazardous substances shall be conducted in completely enclosed structures, with an impervious floor to prevent leakage into the ground.
- G. **Setbacks.** All facilities shall be set back not less than 100 feet from all lot lines, and not less than 500 feet from any residential area.
- H. **Occupancy of Agricultural Soils.** Not more than 10% of the facility shall be located on areas composed of prime agricultural soils.
- I. **Access.** Access shall be from a major or minor collector road.

#### Section 1320 - Supplemental Commercial Activities

- A. **Intent.** The Township historically has included a number of agriculture-related land uses within its agricultural areas. These activities have supported the agricultural uses by providing supplemental income or services. In the interests of providing opportunities for limited supplemental income for agricultural areas, certain non-agricultural activities are therefore permitted, subject to the provisions of this Section.
- B. **Permitted Uses.** Supplemental commercial activities may include the following, if agricultural-related: light manufacturing, machinery or electronic repair, materials processing, office facilities, research facilities, mini-warehouses, and similar activities, provided that the aggregate floor area of the activity shall not exceed 1000 square feet. However, when an existing structure is used, there shall be no floor area limit or set back requirements. Taverns, restaurants, bars, amusement arcades, and nightclubs are not supplemental commercial activities.
- C. **Number of Commercial Activities Per Site.** Not more than one supplemental commercial activity is permitted per parcel. No supplemental commercial activity shall be permitted on parcels of less than 10 acres.
- D. **No Subdivision.** The commercial activity shall not be subdivided from the parent parcel.
- E. **No Additional Construction.** If an existing structure is used which exceeds 1000 square feet of floor area, there shall be no construction of new facilities on the site for a period of two years.
- F. **Lighting.** Lighting shall not exceed the minimum amount necessary to maintain safety. No pole- or building-mounted lights above ten feet above grade are permitted.
- G. **Conversion to Permitted Uses.** All structures shall be designed and constructed such that they can be converted to a permitted use upon the termination of the commercial activity without excessive reconstruction or expense.
- H. **Retail Sales Limitation.** Not more than 500 square feet of the site shall be used for retail sales.
- I. **Separation from Residential District.** Supplemental commercial activities shall not be located within 500 feet of any residential district.
- J. **Storage of Materials.** The Township may require that outdoor storage of supplies, materials and products be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
- K. **Signs.** Notwithstanding provisions in Article 14 to the contrary, not more than one outdoor sign shall be permitted for each business, not to exceed 16 square feet. The Township may limit the use of lighting of signs located within 100 feet of an off-site residential structure.
- L. **Control of Nuisances.** The Township may require the applicant to provide a plan for controlling noise, odors, traffic, vehicular movements, and hours of operation.

## ARTICLE 14 - SIGN REGULATIONS

### Section 1400 - Purpose

The purposes of this Article are to provide for signs as a means of effective visual communication, regulate existing and proposed outdoor signs, promote comprehensive planning policies, promote the safety of pedestrians and vehicle traffic, protect property values, create a more attractive and harmonious economic and business climate, protect the physical appearance of the community, and reduce unnecessary visual distractions and obstructions in order to promote the public health, safety, and welfare.

### Section 1401 - Sign Area and Height

- A. Area Calculation.** The area of a sign shall be calculated as described below. For the purposes of applying the provisions of this Article, parcels which are comprised of one or more individual lots of record or which are parts of a combined group of businesses operating under one corporation or association, or are part of a single land use, shall be regarded as a single parcel or lot.
1. When the sign is a separate unit, its area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless the structure is illuminated, is in the form of a symbol, or contains advertising elements.
  2. When the sign is applied to a wall or otherwise has no definite edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is applied.
  3. When a single sign structure has more than one face with the same message, and no two faces are more than three feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.
  4. When a sign displays a street address, such area shall not be counted towards calculating the sign area.
- B. Location.** Unless otherwise specified herein, signs shall be located on the site to which they pertain.
- C. Dimensions and permit requirements.** Maximum sign dimensions and permit requirements are shown in Table 18. Illustrative examples of the uses of sign terminology are shown below and on page 140:

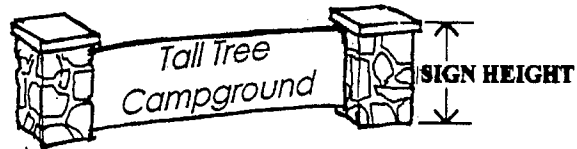
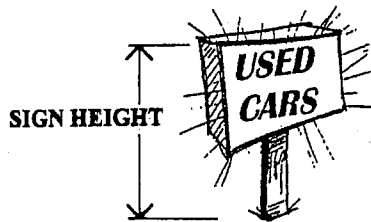


Table 18 - Sign Requirements

Type of Sign <sup>1</sup>	Permit Requirement	Max. Height	Max. Area	Minimum Setback from Right of Way	Maximum Number per lot	Limitation	Lighting
Home occupation (professional or non-professional)	No	4 ft.	4 sf (see limitation)	10 ft, and must be off right-of-way and may not obstruct sight distance	1 per site (one additional 1 sf wall-mounted sign is permitted)	Sign may be 6 sf for non-professional home occupations	Not permitted
Development Center (containing three or more units)	Yes	10 ft.	32 sf	The greater of 30 ft or min. front yard setback	1, or not more than 2 if separated by not less than 500 ft	1 permitted at each entrance if separated by 500 ft (but not more than 2)	Permitted when not less than 200 ft from any adjacent residential area
Billboard		6 ft	72 sf	The greater of 50 ft or min. front yard setback	1 per each 1000 ft of lot frontage	Not less than 1000 ft from another billboard	Permitted when not less than 150 ft from any adjacent residential area
Business identification sign		8 ft	16 sf	The greater of 30 ft or min. front yard setback	1		Permitted when not less than 100 ft from any adjacent residential area
Site identification sign	No			The greater of 10 ft or min. front yard setback	1 freestanding sign and 1 at the building		
Special event sign (on-site)		6 ft		Must be off right-of-way and may not obstruct sight distance	1 per road frontage	May not be placed more than 7 days prior to the event, and must be removed not more than 2 days afterwards	Not permitted

<sup>1</sup> Signs may be freestanding or attached to a structure. Each permitted sign may have two faces.

Table 18 - Sign Requirements - (continued)

Type of Sign <sup>2</sup>	Permit Requirement	Max. Height	Max. Area	Minimum Setback from Right of Way	Maximum Number per lot	Limitation	Lighting
Special event sign (off-site)	Yes	6 ft	16 sf	Must be off right-of-way and may not obstruct sight distance	1 per road frontage	May not be placed more than 7 days prior to the event, and must be removed not more than 2 days afterwards	Not permitted
Garage sales (on residential parcels)	No	4 ft	8 sf		No limit on number per parcel	May not be placed more than 21 days prior to the election, and must be removed not more than 2 days afterwards	Not permitted when within 200 ft of any adjacent residential area
Election signs		6 ft	6 sf		1 per 200 ft of road frontage and only placed on parcel for sale or rent, or 1 per frontage	May not be placed more than 21 days. "Open House" signs must be removed 24 hours after event.	Not permitted
Real estate sales or rental signs		4 ft	4 sf		1 per road frontage		
Off-premises business advertising sign	Yes	10 ft	16 sf	The greater of 50 ft or the minimum front yard setback			

<sup>2</sup> Signs may be freestanding or attached to a structure. Each permitted sign may have two faces.

Table 18 - Sign Requirements - (continued)

Type of Sign <sup>3</sup>	Permit Requirement	Max. Height	Max. Area	Minimum Setback from Right of Way	Maximum Number per lot	Limitation	Lighting
Farm Product Signs (farm stands)	No	6 ft	8 sf	10 ft	No more than 2 signs per 100 ft of frontage per roadway shall be permitted, and shall not exceed 4 signs per site.	Signs shall be placed only on the parcel to which they refer	not permitted
Contractor's or Development Signs					1	Shall be placed only on the premises where the work is being conducted. Signs shall be removed not more than 14 days after the completion of work.	
Other signs: type not specified	Yes	4 ft	4 sf				

<sup>3</sup> Signs may be freestanding or attached to a structure. Each permitted sign may have two faces.

**D. General Regulations.** The following regulations shall apply to all signs, in addition to any specific regulations in other parts of this Ordinance.

1. Character of the Neighborhood to be Reflected. All signs shall reflect the general character of its neighborhood, and shall be constructed of durable materials and be maintained in good repair.
2. Address Required. All signs shall clearly display the street name and number.
3. No Floodplain Signs. No permanent signs are permitted within the 100-year floodplain.
4. Illumination. All illuminated signs or lighting devices shall employ only lights emitting a constant intensity, and no sign shall be illuminated by, or contain flashing, intermittent, rotating, or moving light, except to show the time and/or temperature. In no event shall an illuminated sign or lighting device be so placed or directed as to permit light or illumination to be directed towards a public roadway so as to create spill light or reflection that may constitute a traffic hazard or nuisance. Signs shall be lighted only when the activity is open for business or in operation.
5. Projecting Signs. No sign shall project more than 18 inches beyond the face of any building. No sign shall obstruct access to any window or door, or ventilation to any building.
6. Damaged Signs. Dilapidated or damaged signs shall be promptly repaired. Signs constituting a hazard shall be repaired or removed within 24 hours of notice by the Township.
7. Animated Signs. Signs or devices that are moving, fluttering, rotating, spinning, audible, or are otherwise animated, (except for clocks and thermometers) are prohibited.
8. Pedestrian Traffic. No sign shall be placed in any position that may present a hazard to vehicular or pedestrian traffic, and no sign suspended above areas where pedestrians may walk shall provide a clearance of less than eight feet.
9. Signs Prohibited in the Right-of-Way. No sign or supporting structure, including temporary signs or sandwich-type or wheeled signs, except for official traffic or public utility signs, shall be permitted within any public right-of-way.
10. Confusion with Official Signs. No sign shall imitate any traffic control or other official sign by containing the words "stop", "yield", "danger", etc., or by using red, amber, or green lights in such a way as to cause confusion by pedestrians or motorists.
11. Religious Signs. Religious signs, symbols, and devices shall comply with all applicable provisions of this Article.
12. Utility Pole or Tree Placement. No sign shall be placed on any utility pole or tree.
13. Government Signs. Signs of any government or public utility, municipal traffic control devices, and public school signs, shall be exempt from these regulations except.

**Section 1402 - Non-Conforming Signs**

Non-conforming signs that lawfully existed and were continuously maintained prior to the effective date of this Ordinance may continue to be utilized. However, notwithstanding the provisions of Section 303, such signs shall not be expanded and shall comply with the provisions of this Article upon their removal or damage to an extent of more than 50% of their value as established prior to such damage.

**Section 1403 - General Sign Regulations Relating to Adult Entertainment Establishments**

No person shall place or cause to be placed or maintained in such a location as can be viewed by persons on any public street, any sign, photograph, picture, image, or other graphic representation, which depicts in whole or in part any illustration pertaining to specified sexual activities and/or specified anatomical areas.

#### Section 1404 - Clear Sight Triangle - No Signs Permitted

No sign exceeding two feet above surrounding grade may be placed in the sight triangles as determined by Section 1118 of this Ordinance or the area as determined below, whichever is greater.

