

LANCASTER TOWNSHIP ZONING ORDINANCE



Adopted by:
Lancaster Township Board of Supervisors
August 20, 2012

Prepared by:

**Lancaster Township Board of
Supervisors**

Ben Bamford, Chair
Tom Schaller, Vice Chair
Kathy Wasong, Treasurer

**Lancaster Township Planning
Commission**

Melissa A. Kelly, Chairperson
Melanie LeFevre, Vice Chairperson
Richard Hendricks
Gordon B. Reed
Glenn Ebersole
Angela A. Sowers

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LANCASTER TOWNSHIP ZONING ORDINANCE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR LANCASTER TOWNSHIP, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE IV, OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith.

ARTICLE I. General Provisions

Section 101 Title.

This Ordinance shall be known and may be cited as "Lancaster Township Zoning Ordinance".

Section 102 Purpose.

The Zoning Regulations are enacted for the following purposes:

- 102.1 To promote, protect and facilitate any or all of the following: the public health, safety, morals, general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports and national defense facilities, the provisions of adequate light and air, (clean, efficient and renewable energy) police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- 102.2 To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 102.3 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 102.4 To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single family and two-family dwellings and a reasonable range of multifamily dwellings

in various arrangements, mobile / manufactured homes and mobile / manufactured home parks.

102.5 To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

102.6 This Ordinance is made in accordance with the Township's goals and strategies as set forth in the most recent version of the Lancaster Township comprehensive plan, as amended, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

Section 103 Interpretation.

In interpreting and applying this Ordinance, the Township holds these provisions to be the minimum requirements for promotion of health, safety, morals and general welfare of the township. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all regulations for the zoning district in which it is located and with all other pertinent regulations of this Ordinance. This Ordinance is not intended to interfere with, abrogate, annul, supersede or cancel any easements, covenants, restrictions or reservations contained in deeds, or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this Ordinance shall control.

Section 104 Application.

The provisions, regulations, limitations, and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs, fences, walls, parking compound, loading facilities, driveways, access drives, and land and their accessory structures, buildings, uses and signs. Nothing in this Ordinance shall require any change in plans or construction of a building for which a building permit has been issued by the Township prior to the effective date of this Ordinance, and which is completed within the time limits of the permit or applicable extensions thereof.

ARTICLE II. Definitions and Terms

The standards and provisions of this Article II include the definitions and terms used in this Ordinance shall apply to all lands in all zoning districts unless application to specific instances is expressly stated. In this Ordinance the following rules of interpretation shall be used:

- A. The word "lot" includes the word "plot" or "parcel".
- B. Words in the present tense may imply the future tense.
- C. Words used as singular imply the plural.
- D. The masculine gender includes the feminine and neuter genders.
- E. The word "person" includes a partnership, corporation, association, trust, estate, or any other legally recognized entity as well as an individual.
- F. The word "shall" is to be interpreted as mandatory; the word "may" as directory.
- G. References to any document, official, or entity (i.e. codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials) are references to Lancaster Township documents, officials, or entities in effect at the time, unless the text indicates that another reference is intended.

Section 201 Definitions.

Unless otherwise stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. All terms not otherwise defined in this Article II or elsewhere in this Ordinance; the most recent version of the Pennsylvania Municipalities Planning Code (MPC), as amended; and/or most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended; shall have their common and ordinary meaning. Words in the present tense include the future tense. Words in the singular include the plural and words in the plural include the singular.

- 201.1. **Access Drive:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.2. **Accessory Alternative Energy System:** An alternative energy system that supplies energy primarily for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. This definition shall not in any way limit or preclude those accessory alternative energy systems conducted pursuant to and part of power purchase agreements.
- 201.3. **Accessory Building:** See "Accessory Structure", except that unroofed decks and patios shall not be considered as accessory buildings.

- 201.4. **Accessory Dwelling Unit:** An independent dwelling unit subordinate to and added to, created within, or detached from a principal single family detached dwelling.
- 201.5. **Accessory Structure:** A detached, subordinate structure, the use of which is customarily incidental to that of the principal structure, and which is located on the same lot as that occupied by the principal structure. Unroofed decks and patios shall be considered as accessory structures within the meaning of this Ordinance. (See also “Deck” and “Patio”)
- 201.6. **Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building.
- 201.7. **Adult-Oriented Establishment:** Any one (1) of the following areas of sales, service, or entertainment:

A. **Adult Bookstore.** Any establishment or place:

1. which has a substantial or significant portion of its stock in trade consisting of either:
 - a) Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas; or
 - b) Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct;
2. to which the public is permitted or invited wherein coin or slug operated electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.

B. **Adult Theatre:** Any theatre, auditorium, concert hall or other place of assembly (1) presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured over any consecutive twelve (12) month period is or will be characterized by emphasis on depiction, description or display of sexual activities or uncovered male or female genital areas, or (2) featuring live performances on a regular basis which are distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observation by patrons.

C. **Massage Establishment:** Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist

licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

D. Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment: Any other business or club which primarily offers its patrons or members retail goods, commercial services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or uncovered male or female genital areas.

201.8. **Agricultural Operation:** See most recent version of the Municipalities Planning Code, as amended (Article I). Includes facilities commonly known as “riding stables” and “corrals”. Agricultural operations are further defined and regulated:

201.9. **Agri-Business:** Agricultural operations that involve, but are not necessarily limited to, one (1) or more of the following conditions:

A. **Concentrated Animal Feeding Operation (CAFO):** An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

B. **Concentrated Animal Operation (CAO):** An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, SubChapter D (relating to nutrient management).

C. **Other Agri-Business:** Any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production, which occurs within an enclosed structure exceeding ten thousand (10,000) square feet.

201.10. **Alley:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). Not a local road, establishing a front yard.

201.11. **Alterations:** Any interior or exterior change to a building; any renovation to a building which would change its use or classification.

201.12. **Alternative Energy System:** Any one (1) or more method and facilities used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities of renewable energy sources (including but not limited to sunlight, wind, rain, tides, and geothermal heat).

201.13. **Amusement Arcade:** A commercial establishment which provides as a principal use involving amusement devices and/or games of skill or chance (e.g. pinball

machines, video games, skeeball, electronic or water firing ranges and other similar devices).

- 201.14. **Applicant:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.15. **Application for Development:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.16. **Automotive Repair:** An establishment providing for the retail repair, maintenance, and/or reconstruction of motor vehicles, trailers, and other similar large mechanical equipment or vehicles, including paint, body and fender, major engine and engine part overhaul, and accessory storage.
- 201.17. **Automotive Sales:** An establishment providing for the retail display, sales, and/or rental of motor vehicles, trailers, and other similar large mechanical equipment or vehicles, including accessory service, repair, and storage facilities.
- 201.18. **Automotive Service:** An establishment providing for the retail servicing and/or maintenance of motor vehicles, trailers, and other similar large mechanical equipment or vehicles, including brake, muffler work, upholstery work, tire repair and change, inspections, oil changes and lubrication, tune ups, transmission work, and accessory storage.
- 201.19. **Axis of a Lot:** A line joining the midpoints of the front and rear lot lines. A corner lot shall have two (2) axes, each of which shall be defined as a line joining the midpoints of a front lot line and the opposite side lot line. In the event that a lot line is not a straight line, the midpoint of such lot line shall be determined as the midpoint of a straight line drawn between each terminus of such lot line. See Figure 2-1.

AXIS OF A LOT

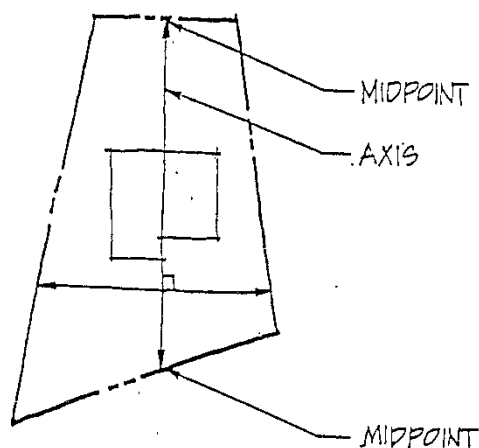


Figure 2-1

- 201.20. **Baby-Sitting:** Any of the following types of child and/or adult day care activities:
- A. The temporary or occasional care of any number of children and/or adults not related to the person giving care which takes place at the home of the person giving care.
 - B. The temporary or occasional care of any number of children and/or adults at a dwelling unit customarily and regularly occupied by the children and/or adults as their residence.
 - C. The regular care of one (1), two (2), or three (3) children and/or adults not related to the person giving care which takes place at the home of the person giving care.
- 201.21. **Bank and Other Similar Financial Institution:** An establishment, in which money is kept for savings or commercial purposes, investment purposes, supplied for loans, or exchanged, and that includes routine interactions with customers and/or patrons. A bank may also provide financial counseling, planning, and services related to money management, and includes those establishments considered savings and loans and credit unions.
- 201.22. **Base Zoning District:** The zoning district within which a development, use, or structure is located.
- 201.23. **Basement:** That portion of a building which is completely below grade or partially below grade where the average distance between the finished surface of the above floor and the ground level along the perimeter of all exterior walls is less than six(6) feet.
- 201.24. **Bed And Breakfast Establishment:** An establishment within a residential building in which the owner or resident manager offers temporary overnight lodging accommodations and meal service for less than thirty (30) days, to transient guests, visitors, or tourists for compensation. Excludes “boarding houses” and “visitor accommodations” as defined in Article II of this Ordinance.
- 201.25. **Block:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.26. **Boarding House:** An establishment operated by the owner or resident manager providing residential occupancy of a building containing room(s) that do not meet the definition of a “dwelling unit” as defined in this Article II of this Ordinance, are rented as living quarters (but not dwelling units), but that typically provide communal kitchen/dining facilities. Boarding houses includes facilities commonly known as “rooming houses” and “single room occupancies”, but excludes “visitor accommodations”, “bed and breakfasts”, “group homes”, “nursing homes”, “retirement homes”, or “personal care homes” as defined in Article II of this Ordinance.
- 201.27. **Board of Supervisors:** The Board of Supervisors of Lancaster Township.

- 201.28. **Building:** See most recent version of the Lancaster Township Building Code, as amended. Building shall include roofed porches, roofed decks, swimming pools, greenhouses, stables, garages, roadside stands, mobile / manufactured homes, and similar structures, whether stationary or movable, but shall exclude fences, walls, signs, awnings, unroofed decks and patios. Features which are structurally essential and connected to the structure shall be considered as part of the structure within the meaning of this Ordinance.
- 201.29. **Building Area:** The total areas of the greatest outside dimensions on a horizontal plane at ground level of all buildings on a lot.
- 201.30. **Building Height:** See most recent version of the Lancaster Township Building Code, as amended.
- 201.31. **Building Line:** A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the principal building on any side, excluding any patios or decks. In the case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.
- 201.32. **Building Setback Line:** A line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed. Minimum front yard depth is measured from the street right-of-way line as indicated in the zoning district regulations for each zoning district.
- 201.33. **Campground:** A lot or tract of ground on which may be placed tents, campers, trailers or motor homes which do not exceed two hundred fifty (250) square feet in floor area, where persons or families may live temporarily. For the purpose of this definition, “temporarily” means not exceeding four (4) continuous consecutive weeks. (i.e. every day for four [4] consecutive weeks).
- 201.34. **Car Wash:** An establishment providing for the retail washing and cleaning of motor vehicles, trailers, and other similar large mechanical equipment or vehicles.
- 201.35. **Cartway:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.36. **Cemetery:** An area used or intended to be used for the burial of the deceased, including columbaria, crematoria and mausoleums.
- 201.37. **Certificate of Use and Occupancy:** A certificate issued by the duly authorized representative of the Township upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.
- 201.38. **Chairman:** The Chairman of the Board of Supervisors of Lancaster Township.

- 201.39. **Clean Wood:** Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol. For the purposes of this Ordinance, the term shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, and waste pallets.
- 201.40. **Clear Sight Triangle:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.41. **Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.
- 201.42. **Communications Tower:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.
- 201.43. **Comprehensive Plan:** See most recent version of the Municipalities Planning Code, as amended (Article I). The most recent version of the Lancaster Township comprehensive plan, as amended.
- 201.44. **Conditional Use:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.45. **Convenience Store:** Any retail sales establishment offering for sale household items, newspapers, magazines, sandwiches, and other food and beverage products primarily for off premises consumption. Such establishments may include the sale of gasoline and motor vehicle washing facilities.
- 201.46. **Conventional Residential Development:** A residential subdivision or land development which does not comply with the open space development criteria established in Article XV of this Ordinance relating to Conventional Residential Development, unless otherwise provided by this Ordinance.
- 201.47. **Day Care Facility:** Any dwelling, building, or portion where adult day care services or child day care services other than baby-sitting are provided, including any on-site outdoor play area. For the purposes of this Ordinance, day care facilities shall not include the care or instruction of children within places of worship during religious services attended by adults or for periods of time less than five (5) hours per day when adult services are not in progress. Day care facilities shall be further differentiated by the following three (3) classifications:

- A. **Family Day Care Home:** Any premises or dwelling unit, other than the home of the child or adult, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one (1) time on a regular basis to four (4), five (5), or six (6) children or adults, who are not relatives of the person giving care. (For differentiation, see definition of “Baby-sitting.”)
 - B. **Group Day Care Home:** A facility in which care is provided for more than six (6) but fewer than twelve (12) children or adults, at any one (1) time, where the day care areas are being used as a family residence. (This definition shall include such facilities caring for twelve (12) children provided that the Pennsylvania Department of Public Welfare [PA DPW] has granted a special exception under the Department's group day care facility regulations.)
 - C. **Day Care Center:** A facility which is licensed to provide care for seven (7) or more children or adults at any one (1) time, where the child or adult care areas are not being used as a residence.
- 201.48. **Deck:** An elevated structure constructed for use as an outdoor living area. (See also “Patio” and “Accessory Structure.”)
- 201.49. **Dedication:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.50. **Deed:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.51. **Deed Restriction:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.52. **Density:** The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, and private streets.
- 201.53. **Developer:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.54. **Development:** Any man-made change to improved or unimproved lot, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile / 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.
- 201.55. **Development Plan:** See most recent version of the Municipalities Planning Code, as amended (Article I).

- 201.56. **Drive-Through:** A structure designed for providing goods and services to drivers and patrons who remain in their vehicles before and during the on-site activity.
- 201.57. **Driveway:** A private drive providing access between a public or private street or access drive and parking facilities for a single unit of occupancy.
- 201.58. **Dwelling Unit:** See most recent version of the Lancaster Township Building Code, as amended. A dwelling unit shall not be occupied by more than one (1) “family” as defined in this Article II of this Ordinance.
- 201.59. **Dwelling, Multi-Family:** A building containing three (3) or more dwelling units on one (1) lot. See Figure 2-2.
- 201.60. **Dwelling, Single Family Attached:** A building containing three (3) or more dwelling units, with each dwelling unit on a separate lot. See Figure 2-3.
- 201.61. **Dwelling, Single Family Detached:** A building containing one (1) dwelling unit, not attached to any other dwelling units. See Figure 2-4.
- 201.62. **Dwelling, Single Family Semi-Detached:** A building containing two (2) dwelling units, with each dwelling unit on a separate lot. See Figure 2-5.
- 201.63. **Dwelling, Two Family:** A building containing two (2) dwelling units on one (1) lot. See Figure 2-6.

DWELLING – MULTI-FAMILY DIAGRAM

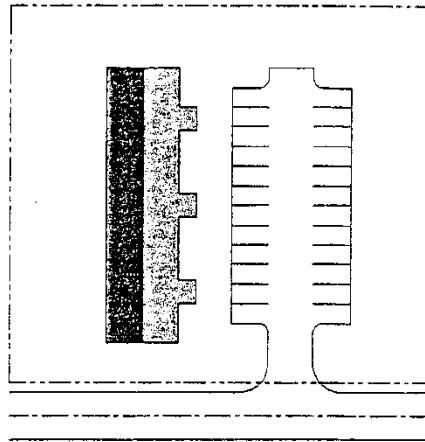


Figure 2-2

DWELLING – SINGLE FAMILY ATTACHED DIAGRAM

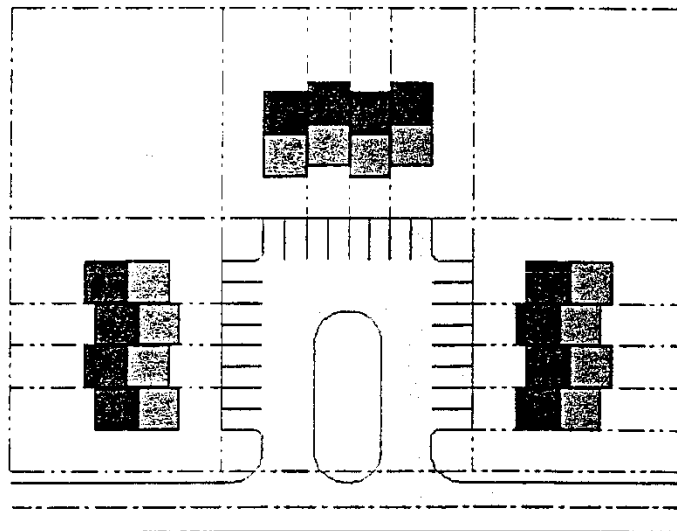


Figure 2-3

DWELLING – SINGLE FAMILY DETACHED DIAGRAM

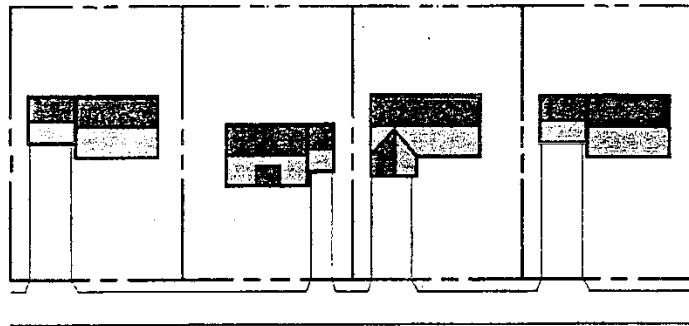


Figure 2-4

DWELLING – SINGLE FAMILY SEMI-DETACHED DIAGRAM

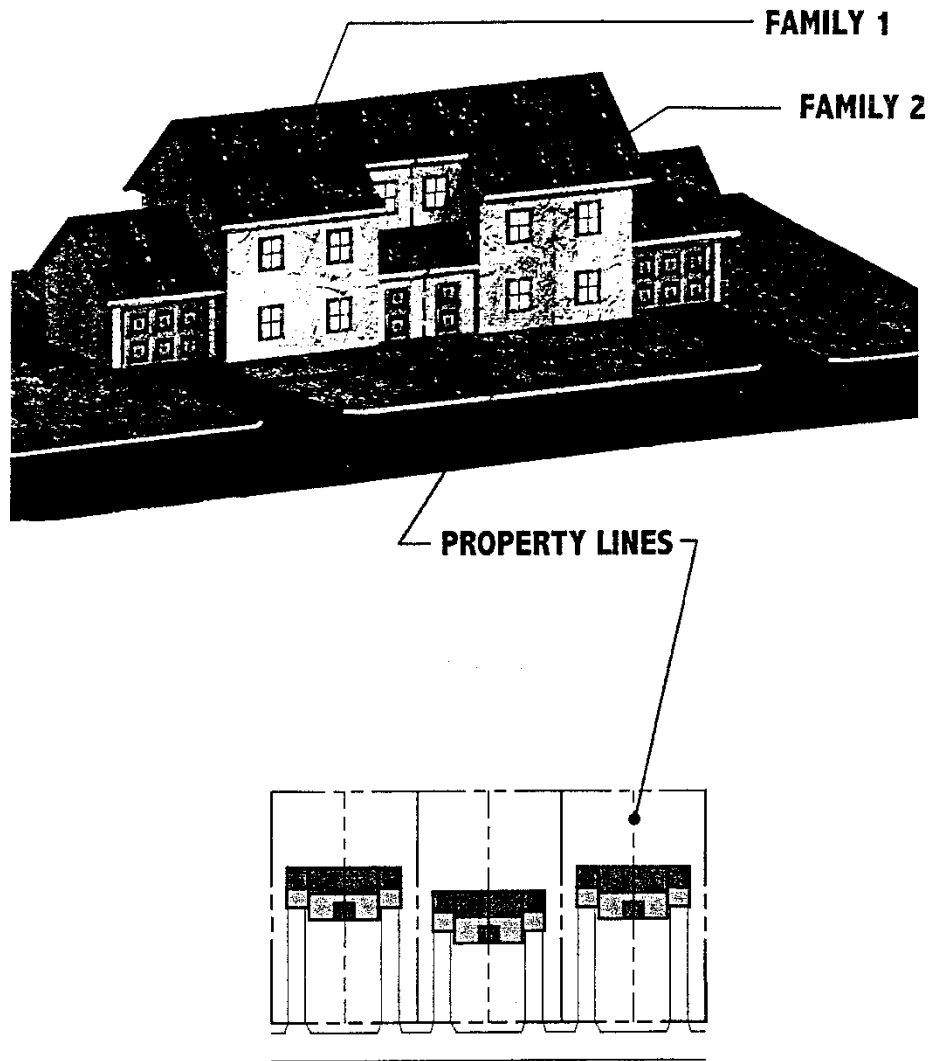


Figure 2-5

DWELLING – TWO FAMILY DIAGRAM

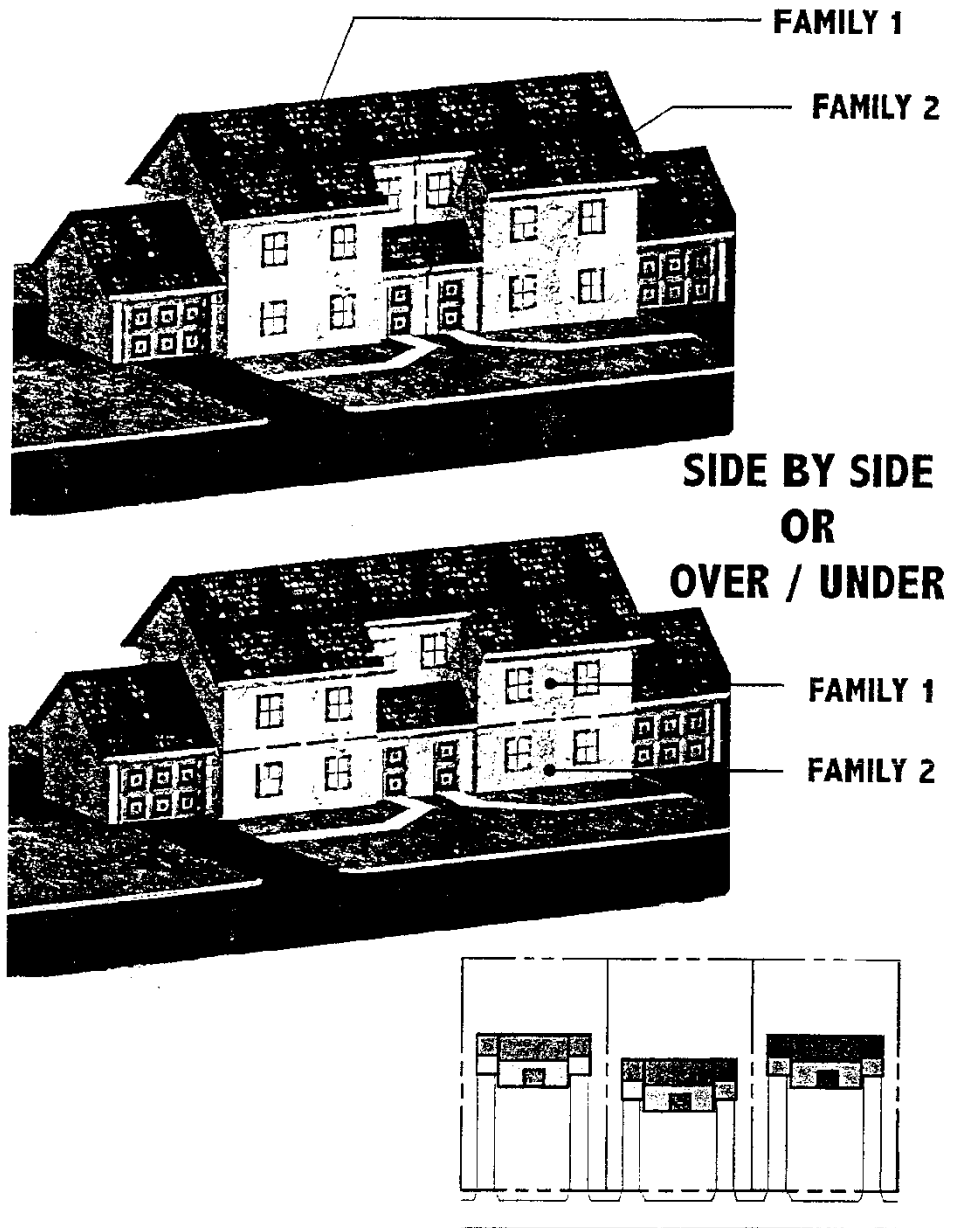


Figure 2-6

- 201.64. **Easement:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.65. **Engineer:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.66. **Erosion:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.67. **Family:** Any one (1) or more of the following:
- A. A single individual maintaining one (1) common household occupying a dwelling unit.
 - B. Two (2) or more persons related by blood, marriage, or legal guardianship, licensed or court-appointed foster care or legal adoption maintaining one (1) common household occupying a dwelling unit.
 - C. Not more than three (3) persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption occupying a dwelling unit.
 - D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they maintain one (1) common household occupying a dwelling unit and who are part of a community based residential home which qualifies as a community living arrangement licensed by the DPW or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the most recent versions of the Fair Housing Amendments Act, as amended and the Americans with Disabilities Act, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

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

- 201.68. **Flood Plain Related Definitions and Terms:** See Article X of this Ordinance relating to Regulations in the Applicable Flood Plain District (FP).
- 201.69. **Floor Area, Gross:** See most recent version of the Lancaster Township Building Code, as amended.
- 201.70. **Floor Area, Net Retail:** The sum total of all floor area space relegated to use by the customer and the retail employee to conduct retail sales, including the display area used to indicate the variety of goods available for customers, but not including accessory office space, storage space, and other general administrative areas.
- 201.71. **Forestry:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.72. **Funeral Home:** An establishment where deceased persons are prepared for burial or cremation and where a funeral service may also be held.
- 201.73. **Game Room:** An establishment with more than two (2) mechanical amusement devices. Mechanical amusement devices shall be defined as machines designed for recreation and entertainment and shall include, but not be limited to, pinball machines, electronic video games, pool tables, and other amusement machines.
- 201.74. **Garage, Private:** An accessory building for the storage of one (1) of more automobiles or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises.
- 201.75. **Garage, Public:** A building or portion thereof, other than private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.
- 201.76. **Gasoline and Service Station:** A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing, and minor repairs, and storage.
- 201.77. **Golf Course:** A recreational area primarily used for playing golf with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes.
- 201.78. **Greenway:** An open space corridor that links urban, suburban, and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.
- 201.79. **Group Home:** A dwelling inhabited by not more than eight (8) handicapped persons, as identified and provided for by the Fair Housing Act, Americans with Disabilities Act, and comply with subsection D. in the definition of “Family”. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations

and regulation by the Township as single family detached dwellings, except parking.

201.80. **Home Occupation:** An occupation or business conducted by a resident in the resident's dwelling unit or an accessory building, as an accessory use which is incidental and clearly subordinate to the residential use and does not change the residential character thereof. For the purpose of this Ordinance, a home occupation shall not include day care facilities which are regulated as a separate use.

A. **Home Occupation, Minor:** A home occupation which:

1. has no exterior evidence of the home occupation;
2. does not generate traffic in excess of twenty (20) trips in twenty-four (24) hours in addition to trips generated by the residence. (A "trip" is a vehicle traveling in one (1) direction to or from a source. In other words, twenty (20) trips equals ten (10) round trips);
3. does not create a need for parking beyond normal dwelling needs; and
4. is operated by and employs family members residing on the premises of the home occupation;

B. **Home Occupation, Major:** A home occupation which:

1. has no exterior evidence of the home occupation with the exception of signs permitted by Article XII of this Ordinance relating to Sign Regulations and XV of this Ordinance relating to Performance Regulations;
2. is conducted within a single family dwelling including a single family detached dwelling, a single family semi-detached dwelling, or a single family attached dwelling.
3. meets the combined parking needs of both the dwelling and home occupation;
4. involves or employs no more than one (1) person who is not a family member residing on the premises in the operation of the home occupation.

201.81. **Hospital:** See most recent version of the Lancaster Township Building Code, as amended. A hospital shall be licensed as such by the Department of Health of the Commonwealth of Pennsylvania as a hospital.

201.82. **Impervious Surface (Impervious Area):** A surface that prevents the infiltration of water into the ground. Impervious surfaces (areas) shall include, but are not limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets, access drives, driveways, and sidewalks. Decks, parking compounds, and driveways, and access drives are not counted as impervious areas if they do not prevent infiltration. Any surface area proposed to initially be gravel or crushed stone shall be assumed to be impervious, unless designed as an infiltration BMP. This term shall also include impervious material.

201.83. **Improvements:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).

- 201.84. **Infiltration BMP:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.85. **Junk:** Junk shall include scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, appliances, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.
- 201.86. **Junk Yard:** Any area and/or structure used primarily for the collecting, storage and/or sale of those items defined under "Junk."
- 201.87. **Kennel:** An establishment, in which dogs or other domesticated animals are housed, boarded, bred, or reared on a commercial basis.
- 201.88. **Laboratory for Industrial or Scientific Research:** An establishment which carries on investigations, testing, and experimentation in the natural, physical, technical, or social sciences, or engineering and development as an extension of such investigation with the objective of creating end products.
- 201.89. **Land Development:** See most recent version of the Municipalities Planning Code, as amended (Article I) and the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.90. **Landowner:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.91. **Landscape Architect:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.92. **Licensed Medical Professional:** For purposes of this Ordinance relating to the number of full time equivalent licensed medical professionals for medical clinics and medical offices, this term shall include those individuals who are authorized by law to examine, diagnose, and treat patients including physicians, dentists, opticians, psychologists, and other similar medical and dental professionals. This term shall not include nurses other medical support and/or administrative support staff.
- 201.93. **Livestock:** Large animals and/or farm animals, including, but not limited to, the following: horses, ponies, donkeys, mules, cattle, sheep, goats, swine, and poultry.
- 201.94. **Lot:** See most recent version of the Municipalities Planning Code, as amended (Article I). A "lot" shall include one (1) or more contiguous pieces, parcels, or plots of land of record all under the same ownership.
- 201.95. **Lot, Corner:** A lot abutting two (2) or more street rights-of-way at their intersection in which the average centerlines of such roads along the lot frontage

of the lot form an interior angle of less than one hundred thirty-five (135) degrees. See Figure 2-7.

- 201.96. **Lot, Double-Frontage:** A lot which is not a corner lot and abuts two (2) or more streets, with possible vehicular access to both streets. See Figure 2-7.
- 201.97. **Lot, Flag:** A lot created by a subdivision, whose frontage (“pole”) does not satisfy the minimum lot width requirements for the applicable zoning district, but that does have sufficient lot width away from the lot’s frontage (“flag”). Access to the “flag” portion of the lot from a public street right-of-way or an approved private street right-of-way is provided by means of a long, narrow access strip (“pole”) which contains a driveway located between abutting lots. See Figure 2-7.
- 201.98. **Lot, Interior:** A lot which is not a corner lot. See Figure 2-7.
- 201.99. **Lot, Reverse Frontage:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-7.
- 201.100. **Lot Area:** The area contained within the lot lines of the individual parcels of land, excluding space within any street or ultimate right-of-way, but including the area of any easement. Lot area shall be measured to the legal right-of-way line of the street.
- 201.101. **Lot Coverage:** That portion or percentage of the lot area covered by impervious surfaces and/or materials.
- 201.102. **Lot Depth:** The average distance between the street right-of-way line and the rear lot line, measured perpendicular or radial to the street right-of-way line. Lot depth shall be measured to the legal right-of-way line of the street. In the case of a double frontage lot, such distance shall be measured from each street right-of-way. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a corner lot, such distance shall be measured from each street right-of-way to each side lot line and as otherwise provided herein this definition above. See Figure 2-7.
- 201.103. **Lot Frontage:** Distance measured along the front lot line. When a lot fronts on a curved street, the lot frontage shall be determined by utilizing the arc length. See Figure 2-7.

LOT TYPE DIAGRAM

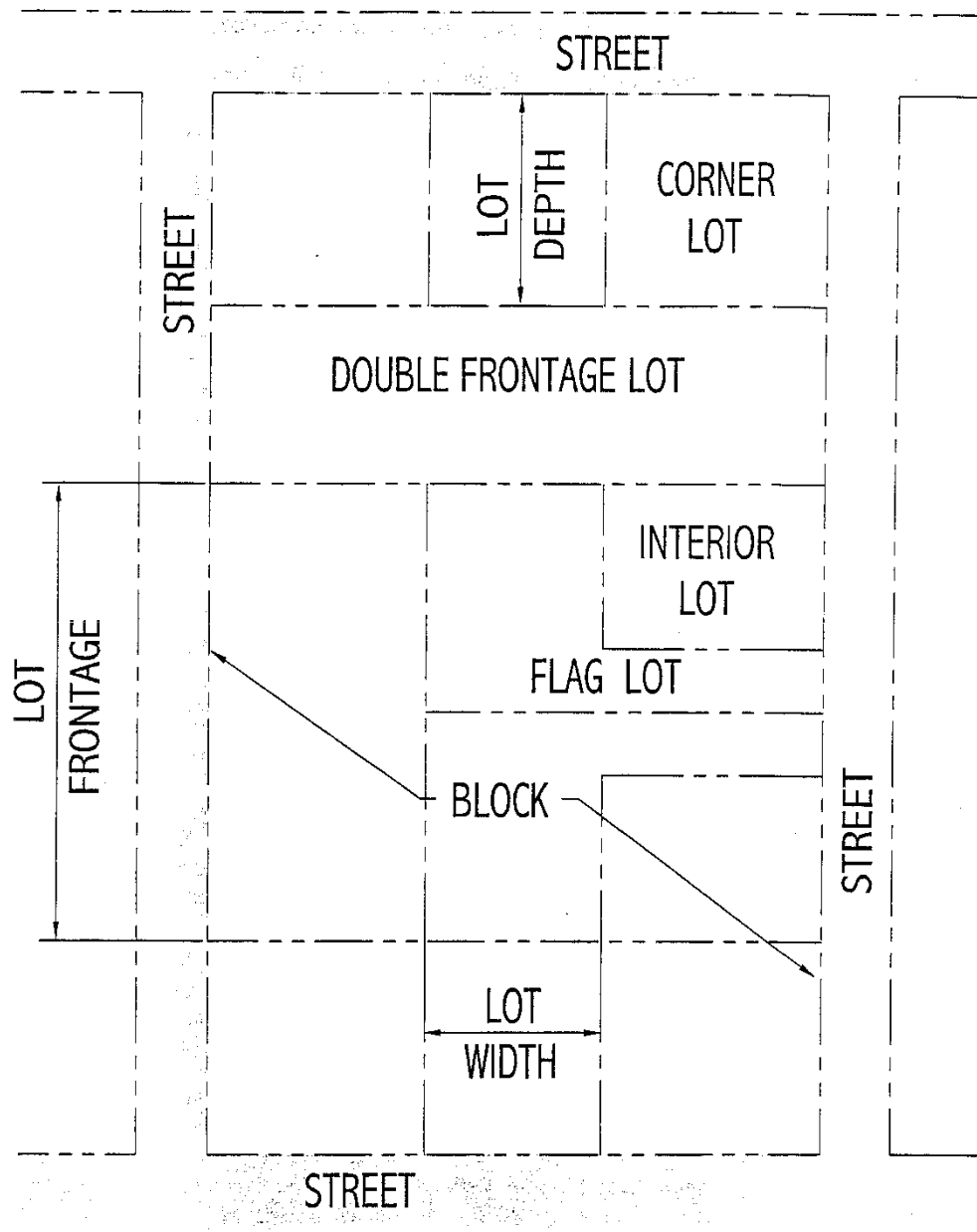


Figure 2-7.

- 201.104. **Lot Line:** A line of record bounding a lot that divides one (1) lot from another lot or from a legal right-of-way line for a public street or private street. See Figure 2-8.
- 201.105. **Lot Line, Common:** A side lot line that coincides with the line created by the shared party wall between two (2) single family semi-detached dwellings or two (2) or more single family attached dwellings.
- 201.106. **Lot Line, Front:** A lot line separating the front of the lot from the street measured from the right-of-way. In the case of a corner lot or double frontage lots, all lot lines which abut a street shall be front lot lines. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a reverse frontage lot, see most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-8.
- 201.107. **Lot Line, Rear:** A lot line which does not intersect a front lot line and is most distant from, and most nearly parallel to a front lot line. In the case of a corner lot, corner lots shall not have a rear lot line. For the purposes of this Ordinance, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long drawn within the lot between the two (2) side lot lines, which is equidistant to the front lot line. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a reverse frontage lot, see most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-8.
- 201.108. **Lot Line, Side:** Any lot line which is not a front or rear lot line. In the case of a corner lot, all lot lines which do not abut a street shall be side lot lines. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a reverse frontage lot, see most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-8.

