

# South Londonderry Township Zoning Ordinance



Adopted, Enacted and Ordained by the Board of Supervisors of South Londonderry Township at a Public Meeting Held on

April 24, 2024

**SOUTH LONDONDERRY TOWNSHIP**

**MUNICIPAL DIRECTORY - 2024**

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Jack Custer, Vice Chairman

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# Article 1

## Background Provisions

### 101 – SHORT TITLE

This Ordinance shall be known and may be cited as the “South Londonderry Township Zoning Ordinance of 2024.”

### Section 102 - PURPOSE

#### 102.A - This Ordinance is enacted for the following purposes:

1. To promote, protect, and facilitate any or all of the following: the public health, safety, ethics, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities; the provision of adequate light and air; access to solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds; the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use; as well as the preservation of forests, wetlands, aquifers, and floodplains.
2. To prevent any or all the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
4. To provide for the use of land within the Township 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 multi-family dwellings in various arrangements, as well as mobile homes and mobile home parks.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

**102.B** - The basis for this Ordinance is the Palmyra Area Region Comprehensive Plan of 2013, as adopted by the Board of Supervisors. The Comprehensive Plan establishes many community development goals and objectives, which this Ordinance seeks to promote and to establish; however, it is recognized that circumstances may necessitate revising this Ordinance based on new municipal values and development objectives as communicated by the elected Board of Supervisors.

### SECTION 103 - SCOPE

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

**103.B** - This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated by applicable Telecommunication law.

**103.C** - The application of requirements of this Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have heretofore been superseded and preempted by:

1. The act of May 31, 1945 (P.L. 1198, No. 418), known as the Surface Mining Conservation and Reclamation Act.
2. The act of December 19, 1984 (P.L. 1093, No. 219), known as the Noncoal Surface Mining Conservation and Reclamation Act.
3. The act of December 19, 1984 (P.L. 1140, No. 223), known as the Oil and Gas Act.
4. To the extent that the subsidence impacts of coal extraction action are regulated by the act of April 27, 1966 (1 st Sp. Sess., P.L. 31, No.1), known as The Bituminous Mine Subsidence and Land Conservation Act.

**103.D** - The application of requirements of this Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under:

1. The act of May 20, 1993 (P.L. 12, No.6), known as the Nutrient Management Act, regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act.
2. The act of June 30, 1981 (P.L. 128 No. 43), known as the Agricultural Area Security Law.
3. The act of June 10, 1982 (P.L. 454, No. 133), entitled An Act protecting agricultural operations from nuisance suits and ordinances under certain circumstances, or that regulation of other activities is preempted, but only to the extent preempted, by other Federal or State laws.

#### **SECTION 104 - INTERPRETATION**

**104.A** - In interpreting and applying the provisions of this Ordinance, such shall be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

**104.B** - In interpreting the language of this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where **doubt** exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

**104.C** - Ordinance figures/diagrams are for graphic representation only and if a conflict appears between a diagram/figure and written text, the written text shall be interpreted to be the basis of the Zoning Officer administrative interpretation. When no ordinance text is provided the Zoning Officer shall use the diagram/figure for administrative interpretation.

#### **SECTION 105 - CONFLICT**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance,

enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a **discrepancy** exists between any regulations contained within this Ordinance the regulation which imposes the greater restriction shall apply.

#### **SECTION 106 - VALIDITY AND SEVERABILITY**

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

#### **SECTION 107 - USES NOT PROVIDED FOR**

**107.A** - Whenever a use is neither specifically permitted nor denied by this Ordinance, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a Special Exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. To approve the use the Board must find that the proposed use:

1. Is similar to and compatible with the permitted uses in the Zone in which the subject property is located.
2. Is not permitted in any other Zone under the terms of this Ordinance.
3. Is proposed in a manner that complies with all applicable requirements imposed upon other uses that in the opinion of the Zoning Hearing Board most closely reflect the likely impacts that will be generated by the proposed use.
4. Complies with all other applicable sections of this Ordinance and other ordinances of the Township.
5. In no way conflicts with the general purposes and intent of this Ordinance.
6. Would not be detrimental to the public health, safety and welfare of the neighborhood or Township.

#### **SECTION 108 - ESTABLISHMENT OF ZONES**

South Londonderry Township is hereby divided into Zones which shall be designated as follows:

- |  |  |
|--|--|
| 1. Conservation Zone (C) – Section 200               | 7. Manufactured Home Park Zone (MHP) – Section 213 |
| 2. Agricultural Zone (A) – Section 201               | 8. Mixed Use Zone (MU) – Section 220               |
| 3. Agricultural Holding Zone (AH) – Section 202      | 9. Village Commercial Zone (VC)– Section 221       |
| 4. Low Density Residential Zone (LDR) – Section 210  | 10. Highway Commercial Zone (HC) – Section 222     |
| 5. Village Residential Zone (VR) – Section 211       | 11. Commercial Office Zone (CO)– Section 223       |
| 6. Multi-Family Residential Zone (MFR) – Section 212 | 12. Light Industrial Zone (LI) – Section 230       |
|  | 13. Airport Safety Zone (AS) – Section 240         |

#### **SECTION 109 - ZONING MAP**

**109.A** - The areas within South Londonderry Township, as assigned to each Zone and the location of the Zones established by this Ordinance, are shown upon the Official Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

**109.B** - If changes are made to Zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made in accordance with the provisions of Section 804 of this Ordinance and the Pennsylvania Municipalities Planning Code, and the changes shall be entered on the Official Zoning Map

promptly after the amendment has been approved by the Board of Supervisors. No changes of any nature shall be made to the Official Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this Zoning Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

**109.C** - The Official Zoning Map shall be in a place designated by the Board of Supervisors and shall be the final authority as to the current zoning status of land and water area in South Londonderry Township regardless of unofficial copies, which may have been made or published from time to time.

**109.D** - If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Board of Supervisors, attested by the South Londonderry Township Manager or Secretary, and bear the seal of South Londonderry Township under the following words:

***"This is to certify that this Official Zoning Map of South Londonderry Township supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. 203 of South Londonderry Township, Lebanon County, Pennsylvania."***

**109.E** - Unless the prior Official Zoning Map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all applicable records pertaining to its adoption or amendment.

#### **SECTION 110 - ZONE BOUNDARY LINES**

**110.A** - The Zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Ordinance, the corporate boundary of the Township or as dimensioned on the map. Where uncertainty exists as to the boundaries of the base districts as indicated on the Official Zoning Map, the following rules and guidelines, as provided within this section, shall be applicable.

1. Where Zone boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerline shall be construed to be such boundaries.
2. Where Zone boundaries are indicated as approximately coinciding with lot lines or deed lines, which were in effect at the date of this Zoning Ordinance, such lines shall be construed to be such boundaries.
3. Where Zone boundaries are indicated as approximately coinciding with municipal boundary lines, such lines shall be construed to be such boundaries.
4. Where Zone boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map.
5. Where Zone boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
6. Where Zone boundaries are referenced by a distance or measurement from a specific feature, such distance shall be measured in feet and the district boundaries shall follow the specified setback.
7. Where Zone or measurements are not specifically referenced on the Official Zoning Map, the scale of the Official Zoning Map shall determine the unspecified setback.

**110.B** - In the event of a dispute about the location of the boundary of any Zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board in accordance with Section 704 of this Ordinance.

**110.C** - When a property is contained within more than one Zone, any use is required to comply with all applicable design standards upon that portion of the property within the Zone in which the use is permitted.

### **SECTION 111 - WORD USAGE**

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

### **SECTION 112 - LANGUAGE INTERPRETATION**

**112.A** - In this Ordinance, when not inconsistent with the context:

1. Words in the present tense also imply the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word "person" includes an individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee, or similar representative.
5. The term "shall" or "must" is always mandatory.

**112.B** - References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

### **SECTION 113 - SPECIFIC WORDS AND PHRASES**

The following words and phrases shall have the meaning assigned by this section in the appropriate sections of this Ordinance.

**ACADEMIC CLINICAL RESEARCH CENTER** - An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth to conduct activities permitted under the Pennsylvania Medical Marijuana Act and in accordance with the registry established by the DOH for all medical marijuana organizations.

**ACCESS DRIVE** - An improved cartway designed and constructed to provide for vehicular movement between a public or private road and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

**ACCESS DRIVE THROAT LENGTH** - That portion of an access drive in which exiting vehicles queue at a traffic control point along which there is no conflicting vehicle access point, or that portion of an access drive in which entering encounter no conflicting vehicle access points.

**ACCESSORY BUILDING** - A detached, subordinate building, the use of which is customarily incidental to that of the principal use, and which is located on the same lot as the principal use.

**ACCESSORY STRUCTURE** - A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.). However, for the purpose of establishing setbacks, any accessory building larger than 720 square feet shall comply with principal structure setbacks.

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

**ACT 247** – PA Municipalities Planning Code, as Reenacted and Amended.

**ADJACENT / ADJOINING** - The state of being side by side, next to or abutting one another.

**ADULT USE** - Any of the following, either alone or in combination with any other use.

- A. An establishment having as a substantial or significant portion of its stock in trade, or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.
- B. An establishment or place of assembly to which the public is permitted or invited:
  - 1. Which has all or a substantial or significant portion of its stock in trade consisting of any the following items, whether alone or in combination:
    - a. Books, magazines, or other periodicals as well as films or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas.
    - b. Instruments, devices, or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
  - 2. Wherein coin- or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas; and/or
  - 3. Which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
  - 4. Which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.
- C. The following specific uses are examples of adult uses but shall not be considered the only types of adult uses:
  - 1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.

2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
  - a. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
  - b. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than 50, persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing

of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

11. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

**AGRICULTURE** - The tilling of the soil, the raising of crops, horticulture, and the keeping or raising of livestock such as alpacas, birds, beaver, bees, cattle, chinchilla, cows, emus, fish, fowl, foxes, hogs, horses, lynx, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish, and other similar animals for commercial distribution. This definition also includes noncommercial greenhouses and mushroom houses, the processing and retail sale of goods produced on the farm, uses devoted to research into agricultural technology that would change the conduct of normal farming operations and custom work. For the purposes of this definition custom work shall mean the hiring of another person or agency who does not reside on the subject property to perform one or more activities necessary to the function of the principal farm use as a whole. This definition of agriculture does not include concentrated animal feeding operations, concentrated animal operations, commercial produce operations and gardening, each, as defined herein.

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

**AIRCRAFT** - Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into flight through the air.

**AIRPORT** - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights of way, together with all airport buildings and facilities thereon.



1. Private Airport - An airport that is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa.Const.Stat. Section 5102.
2. Public Airport - An airport that is either publicly or privately owned and that is open to the public as defined in 74 Pa.Const.Stat. Section 5102.

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

**ALTERATIONS** - Any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

**ALTERNATIVE ENERGY PRODUCTION FACILITIES** – Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources (e.g. solar panels, wind turbines, hydro turbines, geo-thermal exchangers and similar and emerging technologies.) This definition shall expressly exclude outdoor furnaces, as defined herein.

**AMUSEMENT ARCADE** - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of less than eight (8) such devices as an accessory use.

**AMUSEMENT, THEME AND/OR ZOO PARK** - A principal use designed and operated for public amusement and education that features a self-contained and secure setting that enables visitors:

1. Permanent amusement structures, rides, or activities.
2. Venues for cultural, sports, entertainment, and educational activities.
3. Cages, habitats and exhibits of domestic and/or exotic animals and plants.
4. Museums, planetariums, and other similar exhibits for cultural and educational display.
5. Accessory comfort and leisure facilities (dining, rest rooms, offices, first aid, and other similar activities) for those visiting the park.

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

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

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

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

**AREA** - The two-dimensional measurement of space between known lines or boundaries.

1. **Building Area:** The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of awnings, terraces, and steps (e.g., top view).
2. **Gross Floor Area:** The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.
3. **Gross Lot Area:** The total surficial area contained within the property lines of a lot, exclusive of exterior public rights-of-way.
4. **Habitable Floor Area:** The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches.
5. **Lot Area:** The total surficial land area contained within the property lines of a lot.
6. **Lot Area, Minimum:** The total surficial area contained within the property lines of a lot, exclusive of public rights-of-way, public and private streets, and the following features:
  - a. Dedicated and ultimate rights-of-way.
  - b. Floodplains as defined in the Township Floodplain Management Ordinance.
  - c. Wetlands as regulated in the Subdivision and Land Development Ordinance.
  - d. Slopes of 25 percent or greater.
7. **Retail Sales Area:** The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

**ATTIC** - That part of a building which is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

**AUCTION HOUSE** – A principal commercial use at which items are imported for public or private sale during a competitive bidding process. This use shall also expressly include a cafeteria or refreshment counter provided such use is contained completely within an enclosed building and patrons are limited to those participating in the auction. This term shall not include automobile auctions as defined below.

**AUDITORIUM** – A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

**AUTOMOBILE AUCTION** - A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged sales during a competitive bidding process.

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

**BANKS AND SIMILAR FINANCIAL INSTITUTIONS** – Principal uses devoted to the receipt, saving, loaning, distribution, investment, and transfer of money, currency, and wealth. This use shall expressly include

uses commonly known as banks, credit unions, savings and loan associations, savings banks, investment companies, philanthropic foundations, or the offices of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

**BASEMENT** – A space with less than half of its floor-to-ceiling height above the average finished grade of the adjoining ground and with a floor-to-ceiling height of greater than six and one-half (6<sup>1</sup>/<sub>2</sub>) feet.

**BED AND BREAKFAST** - A single-family detached dwelling, where between one and five sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding 30 days. Breakfast may be offered only to registered overnight guests. Bed and Breakfasts are not a Short-Term Rental as defined herein.

**BEEKEEPING** - The raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

**BILLBOARD** - An off-premises sign which directs attention to a product, service, business, or cause.

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

**BOARD OF SUPERVISORS** – The governing body of South Londonderry Township, Lebanon County, Pennsylvania.

**BOARDER** - An individual other than a member of a family occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility, and who also may be furnished meals or other domestic services in return for compensation.

**BOARDING HOUSE** - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, for four (4) but not more than ten (10) boarders. This term includes single-room occupancy residences (SROs), tourist homes and rooming houses. Boarding Houses are not a Short-Term Rental as defined herein.

**BOOKBINDING, PRINTING AND PUBLISHING OPERATIONS** – The process of reproducing hard copies of printed materials including all aspects of production, collation, assembly packaging and distribution.

**BOTTLING** – The deposition of liquid, gas, powder, or other granular material within a sealed container.

**BUFFER** - A continuous strip of land that is clear of all buildings and paved areas and is landscaped in accordance with Section 321 of this Ordinance.

**BUGGY** - A carriage drawn by a horse that is commonly used by plain sects as a mode of transport and travel.

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

1. Detached: A building which has no party wall.
2. Semi-detached: A building which has only one-party wall in common.
3. Attached: A building which has two or more party walls in common.

**BUILDING HEIGHT** - The vertical distance from the average finished grade, in front of the building where the address is taken, to the top of the highest roof beams on a flat or shed roof, the deck level on a

mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs, except as noted in Section 309.

**BUILDING SETBACK LINE** - The actual distance between the closest part of a building including roof overhangs, (excluding those permitted projections listed in Section 318 of this Ordinance) and:

1. In the case of a front yard, all adjoining street right-of-way lines.
2. In the case of a side yard, all side lot lines.
3. In the case of a rear yard, all rear lot lines.

**CAFÉ** - An accessory use to a restaurant and/or a drive-thru/fast-food restaurant that is devoted to the outdoor seating of up to 40 patrons.

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

**CAMPSITE** - A plot of ground within a campground intended for occupation by a recreational vehicle, tent or travel trailer.

**CANDELA** - The SI unit of luminous intensity. One candela is one lumen per steradian (lm/sr).

**CANDLEPOWER** - Luminous intensity expressed in candelas.

**CARPORT** – A roofed structure open on two (2) or more sides for the storage of motor vehicles.

**CARRIAGE & BUGGY HORSE** – An animal kept accessory to a principal residence whose occupants rely upon as a primary mode of transport and travel.

**CARTWAY** - The surface of a street intended and available for use by vehicular traffic.

**CAR WASH** – A commercial use used to clean the exterior, and sometimes the interior, of automobiles. There are several types of car washes, ranging from self-service coin operated automatic car washes to fee-based full-service operations.

**CASINOS** - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

**CATERERS, BAKERS, AND CONFECTIONERS** – A retail commercial use devoted to the preparation, packaging and/or delivery of prepared foods for consumption at another location. This use shall also expressly include the retail sales of those goods produced on the site; however, no seating for on-site consumption shall be permitted.

**CELLAR** - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6<sup>1</sup>/<sub>2</sub>) feet. Within a dwelling unit, a cellar shall not be counted as floor area.

**CEMETERY** - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall also include facilities for the burial of domestic pets.

**CERTIFICATE OF USE AND OCCUPANCY** - A statement, signed by the Zoning Officer setting forth that a building, structure, sign, and/or land complies with this Zoning Ordinance; or that a building, structure, sign, and/or land may be lawfully employed for specific uses; or both.

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

**CHICKEN ENCLOSURE** – A fenced (or wire) area, or pen, required in association with a coop in order to provide an outside exercise area for chickens free from predators, and of a size that allows for access to a foraging area, and sunlight.

**CHICKEN, RESIDENTIAL** – The noncommercial keeping of chickens upon an occupied single-family property within the C, A, AH, LDR, MFR, VR, MU, and VC Zones. For the purposes of this section, a chicken refers only to a female chicken.

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

**CINEMA** – A building containing a stage and/or screen and seating for the public screening of movies.

**CLINIC, MEDICAL, DENTAL, VISION, OR COUNSELING** - A building or group of buildings occupied by medical and/or other licensed practitioners and related services for the purpose of providing health, dental, emergency medical, wellness, dietary, social, behavioral, therapeutic, occupational, and psychological services to outpatients. This definition does not include methadone treatment facilities as defined herein.

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

**CODE** - Code of the Township of South Londonderry.

**CO-LOCATED COMMUNICATION ANTENNAS** - Any device that is attached to an existing structure and used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device.

**COMMERCIAL DAY CARE** - A principal use offering care or supervision of minors or adults for a period not to exceed 18 continuous hours that is licensed by the Commonwealth of Pennsylvania.

**COMMERCIAL GREENHOUSE** – A retail business devoted to the raising and/or selling of trees, ornamental shrubs, flowers, and houseplants for transplanting, along with the sale of ancillary supplies wherein the preponderance of the growing operation is indoors.

**COMMERCIAL PRODUCE OPERATION** - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten (10) percent.

**COMMERCIAL RECREATION FACILITY** - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, cinemas, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, and other uses interpreted by the Zoning Officer as similar. This does ***not*** include adult uses, outdoor shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, campgrounds, convention or conference center, gaming operations, golf courses and driving ranges, off-track betting, slot machine parlors and/or casinos.

**COMMERCIAL-RELATED APARTMENT** – A dwelling unit containing one bedroom and having separate cooking and sanitary facilities associated with a Commercial-Related use in the Village Commercial Zone. For each commercial use upon a property, one related apartment can be provided so long as it has a separate ground level access and one off-street parking space, meets building code requirements, and is assigned an equivalent dwelling unit from the South Londonderry Township Sewer Authority.

**COMMERCIAL SCHOOL** – See School, Commercial

**COMMERCIAL TRUCK** – A motor vehicle that is associated with a business and/or exceeds the limitations of a “passenger vehicle” as defined herein.

**COMMON PARKING AREA** - A parking facility serving multiple uses or properties that is not owned by one user or property, although it may be owned jointly by all or some of the users.

**COMMON WALL** - A wall used or adopted for joint service between two buildings or parts thereof.

**COMMUNICATIONS ANCILLARY EQUIPMENT** - Any equipment serving or being used in conjunction with a WCF or Wireless Support Structure, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

**COMMUNICATIONS ANTENNA** - Any device used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device. This term includes 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 residential satellite dishes, television antennas, or antennae for amateur radio equipment.

**COMMUNICATIONS EQUIPMENT BUILDING** - An unmanned building or cabinet containing communications equipment required for the operation of communications antennae.

**COMMUNICATIONS TOWER** - A freestanding structure designed and used solely to support communications antennae.

**COMMUNITY CENTER** - A building or portion of a building used as a gathering place or meeting area by residents of the Township or development within which it is located.

**COMPOSTING** - The conversion of organic matter, such as yard waste, into fertilizer.

**COMPREHENSIVE PLAN** - The current adopted Comprehensive Plan of South Londonderry Township.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** - An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria:

<b>Three Criteria to Determine CAFO Uses</b>
<b>Criteria 1</b>
<p>The proposed agricultural operation exceeds any of the following animal type thresholds:</p> <ul style="list-style-type: none"> <li>• 700 mature dairy cows</li> <li>• 1,000 veal calves</li> <li>• 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs</li> <li>• 2,500 swine of 55 lbs. or more</li> <li>• 10,000 swine under 55 lbs.</li> <li>• 500 horses</li> <li>• 10,000 sheep or lambs</li> <li>• 55,000 turkeys</li> <li>• 30,000 layers or broiler chickens using a liquid manure handling system</li> <li>• 125,000 broiler chickens not using a liquid manure handling system</li> <li>• 82,000 layer chickens not using a liquid manure handling system</li> <li>• 30,000 ducks not using a liquid manure handling system</li> <li>• 5,000 ducks using a liquid manure handling system</li> </ul>
<b>Criteria 2</b>
<p>Any agricultural operation exceeding 1 million pounds of live weight of livestock or poultry.</p>
<b>Criteria 3</b>
<p>Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.</p>

**CONCENTRATED ANIMAL OPERATION (CAO)** - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection’s Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis.

**CONDITIONAL USE** - A use which may be appropriate to a particular Zone when specific conditions and criteria prescribed for such uses are satisfied. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 805 of this Ordinance.

**CONDOMINIUM** - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

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

**CONSTRUCTION** - The placement of materials and equipment in a defined area to be assembled, built, applied, and/or demolished in a temporary or permanent manner, as approved by the designated officials of the Township.

**CONVENIENCE STORE** - A business which specializes in the retail sales and/or rental of household products and foods.

**CONVENTION CENTER** - An assemblage of uses that provide a setting for indoor and outdoor exhibits and activities to serve various business activities, meetings, training sessions, entertainment, and recreation on a temporary basis. This use may include hotels and eating and drinking establishments as accessory uses.

**CONVERSION** - To change or adapt improved property to a use, occupancy, or purpose other than what was intended at its time of construction.

**COOP** - The covered house, structure or room that is required in order to provide chickens with shelter from the weather and with a roosting area protected from predators.

**COUNTY** - The County of Lebanon, Commonwealth of Pennsylvania.

**COUNTY PLANNING COMMISSION** - The Lebanon County Planning Department.

**CRT** - Cathode ray tube.

**CURATIVE AMENDMENT** - A proposed zoning amendment:

1. Requested of the Board of Supervisors by any landowner or applicant who desires to challenge the substantive validity of an ordinance that prohibits or restricts the use or the development of land in which the landowner or applicant has an interest; or,
2. Initiated by the Board of Supervisors to cure some known substantial defect.

**CUTOFF ANGLE (OF A FIXTURE)** - The angle, measured up from the horizon, between the vertical axis and the first line of sight at which the bare source is not visible.

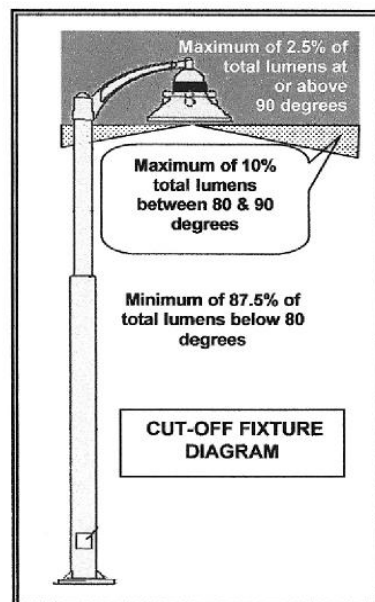
**CUTOFF FIXTURE** - A fixture that distributes light not exceeding (2.5) percent at or above a horizontal line drawn at the bottom of the fixture (i.e. 90 degrees above the horizon) and not greater than (10) percent between 80 and 90 degrees.

**DANCE, MUSIC, ART, FASHION AND PHOTOGRAPHIC STUDIO AND GALLERY** - A principal use devoted to the:

1. Training and performance of dance and music.
2. Development, display, and sales of individual works of art and/or photography.
3. Design, development, display, and sales of custom articles of clothing.

**DAY-CARE** - The offering of care or supervision over minors or adults for a period not to exceed 18 continuous hours.

1. Day-Care, Commercial: A principal use offering care or supervision of minors or adults for a period not to exceed 18 continuous hours that is licensed by the Commonwealth of Pennsylvania.
2. Day-Care, Family: An accessory use to a detached single-family dwelling principal use offering care or supervision to no more than six (6) different persons during any calendar day for a period not to exceed 18 continuous hours that is registered by the Commonwealth of Pennsylvania. The limit on the number of persons shall not be applied to those who reside on the property.





**DENSITY** - A term used to express the allowable number of dwelling units per acre of land exclusive of improved public rights-of-way and rights-of-way for public and private streets. In the case where a proposed development with more than one (1) principal use is to rely upon one or more private access drives rather than streets, the area devoted to the access drives that serve more than one principal use and any adjoining curbs and sidewalks shall also be deducted from the calculation of acreage.

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

**DEVELOPMENT SITE** - The area encompassing an application, or a land development and any public improvements or common amenities related thereto, whether located on an applicant's property. The development site includes all areas of disturbance and areas of impact anticipated by, or expected to result from, the proposed development and the construction of the public improvements and common amenities.