- A. **Near Driveways.** No sign exceeding 24 inches in height shall be located within a triangle formed by an unobstructed line of sight between points not less than 50 feet from the intersection of the centerline of the street and the driveway, nor in any position where it may endanger vehicular or pedestrian traffic.
- B. **Near Intersections.** No sign exceeding 24 inches in height shall be located within a triangle formed by an unobstructed line of sight between points not less than 100 feet from the centerline of each intersecting street, nor in any position where it may endanger vehicular or pedestrian traffic.

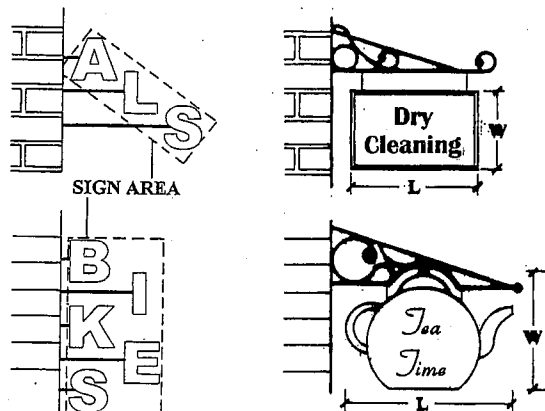
#### Section 1405 – Street Numbers to be Provided

Every business and residence within the Township shall comply with Township Ordinance Number 2 of 1999, relating to the provision of assigned street numbers.

#### Illustrative Examples of Sign Terminology



#### Sign Area





## ARTICLE 15 - PARKING REGULATIONS

### Section 1500 - Purpose and Intent

It is the intent of these requirements that adequate off-street parking and loading facilities shall be provided for each use of land. Minimum requirements are based on the anticipated demand for parking created by each land use. These requirements shall apply to all districts, unless superseded in other sections of this Ordinance.

### Section 1501 - Design Requirements for Parking Spaces

- A. **Size.** The size of a parking space for one passenger vehicle shall be not less than 200 unobstructed square feet of space, and shall be not less than 10 feet wide.
- B. **Access.** Except on residential lots, parking facilities shall be designed so that a vehicle may enter and exit the parking space without requiring the moving of any other vehicle; i.e., "stacked," or "tandem" parking spaces shall not be used to meet minimum parking requirements. Access drives shall not be considered to satisfy minimum parking requirements, except for driveways at single- and two-family dwellings. All driveways shall be constructed to permit vehicles to drive forwards into the road, instead of backing onto the road. Facilities providing more than 20 spaces in one location shall provide separate "in" and "out" lanes.
- C. **Surface.** Parking facilities shall be constructed with a bituminous, stone, concrete, or similar dustless material. Unless superseded in other parts of this Ordinance, all parking at commercial and retail facilities requiring more than 20 parking spaces shall be constructed with either a concrete or bituminous material.
- D. **Location on Same Lot and Separation from Lot Lines.** All required parking spaces shall be located on the lot containing the land use for which it is providing parking, except as modified in Section 1501 E below. Parking areas or driveways in residential districts shall not be located within five feet of a lot line, except when abutting a public roadway, or when a joint-use driveway is used. Parking or driveways at non-residential districts shall not be within ten feet of a lot line. These distances shall not apply where a driveway abuts or provides access to a roadway.
- E. **Location on Other Lots.** Parking spaces may be placed on a lot located adjacent to the property for which it is providing parking spaces, subject to the following:
  - 1. No required parking spaces shall be located more than 500 feet from the land use for which parking is being provided, and convenient and safe pedestrian access shall be provided between the lots.
  - 2. The applicant shall demonstrate long-term control over the off-site parking area, such as by lease, ownership, or other similar agreement.
  - 3. No off-site parking area shall be located in a Floodplain – Conservation district.
  - 4. The same off-site parking space shall not be allocated to more than one user at a time, unless the applicant demonstrates that the demands for the off-site parking space do not occur at the same times.
  - 5. The Township may require screening along all lot lines abutting residential areas.

### Section 1502 - Off-Street Loading and Unloading Space

Adequate off-street loading and unloading space shall be provided on the same premises for every use which involves the delivery or shipment of goods or other materials in bulk. This space shall be arranged so as not to interfere with the normal movement of traffic on the site and on the roadway. No roadway space shall be used for loading or unloading for any non-residential use.

### **Section 1503 - Storage of Vehicles**

Vehicles or trailers without current registrations and inspection stickers shall not be stored on any property for a period of more than 30 days, unless stored in an enclosed structure. This shall not apply to agricultural vehicles or implements, or vehicles that are in the process of being rebuilt provided that they are located in a side or rear yard and not less than 10 feet from all lot lines.

### **Section 1504 – Deferral of the Installation of Parking Spaces**

The Board of Supervisors, in its sole discretion, may permit a portion of a parking area that is required for a proposed non-residential land use according to Section 1504 to be held in reserve and not immediately constructed, subject to the following:

1. The applicant for the non-residential land use makes a request to reserve the parking spaces in writing.
2. The deferral of the installation of the required parking spaces shall not permit the land use to be enlarged or expanded in excess of any applicable bulk, lot size, setback, lot coverage, or other applicable regulation in this Ordinance. The size and extent of the land use shall not be affected by the reduction of the required parking.
3. The applicant provides compelling evidence or reasons why the full amount of parking required in Section 1504 is not anticipated to be necessary during the normal and routine use of the site.
4. The parking areas held in reserve are to be designed, graded, and located in such a way as to be conveniently constructed in the future with a minimum of disruption on the site, and are restricted from any other further development.
5. The areas held in reserve are landscaped.
6. The applicant, and all successors in interest in the site, agrees in writing to construct the reserved spaces in a timely manner upon direction by the Township.

### **Section 1505– Land Uses Not Identified in the Parking Table**

When a proposed land use does not fall within any of the categories in **Table 19 Minimum Parking Requirements**, the Zoning Officer shall apply the parking requirements for the land use in Table 19 that is most similar to the proposed land use.

**Section 1506 - Minimum Parking Requirements**

Not less than the following amounts of off-street parking areas shall be provided according to Table 19:

<b>Table 19 - Minimum Parking Requirements</b>	
<b>Land Use or Activity</b>	<b>Minimum Parking Spaces</b>
Auditorium, place of assembly, and similar facility	One per each three seats or one per each 50 square feet of gross floor area, whichever is greater
Auto sales and related facility	One per each 1000 square feet of gross lot area
Bed and breakfast, boarding house, motel, hotel	One per unit
Campground	One per campsite
Dwelling	Two per dwelling
Farm business or occupation	Five per business or occupation
Group home, lifecare facility and related facility	One and one-half per dwelling or bed
Home occupation	Two per occupation
Hospital and similar facility	Four per exam room
Industrial Use / Manufacturing	One per each 1000 square feet of gross floor area
Office and similar commercial facility	One per each 400 gross square feet of floor area
Recreation facility - interior	One per 1000 square feet
Recreation facility - exterior	One per 40,000 square feet
Restaurant	One per each 200 gross square feet of floor area
Retail facility	One per each 250 gross square feet of floor area
School and similar facility	One and one-half per each instruction room
Warehouse	One per each 2000 gross square feet of floor area
Uses not specifically mentioned	Adequate space to accommodate the daily average number of vehicles expected to use the facility

<b>ARTICLE 16 - ADMINISTRATION, ENFORCEMENT AND AMENDMENT</b>
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**Section 1600 - General**

Except as expressly exempted, the following procedures for the administration and enforcement of this Ordinance shall apply uniformly throughout the Township.

**Section 1601 - Zoning Permits**

- A. Requirement for Securing a Zoning Permit.** It shall be unlawful to commence the excavation for or the construction or erection of any building or structure, including an accessory building, or to commence the moving or alteration of any building or structure, including an accessory building, until the Zoning Officer has issued a zoning permit for such work, as regulated below. A zoning permit shall be obtained from the Zoning Officer for the following:
1. for any erection, construction, alteration, extension, replacement, relocation, or conversion of any building or structure (except signs) when the fair market value of said work exceeds \$1500.00, excluding accessory structures not exceeding 200 square feet,
  2. for the change in use of any building, structure, sign and/or land,
  3. for the signs as required in Article 14 of this Ordinance.
- B. Exemptions.** No Zoning Permit shall be required for normal and routine repairs or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimensions of the building or structure or otherwise violate the provisions of this Ordinance or any other applicable regulation.
- C. Application for Zoning Permit.** The application for a zoning permit shall be submitted, in such form as the Board of Supervisors may prescribe, by the owner or lessee or any building, structure or land 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 from the owner or lessee designating the agent and authorizing the work. The full name and address of the applicant and the landowner, if different, shall be stated on the application. If the applicant is a corporation, the names and addresses of the officers of the corporation shall be included on the application. A fee as established by the Board of Supervisors shall accompany the application.
- D. Description of the Work.** The application shall contain a description of the proposed work and/or use and occupancy of the building, structure and/or land and any other information required by the Zoning Officer to determine compliance with the Zoning Ordinance and other applicable regulations. The application shall be accompanied by plans, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, distance from existing lot lines and street right-of-way lines, parking areas, and other pertinent information.
- E. Approval or Disapproval of Application.** The Zoning Officer shall issue or refuse the application within 90 days after filing. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, any applicable driveway permits or a Highway Occupancy Permit issued by PennDOT have been issued and all other required Township or County approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved and it shall be retained by the Zoning Ordinance for the Township files. If disapproved, the Zoning Officer shall return one copy of the application to the applicant as soon as practical and shall attach a statement to the application explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board within 30 days.
- F. Issuance and Posting of Permits.** Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a zoning permit placard that shall be visibly posted on the site of

operations during the entire time of construction. The zoning permit shall expire one year from the date of issuance, provided that it may be extended at the discretion of the Zoning Officer for six-month periods not to exceed a total of one year.

- G. **Rights of Permit Holders.** The zoning permit shall be a license to proceed with work described on the approved application. The Zoning Officer may revoke a permit or approval issued under the provisions of this Zoning Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit was issued in error, or if work is not undertaken in accordance with the permit or for any other proper cause. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the zoning permit as authorized by the Pennsylvania Municipalities Planning Code.
- H. **Payment of Fees.** No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign and/or land for construction or use shall be issued until the fees prescribed by the Board of Township Supervisors 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 any other Ordinance or law.

#### Section 1602 - Certificate of Use and Occupancy

- A. **Certificate of Use and Occupancy Required.** It shall be unlawful to use and/or occupy any structure, building, sign or land or portion thereof for which a zoning permit is required until a certificate of use and occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a certificate of use and occupancy unless he has inspected said structure, building or land and has ascertained compliance with all provisions of the Zoning Ordinance and all other applicable regulations. 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. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe. The application shall express the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required.
- B. **Issuance.** Upon the receipt of notification that the work for which a zoning permit has been issued has been completed, the Zoning Officer shall inspect the premises to determine whether the work has been performed in accordance with the approved application and other applicable Township and County ordinances, statutes and regulations. If the Zoning Officer is satisfied that the work has been completed in accordance with the approved application and applicable ordinances, statutes and regulations, the Zoning Officer shall issue a certificate of use and occupancy to the permit holder for the use indicated on the approved application. A copy of the certificate of use and occupancy shall be retained by the Zoning Officer as part of the official record. If the Zoning Officer finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the certificate of use and occupancy and, in writing, give the reasons therefor and inform the permit holder of his rights to appeal to the Zoning Hearing Board.
- C. **Temporary Certificate of Use and Occupancy.** Upon written request of a holder of a Zoning Permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign and/or land, or portion thereof, before the entire work covered by the zoning permit shall have been completed. Such portion or portions may be used and/or occupied prior to full completion of work, provided that the public health, safety or welfare is not endangered.