LOT LINE AND YARD DIAGRAM

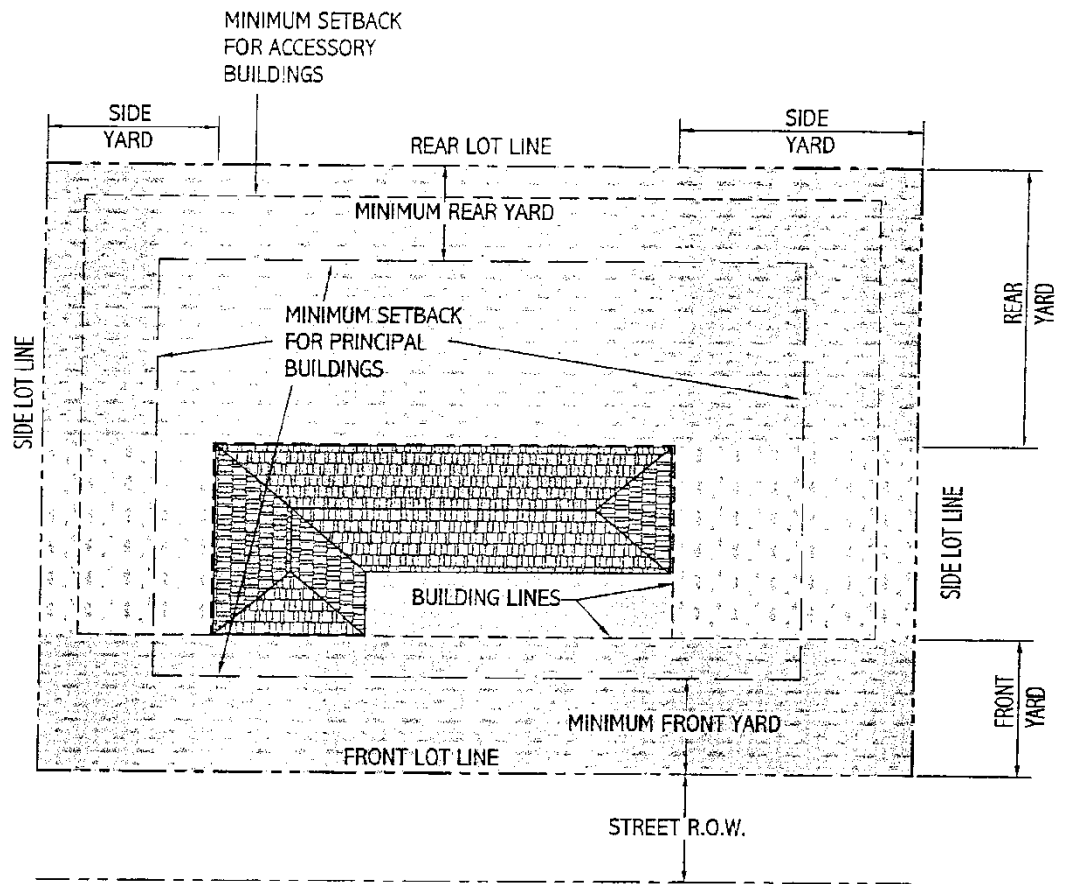


Figure 2-8.

- 201.109. **Lot Line Marker:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.110. **Lot Width:** In the case of an interior lot, the distance between the side lot lines. In the case of a corner lot, lot width shall mean the distance between each front lot line and its opposite side lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot. When a lot abuts on a curved street the width shall be determined by utilizing the arc length. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a reverse frontage lot, see most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-7.
- 201.111. **Maintenance Guarantee:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.112. **Manufacturing:** A function or a use involving either the processing, conversion or production of materials, goods, or products.
- 201.113. **Medical Clinic:** An establishment where three (3) or more full time equivalent licensed medical professionals, examine and treat patients on an outpatient basis; and includes a variety of other types of medical service uses including but not limited to medical and dental laboratories, specialized clinics, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical services. This use shall not include overnight accommodation of patients. This use shall also include those establishments commonly known as ambulatory surgical, urgent, and emergency centers, without overnight accommodations.
- 201.114. **Medical Office:** An office where not more than two (2) full time equivalent licensed medical professionals, examine and treat patients on an outpatient basis. This use shall not include overnight accommodation of patients.
- 201.115. **Minerals:** See most recent version of the Municipalities Planning Code, as amended.
- 201.116. **Mobile / Manufactured Home:** See most recent version of the Municipalities Planning Code, as amended (“mobile home”, Article I).
- 201.117. **Mobile / Manufactured Home Lot:** See most recent version of the Municipalities Planning Code, as amended (“mobile home lot”, Article I).
- 201.118. **Mobile / Manufactured Home Park:** See most recent version of the Municipalities Planning Code, as amended (“mobile home park”, Article I).
- 201.119. **Mobile / Manufactured Home Stand:** That part of a mobile / manufactured home lot which is being reserved for the placement of the mobile / manufactured home.

- 201.120. **Municipal:** Pertaining to a local government unit or other similar government unit.
- 201.121. **Municipal Use:** Any establishment, use, facility, and/or structure that is owned and/or operated by Lancaster Township, its municipal authorities, and/or authorized agents, including the School District of Lancaster.
- 201.122. **Municipalities Planning Code (MPC):** The Pennsylvania Municipalities Planning Code Act of 1968, P.L.805, No. 247 as reenacted and amended.
- 201.123. **Non-Commercial Keeping of Livestock:** An accessory use which is clearly secondary to the principal single family detached dwelling in which livestock are kept exclusively by the residents of the site, and which is not contained upon a farm nor part of an agricultural operation.
- 201.124. **Non-Conforming Lot:** See most recent version of the Municipalities Planning Code, as amended.
- 201.125. **Non-Conforming Structure:** See most recent version of the Municipalities Planning Code, as amended.
- 201.126. **Non-Conforming Use:** See most recent version of the Municipalities Planning Code, as amended.
- 201.127. **Non-Phase 2 Outdoor Furnace:** An outdoor furnace that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (Btu) output or power and is labeled accordingly.
- 201.128. **Non-Profit Public Facility:** An organization or agency which is open and available for use by the general public which is operated by a federal, state, or local governmental body or sub-division or agency thereof; or by a non-profit corporation authorized to do business in the Commonwealth of Pennsylvania to which contributions are tax deductible for federal income tax purposes such as libraries and museums.
- 201.129. **Nursing Home:** See most recent version of the Lancaster Township Building Code, as amended. A nursing home shall be licensed as such by the Department of Health of the Commonwealth of Pennsylvania as a nursing home.
- 201.130. **Office:** A building or space within a building used for conducting the affairs of a business, profession, service, industry, or government.
- 201.131. **Open Space Development:** A residential subdivision development in which a portion of the total tract of land is designated as open space area, while greater flexibility and innovation in lot designs and building arrangements are provided for a more efficient development pattern on that portion of the tract most suitable for development.
- 201.132. **Ordinance:** The most recent version of the Lancaster Township Zoning Ordinance, as amended.

- 201.133. **Outdoor Furnace:** A fuel-burning device:
- A. Designed to burn clean wood, coal, natural gas, kerosene, propane, domestic heating oil provided that such fuels comply with all applicable sulfur limits and are used as starters or supplemental fuels for dual fired outdoor furnaces, and other types of fuel approved in writing by DEP upon receipt of a written request;
 - B. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
 - C. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- For the purposes of this Ordinance, the term shall also include outdoor wood-fired boilers, outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc.
- 201.134. **Parcel:** See “Lot.”
- 201.135. **Parking Access Aisle:** The traveled way of a parking compound through which automobiles and other similar motor vehicles enter and depart parking spaces.
- 201.136. **Parking Compound:** A common, paved (improved and stabilized) area (other than a public or private street, access drive, or driveway) used exclusively for parking of vehicles. This term shall also include related parking access aisles.
- 201.137. **Patio:** An area consisting of natural or man-made material which is constructed at or near grade level and intended for use as an outdoor living area. (See also “Deck” and “Accessory Structure”)
- 201.138. **Permitted Use:** Any use specifically allowed by right in a particular zoning district.
- 201.139. **Personal Care Home:** A structure situated on a lot of three (3) acres or more in which food, shelter, personal assistance or supervision are provided for a period exceeding twenty-four (24) consecutive hours for more than three (3) adults who are not relatives of the operator and who require assistance or supervision in matters or dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility, as licensed and regulated by the Pennsylvania Department of Health (PA DH).
- 201.140. **Pervious Surface (Pervious Area):** Any surface (area) not defined as impervious. This term shall also include pervious material.
- 201.141. **Phase 2 Outdoor Furnace:** An outdoor furnace that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32

pounds per million Btu output and is labeled accordingly. Phase 2 outdoor furnace models will be identified with a white hang tag.

- 201.142. **Place of Assembly for Worship / Education:** An establishment wherein persons regularly assemble for: religious worship and which is maintained and controlled by a religious body organized to sustain public worship; and/or basic education or instruction services and which is maintained and controlled by a body organized to sustain basic education or instruction. Includes synagogue, temple, mosque, or other such place for worship and religious activities, as well as elementary school, intermediate school, junior high school, and high school.
- 201.143. **Plan:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.144. **Planning Commission:** See most recent version of the Municipalities Planning Code, as amended (Article I). The Planning Commission of Lancaster Township.
- 201.145. **Principal Building:** See “Principal Structure”.
- 201.146. **Principal Structure:** The main, primary, or predominant structure on a given lot, tract, or parcel.
- 201.147. **Principal Use:** The main, primary, or predominant use of a property or structure.
- 201.148. **Private Club:** An organization catering exclusively to members and their guests; or premises or buildings for a social, recreational, and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to service and political organizations as well as social and athletic clubs. Private clubs shall not include adult-oriented establishments as defined herein.
- 201.149. **Processing:** A function or use involving the cleaning, sorting, sizing, packaging or any combination thereof, of products.
- 201.150. **Public Hearing:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.151. **Public Utilities:** Use or expansion thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission (PA PUC).
- 201.152. **Quarry:** An establishment on a site involving removal from the surface or beneath the surface of the land bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be a quarry.

- 201.153. **Radio / Television Broadcasting Studio / Station:** An establishment engaged in operating broadcast studios and facilities for over-the-air or satellite delivery of radio and television programs.
- 201.154. **Recreational Facility, Commercial:** Facility operated as a business open to the public for the purpose of public recreation or entertainment, including but not limited to bowling alleys, swimming pools, health clubs, miniature golf courses, etc. This does not include adult-oriented establishments or amusement arcades, as defined herein.
- 201.155. **Recreational Facility, Non-Profit Public:** A non-profit public facility open to the public for the purpose of public recreation or entertainment, including but not limited to bowling alleys, swimming pools, health clubs, miniature golf courses, etc. This does not include adult-oriented establishments or amusement arcades, as defined herein.
- 201.156. **Recreational Vehicle:** A vehicle which is:
- A. built on a single chassis;
 - B. not more than four hundred (400) square feet, measured at the largest horizontal projections;
 - C. designed to be self-propelled or permanently towable by a light-duty truck; and
 - D. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 201.157. **Residential Infill Development:** A residential development involving the subdivision of land which is designed in accordance with the provisions of this Ordinance to yield the same general character and dimensions of adjacent, lawfully existing, non-conforming lots and structures. Residential infill development is a method of allowing residential growth which is consistent with non-conforming neighborhoods which existed prior to the effective date of this Ordinance.
- 201.158. **Restaurant:** An establishment where food is prepared and sold for on and off premise consumption. In those establishments where alcohol is sold a restaurant is further defined as having total annual food sales for on premise consumption greater than twenty (20) percent of the combined gross sales of the establishment.
- 201.159. **Retail Sales / Retail Services:** An establishment in which the primary activity involves the display and retail sale and/or rental of goods and products to the general public; and/or providing personal service to the general public. This term shall not include adult-oriented establishments as defined herein.
- 201.160. **Retirement Home:** Facilities designated for housing, boarding, and dining associated with some level of personal care and other related assistance for the elderly who are unable to fully care for themselves and/or do not desire to live independently.

- 201.161. **Right-of-Way:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.162. **Runoff:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.163. **Setback:** The distance between the building line and any lot line.
- 201.164. **Setback Line:** See “Building Setback Line.”
- 201.165. **Shopping Center, Community:** A group of two (2) or more businesses involved in retail sales / services, offices, restaurants, and other similar uses permitted within the applicable zoning district located either within a coordinated grouping of buildings which may be joined together by an open or closed pedestrian mall or within a single building, and with shared parking.
- 201.166. **Shopping Center, Neighborhood:** A group of two (2) or more businesses involved in retail sales / services, offices, and other similar uses permitted within the applicable zoning district that meet the daily and convenience related needs such as food, hardware, drugs, and personal services, located within a single building, and with shared parking.
- 201.167. **Sight Distance:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.168. **Sign Related Definitions and Terms:** See Article XII of this Ordinance relating to Sign Regulations.
- 201.169. **Social Service Establishment:** An organization offering aid to persons requiring assistance for psychological problems, employment opportunities, health and physical ailments, learning disabilities, and other circumstances.
- 201.170. **Solar Energy Production:** A solar energy system that supplies energy primarily for off-site / off-premise use.
- 201.171. **Solar Energy System:** An alternative energy system which includes any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.
- 201.172. **Solid Waste Landfill:** An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.
- 201.173. **Spark Arrester:** A device (located at the top of a chimney) to prevent sparks, embers or other ignited material above a given size from begin expelled to the atmosphere.

- 201.174. **Special Exception:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.175. **Storm Sewer:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.176. **Storm Water Management:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.177. **Storm Water Management Facilities:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.178. **Story:** See most recent version of the Lancaster Township Building Code, as amended.
- 201.179. **Street:** See most recent version of the Municipalities Planning Code, as amended (Article I) and the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). For purposes of this Ordinance streets and roads shall conform to one (1) of the following categories:
- A. **Principal Arterial Road:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
 - B. **Minor Arterial Road:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
 - C. **Collector Road:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
 - D. **Local Road:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
 - E. **Alley:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.180. **Street, Private:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.181. **Street Centerline:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).

- 201.182. **Street Right-Of-Way Line:** A line that divides and delineates an existing or proposed street right-of-way from an existing or proposed lot.
- 201.183. **Streetscape:** The visual impression of the built environment along a street created by building setbacks, rooflines, building mass, architectural styles and elements, building materials and texture, patterns of fenestration, sidewalks, signage, trees and landscaping
- 201.184. **Structure:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.185. **Subdivision:** See most recent version of the Municipalities Planning Code, as amended (Article I) and the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.186. **Surveyor:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.187. **Tavern:** An establishment where alcohol is sold that has total annual food sales for on- premise consumption of less than or equal to twenty (20) percent of the combined gross sales of the establishment.
- 201.188. **Township:** Lancaster Township, Lancaster County, Pennsylvania.
- 201.189. **Township Engineer:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.190. **Township Solicitor:** The attorney licensed to practice in the Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant to the Township, to furnish professional legal assistance.
- 201.191. **Tract:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.192. **Transient:** See most recent version of the Lancaster Township Building Code, as amended.
- 201.193. **Travel Trailer:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 201.194. **Turbine Height:** The distance measured from the highest point of the wind turbine rotor plane to the ground level.
- 201.195. **Unit of Occupancy:** An allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

- 201.196. **University, College, and Other Adult Educational Institution:** An establishment wherein persons regularly assemble for general or specialized higher education or instruction services leading to a degree, and which is maintained and controlled by a body organized to sustain general or specialized higher education or instruction. An establishment primarily engaged in furnishing courses and granting degrees. The requirement for admission is at least a high school diploma or equivalent basic academic training. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, and/or the workplace, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance learning methods. The training provided by these establishments may include the use of simulators and simulation methods.
- 201.197. **Use:** The specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on.
- 201.198. **Variance:** See most recent version of the Municipalities Planning Code, as amended (Article I).
- 201.199. **Veterinarian Office:** A building used primarily for the treatment, by a veterinarian of small domestic animals such as dogs, cats, rabbits, and birds or fowl and livestock. No outdoor boarding of animals is permitted.
- 201.200. **Visitor Accommodation:** An establishment offering temporary overnight lodging accommodations for less than thirty (30) days but may also offer meal service and entertainment, to transient guests, visitors, or tourists for compensation. Includes facilities commonly known as “hotels” and “motels”, but excludes “boarding houses” and “bed and breakfasts” as defined in Article II of this Ordinance.
- 201.201. **Warehousing, Distribution, and Wholesaling:** An establishment involving the storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create a hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.
- 201.202. **Watershed:** All the land from which water flows into a particular point in a watercourse.
- 201.203. **Wholesale:** Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.
- 201.204. **Wind Charger:** A wind energy system direct-current generator used for charging storage batteries.

- 201.205. **Wind Energy Production:** A wind energy system that supplies energy primarily for off-site / off-premise use.
- 201.206. **Wind Energy System:** A device such as a wind charger, wind turbine, or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat, and which consists of one or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.
- 201.207. **Windmill:** A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.
- 201.208. **Wind Turbine:** A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.
- 201.209. **Wind Turbine Tower:** The vertical component of a wind energy system that elevates the wind turbine generator and attached blades above the ground.
- 201.210. **Yard:** An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Ordinance is unobstructed from the ground upward except as may be specifically provided in this Ordinance. Distances which represent minimum yards throughout this Ordinance shall include all portions of a lot which are within such distances as measured at right angles from the respective lot line. Porches and carports shall be considered a part of the building. Overhanging eaves, gutters and cornices shall not be considered an infringement of the yard requirements. See Figure 2-8.
- A. **Front Yard:** A space extending the full width of the lot between any building and the front lot line and measured between the front lot line and the building line nearest the front lot line. In the case of a corner lot, corner lots shall have two (2) front yards. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a reverse frontage lot, see most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-8.
- B. **Rear Yard:** A space extending across the full width of the lot between the principal building and the rear lot line and measured between the rear lot line and the building line nearest the rear lot line. In the case of a corner lot, corner lots shall not have a rear yard. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a reverse frontage lot, see most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-8.
- C. **Side Yard:** A space extending from the front yard to the rear yard between the principal building and the side lot line and measured between the side lot line and the building line nearest the side lot line. In the case of a corner lot, the side yard is the area between the principal building and the side lot line,

exclusive of all front yards. In the case of a flag lot, see Article XVI of this Ordinance relating to Flag Lots. In the case of a reverse frontage lot, see most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II). See Figure 2-8.

- 201.211. **Zoning Permit:** A permit stating that the purpose for which a building or land is to be used is in conformity with the use permitted and all other requirements under this Ordinance for the zoning district in which it is located or is to be located.
- 201.212. **Zoning Officer:** The municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer this Ordinance in accordance with its literal terms.

Section 202 Abbreviations.

- 202.1. **FIA:** The Federal Insurance Administration (FIA), or any successor agency.
- 202.2. **LCCD:** The Lancaster County Conservation District, or any successor agency.
- 202.3. **LCPC:** The Lancaster County Planning Commission, or any successor agency.
- 202.4. **LIMC:** The Lancaster Inter-Municipal Committee, or any successor agency.
- 202.5. **MPC:** The Pennsylvania Municipalities Planning Code Act of 1968, P.L.805, No. 247 as reenacted and amended.
- 202.6. **PA DEP:** The Pennsylvania Department of Environmental Protection, or any successor agency.
- 202.7. **PA DH:** The Pennsylvania Department of Health, or any successor agency.
- 202.8. **PA DPW:** The Pennsylvania Department of Public Welfare, or any successor agency.
- 202.9. **PA FBC:** The Pennsylvania Fish and Boat Commission, or any successor agency.
- 202.10. **PA GC:** The Pennsylvania Game Commission, or any successor agency.
- 202.11. **PA PUC:** The Pennsylvania Public Utility Commission, or any successor agency.
- 202.12. **PennDOT:** The Pennsylvania Department of Transportation, or any successor agency.
- 202.13. **SRBC:** The Susquehanna River Basin Commission, or any successor agency.
- 202.14. **USACE:** The United States Army Corps of Engineers, or any successor agency.

- 202.15. **USDA:** The United States Department of Agriculture, or any successor agency.
- 202.16. **USGS:** The United States Geological Survey, or any successor agency.

ARTICLE III. Zoning Districts

The standards and provisions of this Article III apply to the zoning districts and zoning map of this Ordinance.

Section 301 Types of Zoning Districts.

For the purpose of this Ordinance, the township is hereby divided into the following eight (8) Zoning Districts.

- 301.1 **Residential District R-1.** (See Article IV of this Ordinance relating to Residential District R-1 Regulations)
- 301.2 **Residential District R-2.** (See Article V of this Ordinance relating to Residential District R-2 Regulations)
- 301.3 **Residential District R-3.** (See Article VI of this Ordinance relating to Residential District R-3 Regulations)
- 301.4 **Local Commercial (LC).** (See Article VII of this Ordinance relating to Local Commercial District [LC] Regulations)
- 301.5 **General Commercial District (GC).** (See Article VIII of this Ordinance relating to General Commercial District [GC] Regulations))
- 301.6 **Industrial District (I).** (See Article IX of this Ordinance relating to Industrial District [I] Regulations)
- 301.7 **Flood Plain District (FP).** (See Article X of this Ordinance relating to Flood Plain District [FP] Regulations)
- 301.8 **Campus/Open Space District (S).** (See Article XI of this Ordinance relating to Campus/Open Space District [S] Regulations)

Section 302 Zoning Map.

The boundaries of the Zoning Districts shall be as shown on the "Official Zoning Map of Lancaster Township," which is on file in the Township Office. Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

Section 303 Zoning District Boundaries.

The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of public streets or other rights-of-way, or existing lot lines. Should any uncertainty exist, the Zoning Hearing Board shall interpret the intent of this Ordinance and Map as to the exact location of zoning district boundaries.

ARTICLE IV. Residential District R-1 Regulations

Section 401 Intended Purpose.

The intended purpose of this zoning district is to provide for low density residential areas, which are consistent with existing development densities in surrounding areas.

Section 402 Permitted Uses.

- 402.1 Accessory dwelling unit subject to Section 1502 of this Ordinance.
- 402.2 Agricultural operation subject to Section 1504 of this Ordinance.
- 402.3 Accessory structures and uses customarily incidental to the uses permitted in this Article IV.
- 402.4 Communications antenna subject to Sections 1603 of this Ordinance.
- 402.5 Family day care home subject to Section 1511 of this Ordinance.
- 402.6 Forestry.
- 402.7 Group home subject to Section 1513 of this Ordinance.
- 402.8 Kennel subject to Section 1517 of this Ordinance.
- 402.9 Minor home occupation subject to Section 1514 of this Ordinance.
- 402.10 Non-commercial keeping of livestock subject to Section 1521 of this Ordinance.
- 402.11 Outdoor furnace subject to Section 1524 of this Ordinance.
- 402.12 Place of assembly for worship / education provided the gross floor area is less than or equal to forty thousand (40,000) sq. ft.
- 402.13 Public utility corporations and municipal uses subject to Section 1615 of this Ordinance.
- 402.14 Single family detached dwelling in accordance with the following:
 - A. Conventional residential development consisting of ten (10) or fewer dwellings where the total area of the proposed development is equal to or less than fifteen (15) acres prior to the proposed subdivision or land development.
 - B. Open space development subject to Section 1523 of this Ordinance.

Section 403 Special Exception Uses.

- 403.1 Bed and breakfast establishment subject to Section 1505 of this Ordinance.

- 403.2 Commercial recreational facility subject to Section 1529 of this Ordinance.
- 403.3 Conversion of an existing building to a multi-family dwelling subject to Section 1605 of this Ordinance.
- 403.4 Golf course subject to Section 1512 of this Ordinance.
- 403.5 Group day care home subject to Section 1511 of this Ordinance.
- 403.6 Major home occupation subject to Section 1514 of this Ordinance.
- 403.7 Non-profit public facility subject to Section 1522 of this Ordinance.
- 403.8 Place of assembly for worship / education provided the gross floor area is greater than forty thousand (40,000) sq. ft. subject to Section 1525 of this Ordinance.

Section 404 Conditional Uses.

- 404.1 All residential uses which are permitted uses in this zoning district and which are proposed within conventional residential developments consisting of more than ten (10) dwellings where the total area of the proposed development is greater than fifteen (15) acres subject to Section 1510 of this Ordinance.
- 404.2 Non-profit public recreational facility subject to Section 1529 of this Ordinance.
- 404.3 Residential infill development subject to Section 1530 of this Ordinance.

Section 405 Lot, Yard, And Height Regulations of Principal Uses / Structures.

405.1 Lot Requirements.

Unless specified elsewhere in this Ordinance, the lot requirements in Table 4-1 shall apply:

Table 4-1

RESIDENTIAL DISTRICT R-1	Public Utilities	Minimum Lot Area (square feet)	Minimum Lot Width:		Minimum Lot Depth	Maximum Lot Coverage (impervious surfaces)
			At Street Right-of- Way Line	At Building Setback Line		
Single Family Detached Dwellings	None or Public Water Only	43,560 per dwelling unit	65 ft.	100 ft.	150 ft.	20%
Single Family Detached Dwellings	Public Sewer Only	32,000 per dwelling unit	65 ft.	100 ft.	150 ft.	25%
Single Family Detached Dwellings	Public Sewer and Public Water	15,000 per dwelling unit	65 ft.	100 ft.	150 ft.	35%
All Other Uses (unless otherwise specified)	None or with Public Water and/or Public Sewer	43,560	65 ft.	100 ft.	150 ft.	35%

405.2 Minimum Yard Requirements.

- A. Unless specified elsewhere in this Ordinance, the yard requirements in Table 4-2 shall apply:

Table 4-2

RESIDENTIAL DISTRICT R-1	Minimum Front Yard				Minimum Side Yard	Minimum Rear Yard
	Principal Arterial Road	Minor Arterial Road	Collector Road	Local Road		
Single Family Detached Dwellings	50 ft.	40 ft.	30 ft.	25 ft.	12 ft.	35 ft.
All Other Uses (unless otherwise specified)	50 ft.	40 ft.	30 ft.	25 ft.	50 ft.	50 ft.

- B. A building may be permitted closer to the street than required above when there is an adjacent existing principal building on the same side of the street which is closer to the street than the minimum front yard requirement and is within one hundred (100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet of only one (1) such existing adjacent principal building, the

minimum front yard shall not be less than the average of the setback of the existing principal building and the minimum front yard requirement, provided; however, this formula shall not require the placing of a building more than ten (10) feet back from the front building line of the existing adjacent principal buildings. If the building to be erected is between two (2) such existing principal buildings within one hundred (100) feet of the building to be erected, the minimum front yard shall not be less than the average setback of the two (2) adjacent existing principal buildings.

405.3 **Maximum Building Height:** Forty (40) feet.

Section 406 Lot, Yard And Height Regulations of Accessory Uses / Structures.

- 406.1 **Minimum Front Yard:** With the exception of patios and decks, accessory structures shall not be permitted in the front yard, except for double-frontage lots where accessory structures shall comply with the front yard requirements for principal structures. Patios and decks shall not encroach upon the minimum front yard specified in Section 405 of this Ordinance.
- 406.2 **Minimum Setback from Front Yard:** Accessory structures shall be set back a minimum of fifteen (15) feet from all front yards.
- 406.3 **Minimum Side Yard:** Six (6) feet.
- 406.4 **Minimum Rear Yard:** Six (6) feet.
- 406.5 **Maximum Height:** Twenty-five (25) feet.
- 406.6 **Parking and Loading Regulations:** Parking and loading shall be provided as specified in Article XIII of this Ordinance relating to Parking and Loading Regulations. In addition, no loading facility shall be permitted on any side of a building facing adjoining lands within a residential zoning district, nor any side of a building facing an abutting street.
- 406.7 **Sign Regulations:** Signs shall be permitted as specified in Article XII of this Ordinance relating to Sign Regulations.
- 406.8 **Driveway and Access Drive Regulations:** All driveways and access drives shall be in accordance with Section 1606 of this Ordinance.
- 406.9 **Landscaping and Screening Regulations:** Landscaping and screening shall be provided as specified in Article XIV of this Ordinance relating to Landscaping and Screening Regulations.
- 406.10 **Non-Residential Operations Regulations:** All non-residential operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

- 406.11 **Outdoor Storage Regulations:** Within this zoning district, no outdoor storage or display of merchandise is permitted.
- 406.12 **Waste Product Regulations:** Dumpsters and waste receptacles may be permitted within the side or rear yard, in accordance with Section 1403.3 of this Ordinance. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining property in a residential zoning district.
- 406.13 **Lighting Regulations:** Lighting shall be shielded as to not impact adjoining properties. Light emanating from any source on the property shall not be greater than two (2) foot-candles measured at a height of three (3) foot at the lot line.

ARTICLE V. Residential District R-2 Regulations

Section 501 Intended Purpose.

The intended purpose of this zoning district is to provide for medium density residential areas that are consistent with existing development in surrounding areas. All types of residential uses are permitted in this zoning district. Higher density growth and development areas in this zoning district will be served by public sewer and public water.

Section 502 Permitted Uses.

- 502.1 Accessory commercial use in conjunction with residential developments subject to Section 1501 of this Ordinance.
- 502.2 Accessory structures and uses customarily incidental to the uses permitted in this Article V.
- 502.3 Agricultural operation subject to Section 1504 of this Ordinance.
- 502.4 Communications antenna subject to Sections 1603 of this Ordinance.
- 502.5 Family day care home subject to Section 1511 of this Ordinance.
- 502.6 Forestry.
- 502.7 Group home subject to Section 1513 of this Ordinance.
- 502.8 Minor home occupation subject to Section 1514 of this Ordinance.
- 502.9 Non-commercial keeping of livestock subject to Section 1521 of this Ordinance.
- 502.10 Non-profit public facility subject to Section 1522 of this Ordinance.
- 502.11 Place of assembly for worship / education provided the gross floor area is less than or equal to forty thousand (40,000) sq. ft.
- 502.12 Public utility corporations and municipal uses subject to Section 1615 of this Ordinance.
- 502.13 Single family detached dwelling, single family semi-detached dwelling, two-family dwelling, and multi-family dwelling not exceeding three (3) stories in height and not more than twelve (12) dwelling units per building. Such residential uses shall comply with the following:
 - A. Conventional residential development consisting of ten (10) or fewer dwellings where the total area of the proposed development is equal to or less than fifteen (15) acres prior to the proposed subdivision or land development.
 - B. Open space development subject to Section 1523 of this Ordinance.

Section 503 Special Exception Uses.

- 503.1 Boarding house subject to Section 1506 of this Ordinance.
- 503.2 Conversion of an existing building to a multi-family dwelling subject to Section 1605 of this Ordinance.
- 503.3 Group day care home subject to Section 1511 of this Ordinance.
- 503.4 Hospital, retirement home, nursing home, personal care home, or similar facility, subject to Section 1515 of this Ordinance.
- 503.5 Major home occupation subject to Section 1514 of this Ordinance.
- 503.6 Place of assembly for worship / education provided the gross floor area is greater than forty thousand (40,000) sq. ft. subject to Section 1525 of this Ordinance.
- 503.7 Private club subject to Section 1527 of this Ordinance.

Section 504 Conditional Uses.

- 504.1 All residential uses which are permitted uses in this zoning district and which are proposed within conventional residential developments consisting of more than ten (10) dwellings where the total area of the proposed development is greater than fifteen (15) acres subject to Section 1510 of this Ordinance.
- 504.2 Non-profit public recreational facility subject to Section 1529 of this Ordinance.
- 504.3 Residential infill development subject to Section 1530 of this Ordinance.

Section 505 Lot, Yard And Height Regulations of Principal Uses / Structures.

- 505.1 **Lot Requirements.**

Unless specified elsewhere in this Ordinance, the lot requirements in Table 5-1 shall apply. Note that the public utilities used for sewage disposal and water supply affect the type of uses permitted as well as certain lot requirements (such as lot coverage and area):

Table 5-1

<i>RESIDENTIAL DISTRICT R-2</i>	Public Utilities	Minimum	Minimum Lot Width:		Minimum Lot Depth	Maximum Lot Coverage (impervious surfaces)
		Lot Area (square feet)	At Street Right-of- Way Line	At Building Setback Line		
Single Family Detached Dwellings	None or Public Water Only	43,560 per dwelling unit	65 ft.	100 ft.	150 ft.	20%
Single Family Detached Dwellings	Public Sewer Only	32,000 per dwelling unit	65 ft.	100 ft.	150 ft.	25%
Single Family Detached Dwellings	Public Sewer and Public Water	10,000 per dwelling unit	50 ft.	75 ft.	125 ft.	40%
Single Family Semi-Detached, and Two-Family Dwellings	Public Sewer and Public Water	6,000 per dwelling unit	30 ft. per dwelling unit	45 ft. per dwelling unit	125 ft.	45%
Multi-Family Dwellings	Public Sewer and Public Water	4,000 per dwelling unit	65 ft.	100 ft.	120 ft.	50%
All Other Uses (unless otherwise specified)	None or with Public Water and/or Public Sewer	43,560	65 ft.	100 ft.	150 ft.	45%

505.2 **Minimum Yard Requirements.**

- A. Unless specified elsewhere in this Ordinance, the yard requirements in Table 5-2 shall apply:

Table 5-2

RESIDENTIAL DISTRICT R-2	Minimum Front Yard				Minimum	Minimum
	Principal Arterial Road	Minor Arterial Road	Collector Road	Local Road	Side Yard	Rear Yard
Single Family Detached Dwellings Without Public Sewer	50 ft.	40 ft.	30 ft.	25 ft.	12 ft.	35 ft.
Single Family Detached, Single Family Semi-Detached, and Two-Family Dwellings with Public Water and Public Sewer	50 ft.	40 ft.	30 ft.	25 ft.	10 ft., 0 ft. common lot line for Single Family Semi- Detached Dwelling	25 ft.
Multi-Family Dwellings	50 ft.	40 ft.	30 ft.	25 ft.	25 ft.	50 ft.
All Other Uses (unless otherwise specified)	50 ft.	40 ft.	30 ft.	25 ft.	50 ft.	50 ft.

- B. A building may be permitted closer to the street than required above when there is an adjacent existing principal building on the same side of the street which is closer to the street than the minimum front yard requirement and is within one hundred (100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet of only one (1) such existing adjacent principal building, the minimum front yard shall not be less than the average of the setback of the existing principal building and the minimum front yard requirement, provided however, this formula shall not require the placing of a building more than ten (10) feet back from the front building line of the existing adjacent principal buildings. If the building to be erected is between two (2) such existing principal buildings within one hundred (100) feet of the building to be erected, the minimum front yard shall not be less than the average setback of the two (2) adjacent existing principal buildings.

505.3 **Interior Yard Requirements:** Open areas between principal buildings located on a lot shall be provided as follows:

- A. Parallel buildings (front to front, rear to rear or front to rear) shall have fifty (50) feet between faces of the buildings for two (2) story,

plus five (5) feet for each additional story . If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) end if increased by a similar or greater distance at the other end.

- B. A yard space of twenty-five (25) feet is required between end walls of buildings for each two (2) story building, plus five (5) feet for each additional story. If the buildings are at right angles to each other, the distance between the corners of end walls of the buildings may be reduced to a minimum of fifteen (15) feet.
- C. A yard space of thirty (30) feet is required between end walls and front or rear faces of buildings for each two (2) story building, plus five (5) feet for each additional story.
- D. When two (2) adjacent buildings differ in the number of stories, the spacing shall not be less than one-half ($\frac{1}{2}$) the sum of the required distance between two (2) buildings of the lower height, plus the required distance between two (2) buildings of the greater height.

505.4 **Maximum Building Height:** Forty (40) feet.

Section 506 Lot, Yard And Height Regulations of Accessory Uses / Structures.

506.1 **Minimum Front Yard:** With the exception of patios and decks, accessory structures shall not be permitted in the front yard, except for double-frontage lots where accessory structures shall comply with the front yard requirements for principal structures. Patios and decks shall not encroach upon the minimum front yard specified in Section 505 of this Ordinance.

506.2 **Minimum Setback from Front Yard:** Accessory structures shall be set back a minimum of fifteen (15) feet from all front yards.

506.3 **Minimum Side Yard:**

A. **Single Family Detached Dwelling Lots:** Six (6) feet

B. **Single Family Semi-Detached Dwelling Lots and Two-Family Dwelling Lots:** Two (2) feet, and zero (0) feet at common lot line for Single Family Semi-Detached Dwelling.

C. **All other lots:** Fifteen (15) feet.

506.4 **Minimum Rear Yard:** Six (6) feet.

506.5 **Maximum Height:** Twenty-five (25) feet.