**DOMESTIC COMPOST** – A portable structure used and properly maintained by on-site residents to convert household organic waste into materials useful for gardening and lawn care.

**DOMESTIC PETS** - The noncommercial keeping of no more than four (4) adult non-farm animals that are locally available for purchase as pets, as an accessory use to a primary residential use. Domestic pets shall not include any species identified as “exotic animals” and “livestock,” both as defined in this Section 113 of the Zoning Ordinance, nor any animal species that, in the opinion of the Zoning Officer, poses a threat to the health, safety and/or welfare of the community.

**DOMESTIC TOOLS** – Electric and/or liquid fuel powered devices that assist in the maintenance and repair of personal property and one’s residence (e.g. power tools, lawn mowers, chain saws, snow blowers, generators, compressors, and power washers.)

**DRIVE-THROUGH FACILITY** - Any portion of a building or structure from which business may be transacted with a customer in a motor vehicle.

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

**DRIVEWAY** - An improved cartway designed and constructed to accommodate vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm; provided however, that joint use driveways as permitted under Sections 200.D. and 201.E. of this Ordinance may serve up to four (4) single family detached dwelling units utilizing a Flag Lots.

**DRY CLEANERS** – A use at which articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers and other fabric items are delivered to be cleaned with the use of chemical agents that are generally not water soluble.

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

1. **Single-Family Detached:** A freestanding building containing one dwelling unit for one family. Manufactured homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the manufactured home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Manufactured and modular homes shall be considered single-family detached dwellings so long as they are designed and constructed in accordance with the Uniform Construction Code. (Figure 1)
2. **Duplex:** (single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side (Figure 2) configuration.
3. **Multiple Family:** A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
4. **Quadraplex:** A building containing four dwelling units that each are located on grade that are not arranged in a side-by-side layout.
5. **Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common walls. (Figure 5)
6. **Two-Family:** A freestanding building containing two dwelling units, arranged in an over-and-under (Figure 3) configuration.

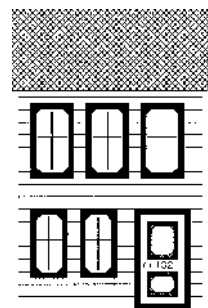


Figure 1

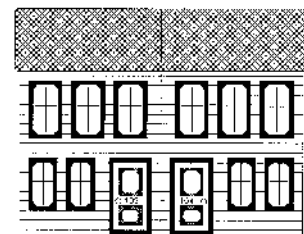


Figure 2

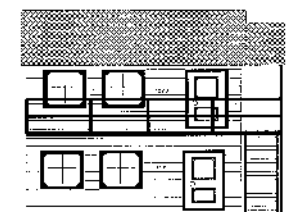


Figure 3

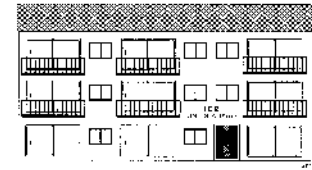


Figure 4

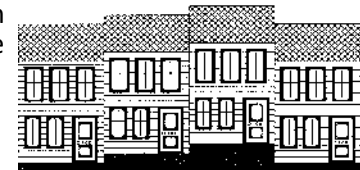


Figure 5

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

**DYNAMIC MESSAGE DISPLAY** - A sign incorporating LCD, LED, plasma, CRT, pixelized lights, other video-like displays or other means of changing messages

**ECHO (ELDERLY COTTAGE HOUSING OPPORTUNITY) HOUSING** - A temporary dwelling unit placed on a property with another single-family detached dwelling for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling or their care-giving family members.

**ELECTRONIC NOTICE** - Notice given by a municipality through the Internet of the time and place of a public hearing and the nature of the matter to be considered at the hearing.

**ELEVATION** – The level of the ground adjacent to a structure, storage area, sign or other improvement.

**EMISSIONS RELEASE POINT** – That location where an exhaust chimney of an outdoor furnace permits the unrestricted flow of exhaust into the environment.

**EXOTIC ANIMALS** - All bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the animals were bred or reared in captivity or imported from another state or nation. Please refer to the definitions of “domestic pets” and “livestock” both of which are defined within this Section 113 of the Zoning Ordinance.

**FAMILY** - Any one of the following:

1. A single individual occupying a dwelling unit.
2. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
3. Not more than three (3) unrelated persons occupying a dwelling unit.
4. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together and who are part of a community-based residential home that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, 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.”

**FAMILY DAY CARE** - An accessory use to a detached single-family dwelling principal use offering care or supervision to no more than six (6) different persons during any calendar day for a period not to exceed 18 continuous hours that is registered by the Commonwealth of Pennsylvania. The limit on the number of persons shall not be applied to those who reside on the property.

**FARM** - A parcel of land that is used for one (1) or more agricultural operations (q.v.) including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A “farm” shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

**FARM OCCUPATION** - A business or commercial activity that is conducted as an accessory use to a principal agricultural or horticultural use.

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

**FCC** – The Federal Communications Commission of the United States of America.

**FELLING** – The act of cutting a standing tree so that it falls to the ground.

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

**FINANCIAL INSTITUTION** - Bank, credit union, savings and loan association, savings bank, investment company, philanthropic foundation, or the office of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

**FISH HATCHERIES OR FISH FARMS** – A principal use devoted to the raising of fish for wholesale distribution and/or wholesale public release.

**FIXTURE** - A complete lighting unit consisting of one or more lamps (light sources) together with the parts designed to control the light distribution, and other mechanical and electrical components.

**FLAG LOT** – A lot permitted under specific requirements of this Ordinance whose lot width at its frontage is less than that required at the building setback line. Flag lots are restricted to the Conservation and Agricultural Zones.

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

**FLOODPLAIN** - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded as regulated by the Township Floodplain Management Ordinance.

**FOOTCANDLE** – A measure of intensity of light stated in lumens per square foot.

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

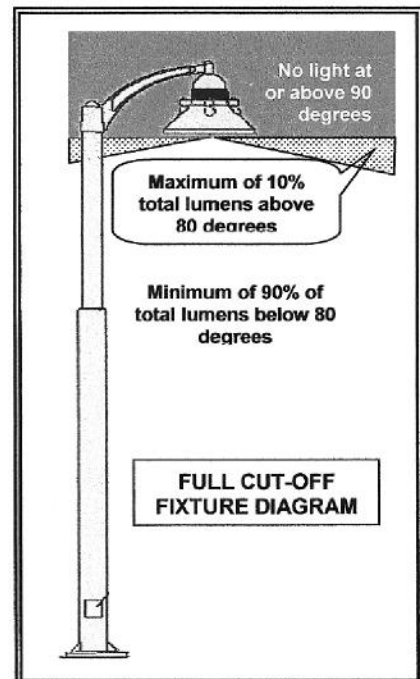
**FREESTANDING COMMUNICATION AND WIRELESS COMMUNICATION FACILITIES** – Any communications antenna, communications tower and/or communications equipment that is not co-located upon an existing structure.

**FRONTAGE** - The line of a lot coincident with an abutting right-of-way line of a street.

**FULL CUTOFF FIXTURE** - A fixture that distributes no light at or above a horizontal line drawn at the bottom of the fixture (i.e. 90 degrees above the horizon) and not greater than 10 percent between 80 and 90 degrees.

**FUNERAL HOME** - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

1. A funeral chapel or similar gathering place.
2. Embalming and the performance of other services used in preparation of the dead for burial.
3. Cremation of human remains.
4. The performance of autopsies and other surgical procedures.
5. The storage of caskets, urns, and other related supplies.
6. The storage of funeral vehicles.



**GAMING FACILITY** - Any facility or location at which any lawful gambling activity other than or in addition to pari-mutuel wagering may be conducted under Pennsylvania law, including any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law. The incidental use of less than eight (8) amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices) is not considered to be a gaming facility and can be offered at suitable uses and locations (e.g. restaurants, taverns, nightclubs, commercial recreation establishments, and similar uses).

**GARAGE, PRIVATE** - An accessory building for the storage of one (1) or more personal motor vehicles and/or other vehicles all of which must be accessory and incidental to the primary use of the residential premises, except as noted in Section 315.Y of this Ordinance.

**GARAGE, YARD AND MOVING SALE** – An occasional and temporary use of a residential lot, wherein the occupants of the said lot display and offer personal possessions for sale to the general public.

**GARDENING** – The growing of plants for personal use as an accessory use upon a residential site, or the growing of plants for personal use upon assigned plots located away from the residential site.

**GLARE** - The sensation produced by lighting that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.

**GOLF COURSE** - A golf course with a minimum of 675 yards of play in nine (9) holes.

**GOLF COURSE DRIVING RANGE** - An accessory use to a golf course devoted to the practice of driving golf balls.

**GOLF COURSE, MINIATURE** – A commercial recreational use based upon golf that requires only a putter and is typically, but not necessarily, lit for night play.

**GOVERNING BODY** - The Board of Supervisors of South Londonderry Township, Lebanon County, Pennsylvania.

**GOVERNMENTAL USE** – A use that is operated by a duly recognized level of government (local, State and Federal) provided however, that such use shall not include solid waste and/or hazardous waste disposal and/or handling facilities, prisons, and/or hospitals.

**GRADE** – A measurement of slope expressed in terms of percentage of vertical versus horizontal distance.

**GREENHOUSE, COMMERCIAL** - A retail business devoted to the raising and/or selling of trees, ornamental shrubs, flowers, and houseplants for transplanting, along with the sale of ancillary supplies wherein the preponderance of the growing operation is indoors.

**GREENHOUSE, NON-COMMERCIAL** – A structure designed or used for the indoor growing of plants, typically found as an accessory structure to a residence. No sales may be conducted from the structure, nor may the plants grown in the greenhouse be sold from the residence as a business operation.

**GREEN ROOFTOP** – An assemblage of man-made and natural materials that support vegetation as the principal exposed surface atop a building and are designed and maintained to offer thermal protection and hydrological benefit over conventional roofing surfaces.

**GROUP HOME** – See the definition of “family” and “dwelling.”

**HALFWAY HOUSE/RECOVER COMMUNITY** – A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement to readjust to living outside the institution and/or similar temporary residential living arrangement for persons in need of supportive living assistance. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes: (a) to help them recuperate from the effects of drug or alcohol addiction (a disability); (b) to help them reenter society while housed under supervision while under the constraints of alternatives to imprisonment including but not limited to, prerelease, work release, or probationary programs (not a disability); or (c) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence (not a disability). Interrelationships between residents is an essential component of a halfway house. Residency is limited to a specific number of weeks or months and shall not be long term or permanent in nature.

**HANGAR HOME** – A structure that contains both a single-family residence with a residential aircraft hangar in one unified construction, or single-family residence with residential aircraft hangar as an accessory building.

**HAZARDOUS MATERIAL** – Substances that have the potential to damage health or impair safety. Hazardous substances include, but are not limited to, inorganic mineral acids, sulphur, 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 materials. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

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

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

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

**HEALTH, FITNESS, FRATERNAL, SOCIAL AND OTHER PRIVATE CLUBS** – A principal use that offers service, support, entertainment, recreation, leisure, and other activities only to club members and their guests. Such use does not include adult uses, casinos, golf courses, off-track betting parlors or outdoor shooting ranges, all as defined herein.

**HEAVY EQUIPMENT** - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks more than 11,000 pounds gross vehicle weight, cargo and storage containers, cargo trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

**HEAVY INDUSTRIAL USE** – A principal use that involves:

1. The production and processing of asphalt and asphalt products, bricks, cement and cement blocks, tar and other synthetic paving and masonry-like materials.

2. The production and processing of chemicals, dyes, solvents, fertilizers, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, pharmaceutical and industrial alcohol, nitrates, potash, plastic, and synthetic resins, pyroxylin, rayon, and hydrochloric, nitric, picric, and sulfuric acids.
3. The production, processing and/or refining of matches, fuels and explosives, including but not limited to, gasoline, kerosene, ethanol, coal, coke, naphtha, natural gas, oil (natural and synthetic), lubricating oil, charcoal and other fuel briquettes, and other similar materials.
4. The above-ground bulk storage of oil, gasoline, or other similar flammable liquids.
5. The production, processing and/or distillation of gelatin, glue, soap, starch and other plant and animal by-products not associated with food processing.
6. The production and processing of linoleum, oil cloth, paint, varnish, turpentine, vinyl, rubber (natural and synthetic) and other similar materials.
7. The production and processing of glass and glass products.
8. A metal foundry, reduction, refinishing, smelting, alloying and/or refining operation.
9. The milling or processing of flour or grain.
10. Principal waste handling, processing, transfer, and disposal facilities.
11. Truck or motor freight terminals and truck stops.
12. The production and/or assembly of passenger vehicles and heavy equipment and manufactured homes.
13. Any operation of assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products not listed in Section 230.B of this Ordinance.

**HEIGHT, ACCESSORY STRUCTURE** – See “Building Height”.

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

**HELIPORT** - Any area of land or water which is used, or intended to be used, for the landing and takeoff of helicopter aircraft and any appurtenant areas which are used, or intended to be used, for heliport buildings or navigation facilities or rights of way, together with all heliport buildings and facilities thereon.

**HIGHWALL** – The face of exposed overburden and mineral in an open cut of a surface mining operation or for entry to underground mining activities.

**HOME IMPROVEMENT, EQUIPMENT RENTAL AND BUILDING SUPPLY STORES** - A facility for the retail sale and/or rental of a combination of products used in the construction, repair, and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

**HOME OCCUPATION** - An occupation customarily conducted within a dwelling unit that is clearly incidental and secondary to the residential use of the dwelling. The uses that are expressly prohibited as home occupations include but are not limited to the following: animal hospitals; commercial stables and kennels; day care facilities, funeral homes; tourist homes; restaurants; wholesale sales; storage or mail order activities in which goods are distributed from the dwelling or property; the repair, servicing, storage, or rental of motor vehicles; hospitals; and machine and welding shops. A Medical, Dental, Vision, and

Counseling Clinic can operate as a Home Occupation only within in the Mixed Use (MU) and Village Commercial (VC) Zones.

**HORSE BOARDING STABLE** – See “Riding Stable”

**HORTICULTURE** – The cultivation of fruits, vegetables, flowers, and ornamental plants for commercial distribution.

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

**HOTEL, MOTEL OR SIMILAR LODGING FACILITIES** - A building or group of buildings containing rooms for rental on a transient basis of not more than 30 continuous days nor more than 60 days within any calendar year. This term excludes “boarding house,” “bed and breakfast” and “campground” all as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “hotel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels are a building or group of buildings containing rooms for rental on a transient basis whose primary access is limited through a lobby. Motels are a building or group of buildings containing rooms for rental on a transient basis whose primary exterior access occurs at each respective unit. Hotels and motels may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services. Mail service shall be limited to counter service within the facility’s lobby and no individual unit mailboxes, individual unit mail slots or exterior gang mailboxes shall be permitted. All hotels, motels and similar lodging facilities shall require a full-time on-site staff that operates 24 hours per day and seven days per week and shall not require guests to sign a lease agreement.

**IESNA** – Illuminating Engineers Society of North America.

**ILLUMINANCE** - The quantity of light per unit area, measured with a light meter in footcandles.

**IMPERVIOUS SURFACE** – A surface not readily penetrated by water under normal pressure associated with rainfall or other typical conditions associated with the proposed use. These typically include but are not limited to roads, access drives, interior drives, driveways, buildings, structures, sidewalks, off-street parking spaces, off-street loading spaces and paved recreation courts. Water surface area of pools do not count towards total impervious cover.

**IMPORANT NATURAL AND/OR CULTURAL FEATURE** - Any area characterized by any of the following:

1. Floodplains as regulated by the Township Floodplain Management Ordinance.
2. Steep slopes regulated by the SALDO.
3. Wetlands and wetland buffers as regulated by the SALDO.
4. Riparian buffer as regulated by the SALDO.
5. Sensitive carbonate geologic features as regulated by the SALDO.
6. Pennsylvania Natural Diversity Inventory (PNDI) sites as regulated by the SALDO.
7. Stands of mature trees that exceed 5,000 square feet of contiguous land area.
8. Class I, II, or III agricultural soils as identified in the latest version of the soil survey and/or area that is otherwise agriculturally productive.



**IMPROVEMENT** - Any structure or paving placed upon land, including the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the placement of stormwater management facilities, sidewalks, street signs, traffic control devices, and monuments. This definition shall expressly exclude the tilling of soil.

**INTERIOR DRIVE** - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling and/or farm.

**INVASIVE AND NOXIOUS SPECIES OF PENNSYLVANIA** – Invasive and noxious plants displace naturally occurring native vegetation and, in the process, upset nature’s balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, highly successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. Invasive plant species are listed below; however, this definition shall expressly include any future listing of invasive species for the Township determined by the Federal or State government or any agency designated for such purpose by the Federal or State government:

**Trees:**

Acer platanoides, commonly known as Norway Maple  
Acer pseudoplatanus commonly known as Sycamore Maple  
Allanthus altissima commonly known as Tree-of-Heaven  
Callery Pear commonly known as Bradford Pear  
Elaegnus angustifolia commonly known as Russian Olive  
Populus Alba commonly known as White Poplar  
Pyrus calleryana commonly known as Bradford Pear  
Ulmus pumila commonly known as Siberian Elm  
Viburnum lantana commonly known as Wayfaring Tree

**Shrubs, Vines and Groundcovers:**

Alliaria petiolata commonly known as Garlic Mustard  
Berberis thunbergii, commonly known as Japanese Barberry  
Buddleja spp, commonly known as Butterfly Bush  
Cannabis sativa commonly known as Marijuana  
Carduus nutans commonly known as Nodding Thistle  
Cirsium arvense commonly known as Canadian Thistle  
Cirsium vulgare commonly known as Bull Thistle  
Datura stramonium commonly known as Jimsonweed  
Elaegnus umbellaa, Autumn Olive  
Euonymus alatus, commonly known as Winged Euonymus  
Galega officinalis commonly known as Goatsrue  
Hendera helix commonly known as English Ivy  
Heracleum mantegazzianum commonly known as Giant Hogweed  
Ligustrum sinense, commonly known as Chinese privet  
Ligustrum obtusifolium, commonly known as Border privet  
Ligustrum vulgara, commonly known as European Privet  
Lonicera japonica, commonly known as Japanese Honeysuckle  
Lonicera maacki, commonly known as Amur Honeysuckle  
Lonicera morrowil, commonly known as Morrow’s Honeysuckle  
Lonicera tatarica, commonly known as Tartarian Honeysuckle  
Lonicera x-bella, commonly known as Hybrid Honeysuckle  
Lythrum salicaria, commonly known as Purple Loosestrife (herbaceous)  
Microstegium vimineum commonly known as Japanese Stiltgrass  
Morus Alba, commonly known as White Mulberry

Morus rubra, commonly known as Red Mulberry  
Phyllostachys, commonly known as aubea Bamboo  
Ploygonum perfoliatum commonly known as Mile-A-Minute Vine  
Pueraria lobata commonly known as Kudzu-vine  
Rhamnus cathartica, commonly known as Common Buckthorn  
Rhamnus franguia, commonly known as Glossy Buckthorn  
Rosa multiflora, commonly known as Multiflora Rose  
Sorghum bicolor commonly known as Shattercane  
Sorghum halepense commonly known as Johnson Grass  
Viburnum opulus, commonly known as European Highbush Cranberry  
Vinca Minor commonly known as Periwinkle

**JOINT PARKING LOT** – A parking lot that is designed, constructed, and operated on a shared basis by two or more adjoining uses with one or more shared access drives.

**JOINT-USE DRIVEWAY** - An improved cartway designed and constructed to provide for vehicular movement between a road and up to four (4) properties, each of which contain a single dwelling unit, when used in conjunction with Flag Lots.

**JUNK** - Used materials, discarded materials, or both, including, but not limited to, wastepaper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles, or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

**JUNKYARD** – An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The term, “salvage yard” includes “junkyard,” but does not include scrap metal processing operations and automobile shredding establishments. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “salvage yard.” (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which has expired.)

**KENNEL** - Any lot on which five (5) or more non-farm animals are kept, boarded, raised, bred, treated, or trained for commercial purposes or a fee, including but not limited to dog or cat kennels. This definition shall also expressly include animal rescue and similar emergency treatment facilities whether or not they are operated on a commercial basis.

**LABORATORY** – A use devoted to the conduct of experiments, research and observation associated with scientific study.

**LAMP** - A generic term for a man-made source of light.

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

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

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. The following activities are excluded from this term:
1. The conversion of an existing single-family detached dwelling into not more than three (3) residential units unless such units are intended to be a condominium.
  2. The addition of an accessory building / use, including farm buildings, on a lot or lots subordinate to an existing principal residence or farm.
  3. The addition or conversion of buildings or rides within the confines of an amusement park. This exclusion shall not apply to newly proposed or newly acquired areas of an existing amusement park until the initial land development plans for such parks or areas have been approved pursuant to the terms of the Subdivision and Land Development Ordinance.
  4. Construction of non-residential additions or non-residential accessory buildings provided the construction does not result in the following:
    - a. Building addition or accessory structure more than 2,000 square feet or 10 percent of the existing building's square footage. Once the 2,000 square feet. or 10 percent addition has been reached, any further expansions will require land development approval.
    - b. Increase in employees greater that 5 percent of the existing staff, except all principal businesses are entitled to add a minimum of 2 employees.
    - c. Negative storm water impacts on existing storm water facilities or on neighboring properties.
    - d. Installation of additional access drives providing vehicular access to or from a public- right-of-way.
    - e. Need for DEP Sewer Planning Module or exemption.
    - f. Impacts on floodplains as regulated by the Township Floodplain Management Ordinance and/or wetlands by the SALDO.
    - g. More than five (5) additional parking spaces.

**LANDING** – Associated with Forestry Uses, the place where logs, pulpwood, or firewood are assembled for transport to processing facilities.

**LANDOWNER** - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person who has a proprietary interest in land.

**LANDSCAPE SCREEN** - A planting of noninvasive species arranged to form both a low-level and a high-level barrier between grade and to a height of six (6) feet. This definition can also include the use of an earthen berm provided such berm is covered with noninvasive vegetative materials that stabilize its slopes and form both a low-level and a high-level screen between grade and to a height of six (6).

**LAUNDRY** - A use at which articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers, and other fabric items are delivered to be cleaned with the use of agents that are generally water soluble.

**LAUNDROMAT** – A self-service business in which patrons clean, dry clean and/or dry articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers, and other fabric items.

**LCD** – Liquid crystal display.

**LED** – Light emitting diode.

**LIGHT** - Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770 nanometers.

**LIGHT TRESPASS** - A subjective perception of undesirable illumination including the following examples:

1. The classic "light shining in a window"
2. Unwanted light on an adjacent property
3. Excessive brightness in the normal field of vision (nuisance glare)

**LITTER** – Discarded materials and/or debris that is not properly contained in waste receptacles, other containment, or conditions when associated with a specific use.

**LIVESTOCK** – An animal typically bred and raised associated with some form of agriculture. This term shall expressly include alpacas, birds, beaver, bees, burrows, cattle, chinchilla, cows, deer, donkeys, emus, fish, fowl, foxes, goats, hogs, horses, lynx, mules, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish, swine, and other similar animals for commercial distribution. Please refer to the definitions of “domestic pets” and “exotic animals” both of which are defined within this Section 113 of the Zoning Ordinance.

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

**LOP** – The process of cutting treetops and slash into smaller pieces to allow material to settle close to the ground.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. For the purposes of complying with this Ordinance the term “lot” may include more than one lots of record.

**LOT, CORNER** - A property having street frontage along two (2) or more contiguous sides or along a single curved street with an interior angle of less than 135 degrees as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.

**LOT, FLAG** - A lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective Zone, but that said lot has the required lot width away from the street frontage.

**LOT, INTERIOR** - A lot with only one (1) street frontage.

**LOT, THROUGH / REVERSE FRONTAGE** - An interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

**LOT COVERAGE** - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks). To the extent a building or structure incorporates a green rooftop or pervious pavement/concrete (as defined herein) such area shall not be considered impervious.

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

**LOT LINE** - A recorded boundary line of a lot; however, any line that abuts a street or other public or quasi-public right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Ordinance.

1. **Lot Line, Front:** The lot line coincident with the right-of-way line of a street.
2. **Lot Line, Rear:** Lot lines that are formed at the outermost edge of any rear yard as defined herein.
3. **Lot Line, Side:** Lot lines that are formed at the outermost edge of any side yard as defined herein.

**LOT WIDTH** – The horizontal distance measured between side property lines along the minimum front yard setback line and at the street right-of-way line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line along the minimum front yard setback line and at the street right-of-way line along the street of address. In the case of flag lots, only where specifically permitted within this Ordinance, lot width shall be the horizontal distance measured between side property lines along the front yard building setback line, as defined herein.

**LUMEN** - The unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.

**LUMINOUS INTENSITY** - The luminous flux per unit solid angle in the direction in question. May be expressed in candelas or lumens per steradian (lm/sr).

**MACHINE, TOOL AND DIE AND METAL FABRICATION SHOPS** – A principal use devoted to the shaping, forming, and finishing of metals into finished products or parts used in other industrial production and/or assembly.

**MAILED NOTICE** - Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

**MAN-MADE LAKES, DAMS AND IMPOUNDMENTS** – A body of surface water that has been constructed with a bottom and sides generally comprised of natural materials with the possible exception of an artificial dam or spillway or bottom liner.

**MANUFACTURED HOME** – Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed in parks shall meet the requirements for manufactured home parks listed in Section 452 of this Ordinance. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed.