The Zoning Officer may also issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers, and buildings on construction sites, use of land for public or semi-public purposes, or for other temporary use and/or occupancy or for occupancy before the entire work covered by the permit shall have been completed, provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life of public welfare. Such temporary certificates of use and occupancy shall be for periods not to exceed six months, which may be renewed by the discretion of the Zoning Officer upon written application and upon the showing of good cause. The applicant shall completely remove the structure or use authorized by the temporary certificate of use and occupancy upon expiration of the permit without cost to the Township.

**Section 1603 - Enforcement, Penalty and Remedy**

- A. **Violations Defined.** The construction, alteration, maintenance or use of any structure, building, sign, land, or landscaping; or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the failure to comply with any other provision of the Ordinance; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance or conditional use is granted by such court are hereby declared to be violations of this Zoning Ordinance.
- B. **Enforcement Notice.** If it appears to the Zoning Officer that a violation of this Zoning Ordinance exists, the Zoning Officer shall send an enforcement notice (also known as a "Notice of Violation and Cease and Desist Order") to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the Township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipients of the enforcement notice have the right to appeal to the Zoning Hearing Board within 30 days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions provided in this Ordinance. However, in no case shall the person so served abandon the premises in such a condition so as to create a hazard or menace to the public safety, health, morals or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.
- C. **Enforcement Action.** If the enforcement notice is not complied with or appealed within 30 days, the Zoning Officer shall institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this Ordinance or the order of direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.
- D. **Penalties.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable for such violation in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of 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 attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- E. **Remedies.** In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Ordinance or to any of the regulations made pursuant thereto, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors; then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to prevent any illegal act, conduct, business or use in and about such premises.

- F. **Other Actions.** The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land, and/or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign, and/or land in or about any premises.

#### Section 1604 - Amendments

- A. **Procedure for Amendments Shall Comply with the Pennsylvania Municipalities Planning Code.** All procedures within this Section for amendments to this Ordinance shall be governed by the Pennsylvania Municipalities Planning Code, as it may be amended.
- B. **Amendments.** The Board of Supervisors may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance including the 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. Such amendment, supplement, change or repeal shall be submitted to the Township Planning Commission and to the County Planning Commission for their recommendations and shall be specifically found by the Board of Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Township Comprehensive Plan before final action shall be taken by the Board of Supervisors.
- C. **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. The Board of Supervisors shall submit the amendment to the Lancaster County Planning Commission for its review and recommendations at least 30 days prior to the date of the hearing on the proposed amendment.
- D. **Amendment Initiated by the Board of Township Supervisors.** When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, it shall submit the proposal to both the Township Planning Commission and the Lancaster County Planning Commission for review and recommendations at least 30 days prior to the date fixed for the public hearing to consider the amendment, supplement, change or repeal.
- E. **Curative Amendment Initiated by Landowner.** When a landowner desires to challenge on substantive grounds the validity of the ordinance or map or any provision thereof, said landowner may submit a curative amendment to the Board of Supervisors with a written request that this challenge and proposed amendments be heard and decided as provided in the Pennsylvania Municipalities Planning Code, as amended. The Supervisors shall commence a hearing thereon within 60 days of receipt of the applicant's application. The curative amendment and challenge shall be referred to the planning commission and notice of the hearing thereon shall be given as provided in the Municipalities Planning Code. The Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that 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:
1. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities
  2. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map
  3. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features
  4. the impact of the proposed use of the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or

destroyed, the tolerance of the resources to development and any adverse environmental impacts

5. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- F. **Procedure for Petition.** The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question, whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee as 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.
- G. **Referral to Township Planning Commission and County Planning Commission.** After receipt of the petition by the Board of Supervisors, said petition shall be presented to the Township Planning Commission and to the Lancaster County Planning Commission for review and recommendations at least 30 days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Board of Township Supervisors in writing within 30 days from the date of the public hearing. If the Township Planning Commission and/or the County Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that such Planning Commission has approved the proposed amendment, supplement, change or repeal.
- H. **Public Notice and Hearing.** The Township Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one newspaper of general circulation in the Township once each week for two successive weeks, the first publication shall be not more than 30 days and the second publication shall not be less than seven days prior to the date of said hearing. Publication shall include the full text or title and summary of the proposed amendment.
- I. **Authentication of the Official Zoning Map.** Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official 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.



## ARTICLE 17 - BOARDS AND AGENCIES

### Section 1700 - Purpose

This Article establishes the formation, functions, and procedures to be used by the various boards and agencies that are necessary to implement this Ordinance, and shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

### Section 1701 - Board of Supervisors

- A. **Creation and Membership.** The Board of Supervisors is elected by popular vote in accordance with provisions established by the Commonwealth of Pennsylvania.
- B. **Organization.** The Board consists of a chairperson, a vice-chairperson, and a third member.
- C. **Function.** The Board of Supervisors shall administer the affairs of the Township, including the responsibility for adopting, enacting, and enforcing the provisions of this Ordinance, as it may be amended.
- D. **Conditional Uses.** The Board of Supervisors shall hear and decide requests for conditional uses and shall observe the hearing procedures established in Section 1705, provided that references to the Zoning Hearing Board shall be replaced with appropriate references to the Board of Supervisors.

### Section 1702 - Planning Commission

- A. **Creation and Membership.** The Township Planning Commission shall be continued, which shall have five appointed members who shall serve without compensation, but who may be reimbursed for necessary and reasonable expenses.
- B. **Appointment.** Members of the Planning Commission shall be appointed by resolution of the Board of Supervisors. The term of each of the members of the Planning Commission shall be for four years, or until a successor is appointed and qualified.
- C. **Vacancies, Increases and Reductions in Membership.** The chairperson of the Planning Commission shall promptly notify the Board of Supervisors concerning vacancies, and such vacancies shall be filled for the unexpired term. Should the Board of Supervisors determine to increase the number of members of the existing Planning Commission, the additional members shall be appointed as provided in this Subsection. If the Board of Supervisors shall determine to reduce the number of members of the existing Planning Commission, such reduction shall be effectuated by allowing the terms to expire and by making no new appointments to fill the vacancy. Any reduction or increase in membership shall be made by ordinance.
- D. **Residency Required, Removal of Members.** Members of the Planning Commission shall be residents of the Township. At least three of the five members of the Planning Commission shall be designated as citizen members who shall not be officers or employees of the Township. Elected or appointed officials of the Township shall not, by virtue of their service on the Planning Commission, forfeit their right to exercise the powers, perform the duties or receive the compensation for the Township offices held by them during such membership. Any member of the Planning Commission, once qualified and appointed, may be removed from office 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 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 requests it in writing. Any appointments to fill a vacancy created by a removal of a member shall be only for the balance of the unexpired term.

- E. **Organization.** The Planning Commission shall elect its own chairperson and vice-chairperson and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.
- F. **Rules, Records and Reports.** The Planning Commission shall maintain a full record of its business and shall annually make a written report of its activities to the Board of Supervisors. Interim reports may be made as often as necessary, or as requested by the Board of Supervisors.
- G. **Funding.** The Planning Commission may, with the consent of the Board of Supervisors, accept and utilize any funds, personnel, or other assistance made available by the Township, County, the Commonwealth, or the Federal government or any of their agencies, or from private sources.
- H. **Required Functions.** The Planning Commission shall, at the request of the Board of Supervisors, have the power and shall be required to:
1. Prepare an amendment to the Township Comprehensive Plan, and present it for the consideration of the Board of Supervisors.
  2. Maintain and keep on file records of its actions. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.
  3. The Planning Commission, at the request of the Board of Supervisors, may:
    - a. Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map.
    - b. Prepare and present to the Board of Supervisors amendments to the Zoning Ordinance, and make recommendations to the Board of Supervisors on proposed amendments.
    - c. Prepare, recommend, and administer subdivision and land development and planned residential development regulations.
    - d. Prepare and present to the Board of Supervisors a building code and housing code and make recommendations concerning proposed amendments.
    - e. Prepare and present to the Board of Supervisors an environmental study.
    - f. Prepare and present to the Board of Supervisors a water study, which shall be consistent with the State Water Plan and any water resources plan adopted by any applicable river basin commission.
    - g. Promote public interest in, and understanding of, comprehensive planning.
    - h. Make recommendations to governmental, civic and private agencies, and individuals as to the effectiveness of any such proposals presented by any such persons.
    - i. Hold public hearings and meetings.
    - j. Present testimony before any board.
    - k. Require from other departments and agencies of the Township such available information as it relates to the work of the Planning Commission.
    - l. In performance of its official functions, enter upon any land to make examinations and surveys with the consent of the owner.
    - m. Prepare and present to the Board of Supervisors a study regarding the feasibility and practicality of using renewable energy sources.
    - n. Review the Zoning Ordinance, Subdivision and Land Development Ordinance, official map, and other such ordinances and regulations governing the development of land no less frequently than its reviews of the Comprehensive Plan.
    - o. Conduct such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this ordinance and the Pennsylvania Municipalities Planning Code.

#### Section 1703 - Zoning Hearing Board

- A. **Creation.** A Zoning Hearing Board composed of five residents of the Township is hereby created. Members shall hold no other office in the Township.
- B. **Appointment.** The Zoning Hearing Board shall be appointed by resolution of the Board of Supervisors. Zoning Hearing Board members shall serve for five year terms which shall be so

fixed that the term of office of no more than one member shall expire each year. The Board of Supervisors may, at its discretion, appoint by resolution between one and three alternate members to the Zoning Hearing Board. Such alternate members shall have the right to participate in all hearings of the Zoning Hearing Board but shall be entitled to vote only as provided in Article IX of the Pennsylvania Municipalities Planning Code.

- C. **Vacancies.** Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies, and appointments to fill such vacancies shall be only for the unexpired portion of the term.
- D. **Residency Required, Removal of Members.** Members of the Zoning Hearing Board shall be residents of the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen days advance notice of the intent of the Board of Supervisors to take such a vote. A hearing shall be held in connection with the vote if the member shall request such hearing in writing.
- E. **Organization.** The Zoning Hearing Board shall elect from its membership its officers, who shall serve annual terms as such and may succeed themselves.
- F. **Conduct of Hearings.** For the conduct of any hearing and the taking of any action, a quorum shall be not less than three members. If by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board may designate alternate members to participate and vote upon designated applications in accordance with the regulations contained in Article IX of the Pennsylvania Municipalities Planning Code. Any alternate members of the Zoning Hearing Board shall continue to serve on the Board in all proceedings, including the matter or case for which the alternate was initially appointed, until the Zoning Hearing Board has made a final determination. 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.
- G. **Hearing Officer.** The Board may also appoint a hearing officer from its membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Section 908 of the Pennsylvania Municipalities Planning Code.
- H. **Rules, Forms and Records.** The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of the Township and the laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Board of Supervisors, and shall submit a report of its activities as requested by the Board of Supervisors.
- I. **Expenditures for Services.** Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 906 of the Pennsylvania Municipalities Planning Code.