506.6 **Parking and Loading Regulations:** Parking and loading shall be provided as specified in Article XIII of this Ordinance relating to Parking and Loading

Regulations. In addition, no loading facility shall be permitted on any side of a building facing adjoining lands within a residential zoning district, nor any side of a building facing an abutting street.

- 506.7 **Sign Regulations:** Signs shall be permitted as specified in Article XII of this Ordinance relating to Sign Regulations.
- 506.8 **Driveway and Access Drive Regulations:** All driveways and access drives shall be in accordance with Section 1606 of this Ordinance.
- 506.9 **Landscaping and Screening Regulations:** Landscaping and screening shall be provided as specified in Article XIV of this Ordinance relating to Landscaping and Screening Regulations.
- 506.10 **Non-Residential Operations Stan Regulations:** All non-residential operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- 506.11 **Outdoor Storage Regulations:** Within this zoning district, no outdoor storage or display of merchandise is permitted.
- 506.12 **Waste Product Regulations:** Dumpsters and waste receptacles may be permitted within the side or rear yard, in accordance with Section 1403.3 of this Ordinance. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining property in a residential zoning district.
- 506.13 **Lighting Regulations:** Lighting shall be shielded as to not impact adjoining properties. Light emanating from any source on the property shall not be greater than two (2) foot-candles measured at a height of three (3) foot at the lot line.

ARTICLE VI. Residential District R-3 Regulations

Section 601 Intended Purpose.

The intended purpose of this zoning district is to provide for high density residential areas that are consistent with existing development densities in surrounding areas. All types of residential uses are permitted in this zoning district. The highest density development in this zoning district shall be contingent upon the provision of public sewer and public water.

Section 602 Permitted Uses.

- 602.1 Accessory commercial use in conjunction with residential developments subject to Section 1501 of this Ordinance.
- 602.2 Accessory structures and uses customarily incidental to the uses permitted in this Article VI.
- 602.3 Communications antenna subject to Sections 1603 of this Ordinance.
- 602.4 Family day care home subject to Section 1511 of this Ordinance.
- 602.5 Forestry.
- 602.6 Group home subject to Section 1513 of this Ordinance.
- 602.7 Hospital, retirement home, nursing home, personal care home, or similar facility subject to Section 1515 of this Ordinance.
- 602.8 Medical office.
- 602.9 Minor home occupation subject to Section 1514 of this Ordinance.
- 602.10 Non-commercial keeping of livestock subject to Section 1521 of this Ordinance.
- 602.11 Non-profit public facility subject to Section 1522 of this Ordinance.
- 602.12 Place of assembly for worship / education provided the gross floor area is less than or equal to forty thousand (40,000) sq. ft.
- 602.13 Public utility corporations and municipal uses subject to Section 1615 of this Ordinance.
- 602.14 Single family detached dwelling, single family semi-detached dwelling, two-family dwelling, single family attached dwelling, and multi-family dwelling. Such residential uses shall comply with the following:
 - A. Conventional residential development consisting of ten (10) or fewer dwellings where the total area of the proposed development is equal to or less than fifteen (15) acres prior to the proposed subdivision or land development.

B. Open space development subject to Section 1523 of this Ordinance.

Section 603 Special Exception Uses.

- 603.1 Boarding house subject to Section 1506 of this Ordinance.
- 603.2 Conversion of an existing building to a multi-family dwelling subject to Section 1605 of this Ordinance.
- 603.3 Group day care home subject to Section 1511 of this Ordinance.
- 603.4 Major home occupation subject to Section 1514 of this Ordinance.
- 603.5 Place of assembly for worship / education provided the gross floor area is greater than forty thousand (40,000) sq. ft. subject to Section 1525 of this Ordinance.
- 603.6 Private club subject to Section 1527 of this Ordinance.

Section 604 Conditional Uses.

- 604.1 All residential uses which are permitted uses in this zoning district and which are proposed within conventional residential developments consisting of more than ten (10) dwellings where the total area of the proposed development is greater than fifteen (15) acres subject to Section 1510 of this Ordinance.
- 604.2 Non-profit public recreational facility subject to Section 1529 of this Ordinance.
- 604.3 Residential infill development subject to Section 1530 of this Ordinance.

Section 605 Lot, Yard And Height Regulations of Principal Uses / Structures.

605.1 Lot Requirements.

Unless specified elsewhere in this Ordinance, the lot requirements in Table 6-1 shall apply. Note that the public utilities used for sewage disposal and water supply affect the type of uses permitted as well as certain lot requirements (such as lot coverage and area):

Table 6-1

RESIDENTIAL DISTRICT R-3	Public Utilities	Minimum	Minimum Lot Width:		Minimum Lot Depth	Maximum Lot Coverage (impervious surfaces)
		Lot Area (square feet)	At Street Right-of- Way Line	At Building Setback Line		
Single Family Detached Dwellings	None or Public Water Only	43,560 per dwelling unit	65 ft.	100 ft.	150 ft.	20%
Single Family Detached Dwellings	Public Sewer Only	32,000 per dwelling unit	65 ft.	100 ft.	150 ft.	25%
Single Family Detached Dwellings	Public Sewer and Public Water	10,000 per dwelling unit	50 ft.	75 ft.	125 ft.	40%
Single Family Semi-Detached, and Two-Family Dwellings	Public Sewer and Public Water	5,000 per dwelling unit	25 ft. per dwelling unit	40 ft. per dwelling unit	125 ft.	50%
Multi-Family Dwellings with 12 or fewer dwellings	Public Sewer and Public Water	3,000 per dwelling unit	65 ft.	100 ft.	125 ft.	65%
Multi-Family Dwellings with more than 12 dwellings	Public Sewer and Public Water	3,000 per dwelling unit	100 ft.	150 ft.	200 ft.	65%
Single Family Attached Dwelling	Public Sewer and Public Water	2,500 per dwelling unit	13 ft.	20 ft.	125 ft.	65%
All Other Uses (unless otherwise specified)	None or with Public Water and/or Public Sewer	43,560	65 ft.	100 ft.	150 ft.	50%

605.2 Minimum Yard Requirements

- A. Unless specified elsewhere in this Ordinance, the yard requirements in Table 6-2 shall apply:

Table 6-2

RESIDENTIAL DISTRICT R-3	Minimum Front Yard				Minimum Side Yard	Minimum Rear Yard
	Principal Arterial Road	Minor Arterial Road	Collector Road	Local Road		
Single Family Detached Dwellings Without Public Sewer	50 ft.	40 ft.	30 ft.	25 ft.	12 ft.	35 ft.
Single Family Detached, Single Family Semi-Detached, Two-Family Dwellings, and Single Family Attached Dwellings with Public Water and Public Sewer	50 ft.	40 ft.	30 ft.	25 ft.	10 ft., 0 ft. common lot line Single Family Semi- Detached Dwelling or Single Family Attached Dwelling	25 ft.
Multi-Family Dwelling with 12 or fewer dwelling units	50 ft.	40 ft.	30 ft.	25 ft.	25 ft.	35 ft.
All Other Uses (unless otherwise specified)	50 ft.	40 ft.	30 ft.	25 ft.	50 ft.	50 ft.

- B. A building may be permitted closer to the street than required above when there is an adjacent existing principal building on the same side of the street which is closer to the street than the minimum front yard requirement and is within one hundred (100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet from only one (1) such existing adjacent principal building, the minimum front yard requirement shall not be less than the average of the setback of the existing principal building and the minimum front yard requirement, provided however, this formula shall not require the placing of a building more than ten (10) feet back of the front building line of the existing adjacent principal buildings. If the building to be erected is between two (2) such existing principal buildings within one hundred (100) feet of the building to be erected, the minimum front yard shall not be less than the average setback of the two (2) adjacent existing principal buildings.

605.3 **Interior Yard Requirements:** Open areas between principal buildings located on a lot shall be provided as follows:

- A. Parallel buildings (front to front, rear to rear or front to rear) shall have fifty (50) feet between faces of the buildings for two (2) story buildings, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) end if increased by a similar or greater distance at the other end.
 - B. A yard space of twenty-five (25) feet is required between end walls of buildings for each two (2) story building, plus five (5) feet for each additional story. If the buildings are at right angles to each other, the distance between the corners of end walls of the buildings may be reduced to a minimum of fifteen (15) feet.
 - C. A yard space of thirty (30) feet is required between end walls and front or rear faces of buildings for each two (2) story building, plus five (5) feet for each additional story.
 - D. When two (2) adjacent buildings differ in the number of stories, the spacing shall not be less than one-half ($1\frac{1}{2}$) the sum of the required distance between two (2) buildings of the lower height, plus the required distance between two (2) buildings of the greater height.
- 605.4 **Maximum Building Height:** Forty (40) feet except that multi-family dwellings with more than twelve (12) units per building shall not exceed seventy-five (75) feet.
- 605.5 **Parking and Loading Regulations:** Parking and loading shall be provided as specified in Article XIII of this Ordinance relating to Parking and Loading Regulations. In addition, no loading facility shall be permitted on any side of a building facing adjoining lands within a residential zoning district, nor any side of a building facing an abutting street.
- 605.6 **Sign Regulations:** Signs shall be permitted as specified in Article XII of this Ordinance relating to Sign Regulations.
- 605.7 **Driveway and Access Drive Regulations:** All driveways and access drives shall be in accordance with Section 1606 of this Ordinance.
- 605.8 **Landscaping and Screening Regulations:** Landscaping and screening shall be provided as specified in Article XIV of this Ordinance relating to Landscaping and Screening Regulations.
- 605.9 **Non-Residential Operations Regulations:** All non-residential operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- 605.10 **Outdoor Storage Regulations:** Within this zoning district, no outdoor storage or display of merchandise is permitted.

605.11 **Waste Product Regulations:** Dumpsters and waste receptacles may be permitted within the side or rear yard, in accordance with Section 1403.3 of this Ordinance. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining property in a residential zoning district.

605.12 **Lighting Regulations:** Lighting shall be shielded as to not impact adjoining properties. Light emanating from any source on the property shall not be greater than two (2) foot-candles measured at a height of three (3) foot at the lot line.

Section 606 Lot, Yard and Height Regulations of Accessory Uses / Structures.

606.1 **Minimum Front Yard:** With the exception of patios and decks, accessory structures shall not be permitted in the front yard, except for double-frontage lots where accessory structures shall comply with the front yard requirements for principal structures. Patios and decks shall not encroach upon the minimum front yard specified in Section 605 of this Ordinance.

606.2 **Minimum Setback from Front Yard:** Accessory structures shall be set back a minimum of fifteen (15) feet from all front yards.

606.3 **Minimum Side Yard:**

A. **Single Family Detached Dwelling Lots:** Six (6) feet

B. **Single Family Semi-Detached Dwelling Lots, Two-Family Dwelling Lots, and Single Family Attached Dwelling Lots:** Two (2) feet, and zero (0) feet at common lot line for Single Family Semi-Detached Dwelling or Single Family Attached Dwelling.

C. **All Other Lots:** Fifteen (15) feet.

606.4 **Minimum Rear Yard:** Six (6) feet.

606.5 **Maximum Height:** Twenty-five (25) feet.

ARTICLE VII. Local Commercial District (LC) Regulations

Section 701 Intended Purpose.

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

Section 702 Permitted Uses.

- 702.1 Accessory structures and uses customarily incidental to the uses permitted in this Article VII.
- 702.2 Bank and other financial institution.
- 702.3 Commercial recreational facility subject to Section 1529 of this Ordinance.
- 702.4 Communications antenna subject to Sections 1603 of this Ordinance.
- 702.5 Day care facility subject to Section 1511 of this Ordinance: Family day care home and group day care home shall be permitted subject to Section 1511 of this Ordinance only in residential structures that lawfully represent pre-existing nonconforming uses.
- 702.6 Dwelling unit when in combination with a commercial use in the principal building.
- 702.7 Forestry.
- 702.8 Funeral home.
- 702.9 Medical office.
- 702.10 Non-profit public facility subject to Section 1522 of this Ordinance.
- 702.11 Office.
- 702.12 Place of assembly for worship / education provided the gross floor area is less than or equal to forty thousand (40,000) sq. ft.
- 702.13 Public utility corporations and municipal uses subject to Section 1615 of this Ordinance.

- 702.14 Radio / television broadcasting studio / station.
- 702.15 Restaurant, excluding drive-through facility.
- 702.16 Retail sales / service provided the total net retail floor area is less than or equal to twenty thousand (20,000) sq. ft.
- 702.17 Veterinarian office provided no outdoor keeping of animals is permitted.

Section 703 Special Exception Uses.

- 703.1 Bed and breakfast establishment subject to Section 1505 of this Ordinance.
- 703.2 Commercial parking garage or lot subject to Section 1507 of this Ordinance.
- 703.3 Communications tower for radio / television signal reception and transmission in conjunction with a broadcasting station or studio subject to Section 1604 of this Ordinance.
- 703.4 Convenience store subject to Section 1509 of this Ordinance.
- 703.5 Hospital, retirement home, nursing home, personal care home, or similar facility subject to Section 1515 of this Ordinance.
- 703.6 Medical clinic subject to Section 1518 of this Ordinance.
- 703.7 Mobile / manufactured home park subject to Section 1519 of this Ordinance.
- 703.8 Neighborhood shopping center subject to Section 1520 of this Ordinance.
- 703.9 Place of assembly for worship / education provided the gross floor area is greater than forty thousand (40,000) sq. ft. subject to Section 1525 of this Ordinance.
- 703.10 Retail sales / service provided the total net retail floor area is greater than twenty thousand (20,000) sq. ft. subject to Section 1531 of this Ordinance.
- 703.11 Social service establishment subject to Section 1532 of this Ordinance.
- 703.12 University, college, and other adult education institution subject to Section 1525 of this Ordinance.

Section 704 Lot, Yard, and Height Regulations of Principal Uses / Structures.

704.1 Minimum requirements for all existing permitted residential uses shall comply with the Residential District R-2 requirements.

704.2 Unless specified elsewhere in this Ordinance, the lot requirements in Table 7-1 shall apply:

Table 7-1

LOCAL COMMERCIAL DISTRICT (LC)	Minimum	Minimum Lot Width:		Minimum Lot Depth	Maximum Lot Coverage (impervious surfaces)
	Lot Area (square feet)	At Street Right- of-Way Line	At Building Setback Line		
All Uses (unless otherwise specified) No Public Water and No Public Sewer; or Public Water Only	43,560	65 ft.	100 ft.	150 ft.	35%
All Uses (unless otherwise specified) Public Sewer and No Public Water	32,000	65 ft.	100 ft.	150 ft.	50%
All Uses (unless otherwise specified) Public Sewer and Public Water	6,000	40 ft.	60 ft.	100 ft.	70%

704.3 **Minimum Yard Requirements.**

A. Unless specified elsewhere in this Ordinance, the yard requirements in Table 7-2 shall apply:

Table 7-2

LOCAL COMMERCIAL DISTRICT (LC)	Minimum Front Yard				Minimum Side Yard	Minimum Rear Yard
	Principal Arterial Road	Minor Arterial Road	Collector Road	Local Road		
All Uses (unless otherwise specified)	50 ft.	40 ft.	30 ft.	25 ft.	6 ft. (see exceptions in Section 704.3.C. of this Ordinance)	30 ft.

B. A building may be permitted closer to the street than required above when there is an adjacent existing principal building on the same side of

the street which is closer to the street than the minimum front yard requirement and is within one hundred (100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet of only one (1) such existing adjacent principal building, the minimum front yard shall not be less than the average of the setback of the existing principal building and the minimum front yard requirement, provided however, this formula shall not require the placing of a building more than ten (10) feet back from the front building line of the existing adjacent principal buildings. If the building to be erected is between two (2) such existing principal buildings within one hundred (100) feet of the building to be erected, the minimum front yard shall not be less than the average setback of the two (2) adjacent existing principal buildings.

- C. The minimum side yard shall be six (6) feet, except where adjoining a residential zoning district, in which case the side yard shall be as required for “all other (non-residential) uses” as required in the adjoining residential zoning district.

704.4 **Maximum Building Height:** Forty (40) feet.

Section 705 Lot, Yard and Height Regulations of Accessory Uses / Structures.

- 705.1 **Minimum Front Yard:** With the exception of patios and decks, accessory structures shall not be permitted in the front yard, except for double-frontage lots where accessory structures shall comply with the front yard requirements for principal structures. Patios and decks shall not encroach on the minimum front yard specified by Section 704 of this Ordinance.
- 705.2 **Minimum Setback from Front Yard:** Accessory structures shall be set back a minimum of fifteen (15) feet from all front yards.
- 705.3 **Minimum Side Yard:** Six (6) feet.
- 705.4 **Minimum Rear Yard:** Ten (10) feet.
- 705.5 **Maximum Height:** Twenty-five (25) feet.
- 705.6 **Parking and Loading Regulations:** Parking and loading shall be provided as specified in Article XIII of this Ordinance relating to Parking and Loading Regulations. In addition, no loading facility shall be permitted on any side of a building facing adjoining lands within a residential zoning district, nor any side of a building facing an abutting street.
- 705.7 **Sign Regulations:** Signs shall be permitted as specified in Article XII of this Ordinance relating to Sign Regulations.
- 705.8 **Driveway and Access Drive Regulations:** All driveways and access drives shall be in accordance with Section 1606 of this Ordinance.

- 705.9 **Landscaping and Screening Regulations:** Landscaping and screening shall be provided as specified in Article XIV of this Ordinance relating to Landscaping and Screening Regulations.
- 705.10 **Non-Residential Operations Regulations:** All non-residential operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- 705.11 **Outdoor Storage Regulations:** Within this zoning district, no outdoor storage or display of merchandise is permitted.
- 705.12 **Waste Product Regulations:** Dumpsters and waste receptacles may be permitted within the side or rear yard, in accordance with Section 1403.3 of this Ordinance. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining property in a residential zoning district.
- 705.13 **Lighting Regulations:** Lighting shall be shielded as to not impact adjoining properties. Light emanating from any source on the property shall not be greater than two (2) foot-candles measured at a height of three (3) foot at the lot line.

ARTICLE VIII. General Commercial District (GC) Regulations

Section 801 Intended Purpose.

The intended purpose of this zoning district is to provide for commercial uses that generate high automobile traffic volumes in areas within the township where existing roads can accommodate such traffic.

Section 802 Permitted Uses.

- 802.1 Accessory structures and uses customarily incidental to the uses permitted in this Article VIII.
- 802.2 Adult-oriented establishment subject to Section 1503 of this Ordinance.
- 802.3 Amusement arcade.
- 802.4 Automotive sales and automotive service.
- 802.5 Bank and other financial institution.
- 802.6 Bed and breakfast establishment subject to Section 1505 of this Ordinance.
- 802.7 Car wash.
- 802.8 Commercial recreational facility subject to Section 1529 of this Ordinance.
- 802.9 Communications antenna subject to Sections 1603 of this Ordinance.
- 802.10 Convenience store.
- 802.11 Day care facility subject to Section 1511 of this Ordinance. Family day care home and group day care home shall be permitted subject to Section 1511 of this Ordinance only in residential structures that lawfully represent pre-existing nonconforming uses.
- 802.12 Dwelling unit when in combination with a commercial use in the principal building.
- 802.13 Forestry.
- 802.14 Funeral home.
- 802.15 Gasoline and service station.
- 802.16 Medical clinic subject to Section 1518 of this Ordinance.
- 802.17 Medical office.
- 802.18 Non-profit public facility subject to Section 1522 of this Ordinance.

- 802.19 Office.
- 802.20 Place of assembly for worship / education provided the gross floor area is less than or equal to forty thousand (40,000) sq. ft.
- 802.21 Public utility corporations and municipal uses subject to Section 1615 of this Ordinance.
- 802.22 Radio / television broadcasting studio / station.
- 802.23 Restaurant and tavern (including drive-through facility).
- 802.24 Retail sales / service.
- 802.25 Veterinarian office provided no outdoor keeping of animals is permitted.

Section 803 Special Exception Uses.

- 803.1 Communications tower for radio / television signal reception and transmission in conjunction with a broadcasting station or studio or other commercial use subject to Section 1604 of this Ordinance.
- 803.2 Community shopping center subject to Section 1508 of this Ordinance.
- 803.3 Place of assembly for worship / education provided the gross floor area is greater than forty thousand (40,000) sq. ft. subject to Section 1525 of this Ordinance.
- 803.4 University, college, and other adult education institution subject to Section 1525 of this Ordinance.
- 803.5 Visitor accommodation subject to Section 1533 of this Ordinance.

Section 804 Lot, Yard, And Height Regulations of Principal Uses / Structures.

- 804.1 Unless specified elsewhere in this Ordinance, the lot requirements in Table 8-1 shall apply:

Table 8-1

GENERAL COMMERCIAL DISTRICT (GC)	Minimum Lot Area (square feet)	Minimum Lot Width:		Minimum Lot Depth	Maximum Lot Coverage (impervious surfaces)
		At Street Right-of- Way Line	At Building Setback Line		
All Uses (unless otherwise specified) No Public Water and No Public Sewer; or Public Water Only	43,560	65 ft.	100 ft.	150 ft.	35%
All Uses (unless otherwise specified) Public Sewer and No Public Water	32,000	65 ft.	100 ft.	150 ft.	50%
All Uses (unless otherwise specified) Public Sewer and Public Water	10,000	50 ft.	80 ft.	125 ft.	70%

804.2 Minimum Yard Requirements.

- A. Unless specified elsewhere in this Ordinance, the yard requirements in Table 8-2 shall apply:

Table 8-2

GENERAL COMMERCIAL DISTRICT (GC)	Minimum Front Yard				Minimum Side Yard	Minimum Rear Yard
	Principal Arterial Road	Minor Arterial Road	Collector Road	Local Road		
All Uses (unless otherwise specified)	50 ft.	40 ft.	30 ft.	25 ft.	6 ft. (see exceptions in Section 804.2.C. of this Ordinance)	30 ft.

- B. A building may be permitted closer to the street than required above when there is an adjacent existing principal building on the same side of the street which is closer to the street than the minimum front yard requirement and is within one hundred (100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet of only one (1) such existing adjacent principal building, the minimum front yard shall not be less than the average of the setback of the existing principal building, and the minimum front yard requirement, provided; however, this formula shall not require the placing of a building more than ten (10) feet back from the front building line of the existing adjacent principal buildings. If the building to be erected is between two (2) such existing principal

buildings within one hundred (100) feet of the building to be erected, the minimum front yard shall not be less than the average setback of the two (2) adjacent existing principal buildings.

- C. The minimum side yard shall be six (6) feet, except where adjoining a residential zoning district, in which case the side yard shall be as required for “all other (non-residential) uses” as required in the adjoining residential zoning district.

804.3 **Maximum Building Height:** Forty (40) feet.

Section 805 Lot, Yard And Height Regulations of Accessory Uses / Structures.

- 805.1 **Minimum Front Yard:** With the exception of patios and decks, accessory structures shall not be permitted in the front yard, except for double-frontage lots where accessory structures shall comply with the front yard requirements for principal structures. Patios and decks shall not encroach on the minimum front yard specified by Section 804 of this Ordinance.
- 805.2 **Minimum Setback From Front Yard:** Accessory structures shall be set back a minimum of fifteen (15) feet from all front yards.
- 805.3 **Minimum Side Yard:** Six (6) feet.
- 805.4 **Minimum Rear Yard:** Ten (10) feet.
- 805.5 **Maximum Height:** Twenty-five (25) feet.
- 805.6 **Parking and Loading Regulations:** Parking and loading shall be provided as specified in Article XIII of this Ordinance relating to Parking and Loading Regulations. In addition, no loading facility shall be permitted on any side of a building facing adjoining lands within a residential zoning district, nor any side of a building facing an abutting street.
- 805.7 **Sign Regulations:** Signs shall be permitted as specified in Article XII of this Ordinance relating to Sign Regulations.
- 805.8 **Driveway and Access Drive Regulations:** All driveways and access drives shall be in accordance with Section 1606 of this Ordinance.
- 805.9 **Landscaping and Screening Regulations:** Landscaping and screening shall be provided as specified in Article XIV of this Ordinance.
- 805.10 **Non-Residential Operations Regulations:** All non-residential operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

- 805.11 **Outdoor Storage Regulations:** Within this zoning district, no outdoor storage or display of merchandise is permitted.
- 805.12 **Waste Product Regulations:** Dumpsters and waste receptacles may be permitted within the side or rear yard, in accordance with Section 1403.3 of this Ordinance. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining property in a residential zoning district.
- 805.13 **Lighting Regulations:** Lighting shall be shielded as to not impact adjoining properties. Light emanating from any source on the property shall not be greater than two (2) foot-candles measured at a height of three (3) foot at the lot line.

ARTICLE IX. Industrial District (I) Regulations

Section 901 Intended Purpose.

The intended purpose of this zoning district is to provide areas for a variety of industrial uses.

Section 902 Permitted Uses.

- 902.1 Accessory structures and uses customarily incidental to the uses permitted in this Article IX.
- 902.2 Agricultural operation subject to Section 1504 of this Ordinance.
- 902.3 Automotive repair, sales, servicing, and storage (excluding junk vehicles).
- 902.4 Commercial recreational facility subject to Section 1529 of this Ordinance.
- 902.5 Communications antenna subject to Section 1603 of this Ordinance.
- 902.6 Forestry.
- 902.7 Laboratory for industrial or scientific research and development.
- 902.8 Manufacturing.
- 902.9 Place of assembly for worship / education provided the gross floor area is less than or equal to forty thousand (40,000) sq. ft.
- 902.10 Processing and assembling.
- 902.11 Public utility corporations and municipal uses subject to Section 1615 of this Ordinance.
- 902.12 Warehousing, distribution, and wholesaling without outdoor storage.

Section 903 Special Exception Uses.

- 903.1 Agri-Business subject to 1504 of this Ordinance.
- 903.2 Communications tower subject to Section 1604 of this Ordinance.
- 903.3 Place of assembly for worship / education provided the gross floor area is greater than forty thousand (40,000) sq. ft. subject to Section 1525 of this Ordinance.
- 903.4 Principal alternative energy production facility subject to 1526 of this Ordinance.
- 903.5 Quarry subject to Section 1528 of this Ordinance.

- 903.6 University, college, and other adult education institution subject to Section 1525 of this Ordinance.
- 903.7 The Zoning Hearing Board may permit any other use which it considers to be of the same general character as any of the permitted uses subject to Section 1516 of this Ordinance.
- 903.8 If, in the opinion of the Zoning Officer, any proposed use could create a fire hazard, emit smoke, dust, or other air pollutants, or could produce other results which could be obnoxious or detrimental to other properties, either because of the production process or the suitability of the site, he shall refer the proposed use to the Zoning Hearing Board. In order to guarantee that all of the standards and requirements of this Article IX will be complied with, the Board may in its absolute discretion, require the posting of a performance bond, in an amount to be determined by the Board. The Zoning Hearing Board may also attach such other reasonable conditions as deemed appropriate.

Section 904 Lot, Yard, and Height Regulations of Principal Uses / Structures.

- 904.1 Unless specified elsewhere in this Ordinance, the lot requirements in Table 9-1 shall apply:

Table 9-1

<i>INDUSTRIAL DISTRICT (I)</i>	Minimum Lot Area (square feet)	Minimum Lot Width:		Minimum Lot Depth	Maximum Lot Coverage (impervious surfaces)
		At Street Right-of-Way Line	At Building Setback Line		
All Uses (unless otherwise specified) No Public Water and No Public Sewer	43,560	65 ft.	100 ft.	200 ft.	50%
All Uses (unless otherwise specified) Public Water and/or Public Sewer	43,560	65 ft.	100 ft.	200 ft.	80%

904.2 Minimum Yard Requirements.

- A. Unless specified elsewhere in this Ordinance, the following yard requirements shall apply:
1. Front Yard: The minimum front yard shall be eighty (80) feet.
 2. A building may be permitted closer to the street than required above when there is an adjacent existing principal building on the same side of the street which is closer to the street than the minimum front yard requirement and is within one hundred

(100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet from only one (1) such existing adjacent principal building, the minimum front yard shall not be less than the average of the setback of the existing principal building and the minimum front yard requirement provided; however, this formula shall not require the placing of a building more than ten (10) feet back of the front building line of the existing adjacent principal buildings. If the building to be erected is between two (2) such existing principal buildings within one hundred (100) feet of the building to be erected, the minimum front yard shall not be less than the average setback of the two (2) adjacent existing principal buildings.

3. Side Yard: The minimum side yard shall be fifteen (15) feet, except as provided in Section 904.A.5. of this Ordinance.
4. Rear Yard: The minimum rear yard shall be twenty (20) feet, except as provided in Section 904.A.5. of this Ordinance.
5. Where an industrial use is to be developed adjoining to another zoning district, the minimum side yard and minimum rear yard shall be twenty-five (25) feet, or shall be as required for “all other (non-residential) uses” in the adjoining zoning district, whichever is greater.

904.3 **Maximum Building Height:** Seventy-five (75) feet.

Section 905 Industrial Use Development and Performance Standards.

Industrial uses shall also be subject to the applicable performance regulations in Section 1516 of this Ordinance.

Section 906 Lot, Yard and Height Regulations of Accessory Uses / Structures.

- 906.1 **Minimum Front Yard:** Accessory structures shall not be permitted in the front yard, except for double-frontage lots where accessory structures shall comply with the front yard requirements for principal structures.
- 906.2 **Minimum Setback from Front Yard:** Accessory structures shall be set back a minimum of fifteen (15) feet from all front yards.
- 906.3 **Minimum Side Yard:** Twenty (20) feet.
- 906.4 **Minimum Rear Yard:** Twenty (20) feet.
- 906.5 **Maximum Height:** Thirty-five (35) feet.
- 906.6 **Parking and Loading Regulations:** Parking and loading shall be provided as specified in Article XIII of this Ordinance relating to Parking and Loading Regulations. In addition, no loading facility shall be permitted on any side of a

building facing adjoining lands within a residential zoning district, nor any side of a building facing an abutting street.

- 906.7 **Sign Regulations:** Signs shall be permitted as specified in Article XII of this Ordinance relating to Sign Regulations.
- 906.8 **Driveway and Access Drive Regulations:** All driveways and access drives shall be in accordance with Section 1606 of this Ordinance.
- 906.9 **Landscaping and Screening Regulations:** Landscaping and screening shall be provided as specified in Article XIV of this Ordinance relating to Landscaping and Screening Regulations.
- 906.10 **Waste Product Regulations:** Dumpsters and waste receptacles may be permitted within the side or rear yard, in accordance with Section 1403.3 of this Ordinance. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining property in a residential zoning district.
- 906.11 **Lighting Regulations:** Lighting shall be shielded as to not impact adjoining properties. Light emanating from any source on the property shall not be greater than two (2) foot-candles measured at a height of three (3) foot at the lot line.

ARTICLE X. Flood Plain District (FP) Regulations

Section 1001 Intended Purpose.

- 1001.1 The Flood Plain District (FP) includes the areas of Lancaster Township, which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, 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.
- 1001.2 In the interest of public health, safety, and welfare, the regulations of the Flood Plain District (FP) are designed and intended to protect flood plain areas subject to, and necessary for, flood waters, to permit and encourage the retention of open land uses so located and utilized and to guide incompatible development into more appropriate zoning districts.
- 1001.3 In advancing these principles and the general purposes of this Ordinance and the most recent version of the Lancaster Township comprehensive plan, as amended, and as a supplement to Article I of this Ordinance relating to General Provisions, the specific intent of this zoning district includes the following:
- A. To regulate uses, activities, and development which, acting alone or in combination with other existing or any future uses, activities, and development, will cause increases in flood heights, velocities and frequencies;
 - B. To restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding;
 - C. 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; and
 - D. To protect individuals from buying lands and structures that are unsuited for intended purposes because of flood hazards.

Section 1002 Flood Plain Related Definitions and Terms.

The following definitions and terms are intended to supplement the definitions and terms contained in Article II relating to Definitions and Terms and are intended to be applicable to this Article X only:

- 1002.1 **Channel:** A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.
- 1002.2 **Channel Flow:** That water which is flowing within the limits of a defined channel.

- 1002.3 **Conservation Plan:** A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.
- 1002.4 **Culvert:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 1002.5 **Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- 1002.6 **Driveway:** A private drive providing access between a public or private street or access drive and a permitted use or structure.
- 1002.7 **Fill:** Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.
- 1002.8 **Flood, Flooded, or Flooding:** A partial or complete inundation of normally dry land areas from the overflow of a watercourse or other body of surface water, or from the unusual and rapid accumulation or runoff of surface waters from any source.
- 1002.9 **Flood of Record:** The flood that has reached the highest flood elevation above mean sea level at a particular location.
- 1002.10 **Flood Plain:** An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- 1002.11 **Flood Proof, Flood Proofed, or Flood Proofing:** Any combination of structural and/or nonstructural provisions, additions, changes, or adjustments to structures or contents that are designed or adapted primarily to reduce or eliminate flood damage to those structures or contents.
- 1002.12 **Hazardous Material:** Materials that have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.
- 1002.13 **Maximum Flood Elevation:** The water surface elevations of a flood that would completely fill the flood plain to the boundaries of the Flood Plain District (FP).
- 1002.14 **Mean Sea Level:** The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

- 1002.15 **Mobile / Manufactured Home:** A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units, designed to be joined into one (1) 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. For the purposes of this Article X, the term shall include parked trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days.
- 1002.16 **New Construction:** Structures for which the start of construction commenced on or after the effective date of this Article X.
- 1002.17 **Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or flood plain, which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.
- 1002.18 **100-Year Flood:** A flood which is likely to be equaled or exceeded once every one hundred (100) years (i.e. that has a one [1] percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration (FIA), the United States Army Corps of Engineers (USACE), the United States Department of Agriculture's (USDA's) Soil Conservation Service, the United States Geological Survey (USGS), the Susquehanna River Basin Commission (SRBC), or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.
- 1002.19 **100-Year Flood Boundary:** The outer boundary of an area of land that is likely to be flooded once every one hundred (100) years (i.e. that has a one [1] percent chance of being flooded each year). A study by the FIA, the USACE, the USDA's Soil Conservation Service, the USGS, the SRBC, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.
- 1002.20 **100-Year Flood Elevation:** The water surface elevations of the one hundred (100)-Year Flood.
- 1002.21 **500-Year Flood:** A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a one-fifth [1/5] of one [1] percent chance of being equaled or exceeded in any given year). A study by the FIA, the USACE, the USDA's Soil Conservation Service, the USGS, the SRBC, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.
- 1002.22 **500-Year Flood Boundary:** The outer boundary of an area of land that is likely to be flooded once every five hundred (500) years (i.e., that has a one-fifth [1/5] of one [1] percent chance of being flooded each year). A study by the FIA, the United States Army Corps of Engineers, USDA's Soil Conservation Service, the

USGS, the SRBC, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

- 1002.23 **500-Year Flood Elevation:** The water surface elevations of the five hundred (500)-year flood.
- 1002.24 **Pesticide:** Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.
- 1002.25 **Petroleum Product:** Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.
- 1002.26 **Radioactive Material:** Any natural or artificially produced substance which emits radiation.
- 1002.27 **Riparian Forest Buffer:** An area of trees and other vegetation which can intercept surface runoff, subsurface flow and deeper groundwater flows for the purpose of removing or buffering the effects of nutrients, pesticides or other chemicals from upland land use, which could otherwise enter bodies of water.
- 1002.28 **Sediment:** See most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended (Article II).
- 1002.29 **Soil Survey:** The latest published version of the USDA's Soil Survey for Lancaster County, Pennsylvania.
- 1002.30 **Solid Waste:** Garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural, residential, and community activities.
- 1002.31 **Structure:** Any assembly of materials constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including, but not limited to, buildings, sheds, cabins, mobile / manufactured homes and trailers, fences, dams, culverts, roads, railroads, bridges, storage tanks, and signs.
- 1002.32 **Substantial Improvement/Substantial Damage:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the fair market value of the structure either:
- A. Before the improvement or repair is started; or
 - B. If the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first (1st) alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

- 1002.33 **Watercourse:** A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or man-made.

Section 1003 Lands in Flood Plain District (FP) Defined.

- 1003.1 For all watercourses, the boundaries of the Flood Plain District (FP) shall be based on the boundaries of the 500-year flood plain and shall be established by a study of watershed conditions.
- A. The methods used to determine the boundaries of the Flood Plain District (FP) shall be approved by Board of Supervisors.
 - B. If the flows established by such studies for the 500-year flood are shown to be within ten (10) percent of the flows for the five hundred (500) -year flood used in the June 18, 1979 (or latest revision) Flood Insurance Study (FIS) for Lancaster Township, the 500-year flood plain shown on the Flood Insurance Administration (FIA) Floodway Maps for Lancaster Township may be used to establish the boundary of the Flood Plain District (FP).
 - C. Without exception, the Flood Plain District (FP) shall include the floodway as determined by the Township's FIS.
 - D. Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey.
 - E. Copies of such studies and surveys shall be submitted by the Zoning Officer and the Township Engineer.
 - F. Any applicant or property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys. The applicant or owner shall also pay all costs for the Township's representatives to review the studies.