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

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

**MANUFACTURING** - Production of goods from raw materials, by the assembly of constituent parts produced elsewhere, or by a combination of these means, including the final packaging of such goods for sale or shipment.

**MANURE** - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed or bedding, excluding whole or partial carcasses.

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

**MANURE STORAGE FACILITY** - A detached structure or other improvement built to store manure for future use or awaiting disposal.

**MATURE TREE** - A deciduous tree with a diameter at breast height (DBH) greater than or equal to ten (10) inches or a coniferous tree at least ten (10) feet tall.

**MEDIATION** - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MEDICAL, DENTAL, VISION AND COUNSELING CLINIC** - A building or group of buildings occupied by medical and/or other licensed practitioners and related services for the purpose of providing health, dental, emergency medical, wellness, dietary, social, behavioral, therapeutic, occupational and psychological services to outpatients. This definition does not include methadone treatment facilities, as defined herein.

**MEDICAL RESIDENTIAL CAMPUS** – A use that provides a harmonious and balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community.

**MEDICAL MARIJUANA DISPENSARY** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth of Pennsylvania to dispense medical marijuana and that sells medical marijuana to the ultimate consumer. No other retail sales or other activities are allowed under this use.

**MEDICAL MARIJUANA GROWER/PROCESSOR** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth of Pennsylvania to grow and process medical marijuana and that sells medical marijuana to Medical Marijuana Dispensaries for sale to the ultimate consumer. No other activities are allowed under this use.

**MESSAGE DISPLAY CYCLE** – That unit of time in which one complete message is displayed upon a sign incorporating a dynamic message display.

**METHADONE TREATMENT FACILITY** – Any use licensed by the Pennsylvania Department of Health that administers the drug methadone in the treatment, maintenance or detoxification of persons.

**MIGRANT EMPLOYMENT** – Temporary seasonal occupation generally associated with an agricultural use.

**MINIMUM LOT AREA** - The least amount of lot area required to be associated with a principal use as required by this Zoning Ordinance.

**MINIMUM SEPARATION DISTANCE** - The minimum horizontal distance measured between two identifiable points.

**MINING, QUARRYING AND RELATED PROCESSING OPERATIONS** - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial or construction use; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall expressly exclude the following:

1. The extraction of minerals by a landowner for the landowner’s noncommercial use from land owned or leased by the landowner.
2. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner.
3. The handling, processing, or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
4. Dredging operations that are carried out in the rivers and streams of this Commonwealth.
5. The removal and sale of non-coal materials from retail outlets.
6. The extraction of minerals or other deposits carried out beneath the surface by means of shafts, tunnels, and similar openings.
7. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this definition, the minerals removed are incidental if the excavator demonstrates that:
  - A. Extraction, handling, processing, or storing are conducted concurrently with construction.
  - B. The area mined is limited to the area necessary to construction.
  - C. The construction is reasonably related to the use proposed for the site.

**MINI-WAREHOUSES** - A building, series of buildings, a portion of one or more buildings and/or exterior areas divided into separate storage spaces for personal property and/or property associated with some business or other organization. These storage spaces shall be used solely for storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

**MOBILE HOME** – See “manufactured home.”

**MODIFICATION** - The improvement, upgrade, or expansion of existing WCF or base stations on an existing Wireless Support Structure, or the improvement, upgrade, or expansion of the WCF located within an existing equipment compound, if the improvement, upgrade, expansion, or replacement does not substantially change the physical dimensions of the Wireless Support Structure.

**MOVING SALE** – See definition of garage, yard and moving sale as defined herein.

**MOTEL** – See definition of hotel, motel and similar lodging facilities, as defined herein.

**MULTIPLE-FAMILY DWELLING** – See the definition of Dwelling, Multi-Family, as defined herein.

**MUNICIPALITY** – The Township of South Londonderry, Lebanon County, PA.

**MUNICIPAL USES** – Those uses, and facilities designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include, but are not limited to:

1. Township offices, meeting halls, garages, and storage yards.
2. Emergency services comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fundraising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard, and civil defense. This definition does not include prisons or outdoor shooting ranges.
3. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums, and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses.
4. Outdoor community service facilities and activities, including fair grounds, community bulletin boards and other similar uses.
5. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

**MUSEUM** – An institution in the service of society and of its development, open to the public, which acquires, conserves, research, communicates and exhibits, for the purpose of study, education and enjoyment, the tangible and intangible evidence of people, their history and environment.

**NET ACRE** – An area of land with 43,560 square feet, exclusive of public rights-of-way, and public and private streets.

**NEW CONSTRUCTION** – Structures, including substantial improvements thereto, for which the start of construction commenced on or after the effective date of this Ordinance.

**NIGHTCLUB** - Any building whose principal use is the regular offering of live entertainment along with the offering of on-site consumption of food and beverages, including alcoholic beverages. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment and an “under 21” club which features entertainment. This use does not include adult uses, casinos or gaming facilities as defined herein.

**NIGHTTIME** - The hours between civil sunset and civil sunrise.



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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventorying of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
8. The business may not involve any illegal activity.

**NONCOMMERCIAL KEEPING OF LIVESTOCK** - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

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

**NONCONFORMING STRUCTURE** - A structure or part of a structure that does not comply with the applicable extent of use or bulk provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONCONFORMITY, DIMENSIONAL** - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Zoning Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto, or when such nonconformity is the result of the acquisition of land and/or rights-of-way by a governmental agency.

**NOXIOUS SPECIES** – See “INVASIVE AND NOXIOUS SPECIES OF PENNSYLVANIA”

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

**OFF-STREET LOADING SPACE** - An off-street area provided for the loading or unloading of goods and/or materials that has direct usable access to a use's loading docks and/or doors and is connected to a street or alley by an access drive subject to the requirements listed in Section 314.E. of this Ordinance. This definition shall also expressly include any area that directly adjoins the loading docks and/or doors that is necessary for the vehicles to maneuver into place with the use's loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors.

**OFF-STREET PARKING LOT** - An accessory use in which required and, potentially, additional parking spaces are provided subject to the requirements listed in Section 315 of this Ordinance.

**OFF-TRACK BETTING FACILITY** - A facility other than a racetrack wherein pari-mutuel wagering, but no other lawful gambling activity, is conducted.

**OFFICE** - A building or a space in a building the primary use of which is the conduct of the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, except that office supplies necessary for the operation may be stored as an incidental use. An office shall only involve the incidental sales or delivery of any materials, goods, or products physically located on the premises.

**ON-LOT SEWER** - On-lot sewer service is the disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located as approved by the Pennsylvania Department of Environmental Protection.

**ON-LOT WATER** - The provision of water to a single user from a source located on the user's lot.

**OPEN SPACE** - Any area of land or water, or a combination of land and water, within a development site that is free of improvement and impervious surfaces. Open spaces shall not include, among other things, areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and/or storm water detention basins, but can include required setbacks and private yards.

**ORNAMENTAL PONDS AND WADING POOLS** - An accessory use that:

1. Contains no more than 337.5 cubic feet of water (2,530 gallons).
2. Has a length or diameter not exceeding fifteen feet (15').
3. Has a maximum depth less than one and one-half feet (1<sup>1</sup>/<sub>2</sub>').

**ORPHANAGE** - A building or group of buildings designed for and intended to provide housing facilities for minors, who are in need of direct care in lieu of that available from their parents. The facility may include accessory medical facilities intended to serve the residents of the orphanage but not the general public.

**OUTDOOR FURNACE** - A freestanding or attached accessory structure or appliance designed to be located outside of a principal use which is designed to provide heat and or hot water to said principal use through the consumption of clean wood, natural gas, kerosene, propane, domestic heating oil provided that such fuels comply with all applicable sulfur limits. For the purposes of this definition clean wood fuel 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. Clean wood fuel does not include materials chemically treated with any preservative, paint, or oil.

Phase 2 Outdoor Furnace – An outdoor furnace that has been certified by the United States Environmental Protection Agency as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTUs) of output.

**OUTDOOR RESIDENTIAL ATHLETIC COURT** – An accessory use to a principal residence which is improved for the use by residents and their guests to engage in recreational sport.

**OUTDOOR SHOOTING RANGE** – A facility designed and constructed that is not completely enclosed within a building that allows for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbow) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

**OUTPARCEL** – A separate lot within a planned center that relies upon the planned center’s circulation system for vehicular access.

**OVERBURDEN** - The strata or material overlying a non-coal mineral deposit or in between non-coal mineral deposits in its natural state and material before or after its removal by surface mining.

**PA** – Commonwealth of Pennsylvania.

**PA DCNR** – Pennsylvania Department of Conservation and Natural Resources.

**PA DEP** – Pennsylvania Department of Environmental Protection.

**PA DOT** - Pennsylvania Department of Transportation.

**PACKAGING** – The enclosure of products into sealers, containers, wrappers, boxes or other suitable protective coverings for shipping, distribution and/or sales.

**PARENT TRACT** - When used in determining the permissible number of lots which may be subdivided or dwellings or other principal nonresidential uses which may be erected within the Agricultural Zone (A) or Conservation Zone (C), all contiguous land held in single and separate ownership, regardless of whether such land is divided into one or more lots, parcels, purparts or tracts; such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his or her predecessor in title:

1. For land in the Agricultural Zone, on October 25, 1988, or if such land was not classified as Agricultural Zone on October 25, 1988, which was held by the landowner or his or her predecessor in title on the date such land was first classified as Agricultural Zone after October 25, 1988.
2. For land in the Conservation Zone on November 12, 2013.

**PARKING COMPOUND** – A principal business use at which passenger vehicles are parked in rented spaces on an hourly, daily, monthly, or continuous basis.

**PARKING LOT** - An accessory use in which required and additional parking spaces are provided subject to the requirements listed in Section 315 of this Ordinance.

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

**PARKS AND PLAYGROUNDS** – Those facilities designed and used for recreation purposes by the public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult uses, amusement arcades, amusement or theme parks, gaming facilities, golf courses, off-track betting facilities, racetracks, and shooting ranges. Such uses may include:

1. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses.
2. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses.
3. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites, and other similar uses.
4. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, publicly operated historic sites, museums, and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses.
5. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses.
6. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses.
7. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

**PASSENGER MOTOR VEHICLE** – A passenger vehicle that is less than 11,001 pounds gross vehicle weight (weight of vehicle with rated passenger and/or load capacity) that is used and licensed as the principal mode of conveyance by the occupants of a residential premises upon the public road system. This definition shall expressly exclude race vehicles, stake-body trucks, dump trucks, panel trucks, tractor trailers, commercial trucks and heavy equipment.

**PASSENGER MOTOR VEHICLE AND RECREATIONAL VEHICLE SALES** – Any building or land devoted to the retail sales leasing and/or rental of passenger motor vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

**PASSENGER MOTOR VEHICLE SERVICE** - The retail repair, servicing, maintenance, and reconstruction of passenger motor vehicles, provided that the washing of passenger vehicles as a principal use is excluded from this definition (See “car wash”).

**PAVED** – A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

**PERSON** - An individual, partnership, corporation, limited liability corporation, limited liability partnership, firm, company, association, governmental entity, trustee, receiver, assignee, or similar representative.

**PERSONAL CARGO TRAILER** – A licensed vehicle that is meant to be attached to a motor vehicle for the purposes of transporting personal property upon the public road system.

**PERSONAL MOTOR VEHICLE** – A passenger vehicle owned or leased by an occupant of a residential dwelling unit.

**PERSONAL SERVICE** - A principal use (excluding adult uses) including barber shops, beauty and tanning salons, dry cleaning and laundry pick-up and drop-off facilities, music, art, dance and photographic studios, the repair of clocks and small appliances and similar activities. This use shall not include “adult uses” as defined herein.

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

**PETROLEUM PRODUCT** - Oil 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.

**PLANNING COMMISSION** - The Planning Commission of South Londonderry Township.

**PLASMA** – A video display technology that relies upon the electric excitation of phosphors to emit light.

**PLAY STRUCTURE** – An accessory use to a residence comprised of a structure (freestanding or otherwise) with one or more components and supportive members which in whole or part is intended for use or play by children, including but not limited to tree houses, swingsets, sliding boards, jungle gyms, climbers, seesaws, rockers, non-portable sand boxes, big toys, and modular playsets.

**PNDI** – The Pennsylvania Natural Diversity Inventory

**POD STORAGE CONTAINERS** – Portable containers that are used for temporary storage of personal property of occupants on the site during times of transition (e.g. remodeling, moving, construction, emergency).

**POWER GENERATION FACILITIES** – A principal use devoted to the creation, storage, conversion, distribution, and transmission of electrical energy for use at another location.

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

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

which is non buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

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

**PRINCIPAL WASTE HANDLING, PROCESSING, TRANSFER AND DISPOSAL FACILITIES** – A principal use operated by Lebanon County devoted to the collection, sorting, storage, transport, and disposal of solid waste.

**PRIVATE SCHOOL** – See “School, Private.”

**PROCESSING** – Pertaining to a systematic modification through mechanical, physical, chemical, and/or energy forces.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the governing body or the planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

**PUBLIC NOTICE** - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. These sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. Once posted in accordance with the requirements of Act 247, the Township, absent actual notice, shall not be responsible for loss or destruction of sign(s) due to vandalism or an act of God.

**PUBLIC SCHOOL** – See “School, Public.”

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

**PUBLIC UTILITIES** - Use or extension thereof which is operated, owned, or maintained by a municipality or municipal authority or which is privately owned and requires a “Certificate of Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

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

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

**RAIN GARDEN** – An area of land designed and maintained to offer on-site stormwater regeneration. Within off-street parking lots the use of rain gardens must include interconnected drains with the site’s stormwater management system that prevent the overflow of stormwater at each of the respective rain garden locations.

**RECOVER COMMUNITY** – See the definition of “Halfway House”.

**RECREATIONAL VEHICLE** - a vehicle which is (1) built on a single chassis; (2) not more than 400 square feet, measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable; and (4) designed for recreation and/or human occupancy solely under transient circumstances (e.g. vacations, camping, seasonal recreation, temporary visitation, but expressly excluding residency and migrant employment).

**RECYCLING FACILITY** – A use that specializes in the collection and processing of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable.

**RENTAL** - The temporary transfer of goods for compensation.

**REPAIR** – To fix or rehabilitate an object to its intended condition and/or function.

**RESIDENTIAL SWIMMING POOL** – An accessory use involving any structure and inflatable device used for swimming, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**RESTAURANT** - An establishment that serves prepared food primarily on non-disposable tableware but can provide for incidental carry-out service.

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

**RETAIL** – Pertaining to the general public availability for purchase and personal use and/or consumption.

**RETAIL SALES** – A use devoted to the display and retail transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

**RETAINING WALL** – A man-made stable construction used to contain land at a location of substantial elevation change.

**RIDING STABLE** - A principal use at which the operator offers services and facilities to board, train, and exercise horses that are owned by non-residents of the subject property. This use also expressly includes the recreational riding of horses for a fee, riding lessons, periodic competitions and similar events related to the care, use and enjoyment of horses.

**RIGHT-OF-WAY** – An area secured for public use, and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

**RIGHT-OF-WAY, LEGAL** – The existing width or area of land currently owned by the Township, the State, or some other public agency or authority.

**RIGHT-OF-WAY, REQUIRED** – The width or area of land necessary to accommodate present or future public improvements. Also known as an ultimate right-of-way.

**ROADSIDE STAND** – An accessory agricultural use for the sale of local agricultural or horticultural produce, livestock, or merchandise.

**RURAL OCCUPATION** - An accessory business or commercial activity that is conducted within an accessory structure of a principal single-family detached dwelling.

**SALDO** - The latest version of the Township's Subdivision and Land Development Ordinance.

**SALES** - A use devoted to the transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

**SATELLITE DISH ANTENNA** - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based devices.

**SAWMILL** – A principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

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

- A. **Commercial School**: A school not operated by a public agency that can offer any of a wide range of curriculums including, but not limited to, all levels of academic, business, and technical instruction and training in artistic, dance, baton-twirling, athletic, martial arts, musical, gymnastics, cosmetology, and other similar activities. Commercial schools are principal uses that are neither home occupations nor day-care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance. Nursery schools shall be considered commercial school if they are operated as a business.
- B. **Private School**: A school that offers elementary, secondary, post-secondary, postgraduate, or any combination thereof, education that may, or may not, be operated as a gainful business, and is not operated by the school Zone or another governmental agency.
- C. **Public School**: A school licensed by the Department of Education for the purpose of providing elementary, secondary, vocational, post-secondary, post-graduate, and adult education, or any combination thereof.
- D. **Vocational-Mechanical Trade School**: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
  - 1. Agriculture and/or horticulture
  - 2. Truck driving
  - 3. Engine repairs
  - 4. Building construction and general contracting
  - 5. Woodworking
  - 6. Masonry
  - 7. Plumbing
  - 8. Electrical contracting
  - 9. Other similar trades



**SCREENING** - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal.

**SEPTAGE** – A semi-solid waste that collects at the bottom of sewage treatment devices that is not continuously released during normal treatment flows and needs to be periodically removed and processed and disposed-of elsewhere.

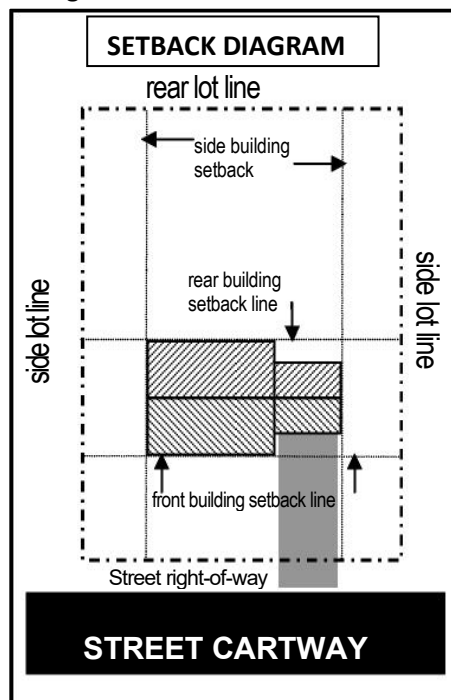
**SETBACK** - The required horizontal distance between a setback line and a property or street right-of-way line.

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

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

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

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



**SHED** – A freestanding accessory building to a residence that is generally of portable construction and used to store personal property solely of the inhabitants on the site.

**SHOPPING CENTER** - A development consisting of any single retail store in excess of 20,000 square feet of gross floor area or two (2) or more establishments which are designed to function as a unit, for retail sales; personal services; restaurants, taverns and nightclubs; business, professional, or banking offices; civic uses, commercial schools, and/or similar uses together with shared stormwater management, vehicular access, off-street parking and signage.

**SHOPS FOR CONTRACTORS** – A principal place of business where tradesmen perform their services within completely enclosed buildings on site and where they schedule and prepare to conduct work at other locations.

**SHORT TERM RENTAL** - A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel, or a bed and breakfast establishment.

**SIGN** – A device for visual communication that is used to bring the subject to the attention of the public that is legible from an adjoining road or adjoining property standing at grade (for the purposes of this definition the term legible shall mean understandable by someone of sufficient age and eyesight to obtain a PA driver’s license.) This term includes:

1. Lettering, logos, trademarks, and other symbols that are an integral part of the architectural design of a building which are applied to a building, or which are located elsewhere on the premises.
2. Signs that are affixed to windows or glass doors or are otherwise internally mounted such that they are legible from an adjoining road or adjoining property.

3. Flags and insignia of civic, charitable, religious, fraternal, patriotic, and similar organizations.
4. Insignia of governments and government agencies.
5. Banners, streamers, pennants, spinners, reflectors, tinsel, and similar objects.
6. Inflatable objects.

**The term “sign” shall not include:**

1. Architectural features that 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 for fast-food restaurant drive-through lanes provided such signs are not legible from an adjoining road or adjoining property.
5. Signs with regulations within a park provided such signs are not legible from an adjoining road or adjoining property.
6. Building identification signs within a campus provided such signs are not legible from an adjoining road or adjoining property.
7. Flags of governments or government agencies.
8. Decorative seasonal and holiday banners on residential properties.
9. Display of merchandise either behind store windows or outdoors.

**Billboard** - An off-premises sign which directs attention to a product, service, business, or cause.

**Flat Roof Sign** – A sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.

**Flat Wall Sign** – A sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction.

**Freestanding Sign** – A sign that has a separate support structure and is not physically attached to a building.

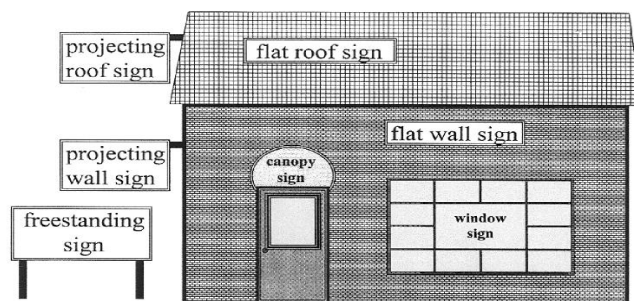
**Placemaking Sign** – A sign located in South Londonderry Township at the ingress and egress points on public roads of South Londonderry Township, Campbelltown Village, Colebrook Village, Lawn Village, and Upper Lawn Villages to identify entry and/or exit of the township and designated villages.

**Projecting Roof Sign** – A sign whose support structure is attached to the roof of a building and whose face either runs generally perpendicular to the roof line or its underlying wall or extends beyond the outside edges of the roof to which it is attached.

**Projecting Wall Sign** – A sign whose support structure is attached to the wall of a building and whose face either runs generally perpendicular to the wall or extends beyond the outside edges of the wall to which it is attached.

**Window Sign** – A sign that is either located on the inside or outside surface of a window but whose message faces outward.

**SIGN TYPES DIAGRAM**



**SIGN MAKERS** – A principal use devoted to the production of signs.

**SITE** – A lot or portion thereof devoted to a particular use as regulated by this Ordinance.

**SKIDDING** – The dragging of felled trees on the ground from the stump to the landing by any means.”

**SLASH** – Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.”

**SLAUGHTERING, PROCESSING, RENDERING AND PACKAGING OF MEAT PRODUCTS AND THEIR BY-PRODUCTS** – A principal industrial use at which live animals and/or their physical remains are imported for preparation into materials of human, plant and/or animal nourishment or some other beneficial use.

**SLOT MACHINE PARLORS** - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

**SMALL ENGINE REPAIR SHOPS** - A use devoted to the mechanical restoration of machines that power domestic tools and other household devices and appliances. This definition shall not include uses involved in the repair of personal motor vehicles, commercial trucks and heavy equipment, all as defined herein.

**SMALL WIRELESS COMMUNICATIONS FACILITY (SMALL WCF)** – A WCF that meets the following criteria:

1. The Wireless Support Structure on which a Communications Antenna facility is mounted that:
  - a. Is 50 feet or less in height.
  - b. Is no more than 10 percent taller than other adjacent structures.
  - c. Is not extended to a height of more than 50 feet or by more than 10 percent above its original height as a result of the collocation of new Communications Antenna facilities.
2. Each Communications Antenna associated with the deployment (excluding the Communications Ancillary Equipment) is no more than three cubic feet in volume.
3. All Communications Ancillary Equipment associated with the WCF (excluding Communications Antennas) is cumulatively no more than 28 cubic feet in volume.
4. The WCF does not require Communications Antenna structure registration under 47 CFR Part 17.
5. The WCF does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

**SOIL SURVEY** - The latest published version of the United States Department of Agriculture's soil survey for Lebanon County, Pennsylvania.

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

**SPECIAL EXCEPTION** - A use that is generally compatible with uses permitted in a zone but for which additional criteria have been established and approval by the Zoning Hearing Board is required as provided for by Section 704.C of this Ordinance.

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

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

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty.
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
3. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast.
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.
6. Erotic or lewd touching, fondling or other contact with an animal by a human being.
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

**SPENT MUSHROOM COMPOST** – Soil or mulch-like material that is a by-product of the cultivation of mushrooms.

**STAND** – Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

**STEALTH DESIGN** - Camouflaging methods applied to WCF and Communications Ancillary Equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Communications Antennas, building-mounted Communications Antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.

**STEEP SLOPES** - Existing natural slopes of 15 % or greater (equal to 15 feet vertical distance over 100 feet horizontal distance). The alteration of slopes that were lawfully manmade (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the pre-existing natural slope.

**STERADIAN** – The unit of measurement of a solid angle in a sphere.

**STORAGE** – A temporary placement of products and materials for preservation, later use and/or disposal.

**STORY** - That part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor

under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a half-story. A basement shall be counted a story if it averages more than five (5) feet above grade.

**STREET** - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word "street" includes "thoroughfare," "avenue," "boulevard," "court," "drive," "expressway," "highway," "lane," "road," and similar terms.

**STREET CENTERLINE** – A line laterally bisecting a street right-of-way into equal widths. Where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

**STREET LINE OR RIGHT-OF-WAY LINE** – The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

**STREAM** – Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

**STRUCTURE** – Any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether affixed to the land, excluding stormwater management retention/detention basins and related inlet and/or outlet devices, sidewalks, driveways leading directly to a public street, and public utility lines and appurtenances. Structures shall not include such things as sandboxes, decorative fountains, swingsets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

1. Structure, Accessory: A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.). However, for the purpose of establishing setbacks, any accessory building larger than seven hundred twenty (720) square feet shall comply with principal structure setbacks.
2. Structure, Principal: A structure associated with a primary use.

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

**SUBSTANTIAL CHANGE (IN WIRELESS COMMUNICATIONS FACILITY)** - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional communications antenna array with separation from the nearest existing communications antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater.
  - a. Changes in height should be measured from the original wireless support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (February 22, 2012).