#### Section 1704 - Zoning Hearing Board's Functions

- A. **Hear Substantive Challenges to the Validity of any Land Use Ordinance.** The Board shall hear and render final decisions concerning substantive challenges to the validity of any land use ordinance in accordance with Article IX of the Pennsylvania Municipalities Planning Code, which shall be raised by an appeal taken within 30 days after the effective date of said land use ordinance.
- B. **Hear Appeals from a Determination of the Zoning Officer.** The Zoning Hearing Board shall hear and render final decisions concerning appeals from a determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or the failure to act on the application therefor, the issuance of any notice of violation or cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.

- C. **Hear Appeals from a Determination of the Municipal Engineer or Zoning Officer Regarding a Flood Hazard Ordinance.** The Zoning Hearing Board shall hear appeals from a determination by the municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- D. **Grant Appeals Regarding Storm Water, Erosion Control, and Similar Regulations.** The Zoning Hearing Board shall hear appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relates to development not involving Article V or VII of the Pennsylvania Municipalities Planning Code.
- E. **Grant Special Exceptions.** The Board shall hear and decide requests for special exceptions in accordance with stated standards and criteria as provided for in this Ordinance.
1. Expiration of Special Exception Approvals. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within six months from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within one year from the date of authorization thereof by the Board, or by the court if such special exception has been granted after an appeal. These periods shall be tolled in the event that an applicant has applied for a subdivision or land development approval and is proceeding with the application with due diligence.
  2. Extensions of Special Exception Approvals. For good cause, the Board may, upon application in writing stating the reasons therefore, extend either the six month or 12 month period. Should the appellant or application fail to obtain the necessary permits with said three months' period, or having obtained the permit should he fail to commence work thereunder within such six month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.
- F. **Grant Variances.** The Board shall hear appeals for variances where it is alleged that the provisions of the Ordinance inflict unnecessary hardship or practical difficulty in complying with the literal terms of the Ordinance. An application for a variance shall state:
1. The name and address of the applicant.
  2. The name and address of the owner of the property to be affected by the variance.
  3. A brief description and location of the property to be affected by such proposed change.
  4. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.
  5. A statement of the section of this Ordinance under which the variance may be allowed, and reasons why it should be granted.
- G. **Variances - Findings Required.** The Board may grant a variance, provided the following findings are made where relevant. (The burden of proof shall rest with the applicant. The Zoning Hearing Board may require the applicant to provide a copy of any recorded subdivision plan and deed to the property).
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size, or shape, or exceptional topographic or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions generally created by the provisions of this Zoning Ordinance in the neighborhood of or district in which the property is located.
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the applicant.
  4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- H. **Conditions Imposed on Variances.** In granting any variance, the relevant may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The relevant shall require that adequate on- or off-site water and sewage disposal facilities are available for the intended use.
- I. **Expiration of Variances.** Unless otherwise specified by the Zoning Hearing Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within six months from the date of authorization thereof by the Zoning Hearing Board or by the court if such variance has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance approval within one year from the date of authorization thereof by the Zoning Hearing Board, or by the court if such variance has been granted after an appeal. This periods shall be tolled in the event that an applicant has applied for a subdivision or land development approval and is proceeding with the application with due diligence.
- J. **Other Matters.** The Zoning Hearing Board shall hear and render final decisions in any other matter for which the Board shall have been granted jurisdiction by Article IX of the Pennsylvania Municipalities Planning Code or this Ordinance.
- K. **Limits on Filing Appeals.** No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- L. **Effect of Appeals Pending Before the Zoning Hearing Board.** An appeal to the Zoning Hearing Board shall stay all proceedings in the furtherance of the action appealed from, unless the Zoning Officer certifies to the Zoning Hearing Board that by reason of facts stated in the appeal a stay would cause imminent peril to life and property. In such a case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by a court of competent jurisdiction.

#### Section 1705 - Zoning Hearing Board Hearing Procedures

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

- A. **Hearing Place and Date.** The Zoning Hearing Board shall fix a reasonable time (not more than 60 days from the filing of a complete application with the Township) and place for the public hearing and shall give notice thereof stating the time and place of the hearing and the particular nature of the matter to be considered, as follows:
1. By publishing notice thereof once each week for two successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than 30 days and the second publication shall be not less than seven days from the date of the hearing.
  2. By mailing a notice thereof to the applicant.
  3. By mailing a notice thereof to the Zoning Officer, the Township Secretary, and to every person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices.

4. By posting notice conspicuously on the affected tract of land at least one week prior to the hearing.
- B. **Hearing Within 60 Days.** The first hearing shall be commenced within 60 days from the date of the Township's receipt of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant should complete the presentation of his case in chief, within 100 days of the first filing. Upon the request of the applicant, the Board or the Hearing Officer shall assure that the applicant receives at least seven hours of hearing within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case in chief. An applicant may, upon request, be granted additional hearings to complete his case in chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record of the applicant and municipality, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal. Any party aggrieved by the schedule or progress of the hearings may apply to the court of common pleas for judicial relief. The hearing shall be completed no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas.
- C. **Conduct of Hearing.** The Zoning Hearing Board shall conduct the hearing, or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- D. **Parties to the Hearing.** The parties to the hearing shall be the Applicant, the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations, permitted to appear by the Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered as parties to enter appearances in writing on forms provided by the Board for that purpose.
- E. **Powers of the Chairman.** The Chairman or Acting Chairman of the Zoning Hearing Board or the presiding Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and submission of documents requested by the parties.
- F. **Representation by Counsel.** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. **Rules of Evidence.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. **Stenographic Records.** The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The applicant and the Board shall share the appearance fee for a stenographer equally. The Board shall pay the cost of the original transcript 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. In either event the person requesting such copy or copies shall pay the cost of additional copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- I. **Communication with Other Parties.** The Zoning Hearing Board or Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from its Solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party of his representative unless all parties are given an opportunity to be present.

- J. **Decision Within 45 Days.** The Zoning Hearing Board or 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 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 provision of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in 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 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 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 commence or complete the required hearing as provided in Section 1705 B, 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 to render a decision as herein above provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner provided in Section 1705 A. 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.
- K. **Final Decision.** A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### **Section 1706 - Time Limitations for Appeals**

- A. **Time Limits for Appeals to Enforcement Notices or Notices of Violation or Denials.** Appeals from the denial of an application by the Zoning Officer or from the issuance of a notice of violation and/or cease and desist order shall be made within 30 days of the denial of said permit or issuance of said violation and/or cease and desist order.
- B. **No Appeal After 30 Days.** No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after any application for development, preliminary or final, has been approved by the Board of Supervisors or later than 30 days after a permit has been issued by the Zoning Officer if such proceeding is designed to secure reversal or limit the approval or the permit in any manner unless such person alleges and proves that he had not notice, knowledge or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- C. **Filing Fee.** No appeal shall be considered filed with the Board unless any applicable filing fee has been paid.

#### **Section 1707 - Appeals from the Decision of the Zoning Hearing Board**

Any party aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of Lancaster County in the manner provided by the laws of the Commonwealth of Pennsylvania and the Pennsylvania Municipalities Planning Code.

#### **Section 1708 - Zoning Officer**

- A. **The Zoning Officer Position.** The provisions of this Zoning Ordinance shall be administered and enforced by a Zoning Officer, to be appointed by the Board of Supervisors and serve for a term of one year, who shall not hold any elected office in the Township. The Zoning Officer shall meet the

qualifications as may be established by the Township, and shall demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

- B. Deputy Zoning Officer.** The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct. If designated by the Board of Supervisors, the Deputy Zoning Officer shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
- C. Duties of the Zoning Officer.** The duties of the Zoning Officer shall include, but not be limited to, the following:
1. Process Applications and Permits. The Zoning Officer shall receive, examine, and process all applications for zoning permits and/or certificates of use and occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, use, change of use, and/or occupancy of land, buildings, structures, signs and/or landscaping in the Township. The Zoning Officer shall record and file all applications for permits and accompanying plans and comments and keep them for public record.
  2. Inspections. The Zoning Officer may, and if requested by the Board of Supervisors or the permit holder, shall make at least one inspection during the progress of the work for which a zoning permit has been issued. Thereafter, he may at his discretion, make such inspections during the conduct of work for which a permit has been issued. Upon completion of the work and before issuance of a Certificate of Use and Occupancy, he shall make a final inspection of the property to assure compliance with all provisions of this Zoning Ordinance and all other applicable Township and County Ordinances and applicable statutes and regulations.
  3. Inspect Non-conforming Uses, Buildings and Lots. Upon request by the Supervisors, the Zoning Officer shall inspect non-conforming uses, buildings and lots, attend to the registration of existing non-conforming uses, buildings, and lots and keep a record of such non-conforming uses, buildings and lots as a public record.
  4. Maintain Official Records. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a copy of the current zoning map, and all other pertinent information. The records of the Zoning Officer shall be available for use and inspection by any interested party during normal office hours. Upon request by Supervisors, the Zoning Officer shall submit to the Board of Supervisors a written report of all zoning permits and certificates of use and occupancy issued and all notices of violations and stop work orders issued or recommended as requested by the Board of Supervisors.
  5. Present Evidence and Testimony. Upon the request of the Board of Supervisors or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching their decisions.
  6. Investigate Complaints Regarding Violations. The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof, shall investigate alleged violations of the Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within 15 days of receipt of said complaint. A written report of all investigations shall be prepared and properly filed and a copy shall be sent to the Board of Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided this Zoning Ordinance.
  7. Enforce the Zoning Ordinance. The Zoning Officer shall have all of the duties and powers conferred upon him by the Zoning Ordinance and the Municipalities Planning Code. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or use that does not conform to this Zoning Ordinance and all other applicable Township and County Ordinances and applicable statutes and regulations.