Section 1004 Boundary Disputes.

Should any person dispute the initial boundary determination of the Flood Plain District (FP) made by the Zoning Officer, an appeal will lie to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay all costs associated with the hearing before the Zoning Hearing Board, including all costs for advertising public notice, for fees to Zoning Hearing Board members, for fees to the Township Engineer and Township Solicitor, and for all stenographic records including the attendance of a stenographer and, when necessary, the transcription of the record.

If any change is contemplated which would change the boundaries of the 100-year flood plain area designated in the FIS of the Federal Insurance Administration dated June 18, 1979 (or latest revision), it shall first (1st) be subject to the review and approval of the Federal Insurance Administrator for compliance with the rules and regulations of the National Flood Insurance Program. The Township shall also notify adjoining municipalities of any such proposed changes in the boundaries of the 100-year flood.

Section 1005 Relationship to Other Articles.

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

Section 1006 Permitted Uses.

The following uses, and no others, are permitted in the Flood Plain District (FP), and they are permitted only if done under, and in accordance with, the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the PA DEP, and all other applicable provisions of this Ordinance:

- 1006.1 Agriculture, horticulture, and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
- 1006.2 Erosion and sedimentation control measures, facilities, and structures, provided no unhealthy ponding or other unsanitary conditions shall occur.
- 1006.3 Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding campsites for overnight camping), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
- 1006.4 Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice.
- 1006.5 Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or

arboretums, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.

- 1006.6 Open space and front, side, or rear yards required by other Articles of this Ordinance. Flood plain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this Article X, together with the requirements of any other pertinent municipal regulations, are met.
- 1006.7 Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish and Boat Commission (PA FBC) and reviewed by the Lancaster County Conservation District (LCCD), and subject to the provisions of this Article X.
- 1006.8 Fences of one (1) or two (2) wire strands.
- 1006.9 Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- 1006.10 Blinds for the shooting or observation of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission (PA GC) or other governmental entity having jurisdiction thereof for the taking of migratory waterfowl and the three (3) weeks immediately preceding and three (3) weeks immediately following that open season. Blinds must be removed during all other times of the year.
- 1006.11 Circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
- 1006.12 Farm ponds that are constructed in accordance with a conservation plan reviewed by the LCCD and which do not create any increase in flooding, and subject to the provisions of this Article X.
- 1006.13 Flood proofing to protect only lawfully existing non-conforming structures and lawfully existing non-conforming uses within structures.
- 1006.14 Public utility facilities (except buildings) under the exclusive jurisdiction of the PA PUC and specifically exempted from control by municipal zoning ordinances, subject to the provisions of this Article X.
- 1006.15 Marker buoys.

Section 1007 Special Exception Uses.

- 1007.1 The following uses in the Flood Plain District (FP) are permitted only when special exceptions are granted by the Zoning Hearing Board as provided for in this Ordinance, and when done under, and in accordance with, the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the PA DEP, and all other provisions of this Ordinance.

- A. Parking compounds, loading areas, driveways, access drives, and aircraft landing strips and taxiways, and if they are consistent with the provisions of this Article X and its subparagraphs, and all applicable provisions of this Ordinance, except that parking compounds designed or used for storage and parking compounds for visitor accommodations are prohibited.
- B. Water oriented uses such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.
- C. Public utility facilities not under the exclusive jurisdiction of the PA PUC, subject to the conditions and restrictions set forth in this Article X which regulations, in this instance, shall be mandatory.
- D. Fish hatcheries, including uncovered ponds and raceways, which are approved by the PA FBC, but excluding other structures.
- E. Water monitoring devices.
- F. Picnic pavilions, excluding any grading or filling which would cause any increase in flood heights or frequency.
- G. Culverts, bridges, and approaches to public and private culverts and bridges provided the same meet all of the following conditions:
 - 1. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.
 - 2. Review and/or approval by the Lancaster County Planning Commission (LCPC), if required.
 - 3. Approval by the SRBC, if required.
 - 4. Approval by the PA DEP, if required.
 - 5. Approval by the PennDOT, if required, provided however that if approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT.
 - 6. Approval by the USACE, if required.
- H. Extraction of sand, gravel, and other mineral resources, excluding topsoil, when permitted in the underlying zoning district.
- I. Other uses similar to the above, provided the use will not reduce the cross-sectional area of the flood plain.

1007.2 **Standards and Criteria for Special Exceptions:** In addition to any other provisions of this Ordinance regarding special exceptions, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article X, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- A. That the proposed use will not increase the danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments.
- B. That no or a minimum of flood waters or materials will be swept onto other lands or downstream to cause injury to others.
- C. That the possibility of disease, contamination, and unsanitary conditions is minimized.
- D. That the proposed facility needs a waterfront or flood plain location.
- E. That available alternative locations not subject to flooding for the proposed use do not exist.
- F. That the proposed use is compatible with existing and anticipated development.
- G. That the proposed use is consistent with the most recent version of the Lancaster Township comprehensive plan, as amended, and any flood plain management program for the area.
- H. That the safety of access to the property in times of flooding for ordinary and emergency vehicles will be assured.
- I. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of flood waters expected at the site is not inconsistent with the proposed use.
- J. That the proposed activity will not unduly alter natural water flow or water temperature.
- K. That archeological or historic sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
- L. That the natural, scenic, and aesthetic values at the proposed site will be conserved.
- M. That a minimal amount of danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, will occur. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
- N. That the susceptibility of the proposed facility and its content to flood damage, the effect of such damage on the individual owners, and the need for and effect of Flood proofing, are minimized.
- O. That the grant of the special exception shall not cause:
 - 1. Increases in flood heights of any flood of record or the 500-year flood height as determined by a study of present watershed conditions, whichever is higher.
 - 2. Additional threats to public safety.
 - 3. Extraordinary public expense.
 - 4. Creation of nuisances.

5. Fraud or victimization of the public.
6. Conflict with local laws or ordinances.

- 1007.3 In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article X, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- A. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, Flood proofing measures, and the relationship of the above to the location of the channel.
 - B. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information before and after development.
 - C. A plan (surface view) showing elevations or contours of the ground before and after development at one (1) foot intervals; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site, location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types; and other pertinent information.
 - D. A longitudinal profile showing the slope of the bottom of channel or flow line of the watercourse extending one hundred (100) feet beyond the property boundaries.
 - E. Specifications for building construction and materials, Flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.
- 1007.4 In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article X, the Zoning Hearing Board shall solicit the comments and recommendations of the Lancaster Township Planning Commission, and any other experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
- 1007.5 In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.
- 1007.6 **Fees for Special Exceptions:** Any fees assessed an applicant for a special exception, whether for a hearing or any other purpose, shall not exceed those costs directly associated with the particular application.

1007.7 **Variances:** Variances from the provisions of this Article X are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Ordinance and the MPC. In all variance proceedings the burden of proof shall be on the applicant.

- A. No variance shall be granted for any development, structure, use, or activity within the Flood Plain District (FP) that would cause any increase in flood levels of any flood of record or the 500-year flood (as determined by a study of present watershed conditions).
- B. Variances shall only be granted upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.
 - 4. A determination that the grant of a variance will not jeopardize the flood insurance program of Lancaster Township.
- C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Whenever a variance is granted, the Zoning Hearing Board shall notify the 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.
- E. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Zoning_Hearing Board.

Section 1008 Prohibited Uses.

The following uses are prohibited in the Flood Plain District (FP):

1008.1 All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.

- 1008.2 All structures, with the exception of those specifically allowed in this Article X.
- 1008.3 Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
- 1008.4 Placing, depositing and dumping any spoil, fill, or solid waste except such grading, filling or depositing necessary to accomplish and carry out the permitted uses and uses by special exception specified in this Article X; provided; however, that no grading, filling or depositing is permitted that would cause any rise in flood heights or frequency.
- 1008.5 Removal of topsoil, excluding sod production and nursery activities as allowed in this Article X, and except such removal of topsoil as is necessary to accomplish and carry out the permitted uses and uses by special exception specified in this Article X; provided; however, that no grading, filling or depositing is permitted that would cause any rise in flood heights or frequency.
- 1008.6 Damming or relocation of any watercourse, except as provided for in this Article X.
- 1008.7 Any parts of any on-site sewage disposal systems.
- 1008.8 Swimming pools.
- 1008.9 Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
- 1008.10 Cemeteries for humans or animals.
- 1008.11 Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape flood waters of maximum flood elevation without human intervention while remaining safely confined.
- 1008.12 The Flood proofing of new residential structures.
- 1008.13 Any development, structure, or use, which may, whether alone or in combination with others, except where specifically authorized elsewhere in this Article X:
- A. Endanger human life.
 - B. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.
 - C. Increase the surface elevation of floods, or the frequency of floods.
 - D. Catch or collect debris carried by floodwaters.
 - E. Be placed where the natural flow of the stream or flood waters would carry it downstream to the damage or detriment of property within or adjacent to the Flood Plain District (FP).

- F. Degrade the water carrying capacity of any watercourse, channel, or flood plain.
- G. Increase the rate of local runoff, erosion, or sedimentation.
- H. Degrade the quality of surface water or the quality or quantity of ground water.
- I. Be susceptible to flotation and subsequent movement that would cause damage to other property.
- J. Create unhealthy ponding or other sanitary conditions;
- K. Not be in harmony with the intent and purpose of this Article X.

1008.14 Feedlots.

Section 1009 Nonconforming Uses and Structures in the Flood Plain District (FP).

1009.1 **Continuation:** All uses or structures in the Flood Plain District (FP) lawfully existing on the effective date of this Article X which are not in conformity with the provisions of this Article X shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and flood proofed, except as otherwise provided for in this Article X. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Lancaster Township health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

1009.2 **Abandonment:** Nonconforming uses or structures that have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the inactive status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be re-established, repaired, or re-occupied. The Board of Supervisors may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Board of Supervisors shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.

1009.3 **Expansion and Modification:** A nonconforming use or structure may not be expanded or modified in any manner that would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Article X. No nonconforming use or structure shall be expanded, enlarged, or altered in any way that increases its nonconformity with respect to height, area, yard, and other requirements established in other Articles of this Ordinance, nor in any way that causes it to occupy more space within the

Flood Plain District (FP) than was occupied by it on the effective date of this Article X.

1009.4 **Replacement and Rebuilding:**

- A. A nonconforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Article X shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article X.
- B. A nonconforming use or structure that has been damaged or destroyed by any means, including floods, to the extent of fifty (50) percent or more of its fair market value at the time of its damage or destruction, may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Article X, all other Articles of this Ordinance and all other ordinances of Lancaster Township. The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Article X, while respecting and maintaining the purposes and intents of this Article X.
- C. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.

1009.5 **Historic Structures:** The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section and the Design and Performance Standards of this Article X for any structure listed on the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks (and Lancaster Township Class 1 Historic Structures). The Standards and Criteria for Special Exceptions set forth in this Article X shall be applied in such a case.

Section 1010 Design and Performance Standards.

- 1010.1 **Applicability:** Unless otherwise specified in this Article X, the standards and criteria included in this Section are to be used, together with the provisions of all other Articles and all other ordinances in force in Lancaster Township, by the Zoning Officer and Zoning Hearing Board in their administration of this Article X.
- 1010.2 **Regulations and Reviews by Other Agencies:**
- A. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Lancaster Township or its agencies, officials, or employees.
 - B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Lancaster Township, any approval of plans, special exceptions, variances, or permits by Lancaster Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approval.
 - C. No regulations of the Commonwealth governing watercourses are amended or repealed by this Article X. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the PA DEP and the USACE, and notification of any such proposal shall be given to all affected adjacent municipalities.
- 1010.3 **Placement and Construction of Authorized Uses and Structures:**
- A. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures.
 - B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage.
 - C. All new or replacement drains, water supply facilities, or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage or flood waters into the facilities or structures and discharges from the facilities into flood waters.
 - D. All new construction and substantial improvements of permanent non-residential structures shall either:

1. Have the lowest floor (including basement) elevated to one (1) foot above the 100-year flood elevation as delineated in the FIS; or
 2. Together with attendant utility and sanitary facilities, be flood proofed so that below one (1) foot above the one hundred (100)-year flood elevation as delineated in the FIS, the structure is watertight, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- E. All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structure not elevated to one (1) foot above the one hundred (100)-year flood elevation as delineated in the FIS to which reference is made in this Article X shall be flood proofed.
- F. All authorized new residential structures shall have the lowest floor (including basement) elevated to one (1) foot above the one hundred (100)-year flood elevation as delineated in the FIS to which reference is made in this Article X.
- G. Enclosed areas below the lowest floor (including basement) are prohibited.
- 1010.4 **Flood proofing:** Where flood proofing is authorized by this Article X, it shall be done according to the standards and provisions for flood proofing classes W-1, W-2, W-3, or W-4, as contained in flood proofing Regulations published by the Office of the Chief of Engineers, U.S. Army, publication EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Article X. Where reference is made in flood proofing regulations to the "RFD" (Regulatory Flood Datum) it shall be interpreted to mean the 100-year flood elevation as defined by this Article X. The flood proofing of new residential structures is specifically prohibited.
- 1010.5 **Anchoring:** All structures, including buildings, air ducts, large pipes, and storage tanks, within the Flood Plain District (FP) shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- 1010.6 **Surface Drainage:** Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
- 1010.7 **Public Utility Facilities and Structures:** Public utility facilities and structures (except buildings) subject to the jurisdiction of the PA PUC are requested to comply with the following standards in the interest of achieving the purpose and intent of this Article X:
- A. Public utility facilities and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be

designed and installed underground so as to be at, or below, the existing natural surface grade within the flood plain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the flood plain. All new or replacement water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of flood waters into the facilities and discharges from the facilities into flood waters. All gas lines should have a system of shut-off valves for service to the Flood Plain District (FP) to allow positive control during flood emergencies.

- B. Public utility electrical transmission lines and supporting structures should be installed so as to minimize or eliminate flood damage and be installed underground below the existing natural surface grade within the flood plain. Above ground electrical transmission lines should be designed to meet the following standards:
 - 1. Above ground lines and supporting structures should enter the Flood Plain District (FP) only to cross a watercourse, should cross the watercourse and the Flood Plain District (FP) using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Article X, should make the minimum number of crossings necessary, and should be designed and installed so as to minimize or eliminate flood damage.
 - 2. Above ground lines should be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum flood elevation.
 - 3. Supporting structures for above ground lines within the Flood Plain District (FP) should be the minimum number necessary to carry the lines across the Flood Plain District (FP). Supporting structures should be designed and installed so as to be able to withstand the maximum volume, velocity, and force of flood waters which can be expected at the point where they are located.
 - 4. Facilities and service in the Flood Plain District (FP) should be designed so that flood damage within the Flood Plain District (FP) District does not disrupt service outside the Flood Plain District (FP) District.

1010.8

Agricultural Standards and Riparian Forest Buffer

- A. A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of fifteen (15) feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.
- B. Within the Flood Plain District (FP), a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.

- C. Livestock shall not be confined in pastures or other enclosures located entirely within the Flood Plain District (FP).
- D. Within the Flood Plain District (FP), feedlots are prohibited.
- E. A riparian forest buffer shall extend inland one hundred (100) feet from the top of the bank of any watercourse. When the top of bank is not clearly defined, the riparian forest buffer shall extend inland one hundred twenty-five (125) feet from the centerline of the water course. The riparian forest buffer shall comply with the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.

Section 1011 Building Permits.

- 1011.1 Irrespective of the provisions of this Ordinance within the Flood Plain District (FP), building permits shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, renovation, extension, or other improvement of uses, or structures, regardless of value, including the placement of manufactured homes and activities such as mining, dredging, filling, grading, logging, paving, excavation, or drilling operations. Building permits shall not be required for normal maintenance.
- 1011.2 Every building permit application for work or uses within the Flood Plain District (FP) shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all of the provisions of this Article X and all provisions of this Ordinance.
- 1011.3 The following information is specifically required to accompany all building permit applications involving structures within the Flood Plain District (FP):
 - A. The elevation (in relation to mean sea level) of the lowest floor (including basement).
 - B. Whether or not the structure includes a basement.
 - C. If the structure has been flood proofed, the elevation (in relation to mean sea level) to which the structure was flood proofed.
- 1011.4 Where Flood proofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania, certifying that the flood proofing methods used meet the provisions of this Article X and are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with the 100-year flood as determined by a study of present watershed conditions, and indicating the specific elevation (in relation to mean sea level) to which such structure is flood proofed.
- 1011.5 A copy of all plans and applications for proposed construction or other improvements within the Flood Plain District (FP) to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or

individuals for review and comment. In any case, the Zoning Officer shall submit copies of such applications and plans to the governing body of any adjoining municipality that may be affected by the proposed construction or improvements.

Section 1012 Municipal Liability.

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

ARTICLE XI. Campus/Open Space District (S) Regulations

Section 1101 Intended Purpose.

The intended purpose of this zoning district is to conserve open lands and to provide educational and recreational opportunities for the community. It is the intent of these regulations to provide for such areas where they would be most convenient to the township populace and harmonious with the surrounding land uses.

Section 1102 Permitted Uses.

- 1102.1 Accessory structures and uses customarily incidental to the uses permitted in this Article XI.
- 1102.2 Cemetery.
- 1102.3 Commercial recreation facility subject to Section 1529 of this Ordinance.
- 1102.4 Communications antenna subject to Sections 1603 of this Ordinance.
- 1102.5 Forestry.
- 1102.6 Non-profit public recreational facility subject to Section 1529 of this Ordinance.
- 1102.7 Non-profit public facility.
- 1102.8 Place of assembly for worship / education.
- 1102.9 Public utility corporations and municipal uses subject to Section 1615 of this Ordinance.
- 1102.10 University, college, and other adult education institution.

Section 1103 Special Exception Uses.

- 1103.1 Communications tower and related equipment on property owned or operated by the Municipality or a municipal authority subject to Sections 1604.
- 1103.2 Principal alternative energy production facility subject to 1526 of this Ordinance.

Section 1104 Lot, Yard and Height Regulations of Principal Uses / Structures.

- 1104.1 Unless specified elsewhere in this Ordinance, the lot requirements in Table 11-1 shall apply:

Table 11-1

<i>CAMPUS / OPEN SPACE DISTRICT (S)</i>	Minimum Lot Area	Minimum Lot Width:		Minimum Lot Depth	Maximum Lot Coverage (impervious surfaces)
		At Street Right- of-Way Line	At Building Setback Line		
All Uses (unless otherwise specified) Regardless of Public Sewer/ Public Water Availability	3 Acres	130 ft.	200 ft.	175 ft.	40%

1104.2 Minimum Yard Requirements.

- A. Unless specified elsewhere in this Ordinance, the yard requirements in Table 11-2 shall apply:

Table 11-2

<i>CAMPUS / OPEN SPACE DISTRICT (S)</i>	Minimum Front Yard				Minimum Side Yard	Minimum Rear Yard
	Principal Arterial Road	Minor Arterial Road	Collector Road	Local Road		
All Uses (unless otherwise specified)	50 ft.	40 ft.	30 ft.	25 ft.	50 ft.	50 ft.

- B. A building may be permitted closer to the street than required above when there is an adjacent existing principal building on the same side of the street which is closer to the street than the minimum front yard requirement and is within one hundred (100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet of only one such existing adjacent principal building, the minimum front yard shall not be less than the average of the setback of the existing principal building and the minimum front yard requirement, provided however, this formula shall not require the placing of a building more than ten (10) feet back from the front building line of the existing adjacent principal buildings. If the building to be erected is between two (2) such existing principal buildings within one hundred (100) feet of the building to be erected, the minimum front yard shall not be less than the average setback of the two (2) adjacent existing principal buildings.

1104.3 Maximum Building Height: Forty (40) feet.

Section 1105 Lot, Yard and Height Regulations of Accessory Uses / Structures.

- 1105.1 **Minimum Front Yard:** With the exception of patios and decks, accessory structures shall not be permitted in the front yard, except for double-frontage lots where accessory structures shall comply with the front yard requirements for principal structures. Patios and decks shall not encroach on the minimum front yard specified by Section 1104 of this Ordinance.
- 1105.2 **Minimum Setback from Front Yard:** Accessory structures shall be set back a minimum of fifteen (15) feet from all front yards.
- 1105.3 **Minimum Side Yard:** Twenty (20) feet.
- 1105.4 **Minimum Rear Yard:** Twenty (20) feet.
- 1105.5 **Maximum Height:** Twenty-five (25) feet.
- 1105.6 **Parking and Loading Regulations:** Loading shall be provided as specified in Article XIII of this Ordinance relating to Parking and Loading Regulations. In addition, no loading facility shall be permitted on any side of a building facing adjoining lands within a residential zoning district, nor any side of a building facing an abutting street.
- 1105.7 **Sign Regulations:** Signs shall be permitted as specified in Article XII of this Ordinance relating to Sign Regulations.
- 1105.8 **Driveway and Access Drive Regulations:** All driveways and access drives shall be in accordance with Section 1606 of this Ordinance.
- 1105.9 **Landscaping and Screening Regulations:** Landscaping and screening shall be provided as specified in Article XIV of this Ordinance relating to Landscaping and Screening Regulations.
- 1105.10 **Non-Residential Operations Regulations:** All non-residential operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- 1105.11 **Outdoor Storage Regulations:** Within this zoning district, no outdoor storage or display of merchandise is permitted.
- 1105.12 **Waste Product Regulations:** Dumpsters and waste receptacles may be permitted within the side or rear yard, in accordance with Section 1403.3 of this Ordinance. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining property in a residential zoning district.
- 1105.13 **Lighting Regulations:** Lighting shall be shielded as to not impact adjoining properties. Light emanating from any source on the property shall not be greater than two (2) foot-candles measured at a height of three (3) foot at the lot line.

ARTICLE XII. Sign Regulations

The requirements and provisions of this Article XII shall apply to all signs unless application to specific zoning districts is expressly stated.

Section 1201 Statement of Purpose.

The purposes of this Article XII are as follows:

- 1201.1 To provide for signs as a means of effective visual communication.
- 1201.2 To promote adopted comprehensive planning and zoning objectives.
- 1201.3 To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.
- 1201.4 To improve the safety of pedestrians, vehicular traffic, and property.
- 1201.5 To enhance the economic value of the community.
- 1201.6 To enhance the aesthetic environment.
- 1201.7 To minimize adverse effects of signs on nearby property.
- 1201.8 To otherwise promote the public health, safety, morals, and general welfare of the community.
- 1201.9 To regulate the use of signs through a sign permitting process.
- 1201.10 To enable the fair and consistent enforcement of these sign regulations.

Section 1202 Sign Related Definitions and Terms.

The following definitions and terms of "sign" and various types of signs shall apply to those terms whenever they appear in this Article XII.

- 1202.1 **Sign:** A device for visual communication that is used to bring the subject to the attention of the public.
 - A. Signs do include:
 - 1. Lettering, logos, trademarks, or other symbols that are an integral part of the architectural design of a building, that are applied to a building, or that are located elsewhere on the premises;
 - 2. Signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building;
 - 3. Flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations;
 - 4. Insignia of governments or government agencies;

5. Banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects.

B. Signs do not include:

1. Architectural features which may be identified with a particular business;
2. Backlit awnings that include no lettering, logos, or other symbols;
3. Signs within a building that are obviously intended to be seen primarily from within the building;
4. Outdoor signs intended for use within a property, such as menu signs by fast-food restaurant drive-thru lanes, signs with regulations within a park, and building identification signs within a campus;
5. Flags of governments or government agencies;
6. Decorative seasonal and holiday banners on residential properties; and
7. Displays of merchandise either behind store windows or outdoors.

- 1202.2 **Billboard:** An off-premise, permanent sign which directs attention to a product, service, business, or cause.
- 1202.3 **Building Sign:** A sign attached to or painted on a building which has a use in addition to supporting the sign; this includes wall signs and roof signs.
- 1202.4 **Business Sign:** A sign which directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "Center Sign.")
- 1202.5 **Center Sign:** A business sign that provides identification at the entrance to a center such as a shopping center, office complex, or industrial park. (Refer to "Business Sign" in Table 12-1-B and "Center Sign" in Table 12-2-B, and in Paragraph 1206.3.)
- 1202.6 **Contractor Sign:** A temporary sign that carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.
- 1202.7 **Development Sign:** An identification sign at the entrance to a residential development. (Refer to "Identification Sign" in Table 12-1-B and "Development Sign" in Table 12-2-B, and in Paragraph 1206.8.)
- 1202.8 **Election Sign:** A temporary sign which directs attention to a candidate or candidates for public office, a political party, or a ballot issue.
- 1202.9 **Freestanding Sign:** A sign not attached to or painted on a building, or a sign attached to or painted on a building which has no use in addition to supporting the sign.

- 1202.10 **Garage/Yard Sale Sign:** A temporary sign which directs attention to the sale of personal goods on the premises on which the sign is located.
- 1202.11 **Government Sign:** An off-premise sign placed by a governmental unit, such as traffic, directional, informational, or street name sign, or an historical marker.
- 1202.12 **Home Occupation Sign:** A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.
- 1202.13 **Identification Sign:** A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see "Development Sign" and "Public Use Sign.")
- 1202.14 **Incidental Sign:** An informational sign, no more than two (2) square feet in size and not including any commercial message or logo, which carries a message such as "enter," "open," "telephone," "rest rooms," "no parking," "no trespassing," "warning," a listing of hours when open, an on-site direction, or anything similar.
- 1202.15 **Lot:** When used in this Article XII: Signs, the word "lot" shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit (e.g., the area used by a dwelling unit in a single family attached dwelling structure.)
- 1202.16 **Non-Profit Organization Sign:** An off-premise sign displaying information about a place of worship, service club, or other organization that does not operate for the purpose of making a profit.
- 1202.17 **Off-Premise Sign:** A sign that does not apply to the property on which it is displayed.
- 1202.18 **On-Premise Sign:** A sign that applies to the property on which it is displayed.
- 1202.19 **Open House Sign:** A temporary sign which provides information about a real estate open house, including the words "Open House," the day and time of the open house, and the name of the realtor.
- 1202.20 **Overhead Sign:** A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.
- 1202.21 **Permanent Sign:** A sign intended to be displayed for an unlimited period of time.
- 1202.22 **Public Use Sign:** An identification sign used to identify the name and display information about a public use such as a government building, school, park, firehouse, or place of worship. (Refer to "Identification Sign" in Table 12-1-B and "Public Use Sign" in Table 12-2-B.)
- 1202.23 **Public Utility Sign:** A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g. an electric company, sewer authority, or telephone company).

- 1202.24 **Real Estate Sign:** A temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.
- 1202.25 **Roof Sign:** A sign attached to or painted on a roof.
- 1202.26 **Sidewalk Sign:** A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.
- 1202.27 **Special Event Sign:** A temporary sign which carries information about a special event such as an auction, flea market, festival, carnival, meal, or fund raising event, but not including any business sign, such as a "sale" sign at a store.
- 1202.28 **Temporary Sign:** A sign intended to be displayed for a limited period of time.
- 1202.29 **Wall Sign:** A sign attached to or painted on the wall of a building.
- 1202.30 **Window Display:** An exhibit behind a window that is intended to draw attention to a product, service, business, or cause.

Section 1203 Sign Area and Sign Height.

The following regulations shall apply when interpreting sign area and sign height regulations in this Article XII:

- 1203.1 **Sign Area:** The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.
- A. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.
 - B. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.
 - C. When a single sign structure has more than one (1) face with the same message, and no two (2) sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.
- 1203.2 **Sign Height:** The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be

the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.

- A. No sign shall be higher than the height limitation of the zoning district in which it is located.
- B. The height of freestanding signs shall be controlled by the standards in Tables 12-1 and 12-2.
- C. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
- D. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

Section 1204 General Regulations.

The following regulations shall apply to all signs, in addition to the specific regulations and supplemental regulations contained in the following provisions of this Article XII. Where the general regulations are contradicted by the specific or supplementary regulations, the specific or supplementary regulations shall control:

- 1204.1 All signs shall reflect the general character of the neighborhood.
- 1204.2 All signs shall be constructed of durable materials and maintained in good condition.
- 1204.3 When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
- 1204.4 The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
- 1204.5 All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.
- 1204.6 Each property which displays one (1) or more permanent freestanding signs and which is in an area where street addresses have been assigned, must prominently display the address on one (1) permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design which is easily identifiable and legible from moving traffic in the street at a distance of one hundred (100) feet (three [3] inch high lettering/numerals with a three quarter [3/4]-inch stroke). The area taken up by the address does not count as part of the sign area. Center signs are exempt from this requirement.

- 1204.7 No temporary signs shall be permitted except as authorized elsewhere in this Article XII.
- 1204.8 No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a sidewalk sign, a non-profit organization sign, or another sign approved by the governing body or PennDOT.
- 1204.9 No sign shall be permitted within the clear sight triangle as required in Section 1617 of this Ordinance.
- 1204.10 No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the governing body.
- 1204.11 Any freestanding sign within a floodplain must receive approval as a special exception.
- 1204.12 No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
- 1204.13 No sign shall be placed so as to obstruct ventilation or light from a building.
- 1204.14 No overhead sign shall have a clearance of less than eight (8) feet between any pedestrian walk and the lowest part of the sign.
- 1204.15 No sign that is parallel to and attached to the face of a building shall project more than eighteen (18) inches over a public sidewalk.
- 1204.16 No sign that is perpendicular to and attached to the face of a building shall project more than forty-eight (48) inches from the building.
- 1204.17 No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
- 1204.18 No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as (1) by containing the words "Stop" or "Danger" or (2) by including red, green, or yellow lights.
- 1204.19 No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
- 1204.20 No sign shall advertise activities or products, which are illegal under federal, state, or local municipal laws or regulations.
- 1204.21 No sign shall include statements, words, or pictures, that are considered to be vulgar, obscene, or pornographic.
- 1204.22 No streamers, pennants, spinners, reflectors, ribbons, tinsel, or similar materials shall be displayed outside a building. (See Section 1206.14 of this Ordinance, for regulations, which apply to banners, used as special events signs.)
- 1204.23 In addition to any other signage permitted by this Article XII, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved, standard flag pole.
- 1204.24 No animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted except for time and temperature signs.

- 1204.25 No sign shall emit smoke, visible vapors, particles, sound, or odor.
- 1204.26 No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
- 1204.27 No inflatable signs shall be permitted.
- 1204.28 No open flames shall be permitted as part of a sign or in any other way to attract attention.
- 1204.29 Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Article XII.
- 1204.30 Any sign which has been authenticated as historically significant and accurate for its specific location, whether original or a replica, shall be exempt from the regulations of this Article XII.
- 1204.31 Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights which are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- 1204.32 The light from any illuminated sign shall not adversely affect:
- A. Safe vision of operators of vehicles moving on public or private streets or parking compounds;
 - B. Any residential zoning district; or
 - C. Any part of a building or property used for residential purposes.
- 1204.33 No lighting shall be permitted to outline buildings or structures, or parts thereof, through the use of exposed neon tubing, strings of lights, or other means, with the exception of customary holiday decorations, that may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.
- 1204.34 Business signs in other than commercial zoning districts or industrial zoning districts shall not be illuminated when the business is closed.
- 1204.35 All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the most recent version of the National Electrical Code, as part of the most recent version of the Lancaster Township Building Code, as amended.

Section 1205 Specific Regulations.

Tables 12-1 and Table 12-2 provide regulations for specific types of signs in each zoning district. Note that there are also supplemental regulations in Section 1206 of this Ordinance which also regulate most types of signs; these are referenced in the second (2nd) column of Tables 12-1, the note at the top of Table 12-2-A, and the second (2nd) column of Table 12-2-B.

- 1205.1 **Permitted Signs and Sign Permit Requirements:** Tables 12-1 indicate, for each zoning district, which types of signs are permitted and not permitted, and which types of signs require permits. Table 12-1-A applies to signs on residential properties; Table 12-1-B applies to signs on non-residential properties. In those parts, an "N" indicates that the sign is not permitted; a "P-Y" indicates that the

sign is permitted and a permit is required; a "P-N" indicates that the sign is permitted and a permit is not required. 12-1-C applies to signs in rights-of-way; these are approved through special processes rather than through the regular permit procedure.

- 1205.2 **Permitted Number, Area, Height, and Setback for Signs:** Tables 12-2 indicates, for each zoning district, information about the permitted number, maximum area, maximum height, and minimum setback for each type of sign. Table 12-2-A has standards for the following types of signs: business signs (except center signs), home occupation signs, and identification signs (except development signs and public use signs). Table 12-2-B has standards for other types of signs.

Section 1206 Supplemental Regulations.

In addition to the regulations contained elsewhere in this Article XII, the following shall apply to specific types of signs. The regulations in Tables 12-1 and Table 12-2 apply in addition to the following supplemental regulations. Where the provisions in the supplemental regulations and Tables 12-1 and Tables 12-2 are contradictory, the provisions contained in the supplemental regulations shall control.

- 1206.1 **Billboards:** There may be no more than one (1) billboard structure at any point; it may have two (2) surfaces with a total of two (2) messages, as long as the surfaces are back-to-back or at an angle of forty-five (45) degrees or less. Each surface may have an area of three hundred (300) square feet, whether or not the messages are the same. The minimum yard for each billboard structure shall be in accordance with the following:

- A. Minimum Front Yard: Thirty (30) feet;
- B. Minimum Side Yard: Fifteen (15) feet;
- C. Minimum Rear Yard: Fifteen (15) feet; or
- D. The minimum yard requirements in the Zoning District, whichever is greater.

Each billboard structure must be at least one thousand two hundred (1,200) feet from any other billboard structure and at least three hundred (300) from any residential, rural, agricultural, or open space zoning district.

- 1206.2 **Business Signs:** Business signs are generally regulated in accordance with Table 12-1-B and Table 12-2-A. Business signs for individual businesses which are permitted by Table 12-2-A must be located so that they are identified with the individual business, i.e. rather than being at the lot (street) frontage of a large center, away from the business they are advertising. One (1) specific type of business sign is regulated in accordance with Table 12-1-B and 12-2-B.

- 1206.3 **"Center Signs":** are allowed for centers such as shopping centers, office complexes, and industrial parks which meet at least two (2) of the following three (3) minimums:

- A. Five (5) units;

- B. Twenty thousand (20,000) square feet of building area; and
- C. Five (5) acres of land.

- 1206.4 **Contractor Signs:** Each contractor sign must be set back at least ten (10) from the cartway or at the building line, whichever is less, may not be in the required minimum side yard, and may not be illuminated. Contractor signs must be removed promptly upon completion of the project; signs that are not removed promptly may be removed and impounded by the municipality, and the municipality may recover a fee equal to the cost of removal and storage. No off-premise contractor signs are permitted.
- If there are four (4) or more contractor signs on a single lot, they must be combined in a single display by attaching them to a single background panel or frame as large as necessary to accommodate one (1) sign per contractor. The background is not included in calculating the sign area, the height of the display may not exceed ten (10) feet, and the display may project a maximum of twelve (12) inches from the wall if attached parallel to the building.
- 1206.5 **Garage/Yard Sale Signs:** Garage/yard sale signs may be placed no more than forty-eight (48) hours before the sale and must be removed before the end of the day of the sale. Signs that are not removed within the time limit may be removed and impounded by the Township, and the municipality may recover a fee equal to the cost of removal and storage. No off-premise garage/yard sale signs are permitted.
- 1206.6 **Home Occupation Signs:** A home occupation sign may include a name, an address, an occupation or activity, and a logo or trademark. There may be no illumination, except that a sign for a medical office or emergency service may be illuminated when the business is open.
- 1206.7 **Identification Signs:** Identification signs are generally regulated in accordance with Tables 12-1 and Table 12-2-A. However, two (2) specific types of identification sign are regulated in accordance with Table 12-2-B: "Development Signs" and "Public Use Signs."
- 1206.8 **Development Signs:** are allowed for residential developments. They may include only the name of the development and may not include any commercial advertising.
- 1206.9 **Incidental Signs:** Incidental signs must have a setback of ten (10) feet from the right-of-way, unless they are thirty (30) inches or less in height, in which case no setback is required.
- 1206.10 **Non-Profit Organization Signs:** Non-profit organization signs may be placed in street rights-of-way with the approval of the Township. The governing body may require that they be placed at designated entrances to the community or on common display panels.