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
4. It entails any excavation or deployment outside of the current site, except that for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
5. It would defeat the concealment elements of the eligible support structure.
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in 47 C.F.R. §1.40001(b)(7)(i) through (iv).

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

**SUBSTANTIALLY COMPLETED** - Where, in the judgment of the Township engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

**SWIMMING POOL** - Any structure and inflatable device, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**TAVERN** - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption, and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food and offer incidental live entertainment.

**THEATER** – A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

**TIMBER HARVESTING OR TREE HARVESTING** – A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products.

**TOWNHOUSE** – See definition of Dwelling, Townhouse defined herein.

**TOWNSHIP** - South Londonderry Township.

**TOWNSHIP ENGINEER** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for South Londonderry Township

**TOXIC MATERIALS** - Hazardous materials that are persistent, bio accumulative (accumulate in living organisms), and highly dangerous because they pose significant risks to our health and our environment as regulated by such statutes as the Toxic Substances Control Act (TSCA)(15 U.S.C. s/s 2601 et seq. [1976]) or as recognized by the Agency for Toxic Substances and Disease Registry (ATSDR).

**TRAINING CENTER** - A principal use that involves the indoor instruction of clients/customers on any of a wide range of subjects including but not limited to occupational, cultural, business, technical, professional, trade, religious, life skills, emergency response, and similar activities.

**TRANSIENT** – Any person who assumes temporary occupancy for the purposes of visitation, recreation or leisure purposes. This definition shall expressly exclude permanent residents and/or migratory workers and their families.

**TRAVEL TRAILER** – See “Recreational vehicle.”

**TREETOP** – The upper portion of a felled tree that is not merchantable because of small size, taper or defect.”

**TRUCK OR MOTOR FREIGHT TERMINAL** – A principal use contained on a single property:

1. To which materials and products are imported for their redistribution and export by commercial truck or other modes of transport.
2. Whereby a fleet of commercial vehicles is maintained for their dispatch on an as needed or contractual basis.

**TRUCK STOP** – A principal use designed as one functioning site in which various services and amenities are provided for the comfort, convenience, and safety of those engaged in the trucking distribution industry and other motorists. Suitable examples include vehicle filling stations, vehicle repair and services, vehicle washing, dining and lodging, laundromats, rest lounges and areas, travel-related retail shops, gift shops, locker rooms and bathing facilities and similar uses.

**TURBINE HEIGHT** - The distance measured from the surface of the tower foundation upon which the wind turbine is attached to the highest point of the turbine rotor blades at their highest point of rotation.

**TWO-FAMILY CONVERSION** - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

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

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

1. Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
2. Use, Principal: The use of land or structure that is most dominant (either visually or economically) in the determination of the Zoning Officer.

**USE AND OCCUPANCY PERMIT** – See Certificate of Use and Occupancy as defined herein.

**VARIANCE** – Relief granted to the terms of this Ordinance upon application to the Zoning Hearing Board pursuant to Section 704 of this Ordinance.

**VETERINARIARY OFFICE** - A building or portion thereof, used primarily for the treatment of small domestic animals such as dogs, cats, rabbits and birds or fowl, by a licensed veterinarian. This term excludes the outdoor boarding or keeping of animals.

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

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

**WAREHOUSE** – A building whose purpose is the storage of goods awaiting further processes or delivery/distribution.

**WAREHOUSE AND WHOLESALE TRADE ESTABLISHMENTS** – A principal use where goods, products and/or materials are stored waiting further processing, delivery and/or distribution.

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

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

**WELDING SHOPS** – A principal use devoted to the joining of metals through intense heat for repair or the preparation of parts used in other industrial production and/or assembly.

**WETLANDS** – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, and which shall be identified using the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual.

**WHOLESALE** - Pertaining to the sale of goods for resale.

**WIND AND SOLAR FARM** – A principal use devoted to the generation of electrical energy for consumption elsewhere by means of solar panels and/or wind energy conversion systems. Such use shall not be located on Class 1-4 Soils in the Agricultural Zone and Conservation Zone.



**WIND ENERGY CONVERSION SYSTEM (WECS)** - Any device which converts wind energy to mechanical or electrical energy.

**WIRELESS COMMUNICATIONS FACILITY (WCF)** - A Communications Antenna facility and a Wireless Support Structure that is used for the provision of wireless communication service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services. A WCF includes both Co-Located Communication Antennas and Freestanding Communication and Wireless Communication Facilities.

**WIRELESS SUPPORT STRUCTURE** - A pole, tower, base station, building, or other structure, whether or not it has an existing communications antenna facility, that is used or to be used for the provision of wireless service (whether on its own or commingled with other types of services). A wireless support structure may be temporary or permanent. A wireless support structure includes the following:

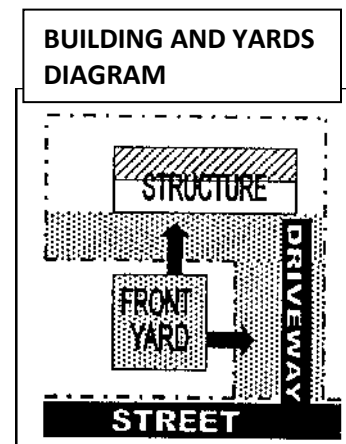
1. Self-supporting lattice towers, guy towers, and monopoles.
2. Utility poles, traffic light poles, and streetlights.
3. Buildings and other permanent structures.
4. Any temporary tower constructed for a special event, provided that the tower will not be located on the premises for more than 30 days; that the height of the tower will not exceed 100 feet; and that the tower will be set back from all property lines at a distance that is equal to its height, including all attached communications antenna facilities.
5. Any temporary communications tower that may be required in response to a natural disaster or another emergency event.

**YARD** - An area between the permitted use and/or structures and the site's property lines.

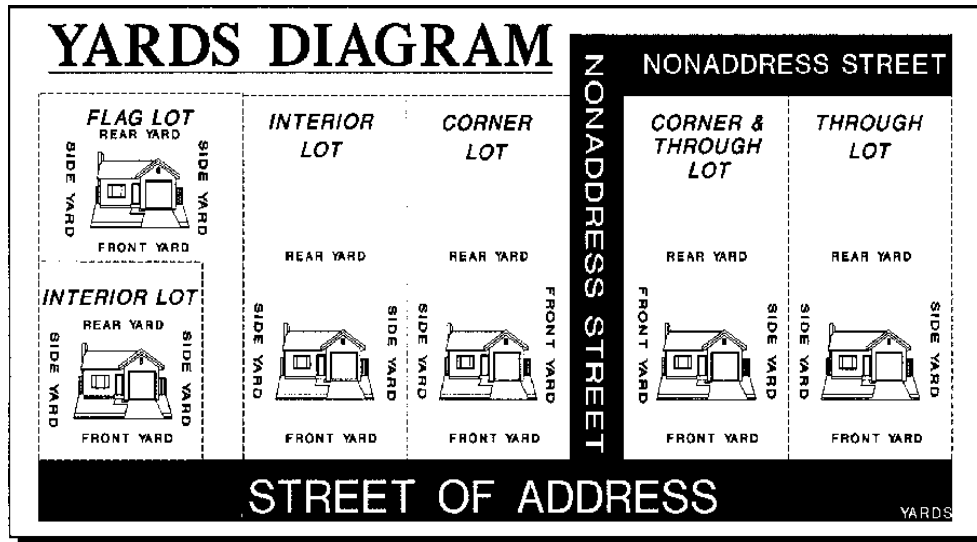
1. **Yard, Front:** The area that extends the full width of the lot contained between the building setback line, the minimum required front setback line, and the street right-of-way line. Where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the building setback line (as defined herein) and the front property line that generally parallels the street. On corner lots, the front yard shall be those yards that are located between the minimum required front setback line and the adjoining streets. On corner lots that are also through lots, the front yard shall be those yards that are located between the minimum required front setback line and the adjoining street of address and located between the principal structure and the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.

2. **Yard, Rear:** The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard. On corner lots that are also through lots, the rear yard shall be that yard that is located directly opposite the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.

3. **Yard, Side:** The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yards shall be 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. On corner lots that are also through lots, the side yard shall be that yard that is located directly opposite the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.



**YARD SALE** – See “Garage, Moving and Yard Sale.”

**ZONE** - A portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

**ZONING** - The designation of specified Zones within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

**ZONING HEARING BOARD** - The Zoning Hearing Board of South Londonderry Township, Lebanon County, Pennsylvania.

**ZONING MAP** - The Official Zoning Map of South Londonderry Township adopted as part of this Zoning Ordinance.

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

**ZONING ORDINANCE** – The Official Zoning Ordinance of South Londonderry Township.

**ZONING PERMIT** – A permit stating that the purpose for which a building or land is to be used is in conformity with the applicable requirements of this Ordinance for the Zone in which it is, or will be, located.

# Article 2

## Zone Provisions

### Section 200 – (C) - Conservation Zone

#### 200.A PURPOSE OF ZONE

This Zone intends to protect the large concentrations of sensitive environmental and passive recreational areas which are important natural areas within the Township and the larger Palmyra Area Region. Permitted uses have been selected to encourage the most appropriate conservation/recreation activities for these unique geological and topographical features and avoid defoliation, deforestation, and destruction of ground cover. In addition, limitations on the development and disturbance of this area’s steep slopes will help to minimize storm water runoff, flooding, and soil erosion. Forestry and mining type uses are an exception to the purpose of this Zone.

#### 200.B. CONSERVATION ZONE USE TABLE

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Agriculture and horticulture, including one single-family detached dwelling contained on the site. This use shall also expressly <b>exclude</b> concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) and commercial produce operations, all as defined herein	N/A	Yes			N/A
Bed and breakfasts	411	Yes			400-11
Campgrounds	415	Yes			400-12
Churches and related uses	418	Yes			400-14
Cemeteries, including pet cemeteries	N/A	Yes			N/A
Co-Located communication antenna upon existing structures outside the public right-of-way and Small WCF within a public right-of-way	419	Yes			400-15
ECHO housing	430	Yes			400-26
Family daycare facilities	431	Yes			400-27

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Fish hatcheries and/or fish farms	435	Yes			400-29
Flag Lots - Single family detached dwelling	200.D	Yes			200-5
Forestry uses	487	Yes			400-72
Freestanding communication and wireless facilities	436	Yes			400-29
Home occupations	446	Yes			400-39
Municipal and governmental uses	N/A	Yes			N/A
No-impact home-based business	See Definition	Yes			100-32
Parks and playgrounds	N/A	Yes			N/A
Public utilities structures	N/A	Yes			N/A
Riding stables	473	Yes			400-60
Roadside stands	474	Yes			400-60
Rural occupations	476	Yes			400-60
Short Term Rentals	490	Yes			400-78
Single family detached dwellings	200.C	Yes			200-4
Alternative energy production facilities	404		Yes		400-3
Beekeeping	412		Yes		400-11
Chickens, Residential	489		Yes		400-77
Domestic pets	N/A		Yes		N/A
Domestic composts	N/A		Yes		N/A
Farm occupations	432		Yes		400-27
Fences and walls	434		Yes		400-28
Garage yard and/or moving sales	N/A		Yes		N/A
Garages and sheds for the storage of personal vehicles and or personal property	200.C		Yes		200-4
Gardening and raising of plants for personal use	N/A		Yes		N/A
Keeping of carriage and buggy horses	N/A		Yes		N/A
Man-made lakes, dams, ponds, and impoundments	451		Yes		400-42
Manure storage facilities	453		Yes		400-44
Noncommercial keeping of livestock	460		Yes		400-50
Ornamental ponds and wading pools	N/A		Yes		N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Outdoor furnaces	463		Yes		400-51
Parking and/or storage of recreation vehicles and personal cargo trailers	315		Yes		300-32
Play structures	N/A		Yes		N/A
Residential swimming pools	472		Yes		400-59
Outdoor residential athletic courts	464		Yes		400-52
Routine repair and servicing of personal motor vehicles	N/A		Yes		N/A
Rural occupations	476		Yes		400-60
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47
Adaptive reuse of agricultural buildings	401			Yes	400-1
Heliports	403			Yes	400-3
Oil and gas well-sites	488			Yes	400-74
Outdoor shooting ranges	465			Yes	400-52
Mining, quarrying, and related processing operations	457			Yes	400-46
Wind and/or solar farms	486			Yes	400-70

**SECTION 200.C. AREA & DESIGN REQUIREMENTS WITHIN THE (C) ZONE** – All uses within the Conservation Zone shall comply with those standards listed in the following Figure 200.C.

FIGURE 200.C. AREA & DESIGN REQUIREMENTS WITHIN THE (C) ZONE								
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Height <sup>5</sup>
		At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture, and horticulture uses <sup>2,4</sup>	10 acres	200 ft.	N/A	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	10%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Single-family detached dwellings <sup>2,3</sup>	1 acre <sup>3</sup>	150 ft.	120 ft.	40 ft.	20 ft.	40 ft.	20%	35 ft.
Forestry and all other permitted principal uses <sup>2</sup>	1 acre <sup>3</sup>	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	20%	35 ft.
Residential accessory structures	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	15 ft.	15 ft.	Included in above	25 ft.

<sup>1</sup>Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage, agricultural byproducts or composted materials, structures for the cultivation of mushrooms shall be permitted within 300 feet of any adjoining property.

<sup>2</sup>All uses relying upon on-lot sewers shall comply with Section 323 of this Ordinance.

<sup>3</sup>Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 200.D. of this Ordinance.

<sup>4</sup>The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 805 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to-Farm" law.

<sup>5</sup>All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**200.D. FLAG LOTS & JOINT USE DRIVEWAYS** - Within the (C) Zone, the use of flag lots for single family detached residences is permitted by right only when it will enable the preservation of some important natural or cultural feature (including but not limited to productive farmland) which would otherwise be disturbed by conventional lotting techniques.

1. For the purposes of this Section, a flag-lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

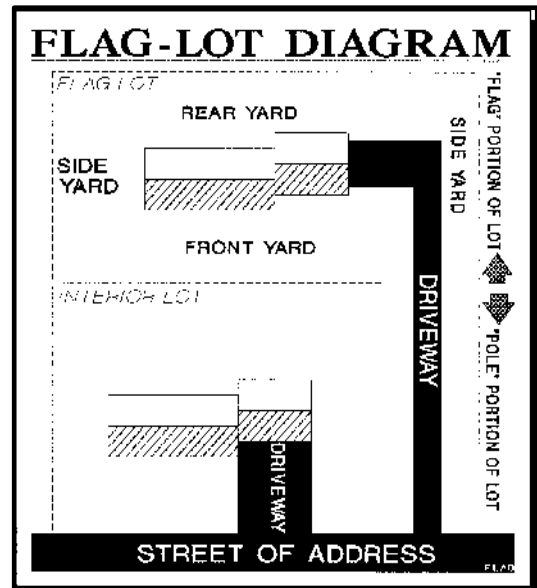
2. Requirements for the Flag:

- a. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
- b. For purposes of determining required yards and setbacks, the following shall apply:

Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be within the front yard.

Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above.



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

4. Requirements for the Pole:

- a. The width of the pole for a flag lot shall be 50 feet except for adjacent joint use driveways where the width of the pole can be 25 feet wide with a total pole width of 50 feet.
- b. The pole shall not exceed 600 feet in length unless additional length is needed to avoid the disturbance of productive farmlands 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, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.
- d. The cartway contained on the pole shall be located at least five (5) feet from any adjoining property line, and 20 feet from any existing structures on the site or on any adjoining property.

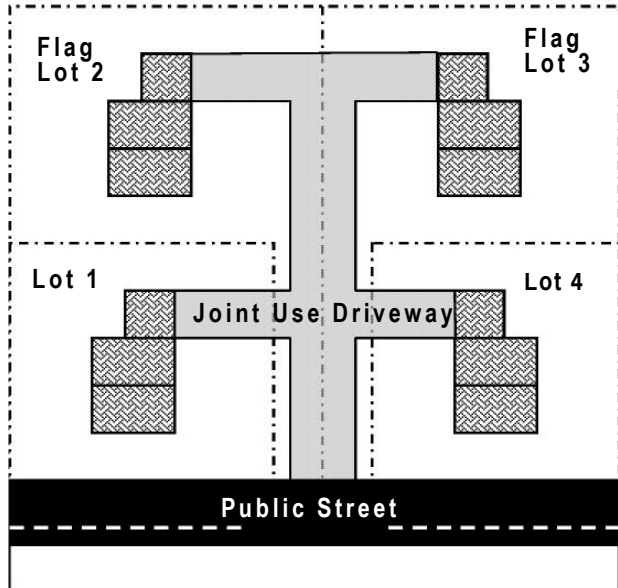
- e. No pole shall be located within 120 feet of another on the same side of the street, unless adjoining poles share a joint-use driveway, regulated as follows:

5. Joint Use Driveways

- a. When one or more flag lots are proposed, such lots may rely upon a joint use driveway for vehicular access. Such jointuse driveways shall comply with those requirements listed in Section 305 unless superseded as follows:

- i. A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of four total lots.
- ii. All joint-use driveways shall have a minimum easement width of 24 feet and a minimum cartway width of 16 feet which shall be maintained with a dust-free surface.

**Flag Lot with Joint-Use Driveway Design**



- iii. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor and depicted on the subdivision plan.

**200.E. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 301 and 305, respectively, except those related to the clear-sight triangle listed in Section 305.C. of this Ordinance.

**200.F. AGRICULTURAL NUISANCE DISCLAIMER** - All lands within the Conservation Zone are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right-to-Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations.

**200.G. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.



**Section 201 – (A) – Agricultural Zone**

**201.A. PURPOSE OF ZONE**

The purpose of this Zone is to protect areas within the municipality possessing prime agricultural soils (Class I, II, and III soils) which have historically been highly productive soil types most capable of supporting agricultural activities, so that agriculture as an on-going economic activity in the municipality is preserved. Agricultural operations are enhanced by permitting only those land uses and activities which are either agricultural in nature or are in direct support of agricultural activities.

The regulations for this Zone are specifically designed to and shall be construed and interpreted to:

1. Protect and enhance agricultural operations in the Zone.
2. Facilitate adaptation to other agricultural technologies.
3. Minimize conflicting land uses detrimental to agricultural operations.
4. Limit development which requires infrastructure more than those required by agricultural operations.
5. Maintain agricultural tracts in sizes which will preserve existing agricultural operations and facilitate adaptations to other agricultural technologies.
6. Encourage and protect a locally available renewable energy source, encourage, and protect a locally available renewable food source.
7. Preserve, protect, and enhance natural, man-made, and historic features and amenities of the Township that have contributed to the historic character of the community.

In addition to the creation and perpetuation of this Zone, the Township supports creation of agricultural security areas and shall promote expansion of current agricultural security areas. The regulations are not intended to restrict agricultural operations, or changes to or expansions of agricultural operations.

The regulations of the Agricultural Zone are not intended to violate or exceed the provisions of the Act of May 20, 1993 (P.L. 12, No.6), known as the “Nutrient Management Act,” the Act of June 30, 1981 (P.L. 128, No.43), known as the “Agricultural Area Security Law,” or the Act of June 10, 1982 (P.L. 454, No.133), entitled “An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances” as mandated by the Act.

**201.B. AGRICULTURAL ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Agriculture and horticulture, including one single-family detached dwelling contained on the site. This use shall also expressly include:  <b>A. Concentrated animal feeding operations (CAFOs)</b> as defined herein subject to the requirements of Section 423 of this Ordinance and further provided that the applicant					

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
provides a copy of an approved permit from the Pennsylvania Department of Environmental Protection, Bureau of Water Quality and the proposed use maintains compliance with the federal regulations governing CAFOs; and/or,  <b>B. Concentrated animal operations (CAOs)</b> as defined herein subject to the requirements of Section 423 of this Ordinance and further provided that the applicant provides written evidence of an approval of the applicant’s nutrient management plan from the County Conservation District, or the Pennsylvania Conservation Commission and the applicant maintains compliance with the Pennsylvania Nutrient Management Act No. 38.	423	Yes			400-24
Bed and breakfasts	411	Yes			400-11
Cemeteries, including pet cemeteries	N/A	Yes			N/A
Churches and related uses	418	Yes			400-14
Co-Located communication antenna upon existing structures outside a public right-of-way and Small WCF within the public right-of-way	419	Yes			400-15
Commercial greenhouse and produce operations	421	Yes			400-22
ECHO housing	430	Yes			400-26
Family day-care facilities	431	Yes			400-27
Farm occupations	432	Yes			400-27
Fish hatcheries and/or fish farms	435	Yes			400-29
Flag lots - single family detached dwelling	201.E	Yes			201-8
Forestry uses	487	Yes			400-72
Freestanding communication and wireless facilities	436	Yes			400-29
Golf courses and driving ranges	439	Yes			400-35

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Home occupations	446	Yes			400-39
Municipal and governmental uses	N/A	Yes			N/A
No-impact home-based business	See Definition	Yes			100-32
Parks and playgrounds	N/A	Yes			N/A
Public utilities structures	N/A	Yes			N/A
Riding Stables	473	Yes			400-60
Roadside stands	474	Yes			400-60
Rural occupations	476	Yes			400-60
Single family detached dwellings	201.D	Yes			201-6
Alternative energy production facilities	404		Yes		400-3
Beekeeping	412		Yes		400-11
Chickens, Residential	489		Yes		400-77
Domestic pets	N/A		Yes		N/A
Domestic composts	N/A		Yes		N/A
Fences and walls	434		Yes		400-28
Garage, yard and/or moving sales	N/A		Yes		N/A
Garages and sheds for the storage of personal vehicles and or personal property	201.D		Yes		201-7
Gardening and raising of plants for personal use	N/A		Yes		N/A
Keeping of carriage and buggy horses	N/A		Yes		N/A
Man-made lakes, dams, ponds, and impoundments	451		Yes		400-42
Manure storage facilities	453		Yes		400-44
Noncommercial keeping of livestock	460		Yes		400-50
Ornamental ponds and wading pools	N/A		Yes		N/A
Outdoor furnaces	463		Yes		400-51
Parking and/or storage of recreation vehicles and personal cargo trailers	315		Yes		300-32
Play structures	N/A		Yes		N/A
Residential swimming pools	472		Yes		400-59
Outdoor residential athletic courts	464		Yes		400-52
Routine repair and servicing of personal motor vehicles	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Adaptive reuse of agricultural buildings	401			Yes	400-1
Kennels	450			Yes	400-42
Medical marijuana grower/processor	494			Yes	400-83
Oil and gas well-sites, natural gas compressor stations, or natural gas processing plants	488			Yes	400-74
Outdoor shooting ranges	465			Yes	400-52
Septage and spent mushroom compost processing and/or commercial mushroom operations	479			Yes	400-63
Wind and solar farms	486			Yes	400-70

**201.C. LIMITATIONS ON SUBDIVISION AND/OR LAND DEVELOPMENT**

1. To preserve agricultural properties, it is the express intent of the Agricultural Zone regulations that large contiguous areas of farmland be protected. Therefore, the subdivision of lots, or the development of nonagricultural uses and structures, shall be limited regardless of whether such development is accomplished by subdivision or land development as those terms are defined in Act 247. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of Act 247 to preserve prime agricultural land through the enactment of these regulations.
2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone. The “Lot Area” calculation contained within the following table shall be based upon all contiguous land within the Agricultural Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on October 25, 1988 (original date of enactment of these specific regulations). If such land was not classified within the Agricultural Zone on October 25, 1988, the “Lot Area” calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural Zone. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
  - a. Such land is divided into one or more lots, parcels, purparts or tracts.
  - b. Such land was acquired by the landowner at different times or by different deeds or other means.
  - c. Such land is separated by public or private streets or rights-of-way.

Lot Area (Acres)		Total number of permitted new lots and/or principal uses*
At least	Less than	
2	10	2
10	20	3

Lot Area (Acres)		Total number of permitted new lots and/or principal uses*
At least	Less than	
20	40	4
40	60	5
60	80	6
80	100	7
100	120	8
120 or more		8, plus 1 per each 20 acres in excess of 120 acres

\* This number does not include the existing lot or principal use

3. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes more than the maximum lot size, except as set forth in footnote 2 of the Table in Section 201.D of this Ordinance. Any lot existing on October 25, 1988, which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes and the size of such lot shall not be increased to more than two (2) acres.
4. A subdivision that merely transfers land from one property to another property shall not be counted against the permitted number of lots to be subdivided in Section 201.C.2 of this Ordinance.
5. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 201.C.2 of this Ordinance.
6. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 201.C.2 of this Ordinance. Each deed shall clearly denote the property's future subdivision/land development rights under this Section. Such information shall also be included in the deed for any new lots. If this information is not included on a subdivision or land development plan, it shall be presumed that the largest lot remaining after the subdivision shall carry the right of further subdivision or land development under Section 201.C.2 of this Ordinance.
7. The number of lots which may be created, or single-family dwellings or other principal nonagricultural uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.

**SECTION 201.D. AREA & DESIGN REQUIREMENTS WITHIN THE (A) ZONE** – All uses within the Agricultural Zone shall comply with those standards listed in the following Figure 201.D.

FIGURE 201.D. AREA & DESIGN REQUIREMENTS WITHIN THE (A) ZONE									
Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Height <sup>6</sup>
			At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture, and horticulture uses <sup>3,5</sup>	1 acre	N/A	201 ft.	N/A	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	10%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Single-family detached dwellings <sup>3,4</sup>	1 acre <sup>3</sup>	2 acres <sup>2</sup>	150 ft.	120 ft.	40 ft.	20 ft.	40 ft.	20%	35 ft.
Forestry and all other permitted principal uses <sup>3</sup>	1 acre <sup>3</sup>	N/A	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	20%	35 ft.
Existing Single-family detached dwellings less than 1 acre at the date of adoption of this ordinance	Current lot size at the date of adoption of this ordinance	N/A	Current width at the date of adoption of this ordinance	Current width at the date of adoption of this ordinance	40 ft.	15 ft.	35 ft.	30%	35 ft.