**Section 1709 - Special Exception and Conditional Use Application Procedures**

- A. Applications.** Applications for special exceptions and conditional uses shall be submitted on forms provided by the Township.
- B. Plans.** A plan to scale for the proposed development shall be submitted. The plan shall show all pertinent information necessary to determine if the proposal complies with the provisions of this Ordinance. The following information shall be provided for both applications for special exceptions and conditional uses:
1. Location of all buildings,
  2. Parking areas and capacity data, traffic access and circulation, railroad and other easements and rights-of-way,
  3. Open spaces, yard areas, fences, buffer areas, landscaping, sidewalks, curbs,
  4. Ground floor plans and elevations of proposed structures.
  5. Names and addresses of adjoining property owners and an indication of the land uses of adjacent lots
  6. Written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
  7. All floodplains, watercourses, wetlands, culverts, bridges, and other similar features,
  8. Proposed grading plans, including cross-sections,
  9. Signs and lighting facilities including extent of lighted areas,
  10. Size and intensity of use data, including the number of dwellings, floor area of non-residential structures, acreage,
  11. Zoning district and bulk and lot data,
  12. Site topography at adequate scale,
  13. All easements and rights-of-way.
- C. Referral to the Planning Commission.** The application for special exception or conditional use shall be referred to the Planning Commission for review, which may authorize a member to appear before the Zoning Hearing Board or Board or Supervisors to present a recommendation.
- D. Review Criteria.** The applicant shall have the burden of proof to demonstrate compliance with the following:
1. The proposed use shall be consistent with the purpose and intent of this Ordinance and shall not be detrimental to the health, safety or welfare of the neighborhood.
  2. The proposed use shall not injure or detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potentially decrease the value of surrounding properties.
  3. The proposed use shall not substantially change the character of the property's neighborhood and shall meet the requirements of its district.
  4. Adequate necessary public utilities are available to serve the proposed use, such as schools, fire, police and ambulance protection, potable water, etc.

5. For development within the Floodplain District, that the application complied with those requirements listed in Article 10 of this Ordinance, and that the development is necessary for location within a floodplain.
  6. The proposed development is consistent with the Township Comprehensive Plan.
  7. All other applicable provisions of this ordinance and other applicable State and federal regulations are met.
  8. Screening and landscaping requirements are met.
  9. The proposal will not be objectionable to nearby properties due to noise, odor, vibration, smoke, truck traffic, pollution of groundwater, air, or other environmental resources, or due to any other potential nuisance or safety hazard.
  10. Traffic congestion shall not be increased.
- E. **Conditions.** The Zoning Hearing Board (when approving Special Exceptions), and the Board of Supervisors (when approving Conditional Uses) may attach such reasonable conditions and safeguards, in addition to those expressed in Articles 12 and 13 as it may deem necessary to implement the purposes of this Ordinance. Such conditions shall be enforceable by the Township and shall be considered to be as regulations imposed by the Zoning Ordinance.
- F. **Use Of Experts.** In hearing and deciding upon applications for either Special Exception or Conditional Use, the Zoning Hearing Board or the Board of Supervisors may call upon any experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
- G. **Fees.** Fees for hearing and deciding upon applications may be assessed in accordance with a fee schedule adopted by the Board of Supervisors.
- H. **Hearings.** The Zoning Hearing Board shall hold a hearing on all applications for Special Exceptions according to the provisions of the Pennsylvania Municipalities Planning Code, following the procedures in Section 1705. The Board or Supervisors shall hold a hearing on all applications for Conditional Uses according to the provisions of the Pennsylvania Municipalities Planning Code, following the procedures in Section 1705, notwithstanding references to the Zoning Hearing Board.

#### Section 1710 - Variance Appeal Procedures

- A. **Appeal Requirements.** An application for a variance shall state:
1. The name and address of the applicant.
  2. The name and address of the owner of the real estate to be affected by such proposed variance.
  3. The location of the real estate to be affected by such proposed change.
  4. The Section of this Ordinance under which the variance is requested, and reasons why it should be granted.

<b>ARTICLE 18 - EFFECTIVE DATE, VALIDITY, REPEALER</b>
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**Section 1800 - Effective Date**

This Ordinance shall take effect and be in force five days after its enactment by the Township Board of Supervisors, according to the provisions of the Pennsylvania Municipalities Planning Code.

**Section 1801 - Severability**

- A. Provisions are Severable.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision is held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been originally included.
- B. No Effects on Prior Actions.** Nothing in this Ordinance shall be construed to affect any suit or action pending in any court, or any rights acquired or liability incurred, any permit issued or approval granted, or any cause or causes of action arising prior to the enactment of this Ordinance.

<b>ZONING MAP</b>
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The enclosed Zoning Map is a reduction of the Official Zoning Map of Conestoga Township, maintained at the Township office. The reduced map may be used for general reference purposes, but shall not be used for determining dimensions, distances, or for scaling purposes. For uses that require accurate scaling, the Official Zoning Map shall be used.

# Zoning Map

Adopted April 5, 2005

Conestoga Township  
Lancaster County

## Legend

MAP NOT TO

BE USED FOR

SCALING.

For purposes that

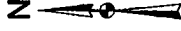
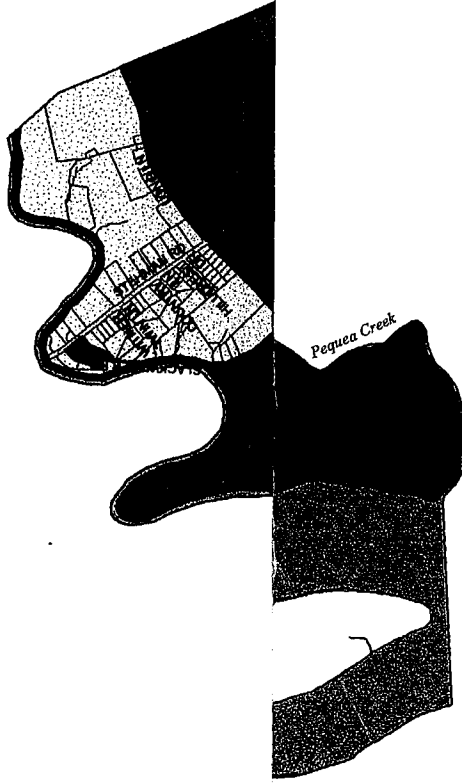
require accurate

scaling, the official

Township Zoning Map,

located at the Township

office, shall be used.



**RETTEW**

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**Table 20 - List Of Permitted Land Uses**

In the event of an inconsistency between any standards in this table and any standard in the individual Articles, the standard in the individual Article shall prevail. Other standards may apply in addition to the regulations in this list. Consult the text for the full regulations.

A: Allowed as an **accessory use** to a permitted use on the same lot

P: Allowed as a **permitted use** "by-right" within the district

S: Allowed as a **special exception** within the district

C: Allowed as a **conditional use** within the district

N: **Not** permitted within the district

No.	Land Use	Effective Agriculture	Rural Conservation	Low-Density Residential	Village Residential	Village Mixed Use	Floodplain Conservation	Section Reference
1	Accessory apartment	S	S	S	S	S	N	1201
2	Adult entertainment establishment	N	N	N	N	C	N	1301
3	Advertising signs (off premises) (see Article 14 also)	N	A	N	N	A	A	Table 18
4	Agriculture	P	P	P	P	N	P	NA
5	Agritainment (farm-based entertainment activities)	P	C	N	N	N	N	1308
6	Animal shelter	A	A	A	A	A	N	1102
7	Amusement arcade	N	N	N	N	C	N	1302
8	Amusement park	N	C	N	N	N	N	1303
9	Animal hospital (for small animals), veterinary facility, kennel, etc.	N	S	N	N	See Note 1	N	1203
10	Automobile/vehicular sales and service, gas station, etc.	N	N	N	N	C	N	1304
11	Barn for horses (for commercial use)	A	S	S	S	N	N	1204
12	Bed and Breakfast	S	S	S	S	S	N	1205
13	Billboard (see Article 13 also)	N	A	N	N	N	N	Table 18
14	Blinds for observing wildlife	P	P	A	A	N	P	1003C
15	Business identification sign	A	A	A	A	A	N	Table 18
16	Campground	N	C	N	N	N	N	1305
17	Cellular communication facility (when atop existing facilities and less than 500 sf in floor area)	A	A	A	A	A	A	1104
18	Cellular communication facility (exceeding limits in Section 1004)	S	S	N	N	N	N	1206
19	Cemetery	N	S	S	N	N	N	1225
20	Clear cutting of forest and timberland	S	S	N	N	N	N	1215
21	Correctional facility	N	C	N	N	N	N	1307
22	Day care facility (for less than six children)	P	P	P	P	P	N	--
23	Day care facility (for six or more children)	S	S	S	S	S	N	1207
24	Delivery-based retail facility	N	S	N	N	S	N	1208

No.	Land Use	Effective Agriculture	Rural Conservation	Low-Density Residential	Village Residential	Village Mixed Use	Floodplain Conservation	Section Reference
25	Display and sale of farm products	A	A	A	A	A	A	1107
26	Double-family farm dwelling	P	P	P	P	P	N	1109
27	Farm-based entertainment-related facility (Agritainment)	C	C	N	N	N	N	1308
28	Farm machinery service and repair	N	S	N	N	N	N	1210
29	Farm-related business (must be on farm premises)	S	S	S	S	N	N	1211
30	Farm ponds	A	A	A	A	A	P	1003E
31	Firing range (commercial)	N	S	N	N	N	N	1212
32	Fish hatchery	A	A	A	A	A	S	1214
33	Flea market, yard sales	A	A	A	A	A	A	1110
34	Floodplain special exception uses	-	-	-	-	-	S	1214
35	Forestry and timber harvesting (when not clear-cutting)	P	P	P	P	P	P	See Note 2
36	Funeral home	N	N	N	N	S	N	1215
37	Garage and yard sales sign (see Article 13 also)	A	A	A	A	A	A	Table 18
38	Golf course (conventional size or miniature size)	N	C	N	N	N	N	1309
39	Greenhouses (commercial)	N	C	N	N	N	N	1306
40	Historic structures - adaptive reuse	S	S	S	S	S	S	1217
41	Heavy equipment sales and service	N	C	N	N	S	N	1310
42	Helipoint and helistop	N	C	N	N	N	N	1311
43	Home occupation ("general" - non-professional type)	S	S	S	S	S	N	1218
44	Home occupation (no-impact)	A	A	A	A	A	N	1112
45	Home occupation sign	A	A	A	A	A	N	Table 18
46	Hospital and related uses	N	N	N	N	C	N	1312
47	Hotel, motel	N	N	N	N	C	N	1313
48	Intensive agricultural uses	P	C	N	N	N	N	1314
49	Manure processing, hauling, soils and sludge composting, etc.	N	S	N	N	S	N	1220
50	Mass outdoor gathering (for more than 300 people)	N	S	N	N	N	N	1221
51	Medical, dental offices	N	N	N	N	P	N	1312
52	Mobile home park	N	N	N	N	S	N	1222
53	Manufactured homes	P	P	P	P	P	N	1117
54	Multi-family dwellings - up to 5 units per acre	N	N	N	N	P	N	901 J
55	Nightclub and similar places of entertainment	N	N	N	N	S	N	1315
56	Non-conforming pre-existing lots	S	S	S	S	S	N	1223
57	Non-conforming use or structure - expansion	S	S	S	S	S	S	1209
58	Nursery and garden material sales	N	C	N	N	N	N	1316
59	Off-premises advertising sign	N	A	N	N	N	N	Table 18