- 1206.11 **Open House Signs:** Open house signs must include the words "Open House," the day and time of the open house, and the name of the realtor. They may be displayed no more than seventy-two (72) hours in advance of the open house and must be removed within two (2) hours of the end of the open house. The open house must be attended by the seller or his representative during the entire advertised time of the open house. Signs that are not removed within the time limits may be removed and impounded by the Township, and the Township may recover a fee equal to the cost of removal and storage. There may be no more than two (2) off-premise open house signs for each open house, with not more than one (1) sign per intersection. Open house signs shall be limited to use for six (6) days per month per lot. The placement of open house signs may not interfere with pedestrian or vehicular traffic and must comply with all applicable General Regulations in Section 1204 of this Ordinance.
- 1206.12 **Real Estate Signs:** Real estate signs must be removed within five (5) days of the completion of the activity that they advertise. Signs that are not removed within the time limits may be removed and impounded by the Township, and the Township may recover a fee equal to the cost of removal and storage. No off-premise real estate signs are permitted.
- 1206.13 **Sidewalk Signs:** Sidewalk signs shall not be more than twenty-four (24) inches wide and forty-eight (48) inches high if placed next to the curb; if placed next to buildings having obstructions such as steps, they shall not be more than forty-two (42) inches wide and seventy-two (72) inches high. The distance between sidewalk signs shall be at least fifteen (15) feet. A minimum of four (4) feet of unobstructed walkway shall be maintained.
- 1206.14 **Special Event Signs:** Special event signs shall comply with any generally applicable rules, regulations, or policies of the governing body and, if a special event has a specific date, signs for that event may be displayed no more than twenty-one (21) days in advance. All special event signs must be removed within five (5) days of the end of the event. Signs that are not removed within the time limits may be removed and impounded by the Township, and the Township may recover a fee equal to the cost of removal and storage.

Section 1207 Permitting Procedures and Fees.

Permits for the placement of signs are required as indicated by Tables 12-1. Sign permit application requirements, such as forms, plans, and fees, shall be established by the governing body.

Section 1208 Nonconforming Signs.

Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:

- 1208.1 There may be no expansion or increase in the nonconformity in any way.
- 1208.2 Maintenance and repair of the sign are permitted; if necessary, up to fifty (50) percent of the sign and its supporting structure may be replaced in the event of

damage; any such replacement must be completed within six (6) months of the damage occurring.

- 1208.3 The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

TABLES 12-1

PERMITTED SIGNS AND SIGN PERMIT REQUIREMENTS

(See Tables 12-2 and Section 1206 Supplemental Regulations referenced in second (2nd) column for additional standards; also see explanation in Paragraph 1205.1. of this Ordinance)

LEGEND

P-Y = sign is permitted and permit is required;

P-N = sign is permitted and permit is not required;

N = sign is not permitted.

Table 12-1-A

SIGNS ON RESIDENTIAL PROPERTIES

TYPES OF SIGNS	SUPP. REGS.	ZONING DISTRICTS		
		(S) AND RESIDENTIAL DISTRICTS R-1, R-2, AND R-3	(LC)	(GC) AND (I)
FREESTANDING SIGNS AND BUILDING SIGNS – PERMANENT				
Home Occupation Sign	1206.6	P-Y	P-Y	P-Y
Identification Sign	1206.7	P-Y	P-Y	P-Y
Incidental Sign	1206.9	P-N	P-N	P-N
Billboard	1206.1	N	P-Y	P-Y
Other		N	N	N
FREESTANDING SIGNS AND BUILDING SIGNS - TEMPORARY				
Garage/Yard Sale Sign	1206.5	P-N	P-N	P-N
Open House Sign	1206.11	P-N	P-N	P-N
Real Estate Sign	1206.12	P-N	P-N	P-N
Contractor Sign	1206.4	P-N	P-N	P-N
Election Sign		P-N	P-N	P-N
Special Event Sign (on-premise)	1206.14	P-N	P-N	P-N
Special Event Sign (off-premise)	1206.14	N	P-N	P-N
Other		N	N	N

Table 12-1-B

SIGNS ON NON-RESIDENTIAL PROPERTIES

TYPES OF SIGNS	SUPP. REGS	ZONING DISTRICTS		
		(S) AND RESIDENTIAL DISTRICTS R-1, R-2, AND R-3	(LC)	(GC) AND (I)
FREESTANDING SIGNS AND BUILDING SIGNS - PERMANENT				
Business Sign	1206.2	P-Y	P-Y	P-Y
Identification Sign	1206.7	P-Y	P-Y	P-Y
Incidental Sign	1206.9	P-N	P-N	P-N
Billboard	1206.1	N	P-Y	P-Y
Other		N	N	N
FREESTANDING SIGNS AND BUILDING SIGNS - TEMPORARY				
Business Sign	1206.2	P-N	P-N	P-N
Open House Sign	1206.11	P-N	P-N	P-N
Real Estate Sign	1206.12	P-N	P-N	P-N
Contractor Sign	1206.4	P-N	P-N	P-N
Election Sign		P-N	P-N	P-N
Sidewalk Sign	1206.13	P-N	P-N	P-N
Special Event Sign	1206.14	P-N	P-N	P-N
Other		N	N	N

Table 12-1-C

SIGNS IN RIGHTS-OF-WAY

TYPES OF SIGNS	SUPP. REGS.	ZONING DISTRICTS		
		(S) AND RESIDENTIAL DISTRICTS R-1, R-2, AND R-3	(LC)	(GC) AND (I)
Non-Profit Organization Sign	1206.10	Permitted by special approval of the Township.		
Other		See Section 1204.8. of this Ordinance.		

TABLES 12-2
PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS

Table 12-2-A

**BUSINESS SIGNS (EXCEPT CENTER SIGNS), HOME OCCUPATION SIGNS, &
IDENTIFICATION SIGNS (EXCEPT DEVELOPMENT SIGNS AND PUBLIC USE SIGNS)**

(Number permitted and maximum area refers to the combined total of all the above kinds of signs; also see Supplemental Regulations for additional standards: Business Signs (Paragraph 1206.2), Home Occupation Signs (Paragraph 1206.6), and Identification Signs (Paragraph 1206.7).

TYPES OF SIGNS & STANDARDS	ZONING DISTRICTS		
	(S) AND RESIDENTIAL DISTRICTS R-1, R-2, AND R-3	(LC)	(GC) AND (I)
FREESTANDING SIGNS			
Number Permitted Per Lot	1	1 (a)	1 (a)
Max. Area (sq. ft.)	2	40 (b)	(c)
Max. Height (feet)	6	20	20
Min. Setback from Right-of-Way (feet)	10	10	10
BUILDING SIGNS			
Number Permitted Per Lot	2	no limit	no limit
Max. Total Area of All Building Signs on Lot (sq. ft.)	2	1½ sq. ft. per linear foot of facade, up to max. of 200 sq. ft.	
TOTAL OF ALL SIGNS			
Total Number of Signs Permitted Per Lot	2	no limit	no limit
Max. Total Area of All Signs on Lot (sq. ft.)	2	200	280 (d)

Notes:

- (a) Number permitted on each lot (street) frontage, except that in a structure with multiple businesses the individual businesses may not have their own freestanding signs.
- (b) Area permitted on each lot (street) frontage.
- (c) The area permitted on each lot (street) frontage is forty (40) square feet for lot (street) frontage up to eighty (80) feet, plus one (1) square foot per two (2) feet of street frontage over eighty (80) feet, up to a maximum of eighty (80) square feet.
- (d) An additional freestanding sign is permitted for each additional lot (street) frontage, with the area to be calculated as indicated in note (c) above, and with no freestanding sign to exceed eighty (80) square feet.

Table 12-2-B

OTHER TYPES OF SIGNS

(See Supplemental Regulations referenced in second (2nd) column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)

TYPES OF SIGNS & STANDARDS	SUPP. REGS.	ZONING DISTRICTS		
		(S) AND RESIDENTIAL DISTRICTS R-1, R-2, AND R-3	(LC)	(GC) AND (I)
BILLBOARD	1206.1			
Max. Area/Surface (sq. ft.)		NA	300	300
Max. Height (feet)		NA	25	25
Min. Setback (feet)		NA	*	*
# Permitted		See Section 1206.1 of this Ordinance for applicable standards		
CENTER SIGN	1206.3			
Max. Area (sq. feet)		20	80	80
Max. Height (feet)		6	20	20
Min. Setback (feet)		10	10	10
# Permitted/Center		1 per principal entrance, up to maximum of 2, except that there may be more than 2 if all entrances are at least 1200 feet apart		
CONTRACTOR SIGN	1206.4			
Max. Area (sq. feet)		6	6	6
Max. Height (feet)		6	6	6
Min. Setback (feet)		*	*	*
# Permitted/Lot		1 per contractor		
See Paragraph 1206.4 for multiple signs on one (1) lot.				
DEVELOPMENT SIGN	1206.8			
Max. Area (sq. feet)		20	20	20
Max. Height (feet)		6	20	20
Min. Setback (feet)		10	10	10
# Permitted/ Res. Development		1 per principal entrance, up to maximum of 2 entrances		

TYPES OF SIGNS & STANDARDS	SUPP. REGS.	ZONING DISTRICTS		
		(S) AND RESIDENTIAL DISTRICTS R-1, R-2, AND R-3	(LC)	(GC) AND (I)
ELECTION SIGN				
Max. Area (sq. feet)		6	6	6
Max. Height (feet)		6	6	6
Min. Setback (feet)		10	10	10
# Permitted/Lot		No limit		
GARAGE/YARD SALE SIGN	1206.5			
Max. Area (sq. feet)		6	6	6
Max. Height (feet)		6	6	6
Min. Setback (feet)		10	10	10
# Permitted/Lot		1 per sale		
GOVERNMENT SIGN	None	Placed within rights-of-way; generally not regulated by this Article XII		
INCIDENTAL SIGN	1206.9			
Max. Area (sq. feet)		2	2	2
Max. Height (feet)		6	6	6
Min. Setback (feet)		10	10	10
# Permitted/Lot		No limit		
NON-PROFIT ORGANIZATION SIGN	1206.10			
Max. Area (sq. feet)		4	4	4
Max. Height (feet)		6	6	6
Max. Setback (feet)		NA*	NA*	NA*
# Permitted		As approved by the Board of Supervisors		
OPEN HOUSE SIGN	1206.11			
Max. Area (sq. feet)		6	6	6
Max. Height (feet)		6	10	10
Min. Setback (feet)		NA*	NA*	NA*
# Permitted/Lot		1 on-premise open house sign; see Section 1206.11 of this Ordinance for off-premise open house signs		
PUBLIC USE SIGN				
Max. Area (sq. feet)		40	40	40
Max. Height (feet)		6	10	10
Min. Setback (feet)		10	10	10
# Permitted/Lot		1		
REAL ESTATE SIGN	1206.12			
Max. Area (sq. feet)		6	32	32

TYPES OF SIGNS & STANDARDS	SUPP. REGS.	ZONING DISTRICTS		
		(S) AND RESIDENTIAL DISTRICTS R-1, R-2, AND R-3	(LC)	(GC) AND (I)
Max. Height (feet)		6	10	10
Min. Setback (feet)		10	10	10
# Permitted/Lot		1 per lot (street) frontage, up to maximum of 2 per lot		
SIDEWALK SIGN	1206.13	See Section 1206.13 of this Ordinance for applicable standards.		
Max. Area (sq. ft.)				
Max. Height (feet)		1 per lot (street) frontage, up to maximum of 2 per lot		
Min. Setback (feet)				
# Permitted/Lot				
SPECIAL EVENT SIGN	1206.14			
Max. Area (sq. feet)		16	16	16
Max. Height (feet)		6	6	6
Min. Setback (feet)		10	10	10
# Permitted/Lot		1 per lot per event		

NA= Not Applicable

* = See Supplemental Regulations

ARTICLE XIII. Parking and Loading Regulations

The requirements and provisions of this Article XIII shall apply to all parking and loading facilities in all zoning districts unless application to specific zoning districts is expressly stated.

Section 1301 Application.

It is the intent of these requirements that adequate parking and loading facilities be provided for each use of land. Requirements are intended to be based on the demand created by each use. These parking and loading requirements shall apply to all uses in all zoning districts.

Section 1302 Design Requirements for Parking Facilities.

- 1302.1 **Size:** Each parking space shall have a minimum area of one hundred eighty (180) square feet, a minimum width of nine (9) feet and a minimum depth of eighteen (18) feet.
- 1302.2 **Access:** Parking facilities for more than four (4) spaces shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle.
- 1302.3 **Surface:** Parking facilities shall be designed to prevent dust, erosion, and excessive water flow across streets or adjoining property. Parking facilities shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
- 1302.4 **Location:** All parking spaces shall be provided on the premises except that after Zoning Hearing Board approval, all or part of the required number of spaces may be provided on a separate lot or lots within five hundred (500) feet of the premises as a special exception.

Section 1303 Minimum Parking Requirements.

- 1303.1 **Computation of Spaces:** When determination of the number of required parking spaces results in a requirement of a fractional space greater than or equal to one-half (1/2), the fraction shall be interpreted as one (1) parking space.
- 1303.2 **Dwelling and Conversion of Existing Building to Multi-Family Dwellings, and Other Dwellings:** Two (2) spaces for each dwelling unit.
- 1303.3 **Visitor Accommodation:** One and one-half (1½) spaces for each unit

- 1303.4 **Boarding House and Bed and Breakfast Establishment:** One (1) space for each sleeping room or guest room.
- 1303.5 **Stadium, Private Club, Funeral Home, Theater, Auditorium, Recreational Facilities, and Similar Place of Public Assembly:** Except as otherwise provided below, one (1) space for each four (4) seats.
- A. **Bowling Alley:** One (1) space per lane and one (1) space for each two (2) employees on duty.
- B. **Swimming Pools and Health Club:** One (1) space per four (4) persons of legal occupancy.
- C. **Miniature Golf:** Two (2) spaces per hole, and one (1) space for each two (2) employees on duty.
- 1303.6 **Restaurant or Tavern:** One (1) space for each four (4) seats of planned capacity, plus one (1) space for each two (2) employees on duty.
- 1303.7 **Medical Clinic and Medical Office:** Four (4) spaces for each licensed medical professional engaged in practice at the clinic plus one (1) space for each employee on duty at any one (1) time.
- 1303.8 **Nursing Home, Retirement Home, Personal Care Home, Rehabilitation Center:** One (1) space for each five (5) beds, plus one (1) space for each two (2) employees; where individual dwelling units are provided in the form of multi-family or other type of unit, two (2) spaces for each unit is required.
- 1303.9 **Hospital:** Two (2) spaces for each patient bed plus one and one-half (1½) spaces for each employee and staff person on duty during the largest working shift.
- 1303.10 **Office Establishment:** One (1) space for each three hundred (300) square feet of gross floor area.
- 1303.11 **Industrial Establishment:** One and one-half (1½) spaces for each two (2) employees in the largest working shift. Additionally, one (1) space for each two hundred (200) square feet of gross office floor area or four (4) spaces, whichever is greater, shall be provided.
- 1303.12 **Place of Assembly for Worship / Education:**
- A. **Place of Assembly for Worship:** One (1) space per four (4) persons based on design capacity.
- B. **Elementary School, Intermediate School, and Junior High School:** Two (2) spaces per classroom, but not less than one (1) space per employee; plus one (1) space per every thirty (30) seats for auditorium, gymnasium, or multipurpose room.
- C. **High School:** One (1) space per each five (5) students based on design capacity, plus one (1) space per employee, plus one (1) space

per every thirty (30) seats for auditorium, gymnasium, or multipurpose room.

- 1303.13 **University, College, and Other Adult Education Institution:** One (1) space per each five (5) students based on design capacity, plus one (1) space per employee, plus one (1) space per every thirty (30) seats for auditorium, gymnasium, or multipurpose room plus, one (1) space per four (4) occupants in a dormitory.
- 1303.14 **Game Room:** One (1) space to accommodate each vehicle of all employees on the premises at any given time plus the greater of one (1) space for every two hundred (200) square feet of floor space (other than warehouse or storage) area or one (1) space for every two (2) machines in operation on the premises.
- 1303.15 **Non-Profit Public Facility:** One (1) space per four (4) persons of planned capacity.
- 1303.16 **Group Home:** Two (2) spaces per dwelling unit, plus (1) space for each four (4) occupants / residents.
- 1303.17 **Accessory Dwelling Unit:** One (1) space per accessory dwelling unit, in addition to the parking required for the principal single family detached dwelling use.
- 1303.18 **Group Day Care Home:** One (1) space per non-resident employee, plus one (1) safe passenger loading area per six (6) persons receiving care, or any fraction thereof.
- 1303.19 **Convenience Store:** One space for each one hundred (100) square feet of net retail floor area plus one (1) space for each employee based on the maximum number of employees to be on the premises at one (1) time, plus one (1) space per gasoline pump.
- 1303.20 **Communications Tower:** Two (2) spaces per site if fully automated. If not automated, one (1) space for each employee based on the number of employees on the largest shift. But in no case, shall there be less than two (2) spaces required.
- 1303.21 **Neighborhood Shopping Center and Community Shopping Center:**
- A. **Less than or equal to fifty thousand (50,000) sq. ft. of gross floor area:** One (1) space per two hundred (200) square feet of gross floor area.
 - B. **Greater than fifty thousand (50,000) sq. ft. but less than one hundred thousand (100,000) sq. ft. of gross floor area:** One (1) space per two hundred fifty (250) square feet of gross floor area.
 - C. **Greater than one hundred thousand (100,000) sq. ft. but less than four hundred thousand (400,000) sq. ft. of gross floor area:** One (1) space per three hundred (350) square feet of gross floor area.

D. Greater than four hundred thousand (400,000) sq. ft. of gross floor area: One (1) space per three hundred fifty (350) square feet of gross floor area.

- 1303.22 **Residential Uses Other Than Those Specifically Required in this Section:** Two (2) spaces for each dwelling unit.
- 1303.23 **Commercial Establishment Other Than Those Specifically Mentioned in this Section:** One (1) space for each two hundred (200) square feet of net retail floor area plus one (1) space for each employee based on the maximum number of employees to be on the premises at one (1) time.
- 1303.24 **Forestry / Agriculture / Horticulture Other Than Those Specifically Required in this Section:** One (1) space for each employee based on the maximum number of employees to be on the premises at one (1) time.
- 1303.25 **All Other Uses Other Than Those Specifically Required in this Section:** For other uses which do not fit into one (1) of the categories herein this Section, determination of the required number of parking spaces shall be made by the Zoning Hearing Board. It is the intent of these regulations that adequate parking facilities be provided for each use.

Section 1304 Off-Site Parking Permitted by Special Exception in Certain Zoning Districts.

For uses within all zoning districts except the residential zoning districts, if the vehicle parking spaces required above cannot reasonably be provided on the same lot on which the principal use is conducted, the Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another lot. Such off-site spaces shall not thereafter be reduced or encroached upon in any manner. The same off-site space may not be claimed by more than one (1) user for use at the same time.

Section 1305 Loading Facilities.

- 1305.1 Adequate loading facilities shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This facility shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road. In all zoning districts, except for industrial zoning districts, loading facilities shall not be provided in the front yard. The Zoning Hearing Board may grant a special exception where hardship would result when an existing use is expanded and the loading requirements of this Ordinance would otherwise have to be met.
- 1305.2 Loading facilities shall be designed to prevent dust, erosion, and excessive water flow across streets or adjoining property. Loading facilities shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with the

most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.

Section 1306 Parking and Storage of Vehicles.

- 1306.1 Automotive vehicles are not allowed to be parked in the front yards except in driveways, access drives, or similarly improved areas. Automotive vehicles or trailers of any kind or type without current license plates or current inspection stickers shall not be parked or stored on any property within a residential zoning district, other than in completely enclosed buildings.
- 1306.2 All campers, boats, trailers, travel trailers, motor homes and other types of recreational vehicles are permitted on the property provided they are parked or stored in accordance with one (1) or more of the following criteria:
- A. Within a completely enclosed building;
 - B. If stored outside of a completely enclosed building, such vehicles shall not be permitted within minimum required front yards or minimum required side yards;
 - C. Their placement shall be subject to the minimum yard requirements that are applicable to the placement of accessory buildings; and
 - D. Provided, however, that they are permitted on any part of the property for a period of time which does not exceed ninety-six (96) hours in any one (1) thirty (30) day period.

Section 1307 Minimum Setback Requirements for Parking Compounds and Loading Facilities.

- 1307.1 **Residential Zoning Districts.** In residential zoning districts, a parking compound with more than four (4) spaces and all loading facilities shall not be permitted closer than ten (10) feet to any lot line.
- 1307.2 **Commercial and Other Zoning Districts.** In commercial zoning districts and other zoning districts (except for industrial zoning districts), no parking compound or loading facility shall be permitted closer than ten (10) feet to any lot line.
- 1307.3 **Industrial Zoning Districts.** In industrial zoning districts, no parking compound or loading facility shall be permitted closer than ten (10) feet to any lot line or forty (40) feet to any street right-of-way line.

ARTICLE XIV. Landscaping and Screening Regulations

The requirements and provisions of this Article XIV shall apply to all landscaping and screening treatments in all zoning districts unless application to specific zoning districts is expressly stated.

Section 1401 Planting Strip.

- 1401.1 **Planting Strip Required.** All multi-family dwelling, commercial, industrial, and other non-residential uses shall be separated from all side and rear lot lines and all street right-of-way lines by a planting strip having a minimum width of ten (10) feet measured from the lot line.
- A. Said planting strip shall be planted in grass, shrubbery, trees or other plant material, but in no case shall these areas be paved or covered by an impervious surface.
 - B. Said planting strip may only be broken by approved:
 - 1. Driveway or access drive entrances or exits; and
 - 2. Joint parking compounds and/or loading area shared by adjoining uses.
 - C. Accessory structures shall be permitted provided they conform with the specific pertinent zoning district requirements of this Ordinance.

Section 1402 Screening and Landscaping of Parking Compounds.

- 1402.1 **Screening Along Street Right-Of-Way.** All parking compounds with more than ten (10) spaces shall be screened from any street right-of-way by a landscape screen to be installed within a ten (10) feet wide planting strip measured from the right-of-way line.
- A. The landscape screen shall be composed of a combination of shrubs, deciduous trees and earthen berms.
 - 1. Shrubs shall have a minimum height of two (2) feet measured from ground level at the time of planting.
 - 2. Deciduous trees shall have a minimum height of ten (10) feet above finished ground level and a trunk caliper of at least one and one-half (1 ½) inches taken six (6) inches above finished ground level.
 - 3. Earthen berms shall have a minimum height of one (1) foot.
 - B. The plants selected for use in the landscape screen shall be suited for such plantings and be arranged in such manner as to provide an effective visual barrier within two (2) years of planting. The Township encourages naturalistic planting designs, which enhance the visual effect of the landscape along public streets.

- C. The landscape screen shall be broken only at points of vehicular or pedestrian access.
- D. In order for the Zoning Officer to determine compliance with the requirements of this Section, a plan shall be submitted showing the proposed design of the landscape screen. Said plan shall include a plant schedule and sufficient information as required for the installation of the screen. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.

1402.2 **Screening of Residential Parking Compounds From Adjoining Residential Uses.** All residential parking compounds with more than four (4) spaces shall be screened from adjoining residential uses by a landscape screen.

- A. The landscape screen shall be composed of shrubs that have a minimum height of at least four (4) feet, measured from ground level at the time of planting. The plants shall be arranged in such manner as to provide an effective visual barrier.
- B. The Zoning Officer may require the submittal of such information necessary to determine compliance with the requirements of this Section.

1402.3 **Parking Compound Interior Landscaping.** All parking compounds with twenty (20) or more spaces shall be provided with interior landscaped areas equal to ten (10) square feet for each parking space, excluding those spaces located directly along the perimeter for which landscape screens have been provided. The intent of this Section is to require landscaping within parking compounds; therefore, landscaping screens, planting strips and landscaping surrounding buildings shall not be considered as interior landscaping.

- A. The interior landscaping shall be provided within curbed island planters having a minimum area of fifty (50) square feet. The interior parking compound landscaping shall be placed so as to delineate driving lanes, define rows of parking compound and generally to mitigate the visual impact of parking compounds.
- B. The interior parking compound landscaping shall be composed of a combination of shrubs and trees. At least one (1) shade or ornamental tree shall be required for each twenty (20) parking spaces.
- C. In order for the Zoning Officer to determine compliance with the requirements of this Section, a plan shall be submitted showing the proposed design of the interior landscaping. Said plan shall include a plant schedule and sufficient information as required for the installation of the landscaping. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.

Section 1403 Screening of Non-Residential Uses and Other Specific Facilities.

1403.1 All commercial, industrial, and non-residential uses shall be screened from adjoining residential uses and residential zoning districts by a landscape screen to

be installed within the required planting strip as required in Section 1401.1 of this Ordinance. The landscape screen shall be composed of a combination of trees and shrubs.

- A. Shrubs shall have a minimum height of four (4) feet measured from ground level at the time of planting.
- B. Trees shall have a minimum height of ten (10) feet above finished ground level and a trunk caliper of one and one-half (1 ½) inches taken six (6) inches above finished ground level.

1403.2 Additional Screening for Outdoor Storage. All non-residential uses with outdoor storage shall be screened from adjoining residential uses and residential zoning districts, commercial zoning district, or to a public right-of-way by a landscape screen or other visual barrier with plantings. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen.

- A. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet and planted at intervals of not more than ten (10) feet.
- B. The low level screen shall consist of two (2) rows of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- C. An alternative visual barrier shall be a six (6) foot high opaque fence or wall with plantings of trees, shrubs and/or vines along the outside surfaces of the fence or wall.

1403.3 Dumpsters and waste receptacles for non-residential uses and multi-family dwelling uses shall be completely enclosed and shall be screened from any adjoining public rights-of-way and/or properties by a fence, wall or plant screen at least as high as the container.

1403.4 The plants selected for use in any required landscape screen shall be suited for such plantings and be arranged in such manner as to provide an effective visual barrier within two (2) years of planting.

1403.5 In order for the Zoning Officer to determine compliance with the requirements of this Section, a plan shall be submitted showing the proposed design of the planting strip and landscape screen. Said plan shall include a plant schedule and include sufficient information as required for the installation of the planting strip and screen. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.

Section 1404 Landscaping.

Any part or portion of the site that is not used for buildings, other structures, driveway, access drive, loading or parking spaces, aisles, sidewalks and designated storage areas, shall be provided with an all-season natural vegetative ground cover and ornamental plantings. All existing vegetation on and around the site shall be preserved to the greatest extent possible.

ARTICLE XV. Performance Regulations

In addition to all other requirements of this Ordinance, the following performance standards shall apply to specific uses permitted in the various zoning districts.

Section 1501 Accessory Commercial Use.

Accessory commercial uses shall comply with the following requirements.

- 1501.1 Such accessory commercial uses shall only be permitted as part of a subdivision or land development plan proposing the construction of at least one hundred fifty (150) dwelling units.
- 1501.3 No outdoor storage of equipment, supplies, or merchandise shall be permitted.
- 1501.4 The total area of the accessory commercial use or uses shall not exceed five (5) percent of the total gross floor area of the dwellings in the development.
- 1501.5 The following commercial uses are permitted provided that the gross floor area of any such use does not exceed three thousand five hundred (3,500) square feet:
 - A. Cafes, restaurants and snack bars.
 - B. Delicatessens.
 - C. Pharmacies.
 - D. Automatic laundry or dry cleaners.
 - E. Gift shops.
 - F. Newsstands, stationary stores and book stores.
 - G. Barber shops or beauty shops.
 - H. Convenience stores.

Section 1502 Accessory Dwelling Unit.

Accessory dwelling units shall comply with the following requirements.

- 1502.1 The accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the principal single family detached dwelling structure.
- 1502.2 Limit of one (1) accessory dwelling unit per lot.
- 1502.3 The lot shall comply with all other single family detached dwelling dimensional requirements of the pertinent zoning district.
- 1502.4 Owner of property must maintain principal residency in either the principal single family detached dwelling structure or the accessory dwelling unit.
- 1502.4 The total number of occupants in both the principal single family detached dwelling use and the accessory dwelling unit combined may not exceed the maximum number established by the definition of “family” as set forth in Article II of this Ordinance relating to Definitions and Terms.

- 1502.6 An accessory dwelling unit shall be architecturally consistent with the primary structure.
- 1502.7 A building permit for an accessory dwelling unit must be approved and issued prior to its construction.

Section 1503 Adult-Oriented Establishment.

Adult-oriented establishments shall comply with the following requirements.

- 1503.1 No lot line of an adult-oriented establishment shall be located within five hundred (500) feet of any residential zoning district or Campus/Open Space District.
- 1503.2 No lot line of an adult-oriented establishment shall be located within five hundred (500) feet of a lot line of any religious structure, school, day care center, non-profit public facility, or nursing home, retirement home, or rehabilitation center.
- 1503.3 No lot line of an adult-oriented establishment shall be located within five hundred (500) feet of the lot line of another adult-oriented establishment.
- 1503.4 There shall be no display of adult-oriented materials or merchandise that can be seen from the exterior of the building.
- 1503.5 Not more than one (1) adult-oriented establishment or activity shall be permitted within any one (1) building or lot.
- 1503.6 No unlawful sexual activity or conduct shall be performed or permitted.

Section 1504 Agricultural Operation.

Agricultural operations shall comply with the following requirements.

- 1504.1 The following yards and setbacks are required:
- A. Except for dwellings and residential accessory uses and structures which shall comply with the lot and yard regulations of applicable zoning district, and except for the special yard and setback requirements set forth in 1504.1.B of this Ordinance, all structures shall be setback a minimum of fifty (50) feet from any lot line.
 - B. Special yard and setback requirements. Slaughter areas, areas for the storage or processing of spent mushroom compost, structures for the cultivation of mushrooms or the raising of livestock, and any building housing livestock, except as set forth in 1504.1.C of this Ordinance in shall be set back from the lot line of any adjoining residential zoning district or existing residential use at least three hundred (300) feet.
 - 1. The Zoning Hearing Board may as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the agricultural operation, prevailing winds, unusual obstructions, topography, or other conditions, a lesser

distance would protect adjoining lands from odor, dust, or other hazards; or that the agricultural operation is in accordance with the Pennsylvania “Right-to-Farm” law. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than one hundred (100) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

- C. Any manure storage facility shall be located in accordance with the yard and/or setback requirements established by Act 38 of 2005 known as ACRE and the Commonwealth of Pennsylvania Nutrient Management Act, as amended. All applications for manure storage facilities shall include evidence indicating compliance with Act 38 of 2005 known as ACRE and Commonwealth of Pennsylvania Nutrient Management Act.
- D. All areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals and set back a minimum of ten (10) feet from all lot lines.

- 1504.2 All agricultural operations shall be designed and maintained so that water and fertilizer will not drain onto adjacent lots.
- 1504.3 All agricultural operations shall allow for the safe and efficient movement of all vehicles associated with the operation.
- 1504.4 All agricultural operations shall comply with applicable standards of the most recent version of the Pennsylvania Manure Management Manual, as amended.
- 1504.5 All agri-business operations shall require the submission and approval of a land development plan in accordance with the requirements of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
- 1504.6 All applications for agri-business operations shall include evidence indicating compliance with Act 38 of 2005 known as ACRE and Commonwealth of Pennsylvania Nutrient Management Act, as amended, the Commonwealth of Pennsylvania CAFO and/or CAO regulations under the Federal Clean Water Act, and copies of all other required State and or Federal Permits.

Section 1505 Bed and Breakfast Establishment.

Bed and breakfast establishments shall comply with the following requirements.

- 1505.1 Bed and breakfast establishments shall only be permitted in single family detached dwelling units. The owner/operator shall be the primary occupant of the establishment. There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.
- 1505.2 No more than eight (8) guest bedrooms shall be permitted.
- 1505.3 Meals may be served to guests as part of the room fee, but in no case shall meals be served to persons not staying in a guest bedroom.

- 1505.4 No cooking facilities shall be permitted in any guest bedroom.
- 1505.5 Signs shall comply with the Professional, Name or Address Sign Regulations and other applicable sign regulations in Article XII of this Ordinance relating to Sign Regulations.
- 1505.6 Guest bedrooms shall be rented for periods not to exceed fourteen (14) consecutive nights in a thirty (30) day period.
- 1505.7 The applicant for a zoning permit and certificate of use and occupancy shall demonstrate that adequate public sewer and public water service will be provided to the establishment.

Section 1506 Boarding House.

Boarding houses shall comply with the following requirements.

- 1506.1 Boarding houses shall only be permitted in single family detached dwelling units. The owner/operator shall be the primary occupant of the establishment. There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.
- 1506.2 At least five (5), but not more than ten (10), boarding rooms shall be available in a boarding house.
- 1506.3 Meals may be served for compensation only to boarders; in no case shall meals be served for compensation to persons who are not boarders of the establishment.
- 1506.4 No cooking facilities shall be permitted in any boarding room.
- 1506.5 Signs shall comply with the Professional, Name or Address Sign Regulations and other applicable sign regulations in Article XII of this Ordinance relating to Sign Regulations.
- 1506.6 Rooms shall be rented on a weekly or monthly basis.
- 1506.7 The applicant for a zoning permit and certificate of use and occupancy shall demonstrate that adequate public sewer and public water service will be provided to the establishment.

Section 1507 Commercial Parking Garage or Compound.

Commercial parking garages or lot shall comply with the following requirements.

- 1507.1 The facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1507.2 All commercial parking compounds shall be set back from lot line of any adjoining residential zoning district or existing residential use at least fifty (50) feet. Otherwise, all commercial parking compounds shall comply with Article XIII of this Ordinance relating to Parking and Loading Regulations and Article XIV of this Ordinance relating to Landscaping and Screening Regulations.

- 1507.3 All commercial parking garages shall comply with all provisions for principal buildings and uses in the zoning district where the parking compound is proposed.

Section 1508 Community Shopping Center.

Community shopping centers shall comply with the following requirements.

- 1508.1 The development shall have lot frontage on, and provide access to, an arterial or collector road.
- 1508.2 **Minimum Lot Width:** Five hundred (500) feet at the building setback line.
- 1508.3 **Minimum Lot Depth:** Three hundred (300) feet.
- 1508.4 **Minimum Front Yard:**
- A. For buildings and structures, except signs: One hundred twenty-five (125) feet; however, along principal arterial roads the minimum front yard shall be two hundred (200) feet.
 - B. For parking compounds and loading facilities: Forty (40) feet.
- 1508.5 **Minimum Side Yard:** One hundred (100) feet.
- A. For buildings and structures, except signs: Fifty (50) feet.
 - B. For parking compounds and loading facilities: Twenty-five (25) feet.
- 1508.6 **Minimum Rear Yard:** One hundred (100) feet.
- A. For buildings and structures, except signs: Fifty (50) feet.
 - B. For parking compounds and loading facilities: Twenty-five (25) feet.
- 1508.7 Signage shall comply with all Business Sign regulations, Center Sign regulations, and other applicable sign regulations in Article XII of this Ordinance relating to Sign Regulations.
- 1508.8 In addition to the regulations set forth above in this Section, developments greater than one hundred thousand (100,000) square feet shall comply with the following requirements:
- A. Public sewer and public water service shall be provided.
 - B. The development shall have lot frontage on, and provide access to, an arterial road.
 - C. Access drives shall be set back at least one thousand (1,000) feet from any entrance to or exit from a limited access highway, at least two thousand (2,000) feet from the intersection of any street right-of-way lines, and at least one hundred (100) feet from any other lot line.
 - D. **Setback from Lot Line of Any Adjoining Residential Zoning District or Existing Residential Use:** One hundred (100) feet for buildings, structures, loading facilities, and dumpsters; fifty (50) feet for parking compounds.
 - E. There shall be pedestrian linkages to all adjacent properties and greenways.

- F. There shall be an improved bus stop which would be convenient for patrons and employees to travel to and from the development by bus. It must include a shelter, seating, a waste receptacle, and at least one (1) shade tree.
- G. At least two (2) percent of the required parking spaces shall be designated for park and ride use.

Section 1509 Convenience Store.

Convenience stores shall comply with the following requirements.

- 1509.1 **Minimum Lot Width:** Sixty (60) feet at the street right-of-way line.
- 1509.2 The facility shall have lot frontage on, and provide access to, an arterial road.
- 1509.3 No arcade machines or games, such as video machines, pinball machines, or similar devices shall be permitted.

Section 1510 Conventional Residential Development.

Conventional residential developments shall comply with the following requirements.

- 1510.1 The applicant shall prepare conceptual plans for conventional residential development and open space development in accordance with Section 1523 of this Ordinance. Such conceptual plans shall comply with the minimum requirements for sketch plans as stated in Article IV of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
- 1510.2 The applicant shall provide a narrative description of the two (2) development options and shall demonstrate that the conventional residential development option is clearly superior to the open space development option based on the following:
 - A. The unique physical characteristics of the property proposed for subdivision, which inhibit the open space design;
 - B. The extent to which the open space development option is not feasible;
 - C. The adequacy of existing recreational and open space areas to meet existing and projected demands with the proposed development; and
 - D. The extent to which the conventional residential development further advances the objectives of the most recent version of the Lancaster Township comprehensive plan, as amended.
 - 1. The applicant shall provide such conceptual plans and narrative description to the Lancaster Township Planning Commission and shall request comments from the Planning Commission.
 - 2. The applicant shall provide the Board of Supervisors with the conceptual plans and narrative description

required in this Section and the applicant's written response to the Lancaster Township Planning Commission's comments.