**FIGURE 201.D. AREA & DESIGN REQUIREMENTS WITHIN THE (A) ZONE**

Residential accessory structures	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	15 ft. When adjacent to an agricultural or horticultural use  5 ft. when adjacent to a single-family detached dwelling use/lot	15 ft. When adjacent to an agricultural or horticultural use  5 ft. when adjacent to a single-family detached dwelling use/lot	Included in above	15 ft. high with a setback between 5 ft. and 15 ft.  25 ft. high with a setback of greater than 15 ft.
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<sup>1</sup>Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage, agricultural byproducts or composted materials, structures for the cultivation of mushrooms shall be permitted within 300 feet of any adjoining property.

<sup>2</sup>The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

<sup>3</sup>All uses relying upon on-lot sewers shall comply with Section 323 of this Ordinance.

<sup>4</sup>Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 201.E. of this Ordinance.

<sup>5</sup>The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 805 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to Farm" law.

<sup>6</sup>All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**201.E. FLAG LOTS & JOINT USE DRIVEWAYS** - Within the (C) Zone, the use of flag lots for single family detached residences is permitted by right only when it will enable the preservation of some important natural or cultural feature (including but not limited to productive farmland) which would otherwise be disturbed by conventional lotting techniques.

5. For the purposes of this Section, a flag-lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

6. Requirements for the Flag:

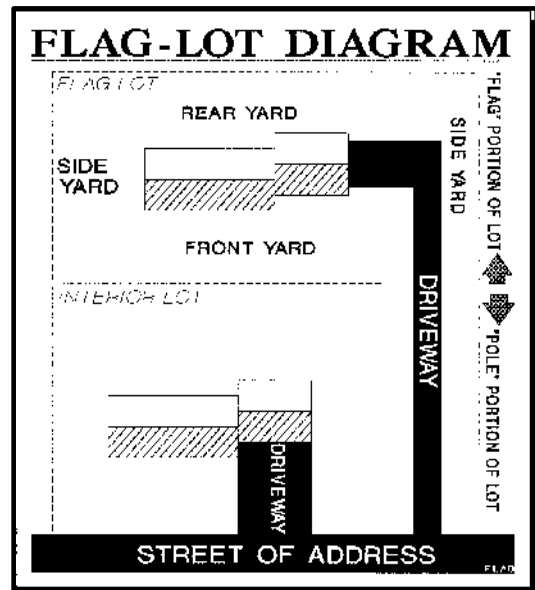
c. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.

d. For purposes of determining required yards and setbacks, the following shall apply:

Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be within the front yard.

Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above.



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

8. Requirements for the Pole:

f. The width of the pole for a flag lot shall be 50 feet except for adjacent joint use driveways where the width of the pole can be 25 feet wide with a total pole width of 50 feet.

g. The pole shall not exceed 600 feet in length unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

h. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

i. The cartway contained on the pole shall be located at least five (5) feet from any adjoining property line, and 20 feet from any existing structures on the site or on any adjoining property.



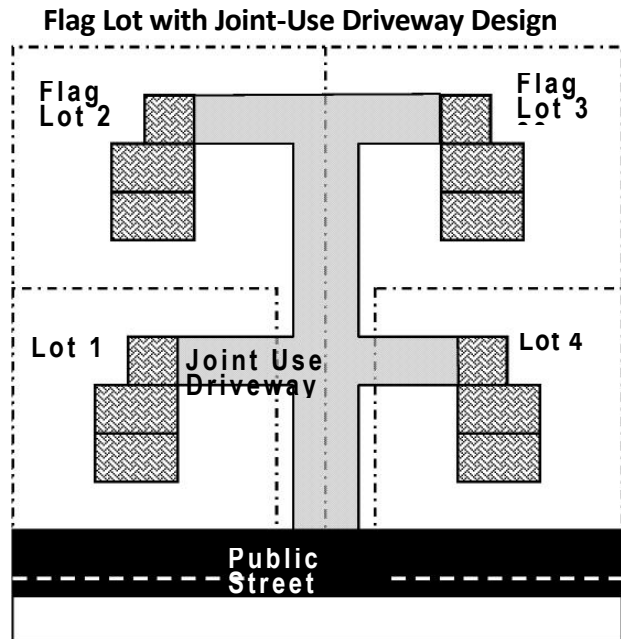
- j. No pole shall be located within 120 feet of another on the same side of the street, unless adjoining poles share a joint-use driveway, regulated as follows:

5. Joint Use Driveways

b. When one or more flag lots are proposed, such lots may rely upon a joint use driveway for vehicular access. Such jointuse driveways shall comply with those requirements listed in Section 305 unless superseded as follows:

iv. A joint-use driveway must serve at least one flag lot, but may also serve conventional lots, up to a maximum of four total lots.

v. All joint-use driveways shall have a minimum easement width of 24 feet and a minimum cartway width of 16 feet which shall be maintained with a dust-free surface.



vi. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor and depicted on the subdivision plan.

**201.F. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 301 and 305, respectively, except those related to the clear-sight triangle listed in Section 305.C of this Ordinance.

**201.G. AGRICULTURAL NUISANCE DISCLAIMER** - All lands within the Agricultural Zone are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right-to-Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2015, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within the (A) Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**201.H. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

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

**202.A. PURPOSE OF ZONE**

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

Although public utilities may become available within these areas, their use will not increase potential development intensity. Rather, strict density limitations will be imposed that provide for reasonable use of the land yet provide some disincentive for premature development. In addition, dwellings will be required to locate to one side of a wider lot so that future development potentials can be protected.

**202.B. AGRICULTURAL HOLDING DISTRICT USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Page
Agriculture and horticulture, including one single-family detached dwelling contained on the site. This use shall also expressly exclude concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) and commercial produce operations, all as defined herein	N/A	Yes		N/A
Bed and breakfasts	411	Yes		400-11
Cemeteries, including pet cemeteries	N/A	Yes		N/A
Churches and related uses	418	Yes		400-14
Co-Located communication antenna upon existing structures outside a public right-of-way and Small WCF within the public right-of-way	419	Yes		400-15
ECHO housing	430	Yes		400-26
Family day-care facilities	431	Yes		400-27
Fish hatcheries and/or fish farms	435	Yes		400-29
Forestry uses	487	Yes		400-72
Golf courses and driving ranges	439	Yes		400-35
Home occupations	446	Yes		400-39
Municipal and governmental uses	N/A	Yes		N/A
No-impact home-based business	See Definition	Yes		100-32
Parks and playgrounds	N/A	Yes		N/A
Public utilities structures	N/A	Yes		N/A
Public and Private Schools	469	Yes		400-58
Riding Stables	473	Yes		400-60
Roadside stands	474	Yes		400-60
Rural occupations	476	Yes		400-60

Use	Section Number	Permitted By Right	Accessory	Page
Single family detached dwellings	202.F	Yes		202-4
Alternative energy production facilities	404		Yes	400-3
Beekeeping	412		Yes	400-11
Chickens, Residential	489		Yes	400-77
Domestic pets	N/A		Yes	N/A
Domestic composts	N/A		Yes	N/A
Farm occupations	432		Yes	400-27
Fences and walls	434		Yes	400-28
Garage, yard and/or moving sales	N/A		Yes	N/A
Garages and sheds for the storage of personal vehicles and or personal property	202.F		Yes	202-5
Gardening and raising of plants for personal use	N/A		Yes	N/A
Keeping of carriage and buggy horses	N/A		Yes	N/A
Man-made lakes, dams, ponds, and impoundments	451		Yes	400-42
Manure storage facilities	453		Yes	400-44
Noncommercial keeping of livestock	460		Yes	400-50
Ornamental ponds and wading pools	N/A		Yes	N/A
Outdoor furnaces	463		Yes	400-51
Parking and/or storage of recreation vehicles and personal cargo trailers	315		Yes	300-32
Play structures	N/A		Yes	N/A
Residential swimming pools	472		Yes	400-59
Outdoor residential athletic courts	464		Yes	400-52
Routine repair and servicing of personal motor vehicles	N/A		Yes	N/A
Satellite dish antennas	477		Yes	400-61
Signs	322		Yes	300-47

**202.C. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 301 and 305, respectively, except those related to the clear-sight triangle listed in Section 305.C of this Ordinance.

**202.D. AGRICULTURAL NUISANCE DISCLAIMER** – As a rural municipality many lands within South Londonderry Township are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right to Farm Law,” and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this

Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**202.E. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**SECTION 202.F. AREA & DESIGN REQUIREMENTS WITHIN THE (AH) ZONE** – All uses within the Agricultural Holding Zone shall comply with those standards listed in the following Figure 202.F.

FIGURE 202.F. AREA & DESIGN REQUIREMENTS WITHIN THE (AH) ZONE									
Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Height <sup>4</sup>
			At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture, and horticulture uses <sup>3</sup>	1 acre	N/A	200 ft.	N/A	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	10%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Single-family detached dwellings <sup>3</sup>	1 acre <sup>3</sup>	2 acres <sup>2</sup>	400 ft.	400 ft.	40 ft.	20 ft.	40 ft.	10%	35 ft.
Forestry and all other permitted principal uses <sup>3</sup>	1 acre <sup>3</sup>	N/A	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	20%	35 ft.
Existing Single-family detached dwellings less than 1 acre at the date of adoption of this ordinance	Current lot size at the date of adoption of this ordinance	N/A	Current width at the date of adoption of this ordinance	Current width at the date of adoption of this ordinance	40 ft.	15 ft.	35 ft.	30%	35 ft.

**FIGURE 202.F. AREA & DESIGN REQUIREMENTS WITHIN THE (AH) ZONE**

Residential accessory structures	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	15 ft. When adjacent to an agricultural or horticultural use  5 ft. when adjacent to a single-family detached dwelling use/lot	15 ft. When adjacent to an agricultural or horticultural use  5 ft. when adjacent to a single-family detached dwelling use/lot	Included in above	15 ft. high with a setback between 5 ft. and 15 ft.  25 ft. high with a setback of greater than 15 ft.
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<sup>1</sup>Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within 300 feet of any adjoining property.

<sup>2</sup>The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

<sup>3</sup>All uses relying upon on-lot sewers shall comply with Section 323 of this Ordinance. In addition, any principal use requiring a sewage disposal system that is not connected to a public sewer shall be required to install a capped sewer line in accordance with the specifications of the South Londonderry Township Municipal Authority.

<sup>4</sup>All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**Section 210 – (LDR) – Low Density Residential Zone**

**210.A. PURPOSE OF ZONE**

The purpose of this Zone is to accommodate low to medium density residential uses in areas with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of future developments in accordance with the Palmyra Area Region Comprehensive Plan and acknowledge the location of existing land uses with these suburban characteristics.

This Zone coincides with planned sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities.

**210.B. LOW DENSITY RESIDENTIAL ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Agriculture and horticulture, including one single-family detached dwelling contained on the site. This use shall also expressly exclude concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) and commercial produce operations, as defined herein	N/A	Yes			N/A
Cemeteries, including pet cemeteries	N/A	Yes			N/A
Churches and related uses	418	Yes			400-14
ECHO housing	430	Yes			400-26
Family day-care facilities	431	Yes			400-27
Forestry uses	487	Yes			400-72
Home occupations	446	Yes			400-39
Municipal and governmental uses	N/A	Yes			N/A
No-impact home-based business	See Definition	Yes			100-32
Parks and playgrounds	N/A	Yes			N/A
Public and private schools	469	Yes			400-58
Public utilities structures	N/A	Yes			N/A
Single family detached dwellings	210.H	Yes			210-4
Alternative energy production facilities	404		Yes		400-3

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Beekeeping	412		Yes		400-11
Chickens, Residential	489		Yes		400-77
Domestic pets	N/A		Yes		N/A
Domestic composts	N/A		Yes		N/A
Fences and walls	434		Yes		400-28
Garage, yard and/or moving sales	N/A		Yes		N/A
Garages and sheds for the storage of personal vehicles and or personal property	210.H		Yes		201-4
Gardening and raising of plants for personal use	N/A		Yes		N/A
Man-made lakes, dams, ponds, and impoundments	451		Yes		400-42
Manure storage facilities	453		Yes		400-44
Noncommercial keeping of livestock	460		Yes		400-50
Ornamental ponds and wading pools	N/A		Yes		N/A
Outdoor furnaces	463		Yes		400-51
Parking and/or storage of recreation vehicles and personal cargo trailers	315		Yes		300-32
Play structures	N/A		Yes		N/A
Residential swimming pools	472		Yes		400-59
Outdoor residential athletic courts	464		Yes		400-52
Routine repair and servicing of personal motor vehicles	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47
Golf courses and driving ranges	439			Yes	400-35
Small WCF within a public right-of-way	419			Yes	400-15

**210.C. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 301 and 305, respectively, except those related to the clear-sight triangle listed in Section 305.C of this Ordinance.

**210.D. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.



**210.E. AGRICULTURAL NUISANCE DISCLAIMER** – As a rural municipality many lands within South Londonderry Township are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right-to-Farm Law,” and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**SECTION 210.H. AREA & DESIGN REQUIREMENTS WITHIN THE (LDR) ZONE** – All uses within the Low Density Residential Zone shall comply with those standards listed in the following Figure 210.H.:

FIGURE 210.H. AREA & DESIGN REQUIREMENTS WITHIN THE (LDR) ZONE								
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Height <sup>2</sup>
		At Building Setback	At Lot Frontage	Front	Side	Rear		
Single-family detached dwellings, and municipal and governmental uses with either on-lot sewer and on-lot water or public water.	1 acre <sup>1</sup>	150 ft.	120 ft.	40 ft.	15 ft.	40 ft.	25%	35 ft.
Single-family detached dwellings, and municipal and governmental uses with public sewer and public water that are approved <b>after</b> the effective date of this Ordinance.	1/2 acre <sup>1</sup>	120 ft.	100 ft.	40 ft.	15 ft.	35 ft.	30%	35 ft.
Single-family detached dwellings, and municipal and governmental uses with public sewer and public water or on-lot water that <b>existed</b> on the effective date of this Ordinance.	12,000 sq. ft.	80 ft.	60 ft.	40 ft.	10 ft.	30 ft.	35%	35 ft.
All other permitted principal uses	1 acre <sup>1</sup>	100 ft.	80 ft.	40 ft.	15 ft.	30 ft.	35%	35 ft.
Residential accessory structures	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided	5 ft.	5 ft.	Included in above	25 ft.

<sup>1</sup>All uses relying upon on-lot sewers shall comply with Section 323 of this Ordinance. In addition, any principal use requiring a sewage disposal system that is not connected to a public sewer shall be required to install a capped sewer line in accordance with the specifications of the South Londonderry Township Municipal Authority.

<sup>2</sup>All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**Section 211 – (VR) – Village Residential Zone**

**211.A. PURPOSE OF ZONE**

The purpose of this Zone is to accommodate in-fill developments amid the Township’s tightly knit older “Village” neighborhoods with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of detached and duplex dwellings in accordance with the Palmyra Area Region Comprehensive Plan and acknowledge the location of existing land uses with these urban characteristics. Required design standards reflect existing development patterns with long and narrow lots and minimal front and side yard setbacks.

**211.B. VILLAGE RESIDENTIAL ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Duplex dwellings within the Villages of Campbelltown and Colebrook	211.G	Yes			211-3
Cemeteries, but not including pet cemeteries	N/A	Yes			N/A
Churches and related uses	418	Yes			400-14
ECHO housing	430	Yes			400-26
Family day-care facilities	431	Yes			400-27
Forestry uses	487	Yes			400-72
Home occupations	446	Yes			400-39
Municipal and governmental uses	N/A	Yes			N/A
No-impact home-based business	See Definition	Yes			100-32
Parks and playgrounds	N/A	Yes			N/A
Public utilities structures	N/A	Yes			N/A
Single family detached dwellings	211.G	Yes			211-3
Short term rental	490	Yes			400-78
Two-family conversions	484	Yes			400-69
Two-family dwellings within the Village of Campbelltown	211.G	Yes			211-3
Alternative energy production facilities	404		Yes		400-3
Chickens, Residential	489		Yes		400-77
Domestic pets	N/A		Yes		N/A
Domestic composts	N/A		Yes		N/A
Fences and walls	434		Yes		400-28
Garage, yard and/or moving sales	N/A		Yes		N/A
Garages and sheds for the storage of personal vehicles and or personal property	211.G		Yes		211-3

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Gardening and raising of plants for personal use	N/A		Yes		N/A
Play structures	N/A		Yes		N/A
Ornamental ponds and wading pools	N/A				N/A
Residential swimming pools	472		Yes		400-59
Routine repair and servicing of personal motor vehicles	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47
Nursing, rest, or retirement homes	N/A			Yes	N/A
Small WCF within a public right-of-way	419			Yes	400-15

**211.C. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 301 and 305, respectively, except those related to the clear-sight triangle listed in Section 305.C of this Ordinance.

**211.D. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**211.E. SIDEWALKS AND PEDESTRIAN ACCESS** - All uses located in Campbelltown Village, shall install sidewalk in accordance with the applicable sidewalk requirements contained within Article 5 of the SALDO.

**211.F. AGRICULTURAL NUISANCE DISCLAIMER** – As a rural municipality many lands within South Londonderry Township are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right to Farm Law,” and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**211.G. AREA & DESIGN REQUIREMENTS WITHIN THE (VR) ZONE**– All uses within the Village Residential Zone shall comply with those standards listed in the following Figure 211.G.

<b>§211. G. AREA &amp; DESIGN REQUIREMENTS WITHIN THE (VR) ZONE</b>							
<b>Dwelling Unit Type</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width at Building Setback Line</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Yard Setbacks</b>			<b>Maximum Permitted Height<sup>3</sup></b>
				<b>Front<sup>1</sup></b>	<b>Side</b>	<b>Rear</b>	
<b>CAMPBELLTOWN VILLAGE – SOUTH LONDONDERRY TOWNSHIP</b>							
Detached	4,800 sq. ft.	40 ft.	40%	5 ft.	5 ft.	35 ft.	35 ft.
Duplex	3,500 sq. ft.	20 ft.	50%	5 ft.	2 ft.	35 ft.	35 ft.
2FD	10,000 sq. ft.	35 ft.	35%	5 ft.	2 ft.	35 ft.	35 ft.
All other permitted principal uses	4,800 sq. ft.	40 ft.	40%	5 ft.	5 ft.	35 ft.	35 ft.
<b>COLEBROOK VILLAGE – SOUTH LONDONDERRY TOWNSHIP</b>							
Detached	10,000 sq. ft.	70 ft.	40%	15 ft.	15 ft.	35 ft.	35 ft.
Duplex	5,250 sq. ft.	35 ft.	45%	15 ft.	15 ft.	35 ft.	35 ft.
All other permitted principal uses	10,000 sq. ft.	70 ft.	40%	15 ft.	15 ft.	35 ft.	35 ft.
<b>LAWN VILLAGE – SOUTH LONDONDERRY TOWNSHIP</b>							
Detached	9,000 sq. ft.	45 ft.	40%	15 ft.	10 ft.	35 ft.	35 ft.
All other permitted principal uses	9,000 sq. ft.	45 ft.	40%	15 ft.	10 ft.	35 ft.	35 ft.
<b>UPPER LAWN VILLAGE – SOUTH LONDONDERRY TOWNSHIP</b>							
Detached	20,000 sq. ft.	125 ft.	35%	10 ft.	10 ft.	35 ft.	35 ft.
All other permitted principal uses	20,000 sq. ft.	125 ft.	35%	10 ft.	10 ft.	35 ft.	35 ft.
Residential accessory structures in <b>all</b> locations	Included in above			Not permitted in front yard	2 ft.	4 ft. <sup>2</sup>	20 ft.

- <sup>1</sup> When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a depth equal to the average of the two (2) adjoining lots.
- <sup>2</sup> Rear yard garages shall be setback no less than 5 feet from adjoining alley right-of-way.
- <sup>3</sup> All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**Section 212 – (MFR) – Multi-Family Residential Zone**

**212.A. PURPOSE OF ZONE**

This Zone provides for various types of residential dwelling units and residential living environments by right to promote the availability of a diverse and affordable housing stock. Selected locations provide for the accommodation of future developments in accordance with the Palmyra Area Region Comprehensive Plan and acknowledge the location of existing land uses with similar characteristics. This Zone coincides with planned sewer and water utility service areas which are required.

**212.B. MULTI-FAMILY RESIDENTIAL ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Boarding houses	414	Yes			400-12
Duplex dwellings	212.F	Yes			212-3
Cemeteries, but not including pet cemeteries	N/A	Yes			N/A
Churches and related uses	418	Yes			400-14
Family day-care facilities	431	Yes			400-27
Forestry uses	487	Yes			400-72
Home occupations	446	Yes			400-39
Municipal and governmental uses	N/A	Yes			N/A
Multiple-family dwellings	212.F	Yes			212-3
No-impact home-based business	See Definition	Yes			100-32
Nursing, rest, or retirement homes	N/A	Yes			N/A
Parks and playgrounds	N/A	Yes			N/A
Public utilities structures	N/A	Yes			N/A
Public and private schools	469	Yes			400-58
Single family detached dwellings	212.F	Yes			212-3
Townhouse Dwellings	212.F	Yes			212-3
Two-Family Conversions	484	Yes			400-69
Alternative energy production facilities	404		Yes		400-3
Chickens, Residential	489		Yes		400-77
Domestic pets	N/A		Yes		N/A
Domestic composts	N/A		Yes		N/A
Fences and walls	434		Yes		400-28
Garage, yard and/or moving sales	N/A		Yes		N/A
Garages and sheds for the storage of personal vehicles and or personal property	N/A		Yes		N/A



Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Gardening and raising of plants for personal use	N/A		Yes		N/A
Man-made lakes, dams, ponds, and impoundments	451		Yes		400-42
Manure storage facilities	453		Yes		400-44
Ornamental ponds and wading pools	N/A		Yes		N/A
Outdoor residential athletic courts	464		Yes		400-52
Play structures	N/A		Yes		N/A
Residential swimming pools	472		Yes		400-59
Routine repair and servicing of personal motor vehicles	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47
Medical residential campus	455			Yes	400-44
Small WCF within a public right-of-way	419			Yes	400-15

**212.C. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 301 and 305, respectively, except those related to the clear-sight triangle listed in Section 305.C of this Ordinance.

**212.D. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**212.E. AGRICULTURAL NUISANCE DISCLAIMER** – As a rural municipality many lands within South Londonderry Township are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right-to-Farm Law,” and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**212.F. AREA & DESIGN REQUIREMENTS WITHIN THE (MFR) ZONE** – All uses within the Multi-Family Residential Zone shall comply with those standards listed in the following Figure 212.F.

<b>FIGURE 212.F. AREA &amp; DESIGN REQUIREMENTS WITHIN THE (MFR) ZONE</b>									
<b>Use</b>	<b>Maximum Permitted Density (DU/ net ac.)</b>	<b>Minimum Required Lot Area</b>	<b>Minimum Required Lot Width</b>		<b>Required Minimum Yard Setbacks</b>			<b>Maximum Permitted Impervious Lot Coverage</b>	<b>Maximum Permitted Height<sup>3</sup></b>
			<b>At Building Setback</b>	<b>At Lot Frontage</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>		
<b>The following uses all require the use of both public sewer and public water</b>									
Single-family detached dwellings	4	10,000 sq. ft.	100 ft.	80 ft.	25 ft.	10 ft.	15 ft.	35%	35 ft.
Duplex dwellings	4	3,500 sq. ft./unit	35 ft./unit	25 ft./unit	25 ft.	10 ft.	15 ft.	60%	35 ft.
Townhouses <sup>1,2</sup>	4	2,400 sq. ft./unit	24 ft./unit	18 ft./unit	25 ft.	15 ft. end units	20 ft.	70%	35 ft.
Multiple family dwellings <sup>1,2</sup>	12	2 acres	200 ft.	200 ft.	35 ft.	30 ft.	35 ft.	60%	35 ft.
Residential accessory structures	NA	Included with dwelling	N/A	N/A	Not permitted	5 ft.	5 ft.	Same as principal use	20 ft.
All other permitted principal uses	N/A	1 acre	100 ft.	80 ft.	40 ft.	15 ft.	30 ft.	35%	35 ft.

<sup>1</sup> No townhouse building shall contain more than six (6) units. For each townhouse building containing more than four (4) units, no more than sixty-six percent (66%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen feet (15') from any interior access drives, or parking facilities contained on commonly held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 2 shall apply.

<sup>2</sup>In those instances where several multiple-family dwelling buildings and/or townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty feet (50') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
- c. A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.

d. All multiple-family dwelling buildings shall be set back a minimum of fifteen feet (15') from any interior access drives or parking facilities contained on commonly held lands.  
<sup>3</sup>All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**Section 213 – (MHP) – Manufactured Home Park**

**213.A. PURPOSE OF ZONE**

The purpose of this Zone is to accommodate manufactured home parks in areas with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of future developments in accordance with the Palmyra Area Region Comprehensive Plan and acknowledge the location of existing land uses with these characteristics.