# Conestoga Township Zoning Ordinance

No.	Land Use	Effective Agriculture	Rural Conser- vation	Low-Density Residential	Village Residential	Village Mixed Use	Floodplain Conservation	Section Reference
60	Offices, banks, retailing, etc.	N	C	N	N	P	N	1306
61	Option 3 subdivisions	N	P	N	N	N	N	605 B
62	Parking facilities	N	A	A	A	A	N	Article 15
63	Place of worship and related facilities	N	S	S	S	S	N	1225
64	Raw material processing (quarrying, extractive uses, etc.)	C	C	N	N	N	N	1318
65	Real estate sales sign	A	A	A	A	A	A	Table 18
66	Recreational facility (private outdoor, excluding amusement park and camp)	N	S	P	N	S	P - 903 J	1226
67	Retailing	N	C	N	N	P	N	1306
68	Retirement, nursing home or lifecare facility	N	C	N	N	N	N	1227
69	Riding school, horse boarding facility (commercial facilities)	N	S	S	S	N	N	1228
70	River-related recreational uses	N	S	N	N	N	N	1229
71	Satellite antenna	A	A	A	A	A	A	1104
72	School (public or private)	N	S	P	P	S	N	1230
73	Single family dwelling	P	P	P	P	P	N	--
74	Special event sign	A	A	A	A	A	A	Table 18
75	Stockyard	N	C	N	N	N	N	1314
76	Supplemental commercial activity	C	C	N	N	N	N	1320
77	Swimming pool, tennis court, and other recreational structures	A	A	A	A	A	N	1123
78	Trailer, motor home, recreational vehicles, & similar facilities	A	A	A	A	A	N	1124
79	Uses not specifically mentioned	S	S	S	S	S	S	1234
80	Waste storage facility	A	A	A	A	A	N	1125

Note 1: Only the veterinary office is permitted  
Note 2: No erosion shall be permitted



Table 21 - Summary Of Bulk And Lot Standards

This table summarizes the standards contained in the individual articles of this Ordinance. In the event of an inconsistency between any standards in this table and any standard in the individual Articles, the standard in the individual Article shall prevail. Other standards may apply in addition to the regulations in this list. Consult the text for the full regulations.

DISTRICT									
REGULATION	Effective Agriculture – Farm Uses	Effective Agriculture – Non-Farm Uses	Rural Conservation – Option 1	Rural Conservation – Option 2	Rural Conservation – Option 3	Low Density Residential	Village Residential	Village Mixed Use	Floodplain Conservation
	See Table 1	See Table 15	See Tables 2- 5			Tables 7-8	Tables 11-12	Tables 12-13	Table 13
	Major Collector - 80 feet from roadway center line Minor Collector - 60 feet from roadway center line Local - 50 feet from roadway center line								
Minimum Front Yard:									
Minimum Lot Area (square feet) - Lots Served by:									
Individual Sewer and Water	25 acres	1 acre (and not more than 2 acres)	87,120 sf	40,000 sf	87,120 sf	65,000 sf	43,560 sf	43,560 sf	87,120 sf
Public Water and Individual Sewer Facilities			87,120 sf	40,000 sf	87,120 sf	43,560 sf	43,560 sf	43,560 sf	87,120 sf
Public Sanitary Sewer and Private Water			40,000 sf	20,000 sf	87,120 sf	30,000 sf	20,000 sf	20,000 sf	87,120 sf
Public Sanitary Sewer and Public Water			20,000 sf	10,000 sf	87,120 sf	20,000 sf	20,000 sf	20,000 sf	87,120 sf
Minimum Lot Depth (feet)- Lots Served By:									
Individual Sewer and Water	250 ft	200 ft	200 ft	200 ft	NA	200 ft	150 ft	100 ft	200 ft
Public Water and Individual Sewer Facilities			200 ft	200 ft	NA	150 ft	100 ft	100 ft	200 ft
Public Sanitary Sewer and Private Water			150 ft	100 ft	NA	135 ft	100 ft	100 ft	200 ft
Public Sanitary Sewer and Public Water			100 ft	75 ft	NA	120 ft	100 ft	100 ft	200 ft

REGULATION	Effective Agriculture – Farm Uses	Effective Agriculture – Non-Farm Uses	Rural Conservation – Option 1	Rural Conservation – Option 2	Rural Conservation – Option 3	Low Density Residential	Village Residential	Village Mixed Use	Floodplain Conservation
	See Table 1	See Table 15	Tables 2-5			Tables 7-8	Tables 9-10	Tables 11-12	Table 13
<b>Minimum Lot Width (ft) - Lots Served by:</b>									
Individual Sewer and Water			150 ft	150 ft	150 ft	150 ft	75 ft	50 ft	200 ft
Public Water and Individual Sewer Facilities			150 ft	150 ft	150 ft	100 ft	75 ft	100 ft	200 ft
Public Sanitary Sewer and Private Water	250 ft	150 ft	75 ft	50 ft	150 ft	85 ft	50 ft	75 ft	200 ft
Public Sanitary Sewer and Public Water			75 ft	40 ft	150 ft	85 ft	50 ft	75 ft	200 ft
<b>Minimum Rear Yard (ft) - Lots Served by:</b>									
Individual Sewer and Water			45 ft	40 ft	100 ft	50 ft	30 ft	30 ft	75 ft
Public Water and Individual Sewer Facilities		60 feet	45 ft	40 ft	100 ft	40 ft	20 ft	30 ft	75 ft
Public Sanitary Sewer and Private Water	(25 feet for accessory buildings)		30 ft	20 ft	100 ft	25 ft	20 ft	20 ft	75 ft
Public Sanitary Sewer and Public Water			25 ft	15 ft	100 ft	25 ft	20 ft	20 ft	75 ft
<b>Minimum Side Yard Depth (feet) – Lots Served by:</b>									
Individual Sewer and Water			25 ft	25 ft	25 ft	25 ft	15 ft	15 ft	25 ft
Public Water and Individual Sewer Facilities			25 ft	25 ft	25 ft	15 ft	15 ft	10 ft	25 ft
Public Sanitary Sewer and Private Water	25 feet		20 ft	15 ft	25 ft	15 ft	15 ft	10 ft	25 ft
Public Sanitary Sewer and Public Water			15 ft	10 ft	25 ft	15 ft	10 ft	10 ft	25 ft
<b>Maximum Lot Coverage (percent):</b>	5%	10%	25 – 35 %			20 %	20 – 30 %	20 – 50 %	20 % (outside floodplain)
<b>Maximum Height (feet):</b>	35 ft (see exemptions in Table 1)	35	35 ft			35 ft	35 ft	40 ft	25 ft

## APPENDIX 1 - TRANSPORTATION IMPACT ANALYSIS

**A. Transportation Impact Analysis.** When required, a Transportation Impact Analysis (TIA) shall be provided according to the following:

1. Applicability - A TIA shall be prepared for any subdivision or land development proposal that will result in the development generating 100 new peak hour vehicle trips, according to the most recent trip generation standards of the Institute of Transportation Engineers. In addition, a TIA may be required if the Township Engineer and Township Supervisors find that current transportation conditions exist in the area, such as a high-accident location, inadequate intersection geometry, or a congested intersection, which directly affect the proposed development and which would be further exacerbated by the development in the absence of improvements.
2. Requirements. The TIA shall include the following elements and be prepared to the following requirements:
  - a. Preparation Requirements. All transportation analyses shall be prepared by or under the supervision of qualified transportation engineers with specific training and experience in the preparation of transportation analyses for proposed developments.
  - b. Study Area. The TIA study area shall be determined by the characteristics of the surrounding area. The intersections to be studied shall be mutually agreed upon between the Township Engineer and the transportation engineer preparing the analysis. Generally, intersections to be included in the analysis shall be adjacent to the site or shall directly affect access to the site, and shall include such intersections within one-quarter mile of the site.
  - c. Horizon Year. Traffic forecasts shall be prepared for the anticipated year ("horizon year") of the development's completion, under conditions of expected occupancy and build-out.
  - d. Background Traffic. Background traffic volumes shall be established for roads and intersections within the TIA Study Area for the horizon year, based on current traffic counts and an annual growth factor to be agreed upon between the Township Engineer, the transportation engineer preparing the analysis, and the PennDOT District Traffic Engineer.
  - e. Non-Site-Generated Traffic Estimates. Horizon year traffic estimates shall be made of all non site-generated traffic and traffic generated by all other developments within the study area, for which preliminary or final approvals have been issued. This traffic is incremental to the background growth in traffic.
  - f. Trip Generation Calculation. The TIA shall identify the categories and quantities of land uses that are proposed in the development, together with their corresponding trip generation rates and the resulting number of trips that are to be generated. Trip generation rates shall be referenced from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, from a local analysis of actual conditions at a similar development, or from another source acceptable to the Township Engineer. All sources shall be cited in the analysis. Unusual or special trip rates generated by uncommon land uses shall be explained in the analysis.
  - g. Consideration of Pass-By and Shared-Use Trips. Pass-by trips or shared trips (i.e., when vehicles which are already using the roadway are attracted to the site) shall be calculated and accounted for using ITE standards, or studies and

interviews at similar land uses may be required to substantiate the anticipated effects, as acceptable to the Township Engineer.

- h. Determination of Influence Area. Prior to the distribution of site-generated trips for non-residential developments, an influence area shall be defined which contains not less than 80% of the trip ends that will be attracted to the development. The influence area can be determined by the use of usual and customary studies or documented material, and which are acceptable to the Township Engineer. The influence area may also be based on a reasonable maximum convenient travel time to the site, or by delineating area boundaries based on locations of competing developments.
- i. Estimates of Trip Distribution. Trip distribution may be estimated by an ITE-endorsed method acceptable to the Township Engineer. A multi-use development may require more than one distribution and coinciding assignments for each phase of completion. Consideration shall also be given to whether inbound and outbound trips will have similar distributions.
- j. Trip Assignments. Assignments shall be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected travel times. Multiple paths between origins and destinations may be necessary to reflect realistic estimates, rather than assigning the routes with the shortest travel times. Multiple pathways shall be assigned to projects with multiple access points or with internal roads. Pass-by trip assignment shall consider the re-routing of existing traffic.
- k. Capacity Analysis. A capacity analysis shall be performed at each of the major street and project site intersections within the analysis area. In addition, capacity analyses shall be completed for those roadway segments within the study area that are determined by the Township Engineer to be sensitive to site traffic. These may include such segments as internal site roadways, parking facility access points, and for vehicles queuing off- and on-site. The Township Engineer may require studies of other locations.