3. A greenway shall be provided if required in accordance with Section 1614 of this Ordinance.

Section 1511 Day Care Facility.

Day care facilities shall comply with the following requirements.

- 1511.1 **Purpose:** Recognizing the growing need for day care facilities, it is the intent of the Township to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the PA DPW. Day care facilities operated within a residence are not subject to the requirements for home occupations contained in Section 1514 of this Ordinance.
- 1511.2 **Application of Regulations:** The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24)-hour day for children under sixteen (16) years of age, or for persons who are otherwise disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers, all of which are subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations. This Section does not apply to baby-sitting (as defined by this Ordinance) or child day care service furnished in places of worship during religious services or related activities.
- 1511.3 **General Provisions:** The following general provisions apply to all day care facilities.
 - A. All child day care facilities shall comply with all current DPW regulations.
 - B. Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service.
 - C. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.
 1. Day care facilities utilizing, or proposing to utilize an on-lot sewage disposal systems shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure.
 2. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and arterial roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.

- a. The expansion of a family day care home to a group day care home or the expansion of a group day care home to a day care center shall require a special exception.
- b. When applying for a special exception, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, on-lot sewage disposal facilities, parking spaces, and the child or adult drop-off circulation pattern.

1511.4 **Family Day Care Home:** In addition to the other provisions of this Section, family day care homes shall comply with the following requirements:

- A. The facility must have a current DPW registration certificate.
- B. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Article XII relating to Sign Regulations.
- C. Family day care homes shall only be permitted in single family detached dwellings or single family semi-detached dwellings.

1511.5 **Group Day Care Home:** In addition to the other provisions of this Section, group day care homes shall comply with the following requirements:

- A. The facility must have a current DPW license.
- B. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Article XII relating to Sign Regulations.
- C. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area.
- D. Group day care homes shall be permitted in only single family detached dwellings.

1511.6 **Day Care Center:** In addition to the other provisions of this Section, day care centers shall comply with the following requirements:

- A. The facility must have an approved and currently valid DPW license.
- B. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area.
- C. Play equipment shall be located at least ten (10) feet from an a lot line.
- D. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking compounds. Such lighting shall not produce objectionable glare on adjacent properties.

- 1511.7 **Application and Permitting Procedure:** Family day care homes and group day care homes shall be subject to the following application and approval process. (Day care centers shall not be subject to an application and permit procedure due their location within non-residential zoning districts.)
- A. **Family Day Care Homes:** Any individual proposing a family day care home shall submit an application for a Family Day Care Home Permit to the Zoning Officer who will review the application for compliance with this Ordinance. If the application demonstrates compliance with this Ordinance, the Zoning Officer shall grant the permit.
 - B. **Group Day Care Homes:** All group day care homes shall be subject to the following application and approval process:
 - 1. The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Zoning Hearing Board.
 - 2. If a special exception is granted, the applicant shall submit an application for a Group Day Care Home Permit to the Zoning Officer. After confirming that the conditions of the Zoning Hearing Board have been satisfied, the Zoning Officer shall issue the permit. Such review of the application may require the Zoning Officer to visit the dwelling if deemed necessary.

Section 1512. Golf Course.

Golf courses shall comply with the following requirements:

- 1512.1 In no case shall the design of a golf course permit or encourage a golf ball to be driven across any building, building lot, parking compound, or public street right-of-way.
- 1512.2 **Golf Cart Paths:**
- A. In order to prevent dust, erosion, and excessive water flow across streets or adjoining property all golf course paths shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
 - B. The golf course design shall minimize golf cart path crossings of streets and access drives. Easily identifiable golf cart paths must be provided for crossings of streets, access drives. The golf course design shall both discourage random crossing and require use of the golf cart path crossings of streets and access drives. Golf cart path crossings shall conform to the following:
 - 1. Each crossing shall be perpendicular to the traffic movements.

2. Only one street may be crossed at each location.
3. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street or access drive.
4. Clear sight triangles and safe stopping sight distances shall be provided in accordance with the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
5. The golf cart path shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the cartway crossing.
6. Golf cart path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf cart path shall be brightly painted with angle stripes.
7. Golf cart path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

1512.3 The following accessory uses, customarily incidental to the use of a golf course including:

- A. Clubhouse, which may consist of:
 1. Restaurant, snack bar, lounge, and banquet facilities.
 2. Locker rooms and rest rooms.
 3. Pro shop.
 4. Offices.
- B. Golf cart and course maintenance equipment storage and service facilities.
- C. Recreational facilities
- D. Greenways and related permitted uses.

1512.4 Golf course buildings and accessory structures shall be setback from the lot line of any adjoining residential zoning district or existing residential use or street right-of-way at least seventy-five (75) feet.

Section 1513 Group Home.

Group homes shall comply with the following requirements.

1513.1 Common kitchen and dining facilities may be provided, however, no cooking or dining facilities shall be provided in individual resident's rooms.

- 1513.2 A group home shall be affiliated with a parent organization, which provides for the administration of the group home through the direction of a professional staff.
- 1513.3 The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

Section 1514 Home Occupation.

Home occupations shall comply with the following requirements.

- 1514.1 **Background:** The Township recognizes the need to establish regulations pertaining to home-based occupations as a result of increased opportunities and requirements to work at home. Home occupations will particularly benefit individuals with physical disabilities, as well as those having to care for children or the elderly within their home. The Township also recognizes the potential benefits to the local community that could be realized by those seeking services or goods supplied through home occupations.
- 1514.2 **Purpose:** It is the intent of this Section to establish regulations which will permit home occupations in a manner which will preserve the peace, quiet, and tranquility of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.
- 1514.3 **Classifications of Home Occupations:** All home occupations shall be classified as either "minor home occupations" or "major home occupations" as defined in Article II of this Ordinance relating to Definitions and Terms.
- A. To the extent that such uses are consistent with the definition of a "minor home occupation" found in Article II of this Ordinance relating to Definitions and Terms, minor home occupations shall include but are not limited to the following uses:
1. Professional office uses including realtors and insurance sales (medical/dental).
 2. Artists, craftsmen and sculptors.
 3. Cake baking and decorating.
 4. Dance instruction.
 5. Dress making, sewing, tailoring contract sewing (maximum one [1] tailor/seamstress).
 6. Grooming of dogs and cats.
 7. Gun repair.
 8. Computer programming and word processing.
 9. Laundry and ironing services.
 10. Locksmith.
 11. Mail order or phone order.
 12. Millinery.
 13. Music composing or instruction.

14. Saw, scissors, and blade sharpening.
15. Telephone related services.
16. Television, radio, electronics, and small appliance repair.
17. Tutoring (limited to a maximum of four (4) students at any one [1] time).
18. Wallpapering.

B. Major home occupations shall include the following:

1. Any use listed above as a minor home occupation that exceeds the performance standards specified in Section 1514.3.A. of this Ordinance.
2. Any home occupation that satisfies the definition of a "major home occupation" as defined in Article II of this Ordinance relating to Definitions and Terms.

1514.4 **Uses Not Permitted as Home Occupations:** The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and values of an area intended for residence purposes within a residential zoning and are more suited to non-residential zoning districts. Therefore, the following uses shall not be permitted as home occupations in residential zoning districts:

- A. Ambulance services.
- B. Animal boarding/kennels or veterinary services.
- C. Appliance repair (major appliances).
- D. Gift or antique shop.
- E. Health salon, gym, dance studio, aerobic exercise studio, or massage parlor.
- F. Helicopter service.
- G. Limousine, hearse, or cab service.
- H. Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats.
- I. Mortician or funeral home.
- J. Palm reading/fortune telling.
- K. Material or metal fabrication shops or machine shops.
- L. Photo development.
- M. Private club.
- N. Private school with organized classes.
- O. Production woodworking and cabinet making.
- P. Rental services, businesses, or sales from site (except direct distribution).

- Q. Restaurants or taverns
- R. Towing.
- S. Welding shop.
- T. Well drilling.
- U. Other similar uses which may, in the opinion of the Zoning Officer, result in an adverse impact on a residential neighborhood.

1514.5 **Conditions:** All dwellings containing a home occupation shall comply with the following:

- A. The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted.
- B. A maximum of twenty-five (25) percent of the gross floor area of the dwelling, excluding attics, garages, and basements, shall be used for any home occupation(s).
- C. Not more than one (1) major home occupation shall be permitted within any single dwelling unit.
- D. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling, except for a permitted home occupation sign as provided in Article XII of this Ordinance relating to Sign Regulations.
- E. Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined.
- F. The home occupation shall be conducted entirely within the dwelling or accessory building. The attached garage or detached garage area may be used for the home occupation purposes provided that such use does not cause the elimination of the required parking spaces for the dwelling.
- G. Deliveries from commercial suppliers shall comply with the Pennsylvania Motor Vehicle Code and shall not restrict traffic circulation.
- H. A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception on any adjacent lots or streets.
- I. There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner that would be in violation of any applicable governmental law, rule, or regulation.
- J. Sales of goods on the premises shall be limited to goods lawfully made on the premises; goods relating to services performed on the premises; and goods ordered previously by telephone or at a prior

sales meeting, that are not made on the premises and that do not relate to services performed on the premises.

- K. Home occupations shall not involve the use or storage of explosive, highly combustible, or hazardous materials.
- L. "Parties" for the purpose of taking orders for the selling of merchandise shall not be held more than one (1) time per week.
- M. The size of commercial vehicles used for the home occupation shall not exceed twenty (20) feet in overall length or seven (7) feet in height and shall not have a load capacity in excess of one (1) ton.

1514.6 **Application and Permitting Procedure:** Home occupations shall be subject to the following application and approval process:

- A. **Minor Home Occupations:** No application required.
- B. **Major Home Occupations:** All major home occupations shall be subject to the following application and approval process:
 - 1. The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Zoning Hearing Board.
 - 2. If a special exception is granted, the applicant shall submit an application for a Major Home Occupation Permit to the Zoning Officer. After confirming that the conditions of the Zoning Hearing Board have been satisfied, the Zoning Officer shall issue the permit. Such review of the application may require the Zoning Officer to visit the dwelling if deemed necessary.

Section 1515 Hospital, Retirement Home, Nursing Home, Personal Care Home, or Other Similar Facilities.

Hospitals, retirement homes, nursing homes, personal care homes, or other similar facilities shall comply with the following requirements:

- 1515.1 The facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1515.2 All off-street parking compounds shall be set back from lot line of any adjoining residential zoning district or existing residential use at least fifty (50) feet.
- 1515.3 All buildings shall be set back from lot line of any adjoining residential zoning district or existing residential use at least seventy-five (75) feet.
- 1515.4 Emergency entrances shall not be located or oriented directly toward any adjacent residential zoning district or existing residential use.
- 1515.5 To the greatest extent possible, passenger "dropoff" and "pickup" areas shall be provided and arranged so that patients and visitors do not have to cross traffic lanes on or adjacent to the site.
- 1515.6 The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

Section 1516 Industrial Use Performance Standards.

All industrial uses shall comply with the following requirements:

- 1516.1 All industrial operations shall be in compliance with all applicable Commonwealth of Pennsylvania and Federal Government regulations as required by the most recent regulations made available by these governmental bodies, including but not limited to noise, air pollution, vibration, radiation, and the pollution of groundwater, surface water, and soils.
- 1516.2 **Odor.** Emission of odorous gases or other odorous matter in such quantities as to be offensive at any lot lines shall not be permitted.
- 1516.3 **Toxic Gases.** All industrial uses shall emit no noxious, toxic or corrosive fumes or gases.
- 1516.4 **Glare and Heat.** All industrial uses shall carry on no operations that would produce heat or glare beyond the lot line of the lot on which the industrial operation is located.
- 1516.5 **Waste Products.** Storage of waste materials shall not be permitted except in an enclosed building or approved containers. No potentially dangerous effluent shall be discharged.

Section 1517 Kennel.

Kennels shall comply with the following requirements.

- 1517.1 The following yards and setbacks are required:
 - A. Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least three hundred (300) feet.
 - 1. The Zoning Hearing Board may as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than one hundred (100) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
- 1517.2. All animal shelters, buildings, outdoor stalls and/or runways shall be located within the rear yard.

- 1517.3 All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six (6) foot high fence to prevent the escape of animals.
- 1517.4 No animals shall be permitted to use outdoor exercise areas or outdoor stalls and/or runs that are located within three hundred (300) feet of a lot line between the hours of 8:00 p.m. to 8:00 a.m.
- 1517.5 Emission of any offensive odors is not permitted at any time.
- 1517.6 The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

Section 1518 Medical Clinic.

Medical clinics shall comply with the following requirements.

- 1518.1 The facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1518.2 Emergency entrances shall not be located or oriented directly toward any adjacent residential zoning district or existing residential use.
- 1518.3 To the greatest extent possible, passenger "dropoff" and "pickup" areas shall be provided and arranged so that patients and visitors do not have to cross traffic lanes on or adjacent to the site.
- 1518.4 The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

Section 1519 Mobile / Manufactured Home Park.

Mobile / manufactured home parks shall comply with the following requirements

- 1519.1 **Minimum Tract Area:** Five (5) acres served by public sewer and water.
- 1519.2 **Minimum Lot Area:** Five thousand (5,000) square feet for each mobile / manufactured home.
- 1519.3 **Minimum Lot Width:** Fifty (50) feet.
- 1519.4 **Maximum Density:** Seven (7) mobile / manufactured home lots per acre.
- 1519.5 **Distance Between Buildings:** Mobile / manufactured homes shall be separated by a minimum of twenty (20) feet.
- 1519.6 **Minimum Tract Setback:** All mobile / manufactured homes shall be set back from a public street right-of-way as required by the applicable zoning district and at least twenty-five (25) feet from all other tract boundaries.
- 1519.7 **Minimum Floor Space:** Each mobile / manufactured home shall have a minimum of four hundred (400) square feet of floor area, excluding storage area, porches and the like.

- 1519.8 **Storage Space:** Each mobile / manufactured home lot shall be provided with a minimum of one hundred and fifty (150) cubic feet of enclosed storage space.
- 1519.9 All mobile / manufactured home lots shall abut on mobile / manufactured home park access drive. Access to mobile / manufactured home lots shall be by the drives and not public streets.
- 1519.10 Each mobile / manufactured home lot shall be provided with a hard surface mobile / manufactured home stand which has a foundation that will not heave, shift, or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each mobile / manufactured home stand shall be equipped with properly designed and approved water, sewer and electrical connections.
- 1519.11 Each mobile / manufactured home shall be skirted with an all-weather material from the bottom of the mobile / manufactured home to the ground surface.
- 1519.12 Service and accessory buildings located in a mobile / manufactured home park shall be used only by the occupants and guests of the mobile / manufactured home park.
- 1519.13 Mobile / manufactured home parks shall comply with all of the requirements of Article VII of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance.

Section 1520 Neighborhood Shopping Center.

Neighborhood Shopping Centers shall comply with the following requirements.

- 1520.1 No single unit of occupancy shall exceed twenty thousand (20,000) square feet of net retail floor area.
- 1520.2 **Minimum Lot Width:** Two hundred fifty (250) feet at the building setback line.
- 1520.3 **Minimum Lot Depth:** Two hundred (200) feet.
- 1520.4 **Minimum Front Yard:** Ninety (90) feet; however, along principal arterial roads the minimum front yard shall be one hundred (100) feet.
- 1520.5 **Minimum Side Yard:** Fifty (50) feet.
- 1520.6 **Minimum Rear Yard:** Fifty (50) feet.
- 1520.7 Signage shall comply with all Business Sign regulations, Center Sign regulations, and other applicable sign regulations in Article XII of this Ordinance relating to Sign Regulations.

Section 1521 Non-Commercial Keeping of Livestock.

Non-commercial keeping of livestock shall comply with the following requirements.

- 1521.1 The following list specifies maximum permitted animal density and total number of livestock, by livestock type:

- A. Group 1: Livestock whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of two (2) livestock per gross acre, with a maximum number of six (6) livestock.
 - B. Group 2: Livestock whose average adult weight is greater than or equal to ten (10) but less than sixty-five (64.99) pounds shall be permitted at an animal density of one (1) livestock per gross acre, with a maximum number of six (6) livestock. In addition to the minimum required lot area in the applicable zoning district, there shall be an additional one (1) acre dedicated to the livestock area.
 - C. Group 3: Livestock whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) livestock per gross acre, with a maximum number of ten (10) livestock. In addition to the minimum required lot area in the applicable zoning district, there shall be an additional two (2) acres dedicated to the livestock area.
- 1521.2 The keeping of a combination of livestock types (Groups 1, 2 and 3) shall require an animal density equal to the ratio of the number of livestock, by type. In no case shall a lot contain more than twenty (20) total livestock.
- 1521.3 Structures directly related to and used as part of keeping the non-commercial livestock shall not be permitted in the front yard.
- 1521.4 The following lists minimum setbacks (from all lot lines) imposed upon the placement of any structure used in the raising or housing of livestock. Should one (1) structure be used in the raising or housing a combination of livestock types, the most restrictive setback shall apply:
- A. Group 1: A twenty-five (25) foot setback.
 - B. Group 2: A forty (40) foot setback.
 - C. Group 3: A fifty (50) foot setback.
- 1521.5 Any manure storage facility shall be located in accordance with the yard and /or setback requirements established by Act 38 of 2005 known as ACRE and the Commonwealth of Pennsylvania Nutrient Management Act, as amended. All applications for manure storage facilities shall include evidence indicating compliance with Act 38 of 2005 known as ACRE and Commonwealth of Pennsylvania Nutrient Management Act.
- 1521.6 All livestock areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals and set back a minimum of ten (10) feet from all lot lines.
- 1521.7 The applicant shall furnish evidence of an effective means of livestock waste disposal which shall be implemented. All livestock areas shall be designed and maintained so that water and animal waste will not drain onto adjacent lots. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended.

Section 1522 Non-Profit Public Facility.

Non-profit public facilities shall comply with the following requirements.

- 1522.1 The facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1522.2 To the greatest extent possible, passenger "dropoff" and "pickup" areas shall be provided and arranged so that patrons and visitors do not have to cross traffic lanes on or adjacent to the site.
- 1522.3 The facility shall be affiliated with a parent organization, which provides for the administration of the facility through the direction of a professional staff.
- 1522.4 The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

Section 1523 Open Space Development.

Open space developments shall comply with the following requirements.

- 1523.1 **Purpose.** It is the intent of this Section to implement the most recent version of the Lancaster Township comprehensive plan, as amended, and promote desirable community development by:
 - A. Maintaining a healthy residential environment with adequate open space and recreational amenities;
 - B. Supporting the most recent version of the Lancaster Inter-Municipal Committee (LIMC) comprehensive plan by integrating open space within future development and in areas which are of strategic importance to potential greenway corridors throughout the township;
 - C. Encouraging land use and development patterns which complement and accentuate the distinctive features of the township's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, and scenic views;
 - D. Directing growth to areas of the township which are the most appropriate for development;
 - E. Reducing infrastructure costs by minimizing the amount of infrastructure required for future growth;
 - F. Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
 - G. Providing for a more varied, innovative, and efficient development pattern; and
 - H. Promoting new development that is compatible with existing uses, architecture, landscapes and community character.
 - I. To create neighborhoods with direct visual access to open land, with amenities such as neighborhood open space, and with a strong neighborhood identity.

- J. To allow limited commercial development within large-scale residential developments to reduce the need for the automobiles.

1523.2

Eligibility.

- A. **Areas Permitted:** open space development shall be permitted in the Residential Districts R-1, R-2, and R-3. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors, compliance with all design standards and criteria of this Section, as well as all other applicable provisions of this Ordinance.
- B. **Water Supply:** open space developments shall be served by a public water supply system in accordance with the provisions of Article VI of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors that an adequate water supply exists for the intended residential and open space uses. The Board of Supervisors may also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water system.
- C. **Sewage Disposal:** open space developments shall be served by a public sewer system consistent with the Lancaster Township Sewage Facilities (Act 537) Plan and in accordance with the provisions of Article VI of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended, subject to demonstration of compliance with all applicable regulations of the PA DEP.
- D. **Consistency with Municipal Planning Program:** The proposed development shall be consistent with the goals and strategies of the most recent version of the Lancaster Township comprehensive plan, as amended.
- E. **Plan Processing:** The tract of land to be developed shall be in one (1) ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility. The applicant is strongly encouraged to submit a sketch plan to the Lancaster Township Planning Commission and to discuss community development and open space resource conservation objectives with the Planning Commission prior to the preparation of a preliminary plan.

1523.3

General Regulations.

- A. **Permitted Uses:** The following uses are permitted within an open space development:
 - 1. Within the Residential District R-1:
 - a. Single family detached dwellings.
 - b. Residential conversion units in accordance with the provisions of Section 1605 of this Ordinance.

- c. Open space uses as set forth in Section 1523.1. of this Ordinance.
- 2. Within the Residential District R-2:
 - a. Any use permitted in the Residential District R-1 listed in section 1523.3.1. of this Ordinance.
 - b. Single family semi-detached dwellings.
 - c. Two-family detached dwellings.
 - d. Accessory commercial uses in conjunction with residential developments subject to Section 1501 of this Ordinance.
 - e. Multi-Family Dwellings.
- 3. Within the Residential District R-3:
 - a. Any use permitted in the Residential District R-2 listed in section 1523.3.2. of this Ordinance.
 - b. Single family attached dwellings.

1523.4

Area and Bulk Regulations.

- A. **Minimum Restricted Open Space:** The minimum restricted open space shall not be less than the percentage of the gross acreage of the tract, as stipulated for the appropriate zoning district in Table 15-1. Designated restricted open space shall comply with all standards and criteria for restricted open space established in this Section.

Table 15-1

Zoning District	Minimum Restricted Open Space
Residential District R-1	45 %
Residential District R-2	35 %
Residential District R-3	25 %

- B. **Permitted Density Calculation:** To determine the potential number of dwelling units permitted for open space developments, the applicant shall prepare a conceptual "yield plan" depicting the conventional development of the parent tract according to the design standards of the base zoning district. The yield plan shall comply with the minimum requirements for sketch plans as stated in Article IV of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended, as well as any other applicable Township ordinances. The applicant shall then prepare a conceptual open space development plan with a maximum number of dwellings not to exceed the number of dwellings depicted on the yield plan. The

Lancaster Township Planning Commission shall review the yield plan and provide comments to the Board of Supervisors regarding compliance with this Section. Applicants are strongly encouraged to present the yield plan to the Planning Commission as early as possible to obtain input regarding the calculation of the number of dwellings permitted in the open space development.

C. **Residential Area and Bulk Regulations:** The following lot and yard area regulations shall apply to any principal residential structure or any other building. Proposed lots are not subject to a minimum lot area. The applicant shall indicate for each permitted use, including potential accessory uses, the limits of the building envelope within which compliance with these provisions is feasible:

1. The minimum separation between principal structures at any point shall be twenty (20) feet, except that the minimum separation measured perpendicularly from the rear wall of any dwelling to any point on any other building not accessory to such residential structure shall be fifty (50) feet.
2. Accessory structures shall be set back at least five (5) feet from any lot line and shall be permitted only in rear yards.
3. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five (5) feet from any lot line.
4. Where any portion of any principal or accessory structure is located less than five (5) feet from any lot line, a perpetual easement providing for maintenance of such structure, and measuring no less than five (5) feet in width from the affected walls, shall be provided on the adjacent lot(s). This provision shall not apply to lot lines, which separate two-family or multi-family dwelling units on the interior of the same principal structure.
5. The minimum front yard for principal buildings shall not be less than ten (10) feet except as provided under Section 1523.4.C.6 of this Ordinance.
6. All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the pre-development perimeter boundary of the tract equal to the applicable minimum yard dimension under the base zoning district provisions. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required yards.
7. The maximum length of any residential building, including rows of single family attached dwellings or

buildings containing multi-family dwellings, shall not exceed one hundred sixty (160) feet.

8. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.
9. The maximum lot coverage (including all impervious surfaces) for all building lots shall be twenty (20) percent greater than the base zoning district according to the dwelling type. The maximum lot coverage for all restricted open space parcels shall be thirty (30) percent.
10. Although conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to demonstrate to the satisfaction of the Board of Supervisors that all lots established under the provisions of this Section are of appropriate size and shape relative to provide for the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
11. Flag lots may be utilized where appropriate; however, no more than ten (10) percent of the total number of lots may be designed as flag lots and each flag lot shall have a minimum area of ten thousand (10,000) square feet. Otherwise, flag lots shall comply with Section 1608 of this Ordinance.
12. No dwelling units within the open space development shall have direct driveway access to surrounding existing Township or state roads. All driveways shall access internal street systems as designed for the project.
13. All open space developments with single family attached dwellings or multi-family dwellings shall include adequate parking for visitors. Such visitor parking compounds shall provide a minimum of one (1) parking space per two (2) dwellings or fraction thereof.
14. On-street parking will be permitted provided that such parking spaces are painted and designed in accordance with the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
15. Where adjacent curb cuts accessing separate residential properties are separated by less than twenty-five (25) feet, one (1) additional parking space shall be provided on each property, which abuts the curb cut, or in a common parking compound.
16. As a condition of approval, the Board of Supervisors, at its sole discretion, may agree to vary any of the

standards stipulated in this Section where the Applicant has demonstrated to the satisfaction of the Board that the purposes of this Section are better served through such variation.

1523.5 Conservation and Development Design Standards.

A. General Development Standards:

1. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
2. The placement of buildings and design of internal circulation systems shall minimize the number of intersections and traffic on Township and State roads.
3. The applicant shall demonstrate compliance with applicable state and/or federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit or mitigation plan to the PA DEP and/or USACE, a copy of all such documentation shall be submitted to Lancaster Township by the applicant.

B. Architectural Design: It is not the intention of the Township to govern specific architectural design nor to link approval to any specific architectural design criteria. Open space developments proposing residential buildings other than single family detached and two-family dwellings shall comply with the following:

1. The applicant shall provide drawings illustrating the general character of the intended exterior design of all principal structures.
2. Where the Board determines that the architectural design, as presented by the applicant, is an essential means by which the proposed development complies with the objectives of this Section, the Board may require, as a condition of approval, the establishment of appropriate means to guarantee general adherence to the intended architectural character.

C. Special Provisions for Conservation of Historic Resources.

1. Historic resources shall be preserved to the greatest degree practicable, through incorporation into development plans and design, including historic structures, ruins or sites, historic roads or other transport traces, paths and trails, and any other historic landscape features. Applicants are encouraged to contact the Historic Preservation Trust of Lancaster County for information regarding historic resources.

Open Space Designation and Management Standards.**A. General Standards for Open Space Designation:**

1. Areas designated as restricted open space shall be consistent with the goals and strategies of the most recent version of the Lancaster Township comprehensive plan, as amended. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the following resources to the greatest extent practicable.
 - a. Any area designated for "Conservation/Open Space" on the Future Land Use Map in the most recent version of the Lancaster Township comprehensive plan, as amended;
 - b. Prime agricultural soils;
 - c. Scenic views from public roads and neighboring residential properties;
 - d. Mature trees and woodland tree masses, hedgerows, native flowering trees and shrubs, fence rows, rock outcroppings, steep slopes (in excess of twenty-five [25] percent) and other noted landscape features;
 - e. Lands adjoining and within one hundred fifty (150) feet of any historic structure listed on the National Registration of Historic Places; and
 - f. Existing open space areas.
 - g. Any greenways or other natural resources identified in the most recent version of the LIMC comprehensive plan.
2. Within the designated restricted open space area, the total area of all areas comprised of the Flood Plain District (FP), slopes in excess of twenty-five (25) percent, and wetlands, shall not exceed fifteen (15) percent of the gross tract area.
3. The following areas shall not be measured, as contributing to the minimum required restricted open space:
 - a. Areas within twenty-five (25) feet of any structure except structures devoted to permitted open space uses;
 - b. Open space areas extending less than one hundred (100) feet in the narrowest dimension at any point;
 - c. Stormwater management facilities. At the discretion of the Board of Supervisors, areas devoted to

stormwater management facilities may be included within the minimum required restricted open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:

- i. Promote recharge of the groundwater system;
- ii. Be available and appropriate for active or passive recreational use or scenic enjoyment; and
- iii. Otherwise conform to the purposes, standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contours could be designed to:

- 1) blend into the scenic landscape;
- 2) permit passive recreational use over the top of it; while
- 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

d. Streets and access drives.

4. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within restricted open space areas. Where such facilities are so located, maintenance agreements and easements satisfactory to the Board of Supervisors shall be established to require and enable maintenance of such facilities by the appropriate parties.
5. Areas designated for open space purposes may be used for any of the following:
 - a. Crop or pasture land, subject to submission of a conservation plan approved by the LCCD;
 - b. Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area;
 - c. Public, common, or private park or outdoor recreation area;
 - d. Sewage disposal facilities provided that the Board of Supervisors is satisfied that adequate provision(s) for the long-term management and maintenance of the facilities are guaranteed.
 - e. Parking for the exclusive use of individuals using recreational areas within the required open space

where deemed appropriate by the Board of Supervisors. Such parking compounds shall not be used as overflow parking for adjacent dwellings.

6. Open space shall be interconnected with open space areas on adjoining parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the township, including linkages to schools and commercial areas.
 7. Where deemed appropriate by the Board of Supervisors, open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street (lot) frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
 8. Where open space development is planned to occur in two (2) or more development phases, a proportionate amount of designated restricted open space and required parking shall be permanently recorded with each phase.
 9. Open space shall incorporate greenways if required in accordance with Section 1614 of this Ordinance.
- B. Standards for Ownership of Restricted Open Space: Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Lancaster County. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.
1. **Offer of Dedication:** The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land provided:
 - a. Such land is accessible to the residents of the township;
 - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance and recording fees; and
 - c. The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said

improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

2. **Homeowners' Association:** The restricted open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.
 - a. The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.
 - b. The Association shall be organized by the developer and operating with financial subsidization by the developer before the sale of any lots within the development.
 - c. Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
 - d. The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners' Association. Maintenance obligations also may be enforced by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
 - e. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
 - f. In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association or of the

assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.

- g. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
 - h. The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
 - i. That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
 - ii. That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - iii. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.
 - i. The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Lancaster County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Zoning Officer.
 - j. Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.
3. **Condominiums:** The restricted open space land and associated facilities may be held in common through the use of Condominium, Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements." To the degree applicable, condominium agreement(s)

shall comply with the provisions of Section 1523 of this Ordinance, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

4. **Dedication of Easements:** The Township may, but shall not be required to accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:
 - a. Such land is accessible to township residents;
 - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
 - c. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.
5. **Transfer of Easements to a Private Conservation Organization:** With the permission of the Township, an owner may transfer easements to a private, non-profit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:
 - a. The organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence;
 - b. The conveyance contains appropriate provision for proper reverter or transfer in the event that organization becomes unwilling or unable to continue carrying out its functions; and
 - c. A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.
6. **Private Ownership of Restricted Open Space.**
 - a. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
 - b. All or portions of the designated restricted open space, where permitted by the Board of Supervisors, may be included within or divided among one (1) or

more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one (1) or more individual lots.

7. Required Open Space Management Plan.

- a. All open space development plans shall be accompanied by a conceptual plan for the long-term management of the restricted open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the restricted open space will be owned and by whom it will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices which will be used to conserve plan(s) approved by the LCCD where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the restricted open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Board of Supervisors.
- b. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Lancaster County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors. The

Board's approval of such application shall not be unreasonably withheld or delayed.

8. Open Space Performance Bond.

- a. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under Article V of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
- b. An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

Section 1524. Outdoor Furnace.

Outdoor furnaces shall comply with the following requirements.

- 1524.1 The design and installation of outdoor furnaces shall conform to the EPA Phase 2 emission standards, other applicable industry standards, and the manufacturer's specifications. The manufacturer's specifications shall be submitted as part of the application.
- 1524.2 There shall not be more than one (1) outdoor furnace permitted per lot.
- 1524.3 Outdoor furnaces shall not be located in the front yard.
- 1524.4 No outdoor furnace shall be located within:
 - A. One hundred fifty (150) feet of any front lot line; nor
 - B. One hundred (100) feet from any side lot line or rear lot line; nor
 - C. Two hundred fifty (250) feet from the lot line of any adjoining residential zoning district or existing residential use.
- 1524.5 All on-site utility and transmission lines that are part of the outdoor furnace shall be placed underground.
- 1524.6 All outdoor furnaces shall be inconspicuously sited when viewed from adjacent street rights-of-way.
- 1524.7 Outdoor furnaces shall have a permanently installed stack that extends at least twelve (12) feet above the ground and is installed according to manufacturer's specifications.
- 1524.8 The use of starter fluids such as lighter fluid, gasoline, and other chemicals to ignite an outdoor furnace is prohibited.

- 1524.9 Outdoor furnaces shall be equipped with a properly functioning spark arrestor.
- 1524.10 Waste associated with outdoor furnaces shall be properly stored and disposed in accordance with the regulations of the applicable zoning district.

Section 1525 Place of Assembly for Worship / Education and University, College, and Other Adult Education Institution.

Places of assembly for worship / education and university, college, and other adult education institutions shall comply with the following requirements.

- 1525.1 The facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1525.2 All outdoor recreation/activity areas shall be set back from lot line of any adjoining residential zoning district or existing residential use at least seventy-five (75) feet.
- 1525.3 For extensive outdoor activities, the facility shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- 1525.4. To the greatest extent possible, passenger "dropoff" and "pickup" areas shall be provided and arranged so that attendees /students and visitors do not have to cross traffic lanes on or adjacent to the site.

Section 1526 Principal Alternative Energy Production Facility.

Principal alternative energy production facilities shall comply with the following requirements.

- 1526.1 Solar Energy Production Facilities
- A. The design and installation of solar energy production facilities shall conform to the most recent version of the Lancaster Township Building Code, as amended, and with all other applicable Township electrical, fire, life safety, and other similar standards.
 - B. The design and installation of solar energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application.
 - C. All solar energy production facilities shall be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
 - D. All solar energy production facilities shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 - E. All on-site utility and transmission lines as part of the solar energy production facilities shall be placed underground.

- F. All solar energy production facilities shall be inconspicuously sited when viewed from adjacent street rights-of-way.
- G. All solar energy production facilities shall be sited so that tree removal is not required. If any trees are to be removed, the applicant shall submit a plan demonstrating the need to remove trees and replacement of the trees.
- H. Roof and wall mounted solar energy production facilities shall be sited in accordance with the following:
 - 1. Solar energy production facilities located on the roof of any structure shall not extend beyond the existing overhangs of the structure's roof.
 - 2. Solar energy production facilities located on a pitched roof of any structure shall not extend vertically above the highest point (peak) of the pitched roof of the structure, as viewed from the lot line.
 - 3. Solar energy production facilities located on a roof of any structure shall be the same slope as, or parallel to the pitched roof.
 - 4. Solar energy production facilities located on a flat roof shall not exceed fifteen (15) feet in height above the height of the roof. In the Campus/Open Space District, such facilities shall be screened by parapets, walls, fences, or other approved means as viewed from the lot line.
 - 5. All solar energy production facilities mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within the applicable zoning district.
 - 6. No solar energy production facilities shall be attached to, nor otherwise sited along the front facade (wall) or front building line of any principal building.
- I. Free standing, ground mounted solar energy production facilities shall be provided in accordance with the following:
 - 1. All freestanding, ground mounted solar energy production facilities shall comply with the front, side, and rear yard requirements in the applicable zoning district.
 - 2. All freestanding, ground mounted solar energy production facilities shall be subject to the maximum height regulations specified within the applicable zoning district.
 - 3. For all freestanding, ground mounted solar energy production facilities, the following components shall be considered lot coverage and calculated as part of the lot coverage limitations for the applicable zoning district:

- a. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - b. All mechanical equipment of freestanding, ground mounted solar energy production facilities including any buildings, and structure for batteries or storage cells.
- 4. In addition requirements set forth in Article XIV of this Ordinance relating to Landscaping and Screening Regulations, all freestanding, ground mounted solar energy production facilities shall:
 - a. Be surrounded by a fence or wall at least six (6) feet in height and not more than eight (8) feet; and
 - b. Contain at all entrances, gates which shall be locked, except during such times as the site is manned by authorized operations or maintenance personnel.
- J. All applications for solar energy production facilities shall include the information required for a plot plan approval pursuant to Article XVIII of this Ordinance relating to Permits. In addition, the applicant shall submit:
 - 1. A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties as well as any adjacent street rights-of-way. The glare study shall include:
 - a. Angle of the solar energy production facility panels, arrays, cells, etc. at the location;
 - b. A diagram showing the maximum and minimum angles of reflective glare from the solar energy production facilities panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and,
 - c. Mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
 - 2. Certification from a professional engineer registered by the Commonwealth of Pennsylvania that the proposed installation of solar energy production facilities will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy production facilities, and applicable requirements of the most recent version of the Lancaster Township Building Code, as amended; and
 - 3. Prior to the issuance of a permit for the installation of a solar energy production facility, the applicant shall provide the Zoning Officer with written confirmation

that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.