**213.B. MANUFACTURED HOME PARK ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Family day-care facilities	431	Yes			400-27
Forestry uses	487	Yes			400-72
Home occupations	446	Yes			400-39
Municipal and governmental uses	N/A	Yes			N/A
Manufactured home parks	452	Yes			400-38
No-impact home-based business	See Definition	Yes			100-32
Parks and playgrounds	N/A	Yes			N/A
Public utilities structures	N/A	Yes			N/A
Alternate energy production facilities	404		Yes		400-3
Domestic pets	N/A		Yes		N/A
Domestic composts	N/A		Yes		N/A
Fences and walls	434		Yes		400-28
Garage, yard and/or moving sales	N/A		Yes		N/A
Garages and sheds for the storage of personal vehicles and or personal property	212.F		Yes		212-3
Gardening and raising of plants for personal use	N/A		Yes		N/A
Man-made lakes, dams, ponds, and impoundments	451		Yes		400-42
Manure storage facilities	453		Yes		400-44
Ornamental ponds and wading pools	N/A		Yes		N/A
Play structures	N/A		Yes		N/A
Residential swimming pools	472		Yes		400-59
Outdoor residential athletic courts	464		Yes		400-52
Routine repair and servicing of personal motor vehicles	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Signs	322		Yes		300-47
Small WCF within a public right-of-way	419			Yes	400-15

**213.C. MINIMUM REQUIRED LOT AREA AND WIDTH** - Each lot/space reserved for one manufactured home shall contain at least four thousand five hundred (4,500) square feet and have a width of at least forty-five feet (45').

**213.D. REQUIRED UTILITIES** - All manufactured home parks shall be served by public sewers and public water.

**213.E. MAXIMUM PERMITTED DENSITY** - The maximum permitted density within a manufactured home park shall be six (6) units per acre.

**213.F. MAXIMUM PERMITTED COVERAGE** - Within the manufactured home park, no more than sixty (60) percent of the site shall be covered with impervious surfaces. No more than seventy-five (75) percent of an individual manufactured home lot/space shall be covered with impervious surfaces.

**213.G. MAXIMUM PERMITTED HEIGHT** - No principal building shall exceed twenty-five feet (25'), and no accessory structure shall exceed twenty feet (20') in height. All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**213.H. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 301 and 305, respectively, except those related to the clear-sight triangle listed in Section 305.C of this Ordinance.

**213.I. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**213.J. AGRICULTURAL NUISANCE DISCLAIMER** – As a rural municipality many lands within South Londonderry Township are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right-to-Farm Law,” and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**Section 220 – (MU) – Mixed Use Zone**

**220.A. PURPOSE OF ZONE**

This Zone accommodates a mixture of land uses that have evolved along US Route 322 in the Village of Campbelltown. Limited businesses have been selected that can take advantage of the daily traffic passing upon this highway, while at the same time assure compatibility with the numerous dwellings that remain.

**220.B. MIXED USE ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Page
Bed and breakfasts	411	Yes		400-11
Boarding houses	414	Yes		400-12
Caterers, delicatessens, bakeries, ice cream shops, and confectioners	N/A	Yes		N/A
Cemeteries, including pet cemeteries	N/A	Yes		N/A
Churches and related uses	418	Yes		400-14
Co-Located communication antenna upon existing structures outside and a public right-of-way and Small WCF within the public right-of-way	419	Yes		400-15
Commercial day-care facilities	420	Yes		400-22
Dance, music, art, fashion and photographic studios and galleries	N/A	Yes		N/A
Duplex and two-family dwellings	220.D	Yes		220-3
Facilities devoted to entertainment and cultural activities, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, libraries and museums. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, shooting ranges and adult uses.	N/A	Yes		N/A
Family day-care facilities	431	Yes		400-27
Forestry uses	487	Yes		400-72
Funeral homes	437	Yes		400-35
Health, fitness, social, fraternal, and other private clubs	440	Yes		400-37
Home occupations	446	Yes		400-39
Medical, dental, optical, and counseling clinics and offices	N/A	Yes		N/A
Medical Marijuana Dispensary	493	Yes		400-82
Municipal and governmental uses	N/A	Yes		N/A
No-impact home-based business	See Definition	Yes		100-32

Use	Section Number	Permitted By Right	Accessory	Page
Nursing, rest, or retirement homes	N/A	Yes		N/A
Offices	N/A	Yes		N/A
Parks and playgrounds	N/A	Yes		N/A
Personal services including barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios and repair of clocks, electronics, computers and small appliances	N/A	Yes		N/A
Public and private schools	469	Yes		400-58
Public utilities structures	N/A	Yes		N/A
Restaurants (not including drive-thru or fast-food restaurants)	N/A	Yes		N/A
Retail sale, rental and/or repair of goods provided the total sales and/or display area is less than (1,200 square feet) or equal to that floor area contained on the first story of a building that existed on the effective date of this Ordinance	N/A	Yes		N/A
Single family detached dwellings	220.D	Yes		220-3
Short term rentals	490	Yes		400-78
Two-family conversions	484	Yes		400-69
Veterinary offices, provided no outdoor keeping of animals is permitted	N/A	Yes		N/A
Alternative energy production facilities	404		Yes	400-3
Chickens, Residential	489		Yes	400-77
Domestic pets	N/A		Yes	N/A
Domestic composts	N/A		Yes	N/A
Fences and walls	434		Yes	
Garage, yard and/or moving sales	N/A		Yes	N/A
Garages and sheds for the storage of personal vehicles and or personal property	220.D		Yes	220-3
Man-made lakes, dams, ponds, and impoundments	451		Yes	400-42
Ornamental ponds and wading pools	N/A		Yes	N/A
Outdoor residential athletic courts	464		Yes	400-52
Residential swimming pools	472		Yes	400-59

Use	Section Number	Permitted By Right	Accessory	Page
Routine repair and servicing of personal motor vehicles	N/A		Yes	N/A
Satellite dish antennas	477		Yes	400-61
Signs	322		Yes	300-47

**220.C. NUMBER OF USES**

1. Any number of the uses allowed in this Zone are permitted within each existing building, provided the building size and floor area remain the same as it was on the effective date of this Ordinance.
2. For existing buildings that are enlarged, the number of uses permitted per building shall be the same number (at least one) that occupied the building on the effective date of this Ordinance.
3. More than one principal use may be established on a single lot only when each use complies with the lot area, yard, and other requirements of this Ordinance as though it were on an individual lot, and a plan has been recorded in compliance with the SALDO.
4. An applicant for more than one principal use on a lot shall be required to submit information and detailed plans that demonstrate compliance with this Section (e.g. ghost property lines, and related setbacks, respective ghost lot coverage calculations and etc.)

**220.D. AREA & DESIGN REQUIREMENTS WITHIN THE (MU) ZONE** – All uses within the Mixed Use Zone shall comply with those standards listed in the following Figure.

Figure 220.D. AREA & DESIGN REQUIREMENTS WITHIN THE (MU) ZONE							
Dwelling Unit Type	Minimum Lot	Minimum Lot Width at Building	Maximum Lot Coverage	Minimum Yard Setbacks			Maximum Permitted Height <sup>4</sup>
				Front <sup>1</sup>	Side	Rear	
Single-Family Detached	4,800 sq. ft.	40 ft.	70%	5 ft.	5 ft.	35 ft.	35 ft.
Duplex	3,500 sq. ft.	20 ft.	70%	5 ft.	2 ft.	35 ft.	35 ft.
Two-Family	10,000 sq. ft.	35 ft.	70%	5 ft.	2 ft.	35 ft.	35 ft.
Other permitted principal uses	4,800 sq. ft.	40 ft.	70%	5 ft.	5 ft.	35 ft.	35 ft.
Nonresidential off-street parking	Included in above			See footnote 3 below	5 ft.	5 ft.	NA
Residential accessory structures	Included in above			Not permitted in front yard	2 ft.	2 ft. <sup>2</sup>	25 ft.



- 1 When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a depth equal to the average of the two (2) adjoining lots.
- 2 Rear yard garages shall be setback no less than 5 feet from adjoining alleys.
- 3 Nonresidential off-street parking and loading spaces shall not be located within the front yard except that when a property is located between two adjoining properties that both have non-residential off-street parking within the front yard, then off-street parking shall be permitted within the front yard.
- 4 All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance

**220.E. OUTDOOR STORAGE** - Aside from that normally associated with a residence, no outdoor storage is permitted.

**220.F. OFF-STREET PARKING** - Off-street parking shall be provided as specified in Section 315 of this Ordinance except that all non-residential parking spaces shall be prohibited within the front yard.

**220.G. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS** - All driveways serving single-family dwellings shall be provided in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance except that no access drive shall be greater than 22 feet wide.

**220.H. LANDSCAPING & SCREENING** - Any portion of the site not used for buildings, structures, parking lots, loading areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 321 of this Ordinance.) Any off-street parking lots and/or off-street loading spaces shall be screened from adjoining properties unless such properties share such facilities.

**220.I. WASTE PRODUCTS** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of 15 feet from any adjoining (LDR, VR, MFR or MU) Zone properties. All waste receptacles shall be completely enclosed within a masonry, wood or framed structures with a separate pedestrian access gate/door which is self-closing and another truck access gate that must be kept closed when not in use.

**220.J. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.

**Section 221 – (VC) – Village Commercial Use Zone**

**221.A. PURPOSE OF ZONE**

This Zone acknowledges the evolving commercialization that is occurring along US Route 322 within the Village of Campbelltown and the node of commerce within the Village of Colebrook. Small scale businesses have been selected that can take advantage of the daily traffic passing by and design standards promote the assemblage of adjoining parcels into coordinated developments with shared features (vehicular access, off-street parking and loading, signs, etc.) Strict use and size limitations and landscaping requirements have been imposed to preserve the “small town” character of these areas.

**221.B. VILLAGE COMMERCIAL ZONE USE TABLE**

Use	Section Number	Permitted By Right	Conditional Use	Accessory	Page
Amusement arcades	405	Yes			400-4
Automobile filling stations (including minor incidental repair)	410	Yes			400-10
Banks and similar financial uses, including outdoor tellers if pedestrian-oriented, and no more than one (1) drive-thru lane	N/A	Yes			N/A
Barber, beauty, tanning, and health salons	N/A	Yes			N/A
Bed and breakfasts	411	Yes			400-11
Boarding houses	414	Yes			400-12
Car washes	416	Yes			400-13
Caterers, delicatessens, bakeries, ice cream shops, and confectioners	N/A	Yes			N/A
Churches and related uses, excluding cemeteries	418	Yes			400-14
Commercial day-care facilities	420	Yes			400-22
Commercial recreation uses	422	Yes			400-23
Commercial-Related Apartment - For each commercial use upon a property, one related apartment can be provided so long as it has a separate ground level access and one off-street parking space	N/A	Yes			N/A
Convenience stores	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Conditional Use	Accessory	Page
Dance, music, art, fashion and photographic studios and galleries	N/A	Yes			N/A
Drive-thru and/or fast-food restaurants	428	Yes			400-26
Dry cleaners, laundries, and laundromats	429	Yes			400-26
Facilities devoted to entertainment and cultural activities, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, libraries, and museums. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, shooting ranges and adult uses.	N/A	Yes			N/A
Family day-care facilities	431	Yes			400-27
Forestry uses	487	Yes			400-72
Funeral homes	437	Yes			400-31
Health, fitness, social, fraternal, and other private clubs	440	Yes			400-37
Hotels, motels, and similar lodging facilities	N/A	Yes			N/A
Medical, dental, optical, and counseling clinics and offices	N/A	Yes			N/A
Medical Marijuana Dispensary	494	Yes			400-83
Municipal and governmental uses	N/A	Yes			N/A
Offices	N/A	Yes			N/A
Outpatient health services	N/A				N/A
Parks and playgrounds	N/A	Yes			N/A
Personal services including barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios and repair of clocks, electronics,	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Conditional Use	Accessory	Page
computers, and small appliances					
Public, private and commercial schools	469	Yes			400-58
Public utilities structures	N/A	Yes			N/A
Restaurants and taverns (but not including drive-thru or fast-food restaurants or nightclubs) Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they are located and operated in a manner that does not interfere with pedestrian or vehicular circulation	N/A	Yes			N/A
Retail sales, rental, or repair of goods (excluding adult uses) provided that no single use contains more than 10,000 square feet of gross floor area. Permitted uses include: A. Card, stationery, magazine, book, or newspapers B. Prerecorded music, video, or spoken word products C. Beverage, wine, and liquors D. Sporting goods E. Musical instruments F. Tobacco and smoking accessories supplies G. Domestic hardware and 5 & 10¢ items H. Photographic, video, audio, and electronic components, and accessories I. Clothing and shoes	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Conditional Use	Accessory	Page
J. Flower, balloon, and gifts K. Pets and supplies with proper licensure L. Jewelry, watches, clocks M. Art and drafting supplies N. Computers, software, training, and other office supplies O. Craft supplies, baskets, fabrics, and other notions P. Toy and hobby supplies Q. Telephone, vacuum cleaner, and other domestic appliances R. Prosthetic and therapy devices and supplies S. Drugstore, perfumes, soaps, lotions, powders, and similar items T. Draperies, wallpaper, and rugs U. Bed and bath supplies V. Kitchenware, cookware, and dinnerware W. Eyeglass and hearing aid showrooms and offices X. Specialty food stores and grocerettes Y. Religious articles and artifacts; and, Z. Antique, thrift, and pawn shops.					
Satellite dish antennas	477	Yes			400-61
Single family detached, duplex and two-family dwellings, including residential accessory uses, subject to the requirements of Section 211 of this Ordinance.	211	Yes			211-3
Short term rentals	490	Yes			400-78
Veterinary offices, provided no outdoor keeping of animals is permitted	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Conditional Use	Accessory	Page
Alternative energy production facilities	404			Yes	400-3
Chickens, Residential	489				400-77
Fences and walls	434			Yes	400-28
Man-made lakes, dams, ponds, and impoundments	451			Yes	400-42
Ornamental ponds and wading pools	N/A			Yes	N/A
Satellite dish antennas	477			Yes	400-61
Signs	322			Yes	300-47
Passenger motor vehicle sales, service and repair facilities including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops	466		Yes		400-53
Shopping centers, provided that no single use contains more than 10,000 square feet of gross floor area	480		Yes		400-64
Small WCF within a public right-of-way	419		Yes		400-15

**221.C. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS** - See the following table:

Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer and Public Water	9,000 square feet	60 ft.	65% <sup>1</sup>
<sup>1</sup> The maximum permitted lot coverage can be increase to a maximum of 75 percent by the land development process for the applicants that: <ol style="list-style-type: none"> <li>1. Successfully coordinate developments with multiple uses;</li> <li>2. That share vehicular access, parking and signage;</li> <li>3. Across what were formerly multiple properties; and</li> <li>4. Offer safe and attractive pedestrian-oriented design</li> </ol>			

**221.D. MINIMUM SETBACK REQUIREMENTS** (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) and off-street parking lots shall be set back a minimum of ten feet (10') from the street right-of-way.

2. **Side yard setbacks** – All buildings and structures (except permitted signs) off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings and structures (except permitted signs) off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
4. **Residential buffer strip** – Any lot adjoining land within an LDR, VR, MFR or MU Zone shall maintain a twenty-foot (20') setback for nonresidential buildings, structures, off-street parking lots and off-street loading areas. Such areas shall be used for a landscape strip and screen.

**221.E. MAXIMUM PERMITTED HEIGHT** - 35 feet. All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**221.F. OFF-STREET PARKING** - Off-street parking shall be provided as specified in Section 315 of this Ordinance. The minimum required number of off-street parking spaces may be reduced by ten (10) percent by the Board of Supervisors during the land development review process for those applicants that (1) successfully coordinate developments with multiple uses (2) that share vehicular access, parking, and signage (3) across what were formerly multiple properties and (4) offer safe and attractive pedestrian-oriented design.

**221.G. DRIVEWAY AND ACCESS DRIVE REQUIREMENTS** - All driveways serving single-family dwellings shall be provided in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance except that no access drive shall be greater than 22 feet wide.

**221.H. SCREENING** - A visual screen must be provided along any adjoining lands within an LDR, VR, MFR or MU Zone, regardless of whether or not the LDR, VR, MFR or MU Zone property is developed (see Section 321 of this Ordinance).

**221.I. LANDSCAPING** - Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

**221.J. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**Section 222 – (HC) – Highway Commercial Zone**

**222.A. PURPOSE OF ZONE**

This Zone acknowledges the commercialization that is occurring along US Route 322 and Palmyra Road. This Zone provides suitable locations for retail, service, and entertainment businesses. The uses permitted vary widely and some may involve outdoor activities and/or storage areas like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve residents, as well as those motorists passing through in accordance with the Palmyra Area Region Comprehensive Plan.

Access to these areas is provided by adjoining major roads. Specific setbacks and design standards are imposed to promote shared vehicular access and off-street parking lots, enhance public safety through the ready identification of access drives and adjoining travel lanes, ensure protection by orienting outdoor storage and off-street loading spaces away from adjoining residential properties.

**222.B. HIGHWAY COMMERCIAL ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Agriculture and horticulture, including one single-family detached dwelling contained on the site subject to the applicable requirements contained with 200.C. of this Ordinance. This use shall also expressly exclude concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) and commercial produce operations, all as defined herein	200.C	Yes			200-4
Animal hospitals and veterinary offices, provided no outdoor keeping of animals	N/A	Yes			N/A
Amusement arcades	405	Yes			400-4
Auction houses, excluding automobile auctions	407	Yes			400-6
Automobile filling stations (including minor incidental repair)	410	Yes			400-10
Banks and similar financial uses	N/A	Yes			N/A
Barber, beauty, tanning, and health salons	N/A	Yes			N/A
Car washes	416	Yes			400-13
Casino, off-track betting parlors, slot machines parlors, and games of chance machines	417	Yes			400-17



Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Caterers, delicatessens, bakeries, ice cream shops, and confectioners	N/A	Yes			N/A
Churches and related uses	418	Yes			400-14
Co-Located communication antenna upon existing structures outside a public right-of-way and Small WCF within a public right-of-way	419	Yes			400-15
Commercial day-care facilities	420	Yes			400-22
Commercial recreation uses	422	Yes			400-23
Convenience stores	N/A	Yes			N/A
Convention and/or conference centers	426	Yes			400-25
Dance, music, art, fashion and photographic studios and galleries	N/A	Yes			N/A
Drive-thru and/or fast-food restaurants	428	Yes			400-26
Dry cleaners, laundries, and laundromats	429	Yes			400-26
Facilities devoted to entertainment and cultural activities, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, libraries and museums. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, shooting ranges and adult uses	N/A	Yes			N/A
Farmers and/or flea markets	433				400-28
Forestry uses	487	Yes			400-72
Funeral homes	N/A	Yes			N/A
Health, fitness, social, fraternal and other private clubs	440	Yes			400-37
Home improvement, equipment rental and building supply stores	445	Yes			400-39
Hotels, motels, and similar lodging facilities	N/A	Yes			N/A
Mass transit and/or taxicab terminals	454	Yes			400-44
Medical, dental, optical and counseling clinics and offices	N/A	Yes			N/A
Medical Marijuana Dispensary	493	Yes			400-82
Municipal and governmental uses	N/A	Yes			N/A
Nightclubs	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Offices	N/A	Yes			N/A
Outpatient health services	N/A				N/A
Parks and playgrounds	N/A	Yes			N/A
Personal services including barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios and repair of clocks, electronics, computers and small appliances	N/A	Yes			N/A
Passenger motor vehicle and recreational vehicle sales, service and repair facilities including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops	466	Yes			400-53
Public, private, commercial, or vocational-mechanical schools	469	Yes			400-58
Public utilities structures	N/A	Yes			N/A
Restaurants and taverns, excluding drive-thru or fast-food restaurants or nightclubs. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they are located and operated in a manner that does not interfere with pedestrian or vehicular circulation. All such activities shall be controlled so as not to constitute a nuisance by means of noise and litter	N/A	Yes			N/A
Retail sales, rental, or repair of goods (excluding adult uses)	N/A	Yes			N/A
Satellite dish antennas	477	Yes			400-61
Shops, offices and showrooms for contractors of painting, power-washing, plumbing, heating, air conditioning, electrical, electronic, telephone, antennas and cable, communications, roofing, flooring, drywall and plaster, basement	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
waterproofing, carpet, countertops, glass and windows, insulation, gutters and downspouts, well drilling and septic system installation, maintenance and pumping, woodworking, carpentry and cabinet-making, swimming pools, hot tubs and spas, lawn care and landscaping, masonry, concrete and paving, pest control and snow removal.					
Shopping centers	480	Yes			400-64
Alternate energy production facilities	404		Yes		400-3
Fences and walls	434		Yes		400-28
Man-made lakes, dams, ponds, and impoundments	451		Yes		400-42
Ornamental ponds and wading pools	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47
Amusement, theme and/or zoo parks	406			Yes	400-4
Automobile and/or other vehicle and/or animal racing facility with or without related wagering	409			Yes	400-8

**222.C. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS** - See the following table:

Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer & Public Water	None. Lot area will be determined by meeting the minimum requirements of applicable ordinance.	100 ft.	65%

**222.D. MINIMUM SETBACK REQUIREMENTS** (Principal and Accessory Uses)

- Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least 35 feet from the street right-of-way; off-street parking lots and outdoor storage and display areas shall be set back a minimum of ten feet (10') from the street right-of-way.

2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least 25 feet from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, and outdoor storage and display areas shall be set back at least 25 feet from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot line, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.

**222.E. MAXIMUM PERMITTED HEIGHT** - 35 feet, provided a structure may extend up to 45 feet if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line. All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**222.F. ACCESS DRIVE REQUIREMENTS** - All driveways serving single-family dwellings shall be provided in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance except that no access drive shall be greater than 22 feet wide.

**222.G SCREENING** - A visual screen must be provided along any adjoining lands within an (LDR, VR, MFR or MU) Zone, regardless of whether the (LDR, VR, MFR or MU) Zone property is developed (see Section 321 of this Ordinance).

**222.H. LANDSCAPING** - Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

**222.I. OUTDOOR STORAGE & DISPLAY** - Within this Zone, outdoor storage and display is permitted provided such areas are setback at least ten (10) feet from the street line and adjoining properties and such areas are setback at least 50 feet and screened from any land within the (LDR, VR, MFR or MU) Zones. Section 317 of this Ordinance lists additional requirements.

**222.J. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**Section 223 – (CO) – Commercial Office Zone**

**223.A. PURPOSE OF ZONE**

The purpose of this Zone is to provide for the orderly development of office, health care and institutional uses in areas where public utilities are readily available or can be extended. In those cases where public sewers are not employed, relative development intensity will be reduced, and capped utility lines will be required to be installed so that once public utilities become available, they can be readily connected.

Access to these areas is provided by adjoining major roads and the adjoining Riegler Airfield. Specific setbacks and design standards are imposed to promote a campus-like setting with generous landscaping, and shared vehicular access and off-street parking lots.

**223.B. COMMERCIAL OFFICE ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Agriculture and horticulture, including one single-family detached dwelling contained on the site subject to the applicable requirements contained with 200.C. of this Ordinance. This use shall also expressly exclude concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) and commercial produce operations, all as defined herein	200.C	Yes			200-4
Animal hospitals and veterinary offices, provided no outdoor keeping of animals	N/A	Yes			N/A
Banks and similar financial uses	N/A	Yes			N/A
Churches and related uses	418	Yes			400-14
Commercial day-care facilities	420	Yes			400-23
Facilities devoted to entertainment and cultural activities, including but not limited to theatres, playhouses, amphitheatres, concert halls, band shells, recital halls, cinemas, libraries, and museums. This use shall expressly exclude off-track betting	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
and/or slot machine parlors, casinos, shooting ranges and adult uses					
Forestry uses	487	Yes			400-72
Hangar Home	491	Yes			400-81
Halfway House/Recover Community	N/A	Yes			N/A
Health, fitness, social, fraternal, and other private clubs	440	Yes			400-37
Hospitals and related uses	447	Yes			400-40
Hotels, motels, and similar lodging facilities	N/A	Yes			N/A
Laboratories for medical, scientific, or industrial research and development	N/A	Yes			N/A
Medical, dental, optical, and counseling clinics and offices	N/A	Yes			N/A
Medical residential campus	455	Yes			400-44
Municipal and governmental uses	N/A	Yes			N/A
Nursing, rest, or retirement homes	N/A	Yes			N/A
Offices	N/A	Yes			N/A
Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities	N/A	Yes			N/A
Parks and playgrounds	N/A	Yes			N/A
Personal services including barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios and repair of clocks, electronics, computers, and small appliances	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Public, private, commercial, or vocational-mechanical schools	469	Yes			400-58
Public utilities structures	N/A	Yes			N/A
Restaurants and taverns, excluding drive-thru or fast-food restaurants or nightclubs. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted.	N/A	Yes			N/A
Vocational, technical, and mechanical trade schools	N/A	Yes			N/A
Alternate energy production facilities	401		Yes		400-3
Fences and walls	434		Yes		400-28
Man-made lakes, dams, ponds, and impoundments	541		Yes		400-42
Ornamental ponds and wading pools	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47
Academic clinical research center	492			Yes	400-82
Airports and heliports	403			Yes	400-3
Convention and conference centers	426			Yes	400-25
Helicopter pad, private	443			Yes	400-38
Small WCF within a public right-of-way	419			Yes	400-15

**223.C. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS** - See the following table:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	
		With public sewer	Without public sewer <sup>1</sup>
1 acre	150 ft.	65%	40%

<sup>1</sup>All uses relying upon on-lot sewers shall comply with Section 323 of this Ordinance. In addition, any principal use requiring a sewage disposal system that is not connected to a public sewer shall be required to install a capped sewer line in accordance with the specifications of the South Londonderry Township Municipal Authority.