The recommended level-of-service analyses procedures in the most recent edition of the Institute of Transportation Engineers Highway Capacity Manual shall be followed. For purposes of the analysis, the overall level-of-service ratings of A, B, C and D shall be considered acceptable for signalized intersections, and levels E and F considered unacceptable.
- l. Level of Service Calculations. The recommendations of the traffic study shall be oriented towards the provision of safe and efficient movement of traffic to, from, within, and past the proposed development, while minimizing the impact on non-site trips. Levels of service should not degrade below D if they are D or better prior to development and should not be allowed to degrade further if they are already at E or F prior to development.
- m. Safety. The traffic study shall include an analysis of existing accident data in the study area, an identification of potentially hazardous road or intersection configurations, and an explanation of the anticipated impact from the proposed development on these locations.
- n. Documentation Required. The TIA shall document the purpose, procedures, findings, conclusions, and recommendations of the study.
  - i. Required Documentation. The following documentation shall be provided at a minimum:
    - (a) Study purpose and objectives
    - (b) Description of the site and the study area
    - (c) Existing conditions in the study area
    - (d) Recorded or approved nearby developments
    - (e) Trip generation, distribution, and modal split
    - (f) Horizon year trip volumes on roadways in the study area

- (g) Assessment of any change in roadway operating conditions resulting from the development traffic
    - (h) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
  - ii. Sequence of Analysis. The analysis shall be presented in a logical sequence. It shall follow a step-by-step process through the study's various stages and its conclusions and recommendations.
  - iii. Time Frame for Improvements. The recommendations shall specify the period within which the improvements should be made, in relation to the various stages of the development's construction, and any monitoring of operating conditions and improvements that may be required.
  - iv. Data Presentation. Data shall be presented in the form of tables, graphs, maps, and diagrams whenever possible for clarity and ease of understanding and review.
  - v. Executive Summary. An executive summary of one or two pages shall be provided, which concisely reviews the basic purpose, conclusions, and recommendations.
  - vi. Unusual Situations. Unusual or complicated situations may require the use of expanded studies or reviews that involve analyses that extend beyond the minimal requirements in this Section.
- 3. Certificates. When approved, the preliminary plan shall include:
  - a. Certifications. The signature of the applicant, certifying his or her adoption of the plan.
  - b. Supervisors Signatures. The signature of a majority of the Township Supervisors, certifying approval of the plan, on the date shown.
  - c. Planning Module. In addition, the applicant shall submit in triplicate the required DEP sewage planning modules.
- 4. Review and Approval by Township Engineer. The analysis shall be submitted to the Township Engineer for review and approval. The Township Engineer may specify that the applicant shall correct deficiencies in the analysis.

**B. Environmental Impact Assessment.** When required, an Environmental Impact Assessment shall be provided according to the following standards:

- 1. Purpose - In order to more effectively evaluate subdivision and/or land development proposals, the applicant shall disclose the environmental consequences of such proposals through the submission of an Environmental Impact Assessment (EIA). The EIA is intended to provide the Township with information adequate to evaluate potential adverse impacts of the proposal and the proposed mitigation of adverse impacts. The EIA will help determine whether the overall objectives of the Zoning Ordinance and the Conestoga Township Comprehensive Plan are met. The EIA is also intended to address the environmental protection objectives set forth in the Pennsylvania Municipalities Planning Code (MPC) and Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania.
- 2. Contents and Scope of the EIA - The EIA shall contain text, tables, maps, and analyses that document the existing resources of the subject site and the predicted impacts associated with the proposed subdivision and/or land development. It is recommended that information contained in the Conestoga Township Comprehensive Plan is utilized. Additionally, because the information presented in those Plans was developed for Township-wide rather than site-specific purposes, the applicant is encouraged to supplement or update that information as appropriate with any published reports, studies, or natural resource data as may be available, or with original, site-specific investigations. Prior to preparing the EIA, the applicant is strongly encouraged to meet informally with the

Planning Commission to discuss the appropriate level of detail for the EIA for a particular project. The contents of the EIA shall follow the format specified below.

- a. Description of Existing Conditions - The applicant shall identify all of the following natural resources and features, as applicable, on the subject property. If a particular resource or feature is not applicable to a given property, it should be so stated.
  - i. Geological Resources. The geological characteristics of the property shall be presented on a map and described. Such characteristics include the location and boundaries of rock formations at, or having direct influence on, the property, as well as unique features such as faults and/or fractures.
  - ii. Slopes. The topographical characteristics of the property shall be presented on a map and described. Areas of slopes in each of the following ranges shall be highlighted: 0-15%, 15-25%, and greater than 25%.
  - iii. Soils. The soil characteristics of the property shall be presented on a map. Such characteristics shall include a description and mapping of all soil types and shall include a table identifying pertinent soil characteristics such as: depth to bedrock, depth to seasonal high water table, flood hazard potential, limitations for on-site wastewater disposal or land application of wastewater (if applicable), drainage classification, classification as to whether hydric or potentially containing hydric inclusions, and classification as to prime farmland or farmland of statewide importance. Information from the USDA-SCS Soil Survey of Lancaster County, at minimum, shall be presented.
  - iv. Water Resources. The hydrological characteristics of the property shall be presented on a map and described. Such characteristics include surface water features, their direction of flow, watershed (drainage area) boundaries, and groundwater resources. Surface water resources include streams, creeks, runs, springs, and any other permanent or intermittent drainageways; ponds, lakes, or other natural bodies of water; and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas. Where rivers, streams, creeks, runs or other linear waterways are shown, trees and other vegetation within 50 ft of the waterway shall be shown on the same map.
  - v. Vegetation. The existing vegetation and land cover characteristics of the property shall be presented on a map and described. The locations and boundaries of the woodland and forest areas of the property shall be identified according to their dominant species types. In addition, all noteworthy trees shall be identified. The locations and boundaries of other vegetation associations, such as cultivated areas, pasture, meadows, old fields, and scrubland, also shall be identified. The generalized vegetation and cover types on areas immediately adjacent to subject property also shall be identified; the level of detail for adjacent areas may be less than for the subject property.
  - vi. Wildlife. The known or potential use of the property by wildlife shall be identified. The suitability of the property as habitat for, and the known use of the site by, terrestrial or aquatic species shall be described. Any PNDI sites listed for the property shall be identified.
  - vii. Wetlands. Existing wetlands and wetland margins on the tract shall be identified.
  - viii. Floodplains. The limits of the existing floodways and 100-year floodplains on the site, according to the latest FEMA maps or as directed by the Township Engineer or Zoning Officer, shall be mapped.

- ix. Visual Resources and Aesthetics. The visual resources and scenic roads on or adjacent to the property shall be presented on a map and described. Such characteristics shall include areas that have a particular amenity value and areas that offer interest in viewing the property.
  - x. Land Use. The land use conditions and characteristics of the site and adjacent parcels shall be presented on a map and described. Categories of land use shall include: paved or other impervious surfaces, lawns and other landscaped areas, croplands, pastures, woodlands, oldfields, barren areas, easements, rights-of-way, and trails. The land use map may be combined with the vegetation map if appropriate. The generalized land uses on areas immediately adjacent to the subject property also shall be identified.
- b. Description of Proposal and Assessment of Impacts - The nature and purpose of the proposed subdivision or land development shall be described. An impact assessment of all potential adverse effects of the proposal on on-site and off-site (e.g., downstream) natural resources and features shall be prepared. The proposal shall be described in terms of the scale and/or magnitude of effects that it will have on each of the natural resources and features identified above. At a minimum, the impact assessment shall identify the following:
- i. The location and acreage of each natural resource and feature that will be disturbed directly by the proposal, and a description of the nature of the disturbance.
  - ii. The location and acreage of each natural resource and feature that will be disturbed indirectly by the proposal, and a description of the nature of the disturbance.
  - iii. The nature of any effects on each resource and feature as to whether it is beneficial, adverse, or neutral.
  - iv. The magnitude, degree, or significance of any adverse effects identified, relative both to the resources of the site and to the resources of the Township.
  - v. The temporal natures of each adverse effect, as to whether it is temporary or permanent, short term or long term.
  - vi. The extent to which the subject proposal, in conjunction with other existing or proposed projects, may result in cumulative adverse effects on the natural resources and features of the property or in the Township.
- c. Alternatives - Alternatives that would preclude, reduce or lessen potential adverse impacts or produce beneficial effects, shall be discussed. Alternatives to the proposed subdivision and/or land development that were considered but rejected shall be discussed, and the reasons for their being rejected shall be given. The discussion shall address alternatives such as: revised location; redesign, layout, or siting of buildings, roads, and other structures; alternate methods for sewage disposal, water supply, and stormwater management; reduction in the number or size of proposed lots or structures.
- d. Measures To Mitigate Adverse Effects - For adverse effects which cannot be avoided by alternative design or method, the types of remedial, protective, or mitigation measures that will be implemented shall be identified and discussed. Such mitigation measures include those required through existing procedures, regulations, and standards, and those unique to a specific proposal.
- i. Mitigation measures which pertain to existing procedures, regulations, and standards are those related to current requirements of federal, state, county, and/or township agencies for remedial or protective action such as: sedimentation and erosion control, stormwater runoff

control, water quality control, creation of compensatory wetlands, air quality control, and the like.

- ii. Mitigation measures which may be unique to a specific subdivision and/or land development proposal include additional efforts to minimize adverse effects, such as: re-vegetation; screening; fencing; emission control; traffic control; noise control; reduction in number or size of lots, buildings, or other structures; land acquisitions or donations; and the like.
- e. List and Qualifications of Authors - The names, addresses, telephone numbers, and qualifications of persons directly responsible for the preparation of the EIA.
- f. Scope of Environmental Impact Assessment - The applicant is strongly encouraged to use the Sketch Plan process to receive input from the Board of Supervisors, Township Planning Commission, and other officials, in determining the significant natural features of the site, significant impacts, potential mitigating measures, and alternative development scenarios to be discussed in the EIA.



<b>APPENDIX 1 - TRANSPORTATION IMPACT ANALYSIS</b>
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**A. Transportation Impact Analysis.** When required, a Transportation Impact Analysis (TIA) shall be provided according to the following:

1. **Applicability** - A TIA shall be prepared for any subdivision or land development proposal that will result in the development generating 100 new peak hour vehicle trips, according to the most recent trip generation standards of the Institute of Transportation Engineers. In addition, a TIA may be required if the Township Engineer and Township Supervisors find that current transportation conditions exist in the area, such as a high-accident location, inadequate intersection geometry, or a congested intersection, which directly affect the proposed development and which would be further exacerbated by the development in the absence of improvements.
2. **Requirements.** The TIA shall include the following elements and be prepared to the following requirements:
  - a. **Preparation Requirements.** All transportation analyses shall be prepared by or under the supervision of qualified transportation engineers with specific training and experience in the preparation of transportation analyses for proposed developments.
  - b. **Study Area.** The TIA study area shall be determined by the characteristics of the surrounding area. The intersections to be studied shall be mutually agreed upon between the Township Engineer and the transportation engineer preparing the analysis. Generally, intersections to be included in the analysis shall be adjacent to the site or shall directly affect access to the site, and shall include such intersections within one-quarter mile of the site.
  - c. **Horizon Year.** Traffic forecasts shall be prepared for the anticipated year ("horizon year") of the development's completion, under conditions of expected occupancy and build-out.
  - d. **Background Traffic.** Background traffic volumes shall be established for roads and intersections within the TIA Study Area for the horizon year, based on current traffic counts and an annual growth factor to be agreed upon between the Township Engineer, the transportation engineer preparing the analysis, and the PennDOT District Traffic Engineer.
  - e. **Non-Site-Generated Traffic Estimates.** Horizon year traffic estimates shall be made of all non site-generated traffic and traffic generated by all other developments within the study area, for which preliminary or final approvals have been issued. This traffic is incremental to the background growth in traffic.
  - f. **Trip Generation Calculation.** The TIA shall identify the categories and quantities of land uses that are proposed in the development, together with their corresponding trip generation rates and the resulting number of trips that are to be generated. Trip generation rates shall be referenced from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, from a local analysis of actual conditions at a similar development, or from another source acceptable to the Township Engineer. All sources shall be cited in the analysis. Unusual or special trip rates generated by uncommon land uses shall be explained in the analysis.
  - g. **Consideration of Pass-By and Shared-Use Trips.** Pass-by trips or shared trips (i.e., when vehicles which are already using the roadway are attracted to the site) shall be calculated and accounted for using ITE standards, or studies and

interviews at similar land uses may be required to substantiate the anticipated effects, as acceptable to the Township Engineer.