1526.2 Wind Energy Production Facilities

- A. The design and installation of wind energy production facilities shall be in strict accordance the most recent version of the Lancaster Township Building Code, as amended, and with all other applicable Township electrical, fire, life safety, and other similar standards.
- B. The design and installation of all wind energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer specifications shall be submitted as part of the application.
- C. All on-site utility and transmission lines as part of the wind energy production facility shall system shall be placed underground.
- D. All wind turbines shall have a flat finish and non-obtrusive colors such as white, off-white, or gray as applied by the manufacturer in order to reduce the visual impact.
- E. All wind turbine towers shall be painted silver or have a galvanized finish retained in order to reduce the visual impact. Towers may be painted green or brown up the height of nearby trees.
- F. All wind energy production facilities shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy production facility.
- G. Wind energy production facilities shall not be installed in any location where they would interfere with existing fixed broadcast, re-transmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy production facilities shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
- H. All wind energy production facility shall be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
- I. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all lot lines, streets and other rights-of-way, and overhead utility lines.

- J. The maximum height of any wind turbine shall be one hundred forty (140) feet.
- K. For all wind energy production facilities unauthorized access to the turbine and tower shall be prevented by design, with a minimum of twelve (12) feet from the ground to the bottom of the ladder. All doors to the turbine and tower shall be locked.
- L. In addition requirements set forth in Article XIV of this Ordinance relating to Landscaping and Screening Regulations, all wind energy production facilities shall:
 - 1. Be surrounded by a fence or wall at least six (6) feet in height and not more than eight (8) feet; and
 - 2. Contain at all entrances, gates which shall be locked, except during such times as the site is manned by authorized operations or maintenance personnel.
- M. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
- N. Wind energy production facilities shall not be lighted, except to comply with applicable Federal Aviation Administration (FAA) regulations.
- O. No portion of any wind energy production facilities shall extend over parking compounds, access drives, driveways, or sidewalks.
- P. Wind energy production facilities shall not display advertising, except for reasonable identification of the wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
- Q. When an accessory building or structure is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building and structure requirements specified within the applicable zoning district.
- R. All applications for wind energy production facilities shall include the information required for a plot plan approval pursuant to Article XVIII of this Ordinance relating to Permits. In addition, the applicant shall submit:
 - 1. A plot plan showing:
 - a. Property lines and physical dimensions of all areas of the subject property that are within a distance equal to two (2) times the total height from the wind energy production system.
 - b. Location, dimensions, and types of existing principal and accessory structures on the property.

- c. Location of the proposed wind energy production facilities tower, foundations, guy anchors, and associated equipment.
 - d. The rights-of-way of any public street abutting the property.
 - e. Any overhead utility lines.
2. Wind energy production facilities system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
 3. Certification from a professional engineer registered by the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable requirements of accordance the most recent version of the Lancaster Township Building Code, as amended. A copy of the foundation analysis shall also be provided.
- S. Prior to the issuance of a permit for the installation of a wind energy production facility, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.

Section 1527 Private Club.

Private clubs shall comply with the following requirements.

- 1527.1 The facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1527.2 All outdoor recreation/activity areas shall be set back from lot line of any adjoining residential zoning district or existing residential use at least seventy-five (75) feet.
- 1527.3 For extensive outdoor activities, the facility shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.

Section 1528 Quarry.

Quarries shall comply with the following requirements.

- 1528.1 A plan drawing or drawings at a scale no smaller than one (1) inch equals one hundred (100) feet shall be presented which shall show the following:
 - A. Existing surface contours at five (5)-foot intervals;
 - B. Lot lines;
 - C. All existing structures within the property;

- D. All occupied structures and homes within one hundred fifty (150) feet of the lot line;
- E. The locations of structures to be used for the manufacture and processing of quarried material and overburden, service and office buildings and scale facilities;
- F. Traffic routes in and out of the property and parking compounds; and
- G. The limits of the pit following the reclamation of the walls after abandonment of quarrying.

The drawing or drawings shall be accompanied by a number of cross sections, but not less than two (2) oriented at right angles to each other, which shall show the existing surface, the maximum horizontal and vertical limits of the pit, the existing ground water table and the anticipated water level in the pit after abandonment.

The plan drawing or drawings shall also include the ground water table contoured at five (5)-foot intervals and based upon a sufficient number of observation points, but not less than four (4), to establish such elevation or elevations.

Copies of all materials submitted to the PA DEP under the Noncoal Surface Mining Conservation and Reclamation Act, Act No. 1984-219, Section 7 in its most recent revision shall also be submitted to the Zoning Hearing Board.

- 1528.2 No portion of the pit during operations, or after reclamation and abandonment, shall extend closer than two hundred fifty (250) feet from any lot line; or in the alternative, may extend no closer than two hundred (200) feet to the previously stated limits during operations and after reclamation and abandonment provided that a screening berm composed of clean fill is constructed between the previously stated limits and the final pit limits.

The screening berm shall be twenty (20) feet high, ten (10) feet wide on the top and have one to four (1:4) slopes on both sides. The outside edge of the berm shall be no closer than twenty (20) feet to the previously stated limits and no closer than ten (10) feet to the final pit limits. A vegetative cover shall be maintained upon the fill surface for the purposes of erosion control and suitable appearance.

- 1528.3 All accessory structures and uses such as crushers, maintenance buildings, truck storage, weighing scales, etc. shall not be closer than one hundred (100) feet from any property or street right-of-way line.

- 1528.4 All state and federal laws governing the operation of quarries shall be obeyed.

- 1528.5 The pit shall be enclosed within a chain-link fence, which is at least six (6) feet in height.

Section 1529 Recreational Facility, Commercial, and Recreational Facility, Non-Profit Public.

Commercial recreational facilities and non-profit public recreational facilities shall comply with the following requirements.

- 1529.1 If the subject property contains more than two (2) acres, the facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1529.2 For extensive outdoor activities facility shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.

Section 1530 Residential Infill Development.

Residential infill developments shall comply with the following requirements.

- 1530.1 **Purpose:** Residential infill developments are intended to allow growth within neighborhoods that existed prior to the effective date of this Ordinance and therefore contain lawfully existing, non-conforming lots and structures. The Township desires to allow residential infill development to:
- A. Support the objectives of the most recent version of the Lancaster Township comprehensive plan, as amended, by reducing suburban sprawl, minimizing future negative impacts on the transportation system, and encouraging development patterns which accentuate the existing cultural environment.
 - B. Support the most recent version of the Lancaster County Comprehensive Plan, as amended, by encouraging compact growth within the Urban Growth Boundaries.
 - C. Promote the efficient use of utilities.
 - D. Maintain the historic setbacks of buildings and yards which is necessary to retain a consistent streetscape.
 - E. Increase opportunities for affordable housing.
- 1530.2 **Eligibility:** Residential infill development shall be permitted on any tract of land which:
- A. Is in existence as a single tract as of the effective date of this Ordinance amendment;
 - B. Has an area of five (5) acres or less; and
 - C. Is within the Residential Districts R-1, R-2, or R-3.
- 1530.3 **Area, Bulk, and Design Standards:** Residential infill developments shall comply with the regulations of the pertinent zoning district to the greatest extent possible. However, the Township may allow deviations from such regulations for residential infill developments in instances where the requirements of the pertinent zoning district are not consistent with the existing neighborhood. All lot area, bulk, and design standards shall be consistent with the characteristics of the existing neighborhood which shall be limited to the properties on the same block and properties contiguous to the block within the same zoning district. The applicant shall conduct a study of the neighborhood to determine such characteristics and establish appropriate standards for the proposed residential infill development. Neighborhood characteristics which must be considered in the development of such standards shall include, but are not limited to the following:

- A. Dwelling type.
- B. Lot area, width, and depth.
- C. Minimum yards.
- D. Building height.
- E. Vehicular access to properties including the use of alleys.
- F. Street and alley design.
- G. Parking, driveway or access drive widths, and the location and orientation of garages.
- H. Architecture.
- I. Alignment and orientation of porches.
- J. Lot coverage.
- K. Landscaping including existing street trees.

1530.4 **Common Open Space:** Residential infill developments that include common open space shall comply with the open space designation, management, and ownership standards contained in Section 1523 of this Ordinance.

1530.5 **Required Dedication of Land for Parks and Recreation:** No portion of this section shall be construed to exempt any subdivision from the mandatory dedication of land (or fees in lieu-of-land) for recreational purposes as required by the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.

1530.6 **Plan Processing:** The tract of land to be developed shall be in one (1) ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

1530.7 **Conditional Use Application:** The applicant shall submit to the Board of Supervisors all necessary data, plans, photographs, narratives, and any other pertinent documentation, which demonstrates that the proposed residential infill development is consistent with existing neighborhood based on the above criteria. The Board of Supervisors may allow variations between the existing community and the residential infill development if it determines that such variations are advantageous to the existing neighborhood.

Section 1531 Retail Sales / Service Provided the Total Net Retail Floor Area is greater than Twenty Thousand (20,000) sq. ft.

Retail sales / service provided the total net retail floor area is greater than twenty thousand (20,000) sq. ft. shall comply with the following requirements.

- 1531.1 **Minimum Lot Width:** Two hundred fifty (250) feet at the building setback line.
- 1531.2 **Minimum Lot Depth:** Two hundred (200) feet.
- 1531.3 **Minimum Front Yard:** Ninety (90) feet; however, along principal arterial roads the minimum front yard shall be one hundred (100) feet.
- 1531.4 **Minimum Side Yard:** Fifty (50) feet.

- 1531.5 **Minimum Rear Yard:** Fifty (50) feet.
- 1531.6 Signage shall comply with all Business Sign regulations, and other applicable sign regulations in Article XII of this Ordinance relating to Sign Regulations.

Section 1532 Social Service Establishment.

Social service establishments shall comply with the following requirements.

- 1532.1 The facility shall have lot frontage on, and provide access to, an arterial or collector road.
- 1532.2 To the greatest extent possible, passenger "dropoff" and "pickup" areas shall be provided and arranged so that patients, clients and visitors do not have to cross traffic lanes on or adjacent to the site.
- 1532.3 The facility shall be affiliated with a parent organization, which provides for the administration of the facility through the direction of a professional staff.
- 1532.4 The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

Section 1533 Visitor Accommodation.

Visitor accommodations shall comply with the following requirements.

- 1533.1 Public sewer and public water service shall be provided.
- 1533.2 **Minimum Lot Width:** Two hundred fifty (250) feet at the building setback line.
- 1533.3 **Minimum Lot Depth:** Two hundred (200) feet.
- 1533.4 **Minimum Front Yard:** One hundred (100) feet.
- 1533.5 **Minimum Side Yard:** Fifty (50) feet.
- 1533.6 **Minimum Rear Yard:** Fifty (50) feet.
- 1533.7 **Maximum Lot Coverage:** Seventy (70) percent.

ARTICLE XVI. Supplemental Regulations

The requirements and provisions of this Article XVI shall apply to all lands in all zoning districts unless application to specific zoning districts is expressly stated.

Section 1601 Accessory Alternative Energy Systems.

Accessory alternative energy systems shall be permitted in all zoning districts subject to the following conditions:

1601.1 Solar Energy Systems.

- A. The design and installation of solar energy systems shall conform to the most recent version of the Lancaster Township Building Code, as amended, and with all other applicable Township electrical, fire, life safety, and other similar standards.
- B. The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer's specifications shall be submitted as part of the application.
- C. All solar energy systems shall be designed and located to ensure solar access without reliance on or interference from adjacent properties.
- D. All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
- E. All on-site utility and transmission lines that are part of the solar energy system shall, to the maximum extent feasible, be placed underground.
- F. All solar energy systems shall, to the maximum extent feasible, be inconspicuously sited when viewed from adjacent street rights-of-way.
- G. All solar energy systems shall, to the maximum extent feasible, be sited so that tree removal is not required. If any trees are to be removed, the applicant shall submit a plan demonstrating the need to remove trees and a plan for the replacement of the trees.
- H. Roof and wall mounted solar energy systems shall be sited in accordance with the following:
 1. Solar energy systems located on the roof of any structure shall not extend beyond the existing overhangs of the structure's roof.

2. Solar energy systems located on a pitched roof of any structure shall not extend vertically above the highest point (peak) of the pitched roof of the structure, as viewed from the lot line.
 3. Solar energy systems located on a roof of any structure shall be the same slope as, or parallel to the pitched roof.
 4. Solar energy systems located on a flat roof shall not exceed fifteen (15) feet in height above the height of the roof. In all zoning districts such facilities shall be screened by parapets, walls, fences, or other approved means as viewed from the lot line, except for the industrial zoning district.
 5. All solar energy systems mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within the applicable zoning district.
 6. No solar energy system shall be attached to, or sited along the front facade (wall) or front building line of any principal building.
- I. If the solar energy system is unable to be located on a roof or a wall of a structure as is preferred, then placement of free standing, ground mounted solar energy systems shall be provided in accordance with the following:
1. In addition to any yard and setback requirements set forth in this Section, all freestanding, ground mounted solar energy systems shall comply with all yard requirements for accessory structures in the applicable zoning district.
 2. All freestanding, ground mounted solar energy systems shall be set back from all lot lines and street rights-of-way a distance equal to the total height of the solar energy system.
 3. Freestanding, ground mounted solar energy systems shall not exceed fifteen (15) feet in height.
 4. For purposes of determining the maximum surface area of all freestanding, ground mounted solar energy systems, the maximum surface area shall be considered the total surface area of the cumulative solar panels; where two (2) or more panels are grouped together, the total dimensions (length and/or width) of each panel shall be the cumulative dimension of the panels. The maximum surface area of all freestanding, ground mounted solar energy systems on any lot in:
 - a. Residential use shall not exceed ten (10) percent of the total lot area;

- b. Nonresidential use, except for the industrial zoning districts, shall not exceed twenty-five (25) percent of the total lot area.
 - c. There shall be no maximum surface area requirement in the industrial zoning district.
- J. All applications for solar energy systems shall include the information required for a plot plan approval pursuant to Article XVIII of this Ordinance relating to Permits. In addition, the applicant shall submit:
 - 1. A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties or adjacent street rights-of-way. The glare study shall include:
 - a. Angle of the solar collector system panels, arrays, cells, etc. at the location;
 - b. A diagram showing the maximum and minimum angles of reflective glare from the solar collector system panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and,
 - c. Mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
 - 2. Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the proposed installation of the solar energy system will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy system, and applicable requirements of most recent version of the Lancaster Township Building Code, as amended; and
 - 3. Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
- K. Prior to the issuance of a permit for the installation of a solar energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

1601.2 Accessory Wind Energy Systems.

- A. The design and installation of wind energy systems shall conform to the most recent version of the Lancaster Township Building Code, as amended, and with all other applicable Township electrical, fire, life safety, and other similar standards.
- B. The design and installation of all wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer's specifications shall be submitted as part of the application.
- C. All on-site utility and transmission lines as part of the wind energy system shall, to the extent feasible, be placed underground.
- D. All wind turbines shall have a flat finish and non-obtrusive colors such as white, off-white, or gray as applied by the manufacturer in order to reduce the visual impact to the extent feasible.
- E. All wind turbine towers shall be painted silver or have a galvanized finish retained in order to reduce the visual impact to the extent feasible. Towers may be painted green or brown up the height of nearby trees.
- F. All wind energy systems shall be equipped with manual—electronic or mechanical—and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy system.
- G. Wind energy systems shall not be installed in any location where they would interfere with existing fixed broadcast, re-transmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy system shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
- H. All wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
- I. In addition to any yard and setback requirements set forth in this Section, all wind energy system shall comply with the yard requirements for accessory structures in the applicable zoning district.

- J. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all lot lines, streets and other rights-of-way, and overhead utility lines.
- K. The maximum height of wind energy systems shall comply with the following:
 - 1. For all roof mounted wind turbines, the height of the wind turbine shall not exceed the height of the building by more than fifteen (15) feet.
 - 2. For lots less than one-half (1/2) acre in area, wind turbines shall be roof mounted. The maximum rotor diameter for wind turbines shall be six (6) feet.
 - 3. For lots between one-half (1/2) acre but less than one (1) acre, the wind turbines may be sited on wind turbine towers, the turbine height shall be limited to seventy-five (75) feet, or twenty (20) feet above the tree line, whichever is lower.
 - 4. For lots greater than or equal to one (1) acre, wind turbines may be sited on wind turbine towers, the turbine height shall be limited to one hundred twenty (120) feet or forty (40) feet above tree line, whichever is lower.
 - 5. The maximum height of any wind turbine in the industrial zoning districts, regardless of lot area shall be one hundred forty (140) feet.
- L. For all wind energy systems not otherwise mounted on a roof, unauthorized access to the turbine and tower shall be prevented by design, with a minimum of twelve (12) feet from the ground to the bottom of the ladder. All doors to turbine and tower shall be locked.
- M. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
- N. Wind energy systems shall not be lighted, except to comply with applicable Federal Aviation Administration (FAA) regulations.
- O. No portion of any wind energy system shall extend over parking compounds, access drives, driveways, or sidewalks.
- P. Wind energy systems shall not display advertising, except for reasonable identification of the wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- Q. When an accessory building or structure is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building and structure requirements specified within the applicable zoning district.

- R. All applications for wind energy systems shall include the information required for a plot plan approval pursuant to Article XVIII of this Ordinance relating to Permits. In addition, the applicant shall submit In addition, the applicant shall submit:
1. A plot plan showing:
 - a. Lot lines and physical dimensions of all areas of the subject property that are within a distance equal to two (2) times the total height of the wind energy system.
 - b. Location, dimensions, and types of existing principal and accessory structures on the property.
 - c. Location of the proposed wind energy system tower, foundations, guy anchors, and associated equipment.
 - d. The rights-of-way of any public street abutting the property.
 - e. Any overhead utility lines.
 2. Wind energy systems system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
 3. Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable requirements of the most recent version of the Lancaster Township Building Code, as amended. A copy of the foundation analysis shall also be provided.
- S. Prior to the issuance of a permit for the installation of a wind energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

Section 1602 Access to Buildings.

Every building hereafter erected or moved shall be on a lot which is adjacent to a public street, or on a lot which has access to a public street by an improved private street which has a cartway width of at least twenty-four (24) feet; or said building shall be located within one hundred (100) feet of a public street. All buildings shall be located so as to provide safe and convenient access for servicing, fire protection and required parking.

Section 1603 Communications Antennae.

A site with communication antenna that is attached to an existing communications tower, smoke stack, water tower, farm silo, or other tall structure, is permitted in all zoning districts provided:

- 1603.1 That the height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.
- 1603.2 All other uses associated with the communications antenna such as a business office, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.

Section 1604 Communications Tower.

- 1604.1 The applicant shall demonstrate through technological evidence and data that the proposed location is necessary in order to satisfy its function in the company's grid system.
- 1604.2 The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. If the applicant proposes to erect a new tower, the applicant shall demonstrate that the owners of other tall structures within a one-half (1/2) mile radius of the proposed site have been contacted and the applicant has requested permission to install the antenna on those structures. The applicant shall demonstrate that it is not feasible to erect the antenna on these existing structures. The applicant shall make a good faith effort to install the antenna on an existing structure, including but not limited to smokestacks, water towers, tall buildings, antenna support structures of other communications companies and similar structures.
- 1604.3 The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. This requirement shall not be applicable to antennas located upon an existing structure where a total height of the structure and the antenna does not exceed one hundred fifty (150) feet.
- 1604.4 The setback between the base of the support structure and the lot line shall be thirty (30) percent of the height of the tower in addition to the normal minimum yard and setback requirements of the Industrial District (I).
- 1604.5 The applicant shall demonstrate that the proposed tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference.
- 1604.6 A fence shall be required around the communications tower and other equipment. The fence shall be eight (8) feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
- 1604.7 In addition to the required landscaping and screening around the support structure, fence surrounding the support structures, and any other related ground level improvements as specified in Article XIV of this Ordinance relating to Landscaping and Screening Regulations, except that the minimum height a maturity shall be twenty (20) feet.
- 1604.8 All other uses associated with the communications tower such as a business office, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the Industrial District (I).

- 1604.9 In order to reduce the number of towers needed in the township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services.
- 1604.10 If the use of the communication tower or communications antenna requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission, the applicant shall present evidence that it has obtained such license.
- 1604.11 Towers shall be painted with silver or have a galvanized finish retained in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees to lessen visual impact. All support structures shall meet all applicable Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except when required by the Federal Aviation Administration or by state regulations.
- 1604.12 The applicant shall submit a plan for the removal of the facility when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- 1604.13 All towers or antennas in excess of thirty-five (35) feet in height shall be located at least one-half (½) mile from any other tower or antenna in excess of thirty-five (35) feet in height.
- 1604.14 A full site plan prepared by either a licensed professional surveyor registered by the Commonwealth of Pennsylvania or a licensed professional engineer registered by the Commonwealth of Pennsylvania, with elevations prepared by a professional engineer, shall be required for all sites showing communications tower, communications antenna, buildings, fences, buffering, access, and any accessory structure. Any communications tower that is not fully automated and requires employee staffing and a primary building will require a Land Development Plan.
- 1604.15 Access to the communications tower shall be by a sixteen (16) foot wide, mud-free, and permanently passable lane, within a twenty (20) foot wide right-of-way.

Section 1605 Conversion of Existing Building to Multi-Family Dwellings.

In any residential zoning district, the conversion of a building, which existed prior to July 17, 1972 into a multi-family dwelling, is permitted subject to the following conditions and approval by the Zoning Hearing Board.

- 1605.1 There shall be no extension of the building other than as may be required for access or for safety.
- 1605.2 The lot area required for each existing and proposed dwelling unit shall be as follows:
- A. In the Residential District R-1, eight thousand (8,000) square feet per dwelling unit shall be provided.
 - B. In the Residential District R-2, four thousand (4,000) square feet per dwelling unit shall be provided.

- C. In the Residential District R-3, three thousand (3,000) square feet per dwelling unit shall be provided.

Section 1606 Driveway and Access Drive Regulations.

1606.1 **Definition:** For the purpose of this Section the word driveway shall mean any entrance or exit used by vehicular traffic to or from properties containing a single family dwelling abutting a public street.

1606.2 **Number of Driveways per Lot.**

Single family dwellings shall not have more than one (1) driveway entering or exiting on the same street. However, if in the opinion of the Board of Supervisors lot area and configuration would permit, loop driveways having two (2) access points to a public street may be permitted.

1606.3 **Location.**

- A. On corner lots, no driveway access may be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of the site. However, if this provision is shown by the applicant to be a hardship, the Township may allow a reduction of this requirement. Access shall be to the street of lesser classification when two (2) street classifications are involved.
- B. Driveways serving residential lots shall be located at least five (5) feet from a side lot line. Where a proposed driveway is to serve two (2) or more adjacent lots, the Township may permit a driveway to be located on or within five (5) feet of the side lot line between the lots, measured from the outside edge of the driveway.
- C. When two (2) or more driveways are located on a site, a separation of fifty (50) feet measured along the public street right-of-way from driveway centerline to driveway centerline is required.

1606.4 **Design.**

- A. In general, driveways used for two (2) way operation shall intersect public streets at ninety (90) degrees as site conditions permit; however, in no case shall driveways intersect public streets at less than seventy (70) degrees. Driveways used for one-way operation, right turn only, shall not intersect public streets at any angle less than forty-five (45) degrees. Said angle shall be measured from the centerline of the street to the centerline of the driveway.
- B. Driveway dimensions and construction shall be designed to adequately accommodate the type and volume of vehicles expected to use the site on a daily basis.
- C. Vertical alignment of driveways serving residential lots shall not exceed a maximum of eight (8) percent for the first (1st) ten (10) feet measured from the right-of-way line.

- D. Residential driveways on the turnaround of a cul-de-sac street may be exempted from the above requirements at the discretion of the Zoning Officer.

1606.5 Access and Traffic Control.

Access to and from the site shall be designed in a manner conducive to safe ingress and egress. The developer shall be responsible for the construction of any necessary traffic control devices or additional lanes required by the PennDOT or the Township. All entrances and exits shall conform to the applicable driveway regulations of this Ordinance.

1606.6 Permit Required.

Notwithstanding any other provisions set forth in Section 1606 of this Ordinance, no person, individual, firm or corporation shall construct, reconstruct, alter or enlarge an existing or proposed driveway onto any public street without first (1st) having obtained a zoning permit as required by Article XVIII of this Ordinance relating to Administration and Enforcement. Nothing in this Section shall prohibit a person, firm or corporation, however, from combining his or its application for a driveway zoning permit with an application for a building permit providing all of the information required by this Section is contained on the application.

1606.7 Plan Submittal and Permit Application.

- A. For all proposed driveways, the developer shall submit to the Zoning Office a permit application, which is obtainable at the Township office. The Zoning Officer may also require that a plan of the proposed driveway be submitted.
- B. When a plan is required, the Zoning Officer shall review the plan for conformance with the requirements of this Ordinance and shall:
1. Approve the application and plan as submitted, or
 2. Return the application and plan for additional information and clarification, or
 3. Disapprove the application, indicating in writing the reason for disapproval.

1606.8 Fees.

Permit application fees shall be as adopted by resolution of the Board of Supervisors from time to time.

Section 1607 Fences.

- 1607.1 Fences along side or rear lot lines are not subject to yard or setback requirements. All fences shall be located completely within lot boundaries, and no fence may coincide with any lot line. However a small setback is recommended to provide an area within which future maintenance may be performed. Otherwise, fences along street rights-of-way line shall be setback two (2) feet from the street rights-of-way lines.
- 1607.2 No fence shall be erected in a street right-of-way or other rights-of-way or easements including public or private drainage, utility or access easements, unless otherwise required by this Ordinance, of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended, or any other Township ordinance.
- 1607.3 All fences shall comply with the vision obstruction requirements set forth in Section 1617 of this Ordinance and Article VI of the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.
- 1607.4 Except as otherwise required within this Ordinance, fences within residential zoning districts:
- A. May be located in the front yard subject to the following standards:
 - 1. Be an open-type of fence (such as picket, metal post, wrought iron or split rail) with a minimum of fifty (50) percent open area to fifty (50) percent structural area;
 - 2. Not exceed four (4) feet in height.
 - B. Otherwise fences within the residential zoning districts shall not exceed eight (8) feet in height.
- 1607.5 Except as otherwise required within this Ordinance, fences within the commercial, industrial, and other zoning districts shall not exceed twelve (12) feet in height.
- 1607.6 Any fence exceeding six (6) feet in height shall comply with the most recent version of the Lancaster Township Building Code, as amended.
- 1607.7 Unless required for security purposes, no fence shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the portion of the fence containing barbed wire, razor, or other sharp components capable of causing injury is not lower than six (6) feet above the average surrounding ground level.

Section 1608 Flag Lots.

Flag lots may be permitted in residential zoning districts as a special exception, when in compliance with the following requirements.

- 1608.1 A flag lot shall be described as containing two (2) parts:
- A. The "flag" shall include that portion of the lot that is the location of the principal and accessory uses.

- B. The "pole" shall be considered that portion of the lot that is used for vehicular access between the "flag" portion of the lot and its adjoining public street right-of-way or an approved private street right-of-way. The "pole" shall be a fee-simple part of the flag lot and shall not be a separate parcel or easement.

1608.2 Requirements for the "flag".

- A. The minimum lot area, minimum lot width, and maximum lot coverage requirements, and all other applicable standards of the applicable zoning district and design requirements shall be complied with and measured exclusively upon the "flag" portion of the lot. The minimum yards of the applicable zoning district shall be increased by twenty-five (25) percent on the "flag" portion of the lot.
- B. For purposes of determining yards, the following shall apply:
 - 1. Front yard. The area between the principal structure and that lot line of the "flag" which is most parallel to the street right-of-way providing vehicular access to the site. Additionally, all areas of the "pole" shall be considered to be within the front yard.
 - 2. Rear yard. The area between the principal structure and that lot line of the "flag" that is directly opposite the front yard, as described in 1608.2.B.1. above.
 - 3. Side yards. The area between the principal structure and that one (1) outermost lot line which forms the "flag" and "pole", plus the area on the opposite side of the principal structure.

1608.3 The flag lot shall contain adequate driveway dimensions for vehicular backup so that ingress to and egress from the lot is in the forward direction.

1608.4 Requirements for the "pole" portion of the lot.

- A. The "pole" shall have a minimum width of twenty-four (24) feet at the street right-of-way line, and continuously maintain said minimum width and between the street right-of-way line and the "flag" portion of the lot.
- B. The "pole" shall not exceed five hundred (500) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands, prime agricultural soils, or some other significant natural or cultural feature.
- C. No part of the "pole" shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements including landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.
- D. The driveway contained on the "pole" shall be located at least six (6) feet from any adjoining lot line and twenty (20) feet from any existing structures on the site or any adjoining lot.

- E. No “pole” shall be located within five hundred (500) feet of another on the same side of the street right-of-way, unless an adjoining “pole” utilizes a joint use or shared driveway, regulated herein this subsection 1608.6 below. No more than two (2) adjoining “poles” shall be permitted.
- 1608.5 No more than one (1) “tier” of flag lot shall be permitted. A "tier" shall be defined as a single row of lots behind “conventional” lots that have the required frontage at the street right-of-way and lot width at the minimum front building setback line.
- 1608.6 Joint use or shared driveways.
 - A. When one (1) or more flag lots are proposed, such lots may rely upon a joint use or shared driveway for vehicular access in accordance with Section 1606 of this Ordinance.
 - B. A joint use or shared driveway must serve at least one (1) flag lot, but may also serve conventional lots, up to a maximum of four (4) total dwelling units.
- 1608.7 Flag lots shall conform with the standards set forth in the most recent version of the Lancaster Township Subdivision, Land Development and Storm Water Management Ordinance, as amended.

Section 1609 Garage and Yard Sales.

Garage, yard, and similar types of residential sales shall be permitted in all zoning districts subject to the following conditions:

- 1609.1 The period of the sale shall not exceed a total of four (4) days during two (2) consecutive weeks.
- 1609.2 The sale shall not begin earlier than 8:00 a.m. and shall end by 6:00 p.m. prevailing time on each day of the sale.
- 1609.3 Only goods and property of the person or persons holding the sale shall be sold and such goods and property shall not have been purchased or otherwise obtained for the purpose of resale.
- 1609.4 No person or persons shall hold more than two (2) sales per calendar year.
- 1609.5 Signs erected on the property of the sale shall be displayed no more than forty-eight (48) hours prior to the sale and removed before the end of the day of the sale. Signs shall comply with Article XII of this Ordinance relating to Sign Regulations. No off-premise signs are permitted.

Section 1610 Height Limit Exceptions.

All buildings and structures shall be required to conform to the maximum height regulations specified within the pertinent zoning district, except roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, flag poles, chimneys, smoke stacks, antennae, utility poles, farm silos, spires on places of worship, or similar structures. However, no penthouse, roof structure or

any space above the height limit shall be allowed for the purpose of providing additional floor space for any use.

Section 1611 Lot Area Reductions.

- 1611.1 No lot, even though it may consist of one (1) 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. This shall not apply when a portion of a lot is acquired for a public purpose.
- 1611.2 Any two (2) adjacent undersized lots under common ownership as of the effective date of this Ordinance shall be considered as one (1) lot for the purposes of establishing compliance with the requirements of this Ordinance.

Section 1612 Operations Management Plans.

The following requirements for the submission and approval of an operations management plan apply to all nonresidential uses. In addition to the information required to be submitted as part of the zoning permit application as set forth in Article XVIII of this Ordinance relating to Administration and Enforcement, applications for non-residential uses shall include an operations management plan submitted to and approved by the Township. Operations management plans shall include the following information:

- 1612.1 Address of the premises of the proposed business / operation including tax parcel number.
- 1612.2 Name and type of the proposed business / operation.
- 1612.3 Name of the owner, on-site manager, and/or other authorized agent of the proposed business / operation and the lot.
- 1612.4 Gross floor area of the building devoted to the proposed business / operation, and gross area of the lot devoted to the proposed business / operation.
- 1612.5 Detailed description of the proposed business / operation, and adverting associated with the proposed business / operation.
- 1612.6 General description of the land uses adjacent to the property and on the same block.
- 1612.7 Intended market / service area of the proposed business / operation.
- 1612.8 Maximum permitted occupancy.
- 1612.9 Estimated number of employees / occupants and number of employees / occupants on each shift.
- 1612.10 Hours and days the business / operation will be open including any expected “special events”.
- 1612.11 Vehicles and traffic associated with the proposed business / operation (e.g. employees and customers / occupants deliveries, loading, etc.).
- 1612.12 Collection, treatment, and disposal methods of materials generated by the proposed business / operation.

- 1612.13 A discussion of any possible impacts and/or problems the proposed business / operation may cause and specific measures employed to mitigate or eliminate any negative impacts / problems. The applicant shall furnish evidence that the impacts / problems generated by the proposed business / operation will be within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in this Ordinance.

Section 1613 Outdoor Displays of Merchandise.

Outdoor display of merchandise for sale, rent, or lease shall comply with the following:

- 1613.1 Outdoor display of merchandise shall only be allowed in conjunction with a permitted commercial building.
- 1613.2 The maximum area to be used for outdoor display shall not exceed fifteen (15) percent of the building area of the associated commercial structure or structures on the lot.
- 1613.3 The display of merchandise shall not be located upon any sidewalk, walkway, driveway, access drive, or within any street right-of-way. The display of merchandise shall not reduce the amount of parking below that which is required for the associated commercial uses, and prior to the establishment of the display a plot plan indicating the display area, sidewalks, walkways, driveways, access drives, and required parking compounds shall be submitted to the Zoning Officer for review to determine compliance with the subsection. The area to be used for outdoor display shall not be located in front of any building.
- 1613.4 Outdoor display areas shall be completely enclosed by a six (6) feet high opaque fence.
- 1613.5 Automotive sales and gasoline and service stations shall be exempt from these requirements.
- 1613.6 Commercial establishments may hold sidewalk sales once a year for a period not to exceed seventy-two (72) hours.

Section 1614 Preservation of Greenways.

The following requirements for the preservation of greenways apply to all areas of the township where the conditions are applicable and to all zoning districts:

- 1614.1 **Purpose:** The preservation of greenways in Lancaster Township is essential to link the urban, suburban, and rural areas of the Greater Lancaster Area and to preserve the township's most valuable natural, scenic, and recreational resources. The preservation of such resources is a municipal zoning power authorized by Section 604 of the MPC. The purpose of this Section is to preserve greenways to the greatest extent possible in order to facilitate the development of a network of inter-municipal trails and preservation areas.
- 1614.2 **Designated Greenways:** The most recent version of the LIMC comprehensive plan identified greenway corridors in Lancaster Township. To implement the recommendations of the plan, the Township hereby designates greenways along the following bodies of water:

- A. Little Conestoga Creek;
 - B. Conestoga River;
 - C. Unnamed tributary to Conestoga River southwest of Millersville Road and adjacent to Millersville Borough; and
 - D. Unnamed tributary to the Conestoga River on the northeast side of Millersville Road.
- 1614.3 **Location of Greenways:** Greenways shall extend inland one hundred (100) feet from the top of the bank of the body of water. When the top of the bank is not clearly defined, the greenway shall extend inland one hundred twenty-five (125) feet from the center of the body of water.
- 1614.4 **Uses and Structures Permitted in Greenways:** To the extent permitted by the pertinent zoning district, the following uses and structures shall be permitted in greenways:
- A. Wildlife sanctuaries
 - B. Nature preserves
 - C. Reforestation
 - D. Fishing areas
 - E. Passive recreational areas
 - F. Public recreational trails for bicycles and pedestrians
 - G. Active recreation areas such as ball fields, golf courses, playgrounds
 - H. Stream bank stabilization
 - I. Greenway crossings for farm vehicles and livestock
 - J. Bridges for public roads
 - K. Public sewer lines, submersible pump stations protruding no more than one (1) foot above the original grade, and accessory features including transformers, control panels, generators, and dusk-to-dawn lights that are necessary for the operation and maintenance of pump stations and protrude to a height of no greater than four (4) feet above the ground and occupy a surface area no more than fifty (50) square feet.
 - L. Public water lines and associated facilities at or below grade
 - M. Fences for containing livestock, provided that such fences are designed to allow the reservation of adequate land for a potential linear trail as required in Section 1614.3. of this Ordinance.
 - N. Public utility transmission lines
- 1614.5 **Uses and Structures Prohibited in Greenways:** The following uses and structures shall be prohibited in greenways:
- A. Buildings and structures not listed in Section 1614.4. of this Ordinance.

- B. Impervious surfaces including parking compounds, driveways, and access drives not associated with the uses listed in Section 1614.4. of this Ordinance.
- C. Storage of hazardous or noxious materials.