**223.D. MINIMUM SETBACK REQUIREMENTS** (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least 25 feet from the street right-of-way; off-street parking lots and outdoor storage and display areas shall be set back a minimum of 15 feet from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least 25 feet from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, and outdoor storage and display areas shall be set back at least 25 feet from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot line, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
4. **Residential buffer strip** – Any lot adjoining land within an (LDR, MFR, & MU) Zone shall maintain a 50 feet foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage and display areas, from the (LDR, MFR, & MU) Zone parcels. Such areas shall be used for a landscape strip and screen.

**223.F. HEIGHT REQUIREMENTS** – 35 feet, provided a structure may extend up to 45 feet if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line. All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.

**223.G. SCREENING** - A visual screen must be provided along any adjoining lands within an (LDR, MFR, & MU) Zone, regardless of whether the (LDR, MFR, & MU) Zone property is developed (see Section 321 of this Ordinance).

**223.H. LANDSCAPING** - Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

**223.I. WASTE PRODUCTS** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining (LDR, MFR, & MU) Zone properties. All waste receptacles shall be completely enclosed within a masonry, wood or framed structures with a separate pedestrian access gate/door which is self-closing and another truck access gate that must be kept closed when not in use.

**223.J. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**223.K. AGRICULTURAL NUISANCE DISCLAIMER** – As a rural municipality many lands within South Londonderry Township are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort and the possibility



of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right-to-Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**Section 230 – (LI) – Light Industrial Zone**

**230.A. PURPOSE OF ZONE**

This Zone provides key locations for a mix of various types of light industries and recreation uses to diversify the Region’s economy and offer valuable employment opportunities.

Required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger industries have also been permitted. These areas have been located near existing public utility service areas, other industrial uses, and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

**230.B. LIGHT INDUSTRIAL ZONE USE TABLE**

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Agriculture and horticulture, including one single-family detached dwelling contained on the site subject to the applicable requirements contained with 200.C of this Ordinance. This use shall also expressly exclude concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) and commercial produce operations, all as defined herein	200.C	Yes			200-4
Animal hospitals and veterinary offices, provided no outdoor keeping of animals	N/A	Yes			N/A
Athletic fields and courts and recreation facilities	N/A				N/A
Auction houses, excluding automobile auctions	407	Yes			400-6
Automobile auctions and storage yards	408	Yes			400-7
Banks and similar financial uses	N/A	Yes			N/A
Billboards	413	Yes			400-11
Bookbinding, printing, and publishing operations	N/A	Yes			N/A
Car washes	416	Yes			400-13
Co-Located communication antenna upon existing structures outside a public right-of-way and Small WCF within the public right-of-way	419	Yes			400-15
Commercial day-care facilities	420	Yes			400-22

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Commercial greenhouses and produce production	421	Yes			400-22
Commercial Recreation Facilities	422	Yes			400-23
Convention and/or Conference Centers	426	Yes			400-25
Dance, music, art, fashion and photographic studios and galleries	N/A	Yes			N/A
Freestanding communication and wireless facilities	436	Yes			400-29
Forestry uses	487	Yes			400-72
Health, fitness, social, fraternal, and other private clubs	440	Yes			400-37
Heavy equipment sales, leasing, rental, service, and/or repair facilities	441	Yes			400-37
Home improvement, equipment rental and building supply stores	445	Yes			400-39
Hotels, motels, and similar lodging facilities	N/A	Yes			N/A
Laboratories for medical, scientific, or industrial research and development	N/A	Yes			N/A
Machine, tool and die, and metal fabrication shops	N/A	Yes			N/A
Manufacturing, packaging, storage and/or wholesaling of the following: A. Furniture, cabinets, plumbing, heating, air conditioning, ventilation and electrical fixtures, ceramic, stone, vinyl, fiberglass and linoleum tiles, carpets and rugs, windows, doors, insulation, ceiling and roofing tiles, household appliances, finished lumber and other household appointments B. Scientific, medical, optical, specialized, and technical instruments and equipment	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
C. Audio visual components, computers, vending machines, electronic equipment, software, and video games D. Office equipment, supplies, furnishings, and equipment E. Packaging materials, supplies and equipment F. Finished textile products G. Cosmetics, drugs, dyes, toiletries, perfumes, and other pharmaceuticals H. Brushes, brooms, and combs I. Hot tubs, spas, saunas, and swimming pools J. Jewelry, and other precious or semi-precious metals and stones K. Photographic, lighting, and timekeeping equipment L. Hand tools, hardware, power tools and small engine equipment and vehicles including but not limited to lawn mowers, chain saws, compressors, power washing equipment, motorcycles, and outboard boat motors M. Musical instruments, sporting equipment, bicycles, and toys N. Small or novelty products from prepared materials (excluding the use of sheet metals)					
Mass transit and/or taxicab terminals	454	Yes			
Medical, dental, optical, and counseling clinics and offices	N/A	Yes			N/A
Medical Marijuana Dispensary	498	Yes			
Mini warehouses	458	Yes			
Municipal and governmental uses	N/A	Yes			
Offices	N/A	Yes			N/A
Outpatient health services, including, but not limited to, laboratories, radiological and	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities					
Parking Compound	N/A	Yes			N/A
Parks and playgrounds	N/A	Yes			N/A
Passenger motor vehicle and recreational vehicle sales, service and repair facilities including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops	466	Yes			400-53
Personal services including barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios and repair of clocks, electronics, computers, and small appliances	N/A	Yes			N/A
Processing, packaging, bottling, storage and/or wholesaling of food products <b><u>excluding:</u></b> A. Pickling processes. B. Rendering or slaughtering operations C. Sugar refineries	N/A	Yes		Uses A, B, and C are a Conditional Use	N/A
Public, private, commercial, or vocational-mechanical schools	469	Yes			400-58
Public utilities structures	N/A	Yes			N/A
Recycling facilities for electronics, paper, plastic, glass, and metal products	471	Yes			400-59
Repair shops for products permitted to be manufactured in this Zone	N/A	Yes			N/A
Restaurants and taverns, excluding drive-thru or fast-food restaurants or nightclubs. Outdoor restaurant cafes, including awnings, umbrellas,	N/A	Yes			N/A

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
tables and chairs, and trash receptacles are permitted.					
Sales, storage and/or wholesaling of the following: A. Home and auto-related fuels B. Nursery and garden materials, and stock C. Redi-mix concrete D. Contractor supplies E. Plumbing, heating, air conditioning, electrical, and other structural components of buildings	N/A	Yes			N/A
Satellite dish antennas	477	Yes			400-61
Sawmills	478	Yes			400-62
Septage and spent mushroom compost processing and/or commercial mushroom operations	479	Yes			400-63
Shops, offices and showrooms for contractors of painting, power-washing, plumbing, heating, air conditioning, electrical, electronic, telephone, antennas and cable, communications, roofing, flooring, drywall and plaster, basement waterproofing, carpet, countertops, glass and windows, insulation, gutters and downspouts, well drilling and septic system installation, maintenance and pumping, woodworking, carpentry and cabinet-making, swimming pools, hot tubs and spas, lawn care and landscaping, masonry, concrete and paving, pest control and snow removal.	N/A	Yes			N/A
Short term rental	490	Yes			400-78
Sign makers	N/A	Yes			N/A
Slaughtering, processing, rendering, and packaging of food products and their byproducts	481	Yes			400-67

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Small engine repair shops	N/A	Yes			N/A
Vocational, technical, and mechanical trade schools	N/A	Yes			N/A
Warehousing and wholesale trade establishments	485	Yes			400-69
Welding shops	N/A	Yes			N/A
Alternate energy production facilities	404		Yes		400-3
Fences and walls	434		Yes		400-28
Man-made lakes, dams, ponds, and impoundments	451		Yes		400-42
Ornamental ponds and wading pools	N/A		Yes		N/A
Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than 300 square feet	N/A		Yes		N/A
Satellite dish antennas	477		Yes		400-61
Signs	322		Yes		300-47
Academic Clinical Research Center	492			Yes	400-82
Adult uses	402			Yes	400-2
Convention and conference centers	426			Yes	400-25
Farmers and/or flea markets	433			Yes	400-28
Helicopter pad, private	443			Yes	400-38
Heavy industrial uses	442			Yes	400-38
Junkyard	448			Yes	400-41
Methadone Treatment Facility	456			Yes	400-45

Use	Section Number	Permitted By Right	Accessory	Conditional Use	Page
Mining, quarrying and related processing operations	457			Yes	400-46
Power generation facilities	467			Yes	400-53
Principal waste handling, recycling, processing, transfer, and disposal facilities	468			Yes	400-56
Truck or motor freight terminals	482			Yes	400-68
Truck stops	483			Yes	400-68

**230.E. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS** - See the following table:

Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer & Public Water	None. Lot area will be determined by meeting the minimum requirements of applicable ordinance.	150 ft.	65%

**230.F. MINIMUM SETBACK REQUIREMENTS** (Principal and Accessory Uses)

- Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least 25 feet from the street right-of-way; off-street parking lots and outdoor storage and display areas shall be set back a minimum of 15 feet from the street right-of-way.
- Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least 25 feet from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
- Rear yard setback** – All buildings, structures, and outdoor storage and display areas shall be set back at least 25 feet from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot line, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
- Residential buffer strip** – Any lot adjoining land within an (LDR, MFR, & MU) Zone shall maintain a 50-foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage and display areas, from the (LDR, MFR, & MU) Zone parcels. Such areas shall be used for a landscape strip and screen.

**230.G. HEIGHT REQUIREMENTS** - The maximum permitted height is 35 feet provided a structure may extend up to 45 feet if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line. All uses must comply with the Airport Safety Zone contained within Section 240 of this Ordinance.



**230.H. ACCESS DRIVE REQUIREMENTS** - All access drives shall be in accordance with Section 301 of this Ordinance.

**230.I. SCREENING** - A visual screen must be provided along any adjoining lands within an (LDR, MFR, & MU) Zone, regardless of whether the (LDR, MFR, & MU) Zone property is developed (see Section 321 of this Ordinance).

**230.J. LANDSCAPING** - Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

**230.K. WASTE PRODUCTS** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of 50 feet from any adjoining (LDR, MFR, & MU) Zone properties. All waste receptacles shall be completely enclosed within a masonry, wood or framed structures with a separate pedestrian access gate/door which is self-closing and another truck access gate that must be kept closed when not in use.

**230.L. OUTDOOR STORAGE AND DISPLAY** - Within this Zone, outdoor storage and display is permitted, provided all such areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. The outdoor storage and display areas for vehicles sales need not be screened from adjoining roads. Section 317 of this Ordinance lists additional requirements.

**230.M. GENERAL PROVISIONS** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**230.N. AGRICULTURAL NUISANCE DISCLAIMER** – As a rural municipality many lands within South Londonderry Township are located within an area used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right-to-Farm Law,” and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

## **Section 240 – (AS) - Airport Safety Zone**

### **240.A. PURPOSE OF ZONE**

1. The Pennsylvania State Aviation Code and Federal Aviation Regulation No.77 require the limitation of building and structural height in “airport hazard areas”.
2. Areas contained within South Londonderry Township have been identified as being within the “airport hazard area” for the Reigle Airport as defined in the Pennsylvania Aviation Code and require special height controls.
3. These height restrictions are aimed at preventing the erection of structures that would interfere with, or obstruct, normal airplane approaches or airport operations. Such interference or obstruction would pose a threat to the health, safety, welfare, and convenience to residents of the Township, as well as passengers aboard airport aircraft.
4. The Airport Safety Zone is used to impose needed height restrictions as an overlay zoning district, thereby enhancing public safety, and minimizing disruption of existing zoning policies.

### **240.B. LANDS IN ZONE DEFINED**

1. The Township’s Airport Safety Zones include areas depicted on the Reigle Airport Safety Zone Map (attached) that are contained within South Londonderry Township. Three (3) separate Airport Safety Zones have been identified.
2. Zone 1 - The first, Airport Safety Zone 1, includes area most seriously affected by airport operations. Areas contained within Airport Safety Zone 1 are located in such closed proximity with airport runway approaches that the zoning ordinance’s normal permitted structural height could pose a safety hazard. Accordingly, height restrictions are strict, and review of proposed development is carefully scrutinized.
3. Zone 2 - The second, Airport Safety Zone 2, includes areas that lie just beyond Airport Safety Zone 1. These areas include those that might not be able to permit certain structures up to 125 feet in height. Within this zone, regulations permit the placement of structures up to 75 feet tall but require special review for structures higher than 75 feet.
4. Zone 3 - The third, Airport Safety Zone 3, includes outlying areas contained within the Reigle Airport hazard Area. These areas allow the erection of structures up to the maximum permitted structural height specified with each zone; however, any extension above these specified heights is carefully reviewed prior to permit approval.

### **240.C. RELATIONSHIP TO OTHER SECTIONS**

1. The Airport Safety Zone represents an overlay Zone that is only concerned with permitted heights. The underlying Zone shall prescribe all other zoning related standards and uses which shall be imposed upon any lands within the Township. In those instances where the Airport Safety Zone prescribes a height restriction different than that imposed by the underlying Zone, the most restrictive standard shall apply.

## **240.D. REGULATIONS WITHIN THE AIRPORT SAFETY ZONES**

### **1. Regulations within Airport Safety Zone 1**

- A. Any proposed use which involves the construction, erection or projection of a building or structure above the natural land grade shall require the following before a zoning permit can be issued by the Zoning Officer:
  - 1. The applicant shall submit such plans, topographic surveys, drawings, blueprints and the like as are reasonably necessary to ascertain the height of any proposed building or structure.
  - 2. The applicant shall provide a written “no hazard” finding from the PA Bureau of Aviation or FAA for the structure height proposed.
  - 3. Should the Zoning Officer be unable to determine the proposed use’s compliance with this Ordinance, the zoning permit shall be denied.
  - 4. The applicant may then appeal the Zoning Officer’s decisions in accordance with Section 704.E of this Ordinance.
- B. Any structure proposed to be constructed or expanded may not be issued a zoning permit until special clearance from the FAA is received.

### **2. Regulations within Airport Safety Zone 2**

- A. Any proposed use involving structural height up to and including 75 feet shall be permitted by right.
- B. Any proposed use involving structural height between 75 and 125 feet shall require the following before a zoning permit can be issued by the Zoning Officer:
  - 1. The applicant shall submit such plans, topographic surveys, drawing, blueprints, and the like as are reasonably necessary to ascertain the height of any proposed building or structure.
  - 2. The applicant shall provide a written “no hazard” finding from the PA Bureau of Aviation or FAA for the structure height proposed.
  - 3. Should the Zoning Officer be unable to determine the proposed use’s compliance with this Ordinance, the zoning permit shall be denied.
  - 4. The applicant may then appeal the Zoning Officer’s decision in accordance with Section 704.E. of this Ordinance.
- C. Any structure proposed to be constructed or expanded may not be issued a zoning permit until special clearance from the FAA is received.

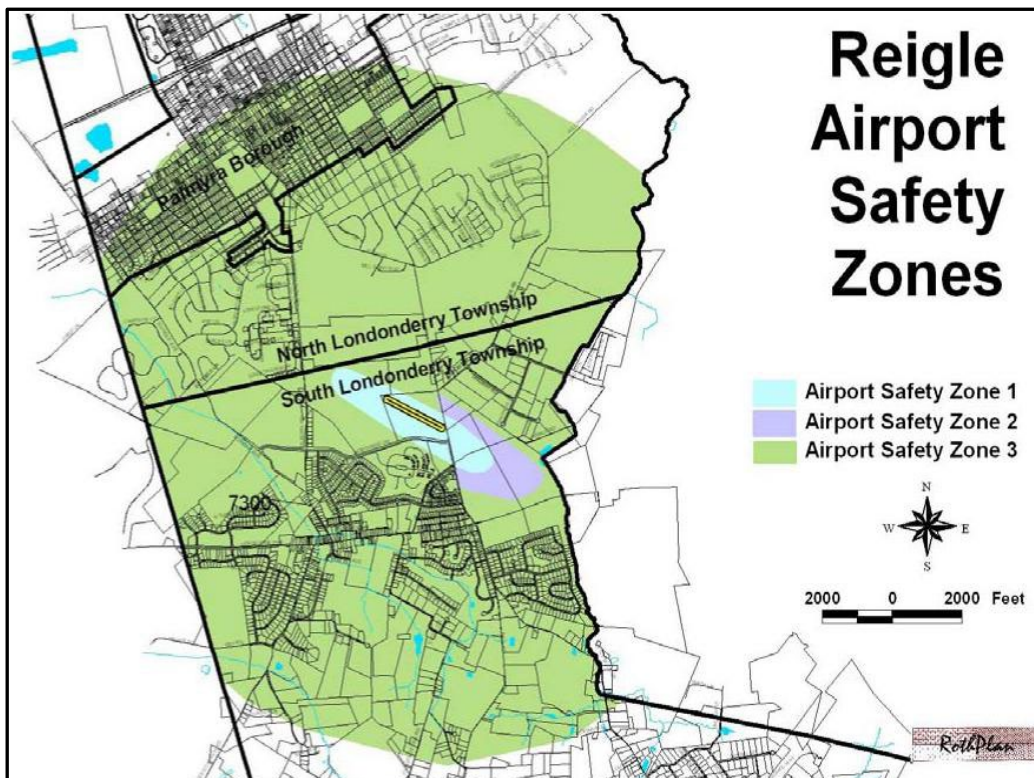
### **3. Regulations within Airport Safety Zone 3**

- A. Any proposed use involving structural height up to and including 35 feet shall be permitted by right.

- B. Any proposed use involving structural height above 35 feet shall require the following before a zoning permit can be issued by the Zoning Officer.
1. The applicant shall submit such plans, topographic surveys, drawing, blueprints, and the like as are reasonably necessary to ascertain the height of any proposed building or structure.
  2. The applicant shall provide a written “no hazard” finding from the PA Bureau of Aviation or FAA for the structure height proposed.
  3. Should the Zoning Officer be unable to determine the proposed use’s compliance with this Ordinance, the zoning permit shall be denied.
  4. The applicant may then appeal the Zoning Officer’s decision in accordance with Section 704.E. of this Ordinance.

#### 240.E. VARIANCES TO AIRPORT SAFETY ZONES

No variances to the height limitations set forth in Federal Aviation Regulation No. 77 will be granted by the Zoning Hearing Board without express, written consent thereto from the Federal Aviation Administration, such consent to be obtained by the applicant. In addition, the applicant shall notify the Pennsylvania Department of Transportation (PennDOT) of its intent to request a permit or any variances; such notification shall be in written form and sent so as to reach the PennDOT at least ten (10) days before the application is to be submitted.



# Article 3

## General Provisions

**SECTION 300** – The regulations contained within Article 3 shall apply to all uses within the Township.

**SECTION 301 ACCESS DRIVE REQUIREMENTS (NON-SINGLE-FAMILY DWELLING)**

**301.A. NUMBER PER LOT**

Except as specified elsewhere, the number of access drives intersecting with a street may not exceed the equivalent of one (1) two-way access drive per each 300 feet of lot frontage. The Township may restrict access to right turn only ingress and egress to ensure safe and efficient movements.

**301.B. SETBACKS**

All access drives shall be set back at least:

1. Along arterial roads - 400 feet from the intersection of any street right-of-way lines except that the creation of through intersections directly across the street are permitted.
2. Along collector and local roads - 200 feet from the intersection of any street right-of-way lines except that the creation of through intersections directly across the street are permitted.
3. Where applicable, a proposed access drive located on one side of a street shall be aligned so that it is directly across from another access drive or intersection on the opposite side of the street.
4. The following lists the minimum required separation between access drives located upon the same lot (measured from closest radii edges):

Adjoining Road Types (see Section 320 of this Ordinance)	Required Minimum Setback
Along an arterial road	400 feet
Along a collector road	200 feet
Along a local road	100 feet

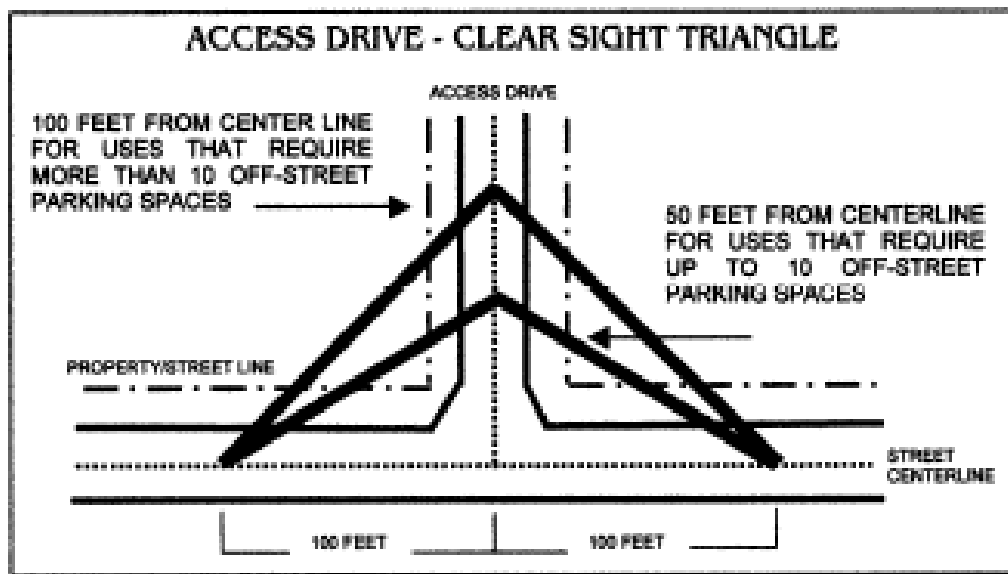
5. 15 feet from any side and/or rear property lines; however, this setback is not required for one property when a joint parking lot is shared by adjoining uses.
6. If any of the preceding required setbacks cannot be met the Zoning Hearing Board may grant a special exception to approve an alternate access drive design subject to the following criteria:
  - a. There shall be a minimum 10-foot tangent distance between the end of the intersecting roadway radius and the beginning radius of a permitted access drive.
  - b. The distance from the nearest edge of cartway of an intersecting roadway to the beginning radius of a permitted access drive shall be a minimum of 30 feet.

- c. If no other reasonable access to the property is available, and no reasonable alternative is identified, the access drive shall be located the farthest possible distance from the intersecting roadway. In such cases, directional connections (i.e., right in/right out only, right in only or right out only) may be required.
- d. The municipality shall require restrictions at the access drive if the Township engineer determines that the location of the access drive and particular ingress or egress movements will create safety or operational problems.

**301.C CLEAR-SIGHT TRIANGLE-ACCESS DRIVE**

Access drives shall be located and constructed so that no permanent obstructions and/or plant materials over 30 inches shall be placed within a clear-sight triangle of:

- 1. 100 feet as measured along the street centerline and 50 feet as measured along the access drive for uses requiring up to, and including, 10 off-street parking spaces.
- 2. 100 feet as measured along the street centerline and along the access drive centerline is maintained for uses requiring more than 10 off-street parking spaces.



**301.D. ACCESS MANAGEMENT ALONG ARTERIAL ROADS**

Where possible, vehicular access for nonresidential land uses along arterial roads (See Section 320) shall incorporate shared access drives among adjoining land uses with interconnected off-street parking lots. Such shared access drives shall be accompanied by a cross access easement in a form acceptable to the Township Solicitor.

**301.E. SLOPE**

Access drives shall not exceed a slope of four percent within 75 feet of the intersecting street centerline and 10 percent elsewhere.

**301.F. SURFACING**

The entire length and width of all access drives shall be paved with man-made materials resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This shall expressly include asphalt, bituminous, concrete, masonry, permeable geo-grids, and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

**301.G. ACCESS DRIVE WIDTH**

The following table specifies various access drive width requirements:

Function	Required Minimum Cartway Width
Two lanes of traffic without parallel parking*	24 feet
One lane of traffic without parallel parking**	12 feet
Median separating traffic lanes	4 feet
* Off-street parking lots must be provided in accordance with Section 315 of this Ordinance and the prohibition of on-street parking must be identified along the cartway.	
** The one-way direction of traffic must be identified along the cartway.	

**301.H. ACCESS DRIVE THROAT LENGTH & RADIUS**

The following table specifies various access drive throat length requirements to be measured between the closest edge of two intersection cartways and the proposed access drive:

Access Drive Type	Required Minimum Throat Length	Minimum Required Radius Uncurbed/curbed
Low volume (up to 750 vehicles per day)	50 feet*	15 ft. / 25 ft.
Medium volume (between 751 - 1499 vehicles per day)	120 feet*	
High volume (over 1499 vehicles per day)	150 feet*	35 feet
*Or as determined through a queuing analysis as part of a traffic impact study in accordance with Section 319 of this Ordinance.		

**301.I. REQUIRED PERMIT**

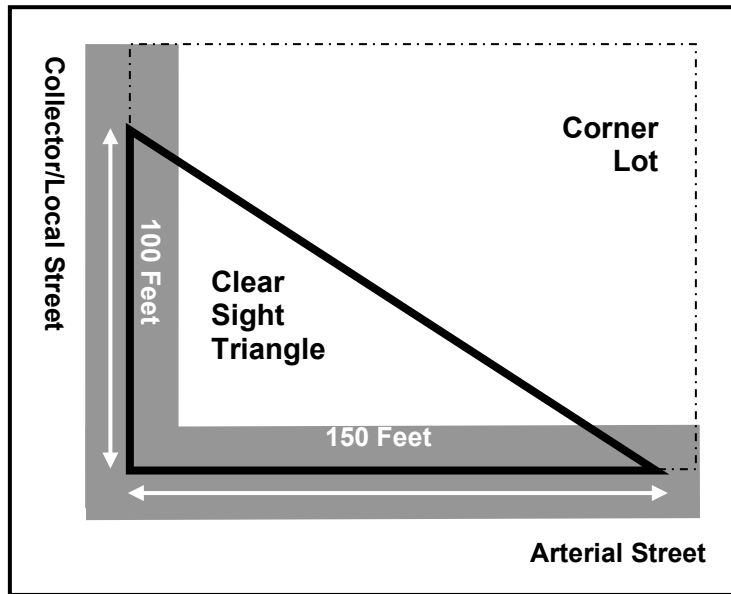
Any access drive intersecting with a State-owned Road shall require the issuance of a highway occupancy permit from the Pennsylvania Department of Transportation. Any access drive intersecting with a Township-owned Road shall require the issuance of a driveway permit from the Township in accordance with Ordinance No. 43.