- h. Determination of Influence Area. Prior to the distribution of site-generated trips for non-residential developments, an influence area shall be defined which contains not less than 80% of the trip ends that will be attracted to the development. The influence area can be determined by the use of usual and customary studies or documented material, and which are acceptable to the Township Engineer. The influence area may also be based on a reasonable maximum convenient travel time to the site, or by delineating area boundaries based on locations of competing developments.
- i. Estimates of Trip Distribution. Trip distribution may be estimated by an ITE-endorsed method acceptable to the Township Engineer. A multi-use development may require more than one distribution and coinciding assignments for each phase of completion. Consideration shall also be given to whether inbound and outbound trips will have similar distributions.
- j. Trip Assignments. Assignments shall be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected travel times. Multiple paths between origins and destinations may be necessary to reflect realistic estimates, rather than assigning the routes with the shortest travel times. Multiple pathways shall be assigned to projects with multiple access points or with internal roads. Pass-by trip assignment shall consider the re-routing of existing traffic.
- k. Capacity Analysis. A capacity analysis shall be performed at each of the major street and project site intersections within the analysis area. In addition, capacity analyses shall be completed for those roadway segments within the study area that are determined by the Township Engineer to be sensitive to site traffic. These may include such segments as internal site roadways, parking facility access points, and for vehicles queuing off- and on-site. The Township Engineer may require studies of other locations.

The recommended level-of-service analyses procedures in the most recent edition of the Institute of Transportation Engineers Highway Capacity Manual shall be followed. For purposes of the analysis, the overall level-of-service ratings of A, B, C and D shall be considered acceptable for signalized intersections, and levels E and F considered unacceptable.
- l. Level of Service Calculations. The recommendations of the traffic study shall be oriented towards the provision of safe and efficient movement of traffic to, from, within, and past the proposed development, while minimizing the impact on non-site trips. Levels of service should not degrade below D if they are D or better prior to development and should not be allowed to degrade further if they are already at E or F prior to development.
- m. Safety. The traffic study shall include an analysis of existing accident data in the study area, an identification of potentially hazardous road or intersection configurations, and an explanation of the anticipated impact from the proposed development on these locations.
- n. Documentation Required. The TIA shall document the purpose, procedures, findings, conclusions, and recommendations of the study.
  - i. Required Documentation. The following documentation shall be provided at a minimum:
    - (a) Study purpose and objectives
    - (b) Description of the site and the study area
    - (c) Existing conditions in the study area
    - (d) Recorded or approved nearby developments
    - (e) Trip generation, distribution, and modal split
    - (f) Horizon year trip volumes on roadways in the study area

- (g) Assessment of any change in roadway operating conditions resulting from the development traffic
      - (h) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
    - ii. Sequence of Analysis. The analysis shall be presented in a logical sequence. It shall follow a step-by-step process through the study's various stages and its conclusions and recommendations.
    - iii. Time Frame for Improvements. The recommendations shall specify the period within which the improvements should be made, in relation to the various stages of the development's construction, and any monitoring of operating conditions and improvements that may be required.
    - iv. Data Presentation. Data shall be presented in the form of tables, graphs, maps, and diagrams whenever possible for clarity and ease of understanding and review.
    - v. Executive Summary. An executive summary of one or two pages shall be provided, which concisely reviews the basic purpose, conclusions, and recommendations.
    - vi. Unusual Situations. Unusual or complicated situations may require the use of expanded studies or reviews that involve analyses that extend beyond the minimal requirements in this Section.
  - 3. Certificates. When approved, the preliminary plan shall include:
    - a. Certifications. The signature of the applicant, certifying his or her adoption of the plan.
    - b. Supervisors Signatures. The signature of a majority of the Township Supervisors, certifying approval of the plan, on the date shown.
    - c. Planning Module. In addition, the applicant shall submit in triplicate the required DEP sewage planning modules.
  - 4. Review and Approval by Township Engineer. The analysis shall be submitted to the Township Engineer for review and approval. The Township Engineer may specify that the applicant shall correct deficiencies in the analysis.
- B. Environmental Impact Assessment.** When required, an Environmental Impact Assessment shall be provided according to the following standards:
- 1. Purpose - In order to more effectively evaluate subdivision and/or land development proposals, the applicant shall disclose the environmental consequences of such proposals through the submission of an Environmental Impact Assessment (EIA). The EIA is intended to provide the Township with information adequate to evaluate potential adverse impacts of the proposal and the proposed mitigation of adverse impacts. The EIA will help determine whether the overall objectives of the Zoning Ordinance and the Conestoga Township Comprehensive Plan are met. The EIA is also intended to address the environmental protection objectives set forth in the Pennsylvania Municipalities Planning Code (MPC) and Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania.
  - 2. Contents and Scope of the EIA - The EIA shall contain text, tables, maps, and analyses that document the existing resources of the subject site and the predicted impacts associated with the proposed subdivision and/or land development. It is recommended that information contained in the Conestoga Township Comprehensive Plan is utilized. Additionally, because the information presented in those Plans was developed for Township-wide rather than site-specific purposes, the applicant is encouraged to supplement or update that information as appropriate with any published reports, studies, or natural resource data as may be available, or with original, site-specific investigations. Prior to preparing the EIA, the applicant is strongly encouraged to meet informally with the

Planning Commission to discuss the appropriate level of detail for the EIA for a particular project. The contents of the EIA shall follow the format specified below.

- a. Description of Existing Conditions - The applicant shall identify all of the following natural resources and features, as applicable, on the subject property. If a particular resource or feature is not applicable to a given property, it should be so stated.
  - i. Geological Resources. The geological characteristics of the property shall be presented on a map and described. Such characteristics include the location and boundaries of rock formations at, or having direct influence on, the property, as well as unique features such as faults and/or fractures.
  - ii. Slopes. The topographical characteristics of the property shall be presented on a map and described. Areas of slopes in each of the following ranges shall be highlighted: 0-15%, 15-25%, and greater than 25%.
  - iii. Soils. The soil characteristics of the property shall be presented on a map. Such characteristics shall include a description and mapping of all soil types and shall include a table identifying pertinent soil characteristics such as: depth to bedrock, depth to seasonal high water table, flood hazard potential, limitations for on-site wastewater disposal or land application of wastewater (if applicable), drainage classification, classification as to whether hydric or potentially containing hydric inclusions, and classification as to prime farmland or farmland of statewide importance. Information from the USDA-SCS Soil Survey of Lancaster County, at minimum, shall be presented.
  - iv. Water Resources. The hydrological characteristics of the property shall be presented on a map and described. Such characteristics include surface water features, their direction of flow, watershed (drainage area) boundaries, and groundwater resources. Surface water resources include streams, creeks, runs, springs, and any other permanent or intermittent drainageways; ponds, lakes, or other natural bodies of water; and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas. Where rivers, streams, creeks, runs or other linear waterways are shown, trees and other vegetation within 50 ft of the waterway shall be shown on the same map.
  - v. Vegetation. The existing vegetation and land cover characteristics of the property shall be presented on a map and described. The locations and boundaries of the woodland and forest areas of the property shall be identified according to their dominant species types. In addition, all noteworthy trees shall be identified. The locations and boundaries of other vegetation associations, such as cultivated areas, pasture, meadows, old fields, and scrubland, also shall be identified. The generalized vegetation and cover types on areas immediately adjacent to subject property also shall be identified; the level of detail for adjacent areas may be less than for the subject property.
  - vi. Wildlife. The known or potential use of the property by wildlife shall be identified. The suitability of the property as habitat for, and the known use of the site by, terrestrial or aquatic species shall be described. Any PNDI sites listed for the property shall be identified.
  - vii. Wetlands. Existing wetlands and wetland margins on the tract shall be identified.
  - viii. Floodplains. The limits of the existing floodways and 100-year floodplains on the site, according to the latest FEMA maps or as directed by the Township Engineer or Zoning Officer, shall be mapped.

- ix. Visual Resources and Aesthetics. The visual resources and scenic roads on or adjacent to the property shall be presented on a map and described. Such characteristics shall include areas that have a particular amenity value and areas that offer interest in viewing the property.
  - x. Land Use. The land use conditions and characteristics of the site and adjacent parcels shall be presented on a map and described. Categories of land use shall include: paved or other impervious surfaces, lawns and other landscaped areas, croplands, pastures, woodlands, oldfields, barren areas, easements, rights-of-way, and trails. The land use map may be combined with the vegetation map if appropriate. The generalized land uses on areas immediately adjacent to the subject property also shall be identified.
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  - ii. The location and acreage of each natural resource and feature that will be disturbed indirectly by the proposal, and a description of the nature of the disturbance.
  - iii. The nature of any effects on each resource and feature as to whether it is beneficial, adverse, or neutral.
  - iv. The magnitude, degree, or significance of any adverse effects identified, relative both to the resources of the site and to the resources of the Township.
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- i. Mitigation measures which pertain to existing procedures, regulations, and standards are those related to current requirements of federal, state, county, and/or township agencies for remedial or protective action such as: sedimentation and erosion control, stormwater runoff

control, water quality control, creation of compensatory wetlands, air quality control, and the like.

- ii. Mitigation measures which may be unique to a specific subdivision and/or land development proposal include additional efforts to minimize adverse effects, such as: re-vegetation; screening; fencing; emission control; traffic control; noise control; reduction in number or size of lots, buildings, or other structures; land acquisitions or donations; and the like.
- e. List and Qualifications of Authors - The names, addresses, telephone numbers, and qualifications of persons directly responsible for the preparation of the EIA.
- f. Scope of Environmental Impact Assessment - The applicant is strongly encouraged to use the Sketch Plan process to receive input from the Board of Supervisors, Township Planning Commission, and other officials, in determining the significant natural features of the site, significant impacts, potential mitigating measures, and alternative development scenarios to be discussed in the EIA.

## APPENDIX 2 - CONCENTRATED ANIMAL OPERATION CALCULATION

### Concentrated Animal Operation Calculation:

**Step 1:**

*Number of Individual Animals x Weight = Total Weight*

**Step 2:**

*Total Weight divided by 1000 = Animal Units*

**Step 3:**

*Animal Units divided by acres in farm allocated to the animal activity = Animal Units Per Acre*

**Two or more Animal Units Per Acre are classified as a Concentrated Animal Operation**

### Example:

A 65-acre tract contains  
100 dairy cows at 1200 pounds each and  
6 calves at 200 pounds each.

**Step 1:**

100 dairy cows (120,000 lbs) and 6 calves (1200 lbs) = 121,000 total pounds

**Step 2:**

121,000 lbs divided by 1000 = 121.2 animal units

**Step 3:**

121.2 divided by 65 acres = 1.86 animal units per acre; ***not a concentrated animal operation.***