1614.6 **Provisions for Future Trails:** Any building or structure permitted in a greenway shall be located and designed to incorporate the reservation of adequate and appropriate area for a linear path that traverses the property. Such areas shall be designated on all subdivision and land development plans as a potential greenway trail and shall comply with the following:

- A. The minimum width of the area reserved for the trail shall be twenty-five (25) feet.
- B. The area reserved for the trail shall not contain wetlands.
- C. The grading and slope of the area reserved for the future trail shall be adequate to accommodate pedestrians and bicycles.
- D. The alignment of the trail shall traverse the property approximately parallel to the body of water adjacent to the greenway.
- E. The alignment of the area designated for the potential trail shall be the optimum alignment with designated or potential trails on adjacent properties.

Section 1615 Public Utility Corporations and Municipal Uses.

1615.1 This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the PA PUC shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

1615.2 Any structure or other improvement for the purpose of servicing a public utility or municipality except common or contract carriers, may be erected within any zoning district. If requested by the Township, public utilities shall file a plan with the Township indicating the location of all proposed structures, and rights-of-way within the Township.

Section 1616 Slope Control Regulations.

The following controls shall apply to all areas of the township where the conditions are applicable and to all zoning districts. It is the purpose of these regulations to limit the amount of the removal of natural resources, to protect the watershed areas, and to minimize erosion of the soil. Upon the receipt of an application for a building permit, the Zoning Officer may require that the applicant submit a topographic survey prepared by a licensed professional surveyor registered by the Commonwealth of Pennsylvania or licensed professional engineer registered by the Commonwealth of Pennsylvania which shall show the degree of slope. If the proposed building site is located in those areas of the township where the natural slope of the land exceeds twenty-five (25) percent, the following regulations shall apply.

- A. All uses as permitted in the zoning district in which the slope is located are permitted.
- B. If more than fifty (50) percent of the minimum required lot area is on slopes which exceed twenty-five (25) percent, a minimum lot area of forty thousand (40,000) square feet is required for each principal building to be constructed.

Section 1617 Vision Obstructions.

No building, structure, planting or other obstruction shall be permitted on any corner lot that would obscure sight visibility within the clear sight triangle established by measuring one hundred (100) feet along the centerlines of the intersecting streets at a height of three and one half (3.5) feet above the street surface.

ARTICLE XVII. Conformity and Non-Conformity Regulations

The requirements and provisions of this Article XVII shall apply to non-conforming uses, structures, and lots in all zoning districts unless application to specific zoning districts is expressly stated.

Section 1701 Conformity of Proposed Land Uses.

- 1701.1 Notwithstanding any provision of this Ordinance to the contrary, no provision of this Ordinance shall be construed to enable or permit the expansion of a building, structure, sign or use of land which existed as a non-conforming building, structure, sign or use of land pursuant to the provisions of any prior zoning regulation or ordinance, in excess of the limits of expansion for a non-conforming building, structure, sign or use of land authorized by said prior zoning regulation or ordinance.
- 1701.2 It is the express intent and purpose of this Ordinance that if a building, structure, sign or use of land was expanded to the limits of expansion for a non-conforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized, and in the event a non-conforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion, if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

Section 1702 Continuance of Non-conforming Uses and Structures.

From and after the effective date of this Ordinance, any use and structure lawfully existing at the time of the enactment of this Ordinance (February 8, 1999) but not in conformity with the use provisions for the zoning district in which it is located may be continued subject to the following limitations.

- 1702.1 **Expansion of Non-conforming Uses:** No expansion of a non-conforming structure or use shall hereafter be made unless an application has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception; provided however, that the expansion of the non-conforming use shall be limited to a distance of two hundred fifty (250) feet in any direction from the existing non-conforming structure or use or to an area equal to twenty-five (25) percent of the existing total usable area of the use or building; and provided further that any expansion of a non-conforming building or use shall be limited to the lot limits which existed at the property in question at the time of adoption of this Ordinance (February 8, 1999). The applicant shall provide evidence to the Zoning Hearing Board as to the prior extent of any non-conforming use at the property. No new non-conformities shall be created by any proposed expansion unless a variance is sought and obtained from the Zoning Hearing Board.

- 1702.2 **Continuity of Non-conforming Use:** Except as otherwise provided in Section 1702.5. of this Ordinance, no non-conforming use may be reestablished after it has been discontinued for twelve (12) consecutive months. Vacating of premises or buildings or non-operative status of such premises or building shall be presumptive evidence of discontinued use, refutable upon presentation of additional competent evidence.
- 1702.3 **Substitution of Non-conforming Use:** No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board shall, in granting a special exception, find that the proposed non-conforming use is not more detrimental to the zoning district than the existing non-conforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change and the granting of such special exception.
- 1702.4 **Damage to Non-conforming Buildings:** Except as otherwise specifically provided, a non-conforming building structure or use which is partially damaged by fire, storm, accident or other unintended casualty may be rebuilt and occupied for the same use as before the damage, provided the reconstructed building structure or use shall not be larger than the damaged one (1) and that the reconstruction shall start within one (1) year from the time of such damage. However, a non-conforming building which has been damaged or destroyed to an extent of sixty (60) percent or more of its replacement cost shall not be continued, repaired or reconstructed.
- 1702.5 **Discontinued Non-conforming Use of Open Land:** All non-conforming signs, billboards, junk areas, storage areas, and other non-conforming uses of open land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60) percent or more of replacement costs, shall not be continued, repaired or reconstructed.
- 1702.6 **Substitution of a Non-conforming Use with a Conforming Use:** If a non-conforming use is proposed to be eliminated and a conforming use substituted but certain dimensional land regulations cannot be met (such as area, yard, etc.) the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use.
- 1702.7 **Status of a Conforming Use which was Previously Non-conforming:** If a non-conforming use becomes a conforming use, such use shall not thereafter revert back to a non-conforming use.
- 1702.8 **Side and Rear Yard Regulations for Accessory Buildings on lots containing a Non-conforming Use:** The side and rear yard regulations are as required in those zoning districts where the use is a permitted use or the use is allowed by a Special Exception.

Section 1703 **Non-Conforming Lots.**

Lots which are non-conforming because of lot area, lot width, or lot depth may be used for any use permitted in the pertinent zoning district. Such uses shall comply with all other requirements of the zoning district with the following exceptions:

1703.1 **Lot Area Exceptions:** Lots that are non-conforming because of lot area may be used for any use permitted in the pertinent zoning district provided that such uses shall comply with all other requirements of the zoning district.

1703.2 **Side Yard Exceptions:** Lots that are non-conforming because of lot width shall be exempt from the minimum side yard requirements provided that such side yards shall comply with the following:

A. Residential Zoning Districts: In order to provide for additions to existing single family detached and single family semi-detached dwelling units in those cases where a lot, on which there was an existing dwelling unit, existed at the time of enactment of this Ordinance (February 8, 1999), which has less than the required minimum lot width in the zoning district in which it is located, the side yard requirement may be reduced by six (6) inches for each one (1) foot of lot width deficiency to a minimum side yard of the following:

1. Residential District R-1: Eight (8) feet.
2. Residential District R-2: Eight (8) feet.
3. Residential District R-3: Six (6) feet.

The intent of this provision is to permit additional living space in existing dwelling units and is not to be applicable when the expansion is for the purposes of adding or creating additional dwelling units or change in use classifications.

B. Side Yard Exceptions for Accessory Buildings in the Residential Zoning Districts: In order to provide for construction of an accessory building on those lots which existed at the time of enactment of this Ordinance (February 8, 1999) which have less than the required minimum lot width in the zoning district in which it is located, the side yard requirement may be reduced by six (6) inches for each one (1) foot of lot width deficiency to a minimum side yard of the following:

1. Residential District R-1: Six (6) feet.
2. Residential District R-2: Four (4) feet.
3. Residential District R-3: Four (4) feet.

C. All other uses and zoning districts shall comply with the following side yard exceptions:

1. Side yards shall not be less than the average of the two (2) adjacent side yards on the two (2) adjacent properties which front on the same street, on the same side of the

street, and in the same zoning district as the non-conforming lot.

2. Under no circumstances shall any side yard be less than five (5) feet.

1703.3 **Rear Yard Exceptions:** Lots that are non-conforming because of lot depth shall be exempt from the minimum rear yard requirements provided that such rear yards shall comply with the following:

- A. **Residential Zoning Districts:** In order to provide for additions to existing single family detached and single family semi-detached dwelling units in those cases where a lot, on which there was an existing dwelling unit, existed at the time of enactment of this Ordinance (February 8, 1999) which has less than the required minimum lot depth in the zoning district in that it is located, the rear yard requirement may be reduced by six (6) inches for each one (1) foot of lot depth deficiency to a minimum rear yard depth of twenty-five (25) feet in all residential zoning districts.

The intent of this provision is to permit additional living space in existing dwelling units and is not to be applicable when the expansion is for the purposes of adding or creating additional dwelling units or change in use classification.

- B. All other uses and zoning districts shall comply with the following rear yard exceptions:
 1. Rear yards shall not be less than the average of the two (2) adjacent rear yards on the two (2) adjacent properties which front on the same street, on the same side of the street, and in the same zoning district as the non-conforming lot.
 2. Under no circumstances shall any rear yard be less than fifteen (15) feet.

Section 1704 Zoning District Changes.

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one (1) zoning district to another zoning district of a different classification, the foregoing provisions shall also apply to any non-conforming uses or structures existing therein or created thereby.

ARTICLE XVIII. Administration and Enforcement

The requirements and provisions of this Article XVIII shall apply to the administration and enforcement of this Ordinance.

Section 1801 **Zoning Officer.**

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by, and be responsible to, the Board of Supervisors. The Zoning Officer may be provided with the assistance of such persons as the Board of Supervisors may direct. The compensation of all employees shall be determined by the Board of Supervisors.

Section 1802 **Duties and Responsibilities of Zoning Officer.**

The Zoning Officer shall have all the duties and powers conferred by this Ordinance and by all of the applicable laws of the Commonwealth of Pennsylvania. The Zoning Officer shall not issue a permit or certificate of use and occupancy in connection with any contemplated erection, construction, alteration, extension, replacement, demolition, relocation, conversion or use of any building, structure, sign or land unless it first (1st) conforms with the requirements of this Ordinance, all other ordinances of the Township of Lancaster, and with the laws of the Commonwealth of Pennsylvania.

- 1802.1 **Application and Permits:** The Zoning Officer shall receive applications and issue Zoning Permits and/or Certificates of Use and Occupancy for the erection, construction, alteration, extension, replacement, demolition, relocation, conversion and/or use and occupancy of any building, structure, sign, or land in the township.
- 1802.2 **Inspections:** Before the issuance of any permit by the Zoning Officer all buildings, structures, signs or land and portions thereof for which an application has been filed for the erection, construction, alteration, extension, replacement, demolition, relocation, conversion and/or use may be examined or caused to be examined. Thereafter, such inspections as are required by the Township during the construction of the work for which a Permit has been issued may be made by the Township or its agent. Upon completion of such work, and before issuing a Certificate of Use and Occupancy, a final inspection shall be made and all violations of approved plans or Zoning Permit shall be noted and the holder of the Permit shall be notified of the discrepancies, which violations or discrepancies shall be rectified before a Certificate of Use and Occupancy shall be issued.
- 1802.3 **Complaints Regarding Violations:** The Zoning Officer shall investigate alleged violations of this Ordinance when in receipt of a signed written complaint stating fully the cause and basis thereof. If a signed written complaint is received, said investigation shall be completed within thirty (30) days of said complaint. A

written report of all investigations of this Ordinance shall be prepared and filed by the Zoning Officer and a copy sent to the Board of Supervisors.

- 1802.4 **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 Zoning Map, and all other pertinent information. The records of the Zoning office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all Zoning Permits and Certificates of Use and Occupancy issued and violations and stop work orders recommended or promulgated.

Section 1803 Permits.

- 1803.1 **Requirements:** It shall be unlawful to commence the excavation for or the erection, construction, alteration, extension, relocation, conversion or use and occupancy of any building, structure, sign, fence, wall, parking compound, driveway, access drive, or land, including an accessory building or sign or to commence the moving, demolition or alteration of any building structure, sign, fence, wall, parking compound, driveway, access drive, or land including an accessory building or sign, until the Zoning Officer has issued a Zoning Permit for such work; provided; however, no Zoning Permit shall be required for any such construction or alteration, the fair market value of which is less than five hundred (500) dollars and which would not change the use classification provided that a Zoning Permit shall always be required for any excavation or construction work on, through or within a Township road or right-of-way.

Any excavation for or construction or erection of any building structure, sign, fence, wall, parking compound, driveway, access drive, or land including an accessory building or sign, or the commencement of any moving or alteration of any building structure, sign, fence, wall, parking compound, driveway, access drive, or land including any accessory building or sign shall comply with all other provisions of this Ordinance, and any other local, state or federal regulations, ordinances, and laws.

No Zoning Permit shall be required for repairs to, and maintenance of, any building, structure, sign or land, provided that such repairs do not change the use, alter the exterior dimensions of the building, structure or sign, or otherwise violate the provisions of this Ordinance or other ordinances of the Township.

No Zoning Permit for the erection, construction, alteration, extension, relocation, conversion or use and any occupancy of any building, structure or land shall be issued until the developer or landowner has submitted a certification, executed by a professional licensed to perform such duties in the Commonwealth of Pennsylvania, that all storm water management facilities and related improvements have been completed in accordance with Township specifications

and in accordance with the plan or plans approved by the Board of Supervisors pursuant to the applicable ordinances of the Township of Lancaster.

- 1803.2 **Form of Application:** The application for a Zoning Permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed. Application for a Zoning Permit shall be made by the landowner or developer. The full names, addresses and phone numbers of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
- 1803.3 **Description of Work:** The application shall contain a general description of proposed work and use and occupancy of all parts of the building, structure or sign and such additional information as may be required by the Zoning Officer. The application for the Zoning Permit shall be accompanied by a plot plan of the proposed building, structure, or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including parking and loading facilities, if required, location of new and existing construction, and the distances of the same from the existing lot lines and street right-of-way lines.
- 1803.4 **Time Limit for Application:** An application for a Zoning Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless during that six (6) month period a Zoning Permit shall have been issued; provided, that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.
- 1803.5 **Issuance of Permit:** Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent laws, he shall reject such application in writing, stating the reasons therefore. The Zoning Officer shall inform the applicant of the right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this Ordinance and all other pertinent laws and ordinances and that the Certificate of Use and Occupancy as required herein has been properly applied for, the Zoning Officer shall issue a Zoning Permit therefore generally within thirty (30) days but in any case within ninety (90) days.
- 1803.6 **Expiration of Permit:** The Zoning Permit shall expire one (1) year from the date of issuance; provided, that the Zoning Permit may be extended by the Zoning Officer upon reasonable cause shown and at his discretion for one (1) or two (2) six (6) month periods not to exceed an additional one (1) year.
- 1803.7 **Revocation of Permit:** The Zoning Officer may revoke a Zoning Permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the Zoning Permit or approval was based, or for any other case set forth in this Ordinance.
- 1803.8 **Posting of Permit:** A true copy of the Zoning Permit shall be kept on the site of operations and open to inspection by the Zoning Officer during the entire time of

performance of the work and until the completion of same as defined in the application.

Section 1804 Conditions of Permit.

- 1804.1 **Payment of Fees:** No Zoning Permit shall be issued until the fees prescribed by the Board of Supervisors pursuant to Resolution shall be paid to the Township. The payment of fees under this Section shall not relieve the applicant or holder of said Zoning Permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law.
- 1804.2 **Compliance with Ordinance:** The Zoning Permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance or any other ordinances or law.
- 1804.3 **Compliance with Permit and Plot Plan:** All work or use shall conform to the approved application and plans for which the Zoning Permit has been issued as well as the approved plot plan.

Section 1805 Certificate of Use and Occupancy.

- 1805.1 **When Required:** It shall be unlawful to use or occupy any structure, building, permanent sign or land or portion thereof until a Certificate of Use and Occupancy has been issued by the Zoning Officer. Such certificate shall be required whenever a Zoning Permit is required, as well as when there is a change in the use of any existing land, structure, or building.

A Certificate of Use and Occupancy shall also be obtained before using or occupying any land, structure, or building or a portion thereof, after approval by the Zoning Hearing Board for a special exception or a variance, or the grant of a conditional use.

Prior to issuing such Certificate, the Zoning Officer shall be satisfied that all provisions of this Ordinance and all conditions of the Zoning Hearing Board's approval, as well as the requirements of other Township Ordinances have been satisfied.

- 1805.2 **Form of Application:** The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe, and shall be made at the same time as the application for a Zoning Permit is filed with the Zoning Officer.
- 1805.3 **Description of Use and Occupancy:** The application shall contain a description of the intended use and occupancy of any structure, building, sign or land or portion thereof for which a Zoning Permit is required herein.
- 1805.4 **Action upon Application:** The Zoning Officer may make a discretionary inspection of any structure, building or sign within seven (7) days after notification that the proposed work that was listed under the Zoning Permit has

been completed. If the Zoning Officer is satisfied that the work is in conformity and compliance with the work listed in the issued Permit and all other pertinent laws, the Zoning Officer shall issue a Certificate of Use and Occupancy for the intended use listed in the approved application.

1805.5 **Availability of Certificate:** The Certificate of Use and Occupancy for non-conforming uses, or a true copy thereof, shall be kept available for inspection by the Zoning Officer at all times.

1805.6 **Temporary Certificate of Use and Occupancy:** Upon request of the holder of a Zoning Permit, the Zoning Officer may issue a temporary Certificate of Use and Occupancy for a structure, building, or land or portion thereof before the entire work covered by the Zoning Permit shall have been completed; provided that such portion or portions may be used or occupied safely prior to full completion of the work without endangering life or public welfare. 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 religious or other public or semi-public purposes and similar temporary use or occupancy. Such temporary Certificates shall be for a period of time to be determined by the Zoning Officer; however, in no case for a period exceeding six (6) months. The Zoning Officer may renew such temporary Certificates for additional periods of time which shall not exceed six (6) months each.

Section 1806 Enforcement, Penalty And Remedy.

It shall be the duty of the Zoning Officer to enforce this Ordinance.

1806.1 **Violation:** The erection, construction, alteration, repair, demolition, extension, replacement, relocation, conversion, and/or use and/or occupancy of any building, structure, sign, fence, wall, parking compound, driveway, access drive, or land, or the change of use, area of use, percentage of use or displacement of the use of any building, structure, sign, fence, wall, parking compound, driveway, access drive, or land without first (1st) obtaining a Zoning Permit, when such permit is required by this Ordinance, or the use of any building, structure, sign, fence, wall, parking compound, driveway, access drive, or land without receipt of a Certificate of Use and Occupancy, or the failure to comply with any other provisions of this Ordinance or any terms and conditions of any decisions by the Zoning Hearing Board, are hereby declared to be violations of this Ordinance of the Township.

1806.2 **Enforcement Notice:**

- A. If it appears to the Township that a violation of this ordinance has occurred or is occurring, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, to any other person requested in writing by the owner of

record, and to any other person against whom the Township intends to take action. The enforcement notice shall be sent by first (1st) class mail and certified mail/return receipt requested. Return of signed return receipt card, or an unclaimed certified mailing combined with non-return of the enforcement sent first (1st) class mail, shall constitute a conclusive presumption that the enforcement notice recipient has been lawfully served.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township intends to take action
2. The location of the property in violation
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the notice in accordance with procedures set forth in this Ordinance
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

1806.3 **Causes of Action:** In case any building, structure, sign, fence, wall, parking compound, driveway, access drive, landscaping or land is, or is proposed to be, erected, constructed, altered, converted, maintained or used in violation of this Ordinance, the Township or, with the approval of the Township, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

1806.4 **Enforcement Remedies:**

- A. Any person, partnership or corporation who or which has violated, is violating, or has permitted the violation of the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township

as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

- B. 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.

1806.5 **Abatement of Violation:** The imposition of the penalties herein prescribed shall not preclude the Township 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, fence, parking compound, driveway, access drive, land or premises or to stop an illegal act, conduct business, use or occupancy of a structure, building, sign or land in and about any premises.

ARTICLE XIX. Zoning Hearing Board

The requirements and provisions of this Article XIX shall apply to the Zoning Hearing Board and related functions of this Ordinance.

Section 1901 Establishment and Membership.

There shall be a Zoning Hearing Board, which shall consist of three (3) members who shall be appointed by the Board of Supervisors.

Membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received a fifteen (15) day advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The terms of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 1902 of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the planning commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1903 of this Ordinance unless designated as a voting alternate member pursuant to Section 1902 of this Ordinance.

Section 1902 Organization.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1904 of this Ordinance. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of

the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 1903 Expenditures for Services.

- 1903.1 The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- 1903.2 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 Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1902 of this Ordinance. In no case shall the compensation paid to members of the Board or any alternate members exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

Section 1904 Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the requirements of the MPC, as well as the following requirements.

- 1904.1 Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance, or in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- 1904.2 All persons who wish to be considered parties to a hearing shall enter their appearance on forms provided by the Zoning Hearing Board.

- 1904.3 Every person who requests a hearing before the Zoning Hearing Board shall submit a fully completed application to the Zoning Officer or the Zoning Hearing Board on the form prescribed by the Zoning Hearing Board. The Zoning Officer shall reject all incomplete applications. The date of an Applicant's request shall be the date when a fully completed Application accompanied by the appropriate fee is submitted to and received by the Zoning Officer.
- 1904.4 All requests for a continuance of a scheduled hearing shall be submitted in writing with the reasons therefor and shall contain a statement that the Applicant agrees to an extension of time period, within which the Zoning Hearing Board is required to hold a hearing or to render a written decision. No more than two (2) continuances shall be permitted unless the party requesting the continuance pays the fee prescribed by the Board of Supervisors pursuant to Resolution.
- 1904.5 The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the costs.

1904.6 **Effect of Zoning Hearing Board's Decision:**

The following time requirements and conditions shall apply to approvals granted by the Zoning Hearing Board:

A. Permit Period

1. The applicant or appellant shall secure all necessary Zoning and Building Permits within twelve (12) months after the approval date of the variance, special exception, or other action of approval by the Zoning Hearing Board.
2. The Zoning Hearing Board may grant an extension of the twelve (12) month permit period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.
3. Should the applicant or appellant fail to obtain all necessary Zoning Permits within the time limitations of this Section, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned the appeal or application, and all provisions, variances, special exceptions and Zoning Permits granted shall be deemed automatically rescinded by the Zoning Hearing Board.

B. Construction Period

1. The applicant or appellant shall complete the building, alteration, or use within two (2) years after a Zoning Permit has been issued.
2. The Zoning Hearing Board may grant an extension of the two (2) year construction period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.
3. Should the applicant or appellant fail to complete such construction, alteration, or use within the time limitations of this Section, the Zoning Hearing Board may rescind or revoke the granted variance, special exception, or Zoning Permit. The Zoning Officer shall provide the applicant or appellant with a written notice at least ten (10) days prior to such decision of the Zoning Hearing Board. The decision to rescind or revoke such approvals shall be based on one (1) or more of the following findings of the Zoning Hearing Board:
 - a. That there is no good cause for the failure to complete such construction, alteration, or use within the required time.
 - b. That conditions have so changed since the approval of the Zoning Permit that revocation of the action is justified.

Section 1905 Jurisdiction of the Zoning Hearing Board.

1905.1 **Appeals from the Zoning Officer:** The Zoning Hearing Board shall hear and decide the following appeals:

- A. Appeals in which it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
- B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- C. Appeals from the Zoning Officer's determination of a preliminary opinion pursuant to Article IX, Section 916.2 of the MPC.

1905.2 **Substantive Challenges to the Validity of this Ordinance:** The Zoning Hearing Board shall hear substantive challenges to the validity of this Ordinance, except those brought before the Board of Supervisors.

- A. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to this challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the applicant 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 this Ordinance or Map.
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features.
 4. The impact of the proposed use on 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.
- B. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Board fails to act on the applicant's request within this time limit, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
- C. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the applicant requests or consents to an extension of time.
- D. Public Notice of the hearing shall be provided as specified in Section 1904.1 of this Ordinance.

Challenges to the validity of this Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges, shall be raised by an appeal taken within thirty (30) days after the effective day of the Ordinance.

- 1905.3 **Variances:** The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may grant a variance upon a finding that the applicable provisions of the MPC regarding the granting of variances have been met by the applicant. In granting any variance the Board may attach

such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Ordinance.

All applicants for a variance shall submit the following:

- A. Statement describing the proposed use.
- B. A location map showing the entire tract and its relation to the surrounding area drawn at a scale of one thousand (1,000) feet to the inch.

1905.4 **Special Exceptions:** In those instances in which this Ordinance has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall herein decide all such requests for special exceptions in accordance with the standards and criteria of this Ordinance including the following:

- A. The proposed use shall be consistent with the purpose and intent of this Ordinance and the applicable zoning district;
- B. The proposed use shall not detract from the use and enjoyment of adjacent or nearby properties;
- C. The proposed use will not substantially change the character of the subject property's neighborhood;
- D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
- E. The proposed use complies with this Ordinance including Article 10 relating to Flood Plain District (FP) Regulations;
- F. The proposed use shall comply with those criteria specifically listed in the applicable zoning district, Article XV relating to Performance Standards, and Article XVI relating to Supplemental Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
- G. The proposed use will not substantially impair the integrity of the most recent version of the Lancaster Township comprehensive plan.

In granting a special exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in the Ordinance as it may deem necessary to implement the purposes of the MPC and this Ordinance. The Board shall hear and decide all requests for special exceptions in accordance with the standards and criteria of this Ordinance as well as in accordance with the procedure outlined by this Section.

All applicants for a special exception shall submit the following:

- A. Statement describing the proposed use.

- B. A location map showing the entire tract and its relation to the surrounding area drawn at a scale of one thousand (1,000) feet to the inch.
- C. All applicants for a special exception, except for home occupations, boarding houses and conversions, shall submit seven (7) sets of sketch plans for the proposed use to the Zoning Hearing Board including the following requirements:
 - 1. The location of all existing flood plains, wetlands, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts and other significant natural features on the tract and within two hundred (200) feet of the tract.
 - 2. The location of all streets, adjoining tracts, and buildings within two hundred (200) feet of the tract.
 - 3. If applicable, location of all proposed land uses including residential uses by types.
 - 4. The location and arrangement of all open spaces and yards, landscaping, fences, and buffer yards, including the methods and materials to be employed for screening.
 - 5. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, parking, loading, and provisions to be made for lighting such areas.
 - 6. The location and dimensions of sidewalks and all other common areas.
 - 7. If applicable, a description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.
 - 8. If applicable, provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.
 - 9. Name and address of the developer (if applicable) and landowner.
 - 10. Name of the individual and/or the firm that prepared the plan.

1905.5 **Appeals Regarding the Flood Plain District (FP):** Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any provisions contained within the Flood Plain District (FP).

1905.6 **Appeals Regarding Development Rights and Density:** Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.

- 1905.7 **Appeals Regarding Sedimentation and Erosion Control and Stormwater Management:** Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the MPC.
- 1905.8 Appeals from a notice of violation issued under Section 1806 of this Ordinance.

Section 1906 Parties Appellant Before Zoning Hearing Board.

- 1906.1 Appeals and proceedings to challenge any provision under this Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, by any officer or agency of the Township, or any person aggrieved. Requests for a variance and for a special exception under this Ordinance may be filed with the Zoning Hearing Board by any landowner. An appeal or request shall state:
- A. The name and address of the applicant
 - B. The name and address of the owner of the real estate to be affected by the proposed special exception, or variance
 - C. A brief description and location of the real estate to be affected by such proposed change
 - D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereon
 - E. A statement of the Section of this Ordinance under which the variance, or special exception is requested, may be allowed, and reasons why it should be granted

Section 1907 Time Limitations.

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

Section 1908 Stay of Proceedings.

Upon the filing of any proceeding referred to in this Article XIX and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Hearing Board determines there are facts indicating that such stay would cause

imminent peril to life or property; in which case, the development or official action shall not be stayed, otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board, by persons other than the applicant, the applicant may petition the Court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

ARTICLE XX. Conditional Uses and Amendments

The requirements and provisions of this Article XX shall apply to conditional uses and amendments to this Ordinance.

Section 2001 Conditional Uses.

2001.1 Conditional Use Hearings.

The Board of Supervisors shall conduct hearings and make decisions on conditional uses in accordance with the requirements of the MPC, as well as the following requirements.

- A. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing held upon an application, to provide the Township Planning Commission an opportunity to review and submit recommendations on the application. A report of said review, together with any recommendations, shall be given to the Board of Supervisors in writing thirty (30) days from the date of said referral. If the Township Planning Commission shall fail to file such a report prior to the hearing in the manner specified, it shall be conclusively presumed that the Township Planning Commission has approved the application. If, after any public hearing held upon an application, the proposed application is revised, the (shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.
- B. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance, or in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- C. All persons who wish to be considered parties to a hearing shall enter their appearance on forms provided by the Board of Supervisors.
- D. Every person who requests a hearing before the Board of Supervisors shall submit a fully completed application to the Zoning Officer or the Board of Supervisors on the form prescribed by the Board of Supervisors. The Zoning Officer shall reject all incomplete applications. The date of an Applicant's request shall be the date when a fully completed Application accompanied by the appropriate fee is submitted to and received by the Zoning Officer.

- E. All requests for a continuance of a scheduled hearing shall be submitted in writing with the reasons therefor and shall contain a statement that the Applicant agrees to an extension of time period, within which the Board of Supervisors is required to hold a hearing or to render a written decision. No more than two (2) continuances shall be permitted unless the party requesting the continuance pays the fee prescribed by the Board of Supervisors pursuant to Resolution.
- F. The Board of Supervisors or the hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing from the decision of the Board of Supervisors if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the costs.
- G. Effect of Board of Supervisor's Decision.

The following time requirements and conditions shall apply to approvals granted by the Board of Supervisors:

- 1. Permit Period:
 - a. The applicant or appellant shall secure all necessary Zoning and Building Permits within twelve (12) months after the approval date of the conditional use approval by the Board of Supervisors.
 - b. The Board of Supervisors may grant an extension of the twelve (12) month permit period provided that the applicant or appellant has demonstrated good cause in a written application to the Board of Supervisors.
 - c. Should the applicant or appellant fail to obtain all necessary Zoning Permits within the time limitations of this Section, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned the application, and all provisions, conditional uses, and Zoning Permits granted shall be deemed automatically rescinded by the Board of Supervisors.
- 2. Construction Period:
 - a. The applicant or appellant shall complete the building, alteration, or use within two (2) years after a Zoning Permit has been issued.

- b. The Board of Supervisors may grant an extension of the two (2) year construction period provided that the applicant or appellant has demonstrated good cause in a written application to the Board of Supervisors.
- c. Should the applicant or appellant fail to complete such construction, alteration, or use within the time limitations of this Section, the Board of Supervisors may rescind or revoke the granted conditional use or Zoning Permit. The Zoning Officer shall provide the applicant or appellant with a written notice at least ten (10) days prior to such decision of the Board of Supervisors. The decision to rescind or revoke such approvals shall be based on one (1) or more of the following findings of Board of Supervisors:
 - 1) That there is no good cause for the failure to complete such construction, alteration, or use within the required time.
 - 2) That conditions have so changed since the approval of the Zoning Permit that revocation of the action is justified.

2001.2 Conditional Uses: In those instances in which this Ordinance has stated condition uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall herein decide all such requests for conditional uses in accordance with the standards and criteria of this Ordinance including the following:

- A. The proposed use shall be consistent with the purpose and intent of this Ordinance and the applicable zoning district;
- B. The proposed use shall not detract from the use and enjoyment of adjacent or nearby properties;
- C. The proposed use will not substantially change the character of the subject property's neighborhood;
- D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
- E. The proposed use complies with this Ordinance including Article 10 relating to Flood Plain District (FP) Regulations;
- F. The proposed use shall comply with those criteria specifically listed in the applicable zoning district, Article XV relating to Performance Standards, and Article XVI relating to Supplemental Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,

- G. The proposed use will not substantially impair the integrity of the most recent version of the Lancaster Township comprehensive plan.

In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in the Ordinance as it may deem necessary to implement the purposes of the MPC and this Ordinance. The Board of Supervisors shall hear and decide all requests for conditional uses in accordance with the standards and criteria of this Ordinance as well as in accordance with the procedure outlined by this Section.

All applicants for a special exception shall submit the following:

- A. Statement describing the proposed use.
- B. A location map showing the entire tract and its relation to the surrounding area drawn at a scale of one thousand (1,000) feet to the inch.
- C. All applicants for a conditional use shall submit seven (7) sets of sketch plans for the proposed use to the Board of Supervisors including the following requirements:
 - 1. The location of all existing flood plains, wetlands, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts and other significant natural features on the tract and within two hundred (200) feet of the tract.
 - 2. The location of all streets, adjoining tracts, and buildings within two hundred (200) feet of the tract.
 - 3. If applicable, location of all proposed land uses including residential uses by types.
 - 4. The location and arrangement of all open spaces and yards, landscaping, fences, and buffer yards, including the methods and materials to be employed for screening.
 - 5. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, parking, loading, and provisions to be made for lighting such areas.
 - 6. The location and dimensions of sidewalks and all other common areas.
 - 7. If applicable, a description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.
 - 8. If applicable, provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.

9. Name and address of the developer (if applicable) and landowner.
10. Name of the individual and/or the firm that prepared the plan.

Section 2002 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. Unless initiated by the Township Planning Commission, such amendment, supplement, change or repeal shall be submitted to the Township Planning Commission for its recommendations, and, if the same after public hearing, 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 most recent version of the Lancaster Township comprehensive plan, as amended, final action shall be taken by the Board of Supervisors on such amendment.

Section 2003 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.

Section 2004 Amendments Initiated By the Board of Supervisors.

When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, it shall submit the proposal to the Township Planning Commission for review and recommendations.

Section 2005 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 (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. In addition to the petition, the applicant shall concurrently submit a proposed amending ordinance that reflects the changes proposed by the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

Section 2006 Referral to Township Planning Commission.

Except for those amendments initiated by the Township Planning Commission, after receipt of the proposed petition and amendment by the Board of Supervisors, said petition and amendment shall be presented to the Township Planning Commission for review and recommendations at least thirty (30) days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Board of Supervisors in writing within thirty (30) days from the date of said referral. If the Township Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the Township Planning Commission has approved the proposed amendment, supplement, change or repeal.

The Board of Supervisors shall submit the proposed amending ordinance to the LCPC for review and comment at least forty-five (45) days prior to the Board of Supervisors' hearing on the proposed amending ordinance.

Section 2007 Public Hearing.

Before taking any action on the adoption or rejection of a proposed amendment to this Ordinance, the Board of Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one (1) newspaper of general circulation in the township once each week for two (2) successive weeks, not more than thirty (30) days and not less than fourteen (14) days prior to the date of said hearing.

Section 2008 Action by the Board Of Supervisors.

At the time and place specified, the Board of Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal this Ordinance or Zoning Map of the Township and shall thereafter within a period of thirty (30) days either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Supervisors may adjourn said hearing at its discretion to a time and place certain.

Section 2009 Authentication of 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 filed as part of the permanent records of the Township.

**LANCASTER TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2012-04**

**AN ORDINANCE TO ADOPT THE LANCASTER TOWNSHIP ZONING
ORDINANCE WHICH REPLACES THE PREVIOUS ZONING
ORDINANCE OF FEBRUARY 8, 1999, AS AMENDED.**

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of Lancaster Township, Lancaster County, Pennsylvania, that in order to conform with existing laws, models, rules and regulations governing zoning within the township, this ordinance is hereby adopted provided:

Section 1. The Lancaster Township Zoning Ordinance of February 8, 1999, as amended, is rescinded in its entirety and replaced with the Lancaster Township Zoning Ordinance of August 20, 2012, attached.

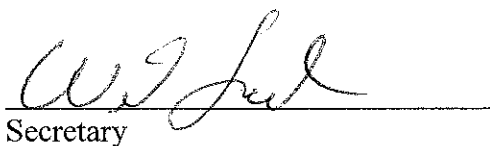
Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

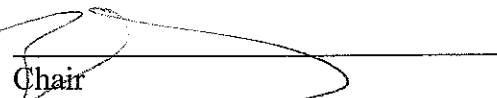

Section 4. This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Lancaster Township, County of Lancaster, Commonwealth of Pennsylvania.

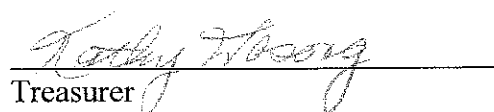
ORDAINED AND ENACTED as an Ordinance this twentieth (20th) day of August, 2012.


(SEAL)
ATTEST:


Secretary

**BOARD OF SUPERVISORS OF
LANCASTER TOWNSHIP**


Chair

Vice Chair


Treasurer

CERTIFICATION

I, **WILLIAM M. LAUDIEN, SECRETARY OF THE BOARD OF SUPERVISORS** of Lancaster Township, Lancaster County, Pennsylvania, do hereby **CERTIFY** that the foregoing is a true and correct copy of **Ordinance No. 2012-04** duly adopted at a regular meeting of said Board held on **August 20, 2012**, at which meeting a quorum was present and voted in favor thereof.




William M. Laudien, Secretary