**SECTION 303 CLEAR SIGHT TRIANGLE-CORNER LOT**

**303.A.** On corner lots, there shall be provided and maintained a clear sight triangle of at least 100 feet, as measured along the centerline of each local and/or collector streets or at least 150 feet, as measured along the centerline of any arterial streets from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted at a height greater than 30 inches within such area. All such clear sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications. If the clear sight triangle is not contained entirely within the public right-of-way, all recorded plans with access drives shall include a note granting the Township access to remove any visual obstruction within the clear sight triangle.



**303.B.** Any vegetative material that creates a visual obstruction and is greater than 30 inches in height, that existed on the effective date of this Ordinance, and that is located within the above-described clear sight triangle shall be trimmed so as not to create a visual obstruction or removed by the owner.

**303.C.** Clear sight-triangles for driveways are regulated by Section 305.C of this Ordinance. Clear sight-triangles for access drives are regulated by Section 301.C of this Ordinance.

**SECTION 304 RESERVED FOR FUTURE USE**

**SECTION 305 DRIVEWAY REQUIREMENTS (SINGLE-FAMILY DWELLING AND FARMS)**

**305.A. NUMBER PER LOT**

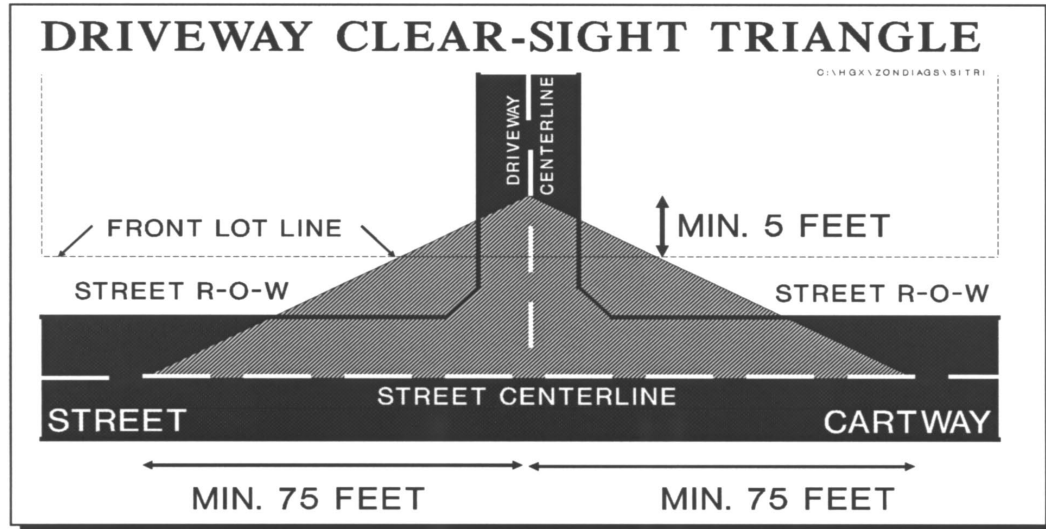
No more than two (2) driveway connections per lot frontage shall be permitted.

**305.B. SETBACKS**

Driveways shall not connect with a public street within 40 feet of the right-of-way lines of any intersecting streets; except that driveways may connect with a local street as listed in Section 320 of this Ordinance directly opposite another local street or access drive. Driveways shall not connect with a public street within five (5) feet of a fire hydrant. Furthermore, no part of a driveway shall be located within five (5) feet from any adjoining side lot line, except as permitted in Sections 200.D.5., 201.E.5, 305.K, 305.L, 305.M, and 305.N of this Ordinance.

**305.C. CLEAR-SIGHT TRIANGLE- DRIVEWAY**

Driveways shall be located and constructed so that a clear-sight triangle of 75 feet as measured along the street centerline and five (5) feet along the driveway centerline is maintained; no permanent obstructions



and/or plant materials over 30 inches high shall be placed within this area.

**305.D. ADEQUATE SIGHT DISTANCE**

Adequate sight distance shall be provided in accordance with prevailing PennDOT standards. Deviations from these requirements that are proposed during the subdivision / land development process shall be permitted as a modification according to Section 8.02. of the SALDO. Deviations from these requirements that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 704 of this Zoning Ordinance.

**305.E. SLOPE**

A driveway shall not exceed a slope of eight (8) percent within 25 feet of the street right-of-way lines, or ultimate street right-of-way, nor fifteen (15) percent elsewhere.

**305.F. ROAD CLASSIFICATION**

Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.

**305.G. DRIVEWAY SURFACE, WIDTH & APRON**

No driveway shall provide a curb cut exceeding 24 feet in width between the abutting street cartway and the street right-of-way. All driveways shall be paved or be constructed with a paved apron that extends from the street cartway to a depth of at least 20 feet onto the subject property. Beyond the paved apron all driveways shall be provided with a dust free surface or in the alternative a 50-foot-long gravel section of driveway shall be placed just beyond the preceding paved apron to help collect any mud that may have attached to a vehicle's wheels.

**305.H. REQUIRED PERMIT**

Any driveway intersecting with a State-Owned Road shall require the issuance of a highway occupancy permit from the Pennsylvania Department of Transportation. Any driveway intersecting with a Township-

owned Road shall require the issuance of a driveway permit from the Township in accordance with Ordinance No. 43.

### **305.I. DRAINAGE**

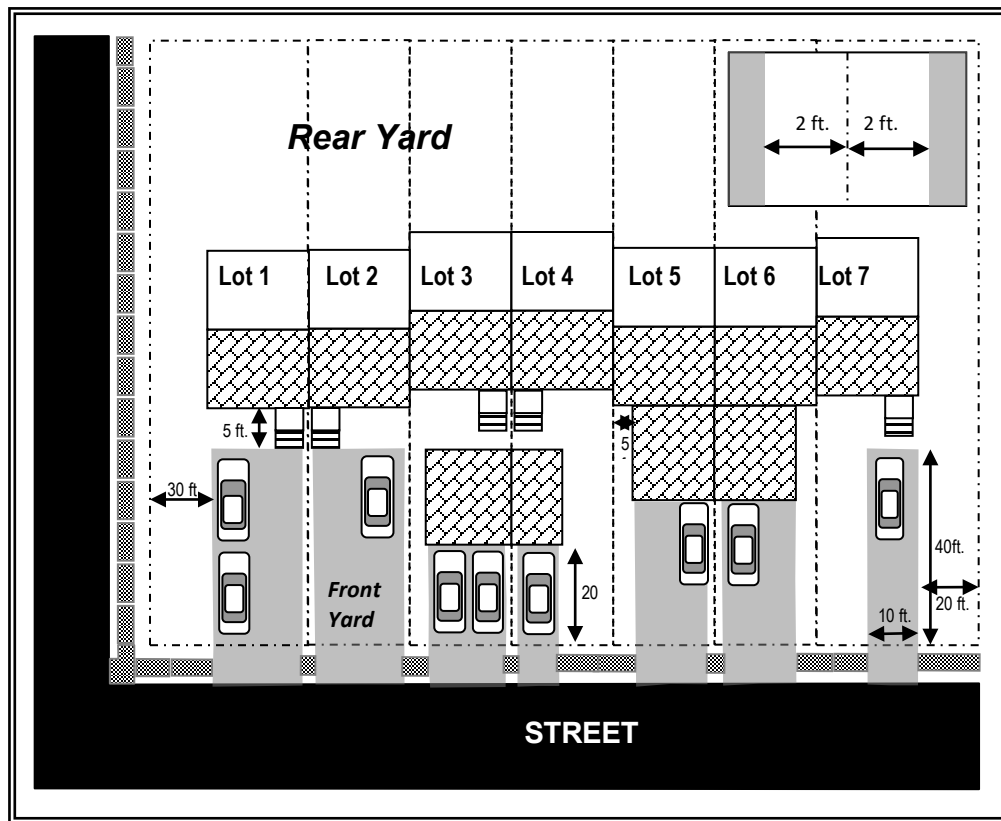
Driveways shall be constructed in a manner consistent with the design, maintenance, and drainage of the street.

### **305.J. VERTICAL CLEARANCE**

Driveways shall maintain a height of at least 12 feet that is clear of obstructions and vegetation to facilitate emergency vehicle access.

**305.K.** Townhouses on individual lots are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following regulations as depicted in the following diagram:

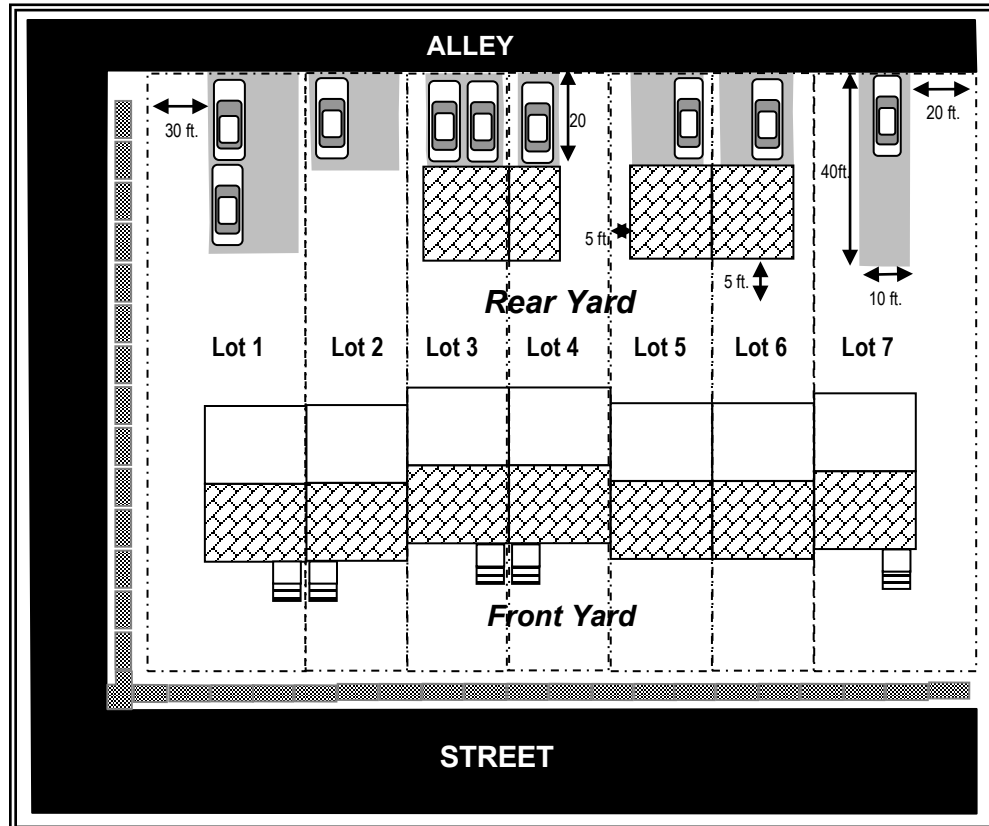
1. Such driveways must be separate on each lot and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least 40 feet in length when single-width driveways are used without a garage (see LOT 7).
3. Such driveway shall be at least 20 feet in length when single-width driveways are used with a garage (see LOT 4).
4. Such driveway shall be at least 20 feet in length when double-width driveways are used with or without a garage (see LOT 3).
5. Such driveways must be set back at least:
  - A. Two (2) feet from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6 and see the inset in the following diagram)
  - B. 30 feet from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1).
  - C. 20 feet from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).
  - D. Five (5) feet from the closest point of any building other than a garage (see LOT 1).
6. No individual driveway shall be narrower than (10) feet (see LOT 7).
7. Garages must be attached to, and rely upon, a driveway as permitted above.
8. Garages must be set back at least:
  - A. 20 feet from the street right-of-way (see LOT 4).
  - B. Five (5) feet from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOTS 4 & 5).
  - C. Five (5) feet from the townhouse building when the garage is a freestanding building (see LOTS 3 & 4).
  - D. 20 feet from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



**305.L.** Townhouses on individual lots are permitted to utilize rear yard driveways and garages, if such driveways and garages comply with the following requirements as depicted in the following diagram:

1. Such driveways must be separate on each lot and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least 40 feet in length when single-width driveways are used without a garage (see LOT 7).
3. Such driveway shall be at least 20 feet in length when single-width driveways are used with a garage (see LOT 4).
4. Such driveway shall be at least 20 feet in length when double-width driveways are used with or without a garage (see LOT 3).
5. Such driveways must be set back at least:
  - A. Two (2) feet from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6).
  - B. 30 feet from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1).
  - C. 20 feet from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).
  - D. Five (5) feet from the closest point of any building other than a garage.
6. No individual driveway shall be narrower than 10 feet (see LOT 7).
7. Garages must be attached to, and rely upon, a driveway as permitted above.

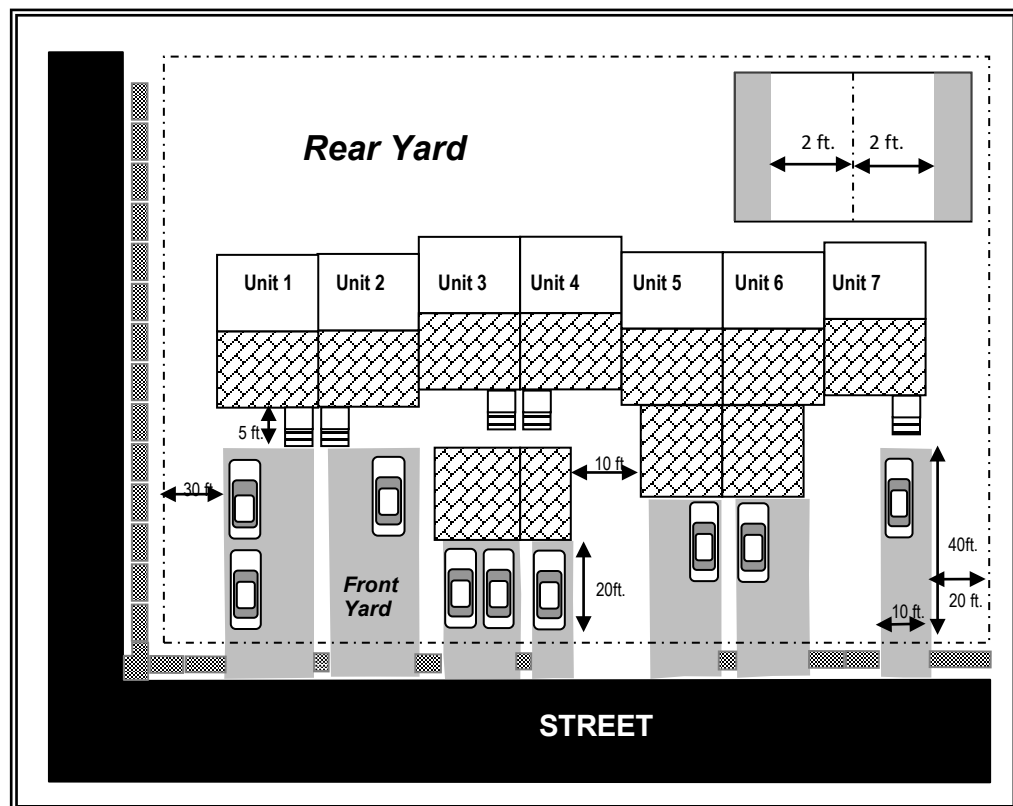
8. Garages must be set back at least:
  - A. 20 feet from the rear lot line or alley cartway whichever provides the greater setback (see LOT 4).
  - B. Five (5) feet from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOT 5).
  - C. Five (5) feet from the townhouse building when the garage is a freestanding building (see LOT 6).
  - D. 20 feet from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



**305.M.** Townhouses on common property are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following requirements as depicted in the following diagram:

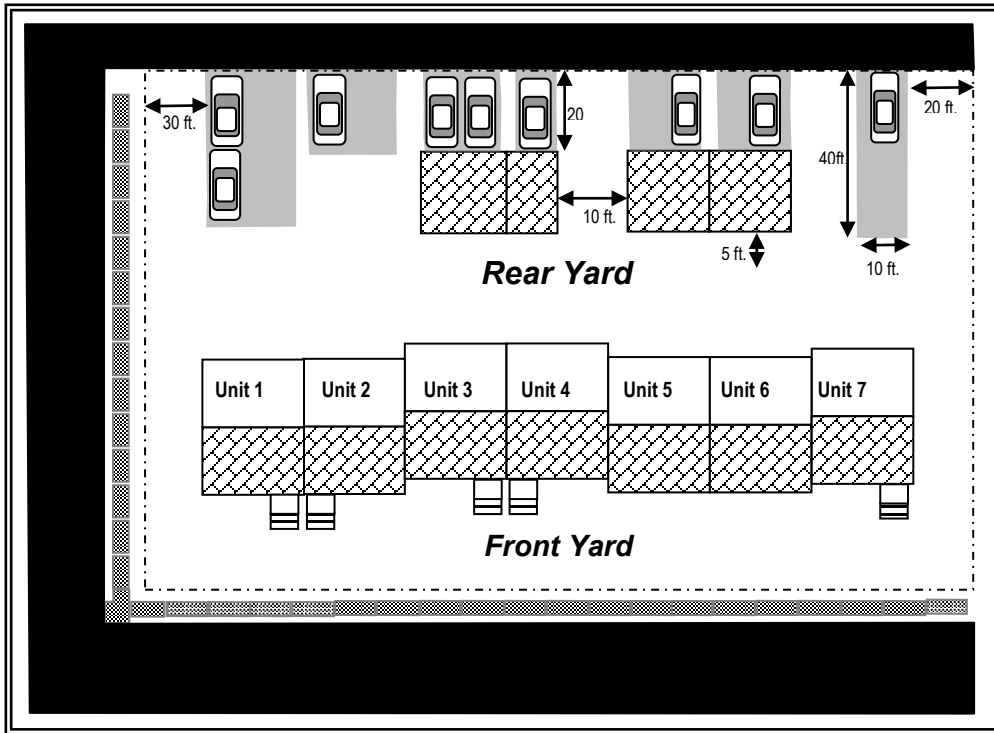
1. Such driveways must be separate for each unit and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least 40 feet in length when single-width driveways are used without a garage (see UNIT 7).
3. Such driveway shall be at least 20 feet in length when single-width driveways are used with a garage (see UNIT 4).
4. Such driveway shall be at least 20 feet in length when double-width driveways are used with or without a garage (see UNIT 3).

5. Such driveways must be set back at least:
  - A. Four (4) feet from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 in the following diagram).
  - B. 30 feet from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1).
  - C. 20 feet from a property line or a nontownhouse use or 40 feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).
  - D. Five (5) feet from the closest point of any building other than a garage (see UNIT 1).
6. No individual driveway shall be narrower than 10 feet (see UNIT 7).
7. Garages must be attached to, and rely upon, a driveway as permitted above.
8. Garages must be set back at least:
  - A. 20 feet from the street right-of-way (see UNIT 4).
  - B. 10 feet from any garage of an adjoining townhouse that does not share an attached garage (see UNITS 4 & 5).
  - C. Five (5) feet from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4).
  - D. 20 feet from a property line or a nontownhouse use or 40 feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).



**305.N.** Townhouses on common property are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to comply with the following requirements depicted in the following diagram:

1. Such driveways must be separate for each unit and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least 40 feet in length when single-width driveways are used without a garage (see UNIT 7).
3. Such driveway shall be at least 20 feet in length when single-width driveways are used with a garage (see UNIT 4).
4. Such driveway shall be at least 20 feet in length when double-width driveways are used with or without a garage (see UNITS 2 & 3).
5. Such driveways must be set back at least:
  - A. Four (4) feet from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 and see the inset in the above diagram).
  - B. 30 feet from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1).
  - C. 20 feet from a property line or a nontownhouse use or 40 feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).
  - D. Five (5) feet from the closest point of any building other than a garage (see UNIT 6).
6. No individual driveway shall be narrower than 10 feet (see UNIT 7).
7. Garages must be attached to, and rely upon, a driveway as permitted above.
8. Garages must be set back at least:
  - A. 20 feet from the rear lot line or alley cartway whichever provides the greater setback (see UNIT 4).
  - B. 10 feet from any garage of an adjoining townhouse that does not share an attached garage.
  - C. Five (5) feet from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4).
  - D. 20 feet from a property line or a nontownhouse use or 40 feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).



**SECTION 306 ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT**

**306.A.** More than one principal use may be established on a single lot only when each use complies with all requirements of this Ordinance, subdivision and land development ordinance, stormwater management ordinance as though it were on an individual lot.

**306.B.** An applicant for more than one principal use on a lot shall be required to submit information and detailed plans that demonstrate compliance with this Section (e.g. ghost property lines, and related setbacks, respective ghost lot coverage calculations and etc.)

**SECTION 307 FRONT YARD EXCEPTIONS**

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots, provided that in no case shall the front yard be less than 20 feet from an abutting street right-of-way line within the (C, A, AH, LDR, MFR, MHP, HC and LI) Zones.

**SECTION 308 RESERVED FOR FUTURE USE**

**SECTION 309 HEIGHT LIMIT EXCEPTIONS**

**309.A.** The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line, are not used for habitable floor space, comply with Section 240 (Airport Safety Zone) of this Ordinance,



comply with applicable FAA regulations and are constructed in accordance with the prevailing Uniform Construction Code:

1. Water towers, antennas (excluding freestanding communication antennas and towers), utility poles (excluding utility poles used for communication antennas and equipment), smokestacks, chimneys, farm silos, windmills, flagpoles, clock or bell towers, spires, steeples, belfries, cupolas, monuments, dormers, satellite dishes, electrical transmission lines and structures, conveyors, derricks, skylights, solar energy collectors and other similar structures.
2. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
3. Parapet walls or cornices used solely for ornamental purposes shall not be higher than five (5) feet. Parapet walls or cornices used for the screening of roof mounted mechanical equipment are exempt from the five (5) feet height limitation.
4. Church or school roofs.

**309.B.** In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for any use.

**309.C.** Telecommunications towers, wireless communication facilities, and similar antennae shall be subject to the regulations of Sections 419 and 436 of this Ordinance.

### **SECTION 310 OUTDOOR LIGHTING**

**310.A. PURPOSE** - This Section is enacted for the following purposes:

1. To establish requirements for outdoor lighting installations which promote public safety and welfare during the nighttime while minimizing the adverse effects of glare and light trespass often associated with outdoor lighting.
2. To protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting installations located on adjacent properties and roadways.
3. To prohibit outdoor lighting installations which are of excessive intensity such that the resulting glare and light trespass create a nuisance to pedestrians, cyclists, or motorists on neighboring properties and roadways.

**310.B. APPLICABILITY** - The requirements of this Section shall apply to all outdoor lighting installations as follows:

1. Outdoor lighting installations which are newly designed, constructed, erected, or otherwise placed into operation after the effective date of this Ordinance.
2. Alterations, rehabilitations, or renovations to existing outdoor lighting installations, which are commenced after the effective date of this Ordinance, and which involve the complete replacement of an existing lighting system with a new lighting system.
3. Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Ordinance, the new fixture must meet the standards of this Section.
4. Whenever a use changes or whenever an existing use makes renovations to more than 50 percent of its exterior improvements, existing lighting systems and fixtures shall be brought into conformance with this Section.

**310.C. NON-APPLICABILITY** - The requirements of this Section shall not apply to, nor be retroactive to, existing outdoor lighting installations which began operation before the effective date of this Ordinance. Routine maintenance of said existing outdoor lighting installations shall not be required to comply with the requirements of this Section. Routine maintenance activities include the following:

1. Replacement of lamps that are burned-out or inoperative.
2. Replacement/repair of damaged or inoperative fixture components such as ballasts, ignitors, lenses, reflectors, refractors, sockets, or photocell controls.

**310.D. DESIGN CALCULATIONS IN ACCORDANCE WITH THE IESNA LIGHTING HANDBOOK**

In addition to the specific requirements established in this Section, the design calculations for outdoor lighting installations shall be in accordance with the IESNA Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods and procedures, photometric classifications, and photometric testing procedures. Illuminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements.

**310.E. PERFORMANCE STANDARDS**

1. Any lighting used to illuminate lawfully conducted activities associated with a single residential or agricultural use (including accessory uses) shall be arranged to deflect light away from any adjoining property or from the public street. The light source shall be hooded, shielded, or controlled so as not to light adjacent property.
2. Any lighting used to illuminate lawfully conducted activities associated with any use other than a single residential or agricultural use shall be arranged to deflect light away from any adjoining property or from the public street. Proper mounting height, shielding, setback and aiming rather than vegetative screening shall be used to serve as the primary means of controlling light trespass.
3. No light source or combination thereof which cast light on a public street shall exceed a meter reading of one (1) footcandle as measured from the centerline of said street. No light source or combination thereof shall cast light on adjacent residential property that exceeds one tenth (0.1) footcandle as measured at an adjacent property's side and rear lot lines or one (1) footcandle on an adjacent non-residential property.
4. Method of Measurement – Except for signs, the footcandle level of a light source shall be taken after dark with the light meter placed on the ground and directed straight upward. For signs, the footcandle level of a light source shall be taken after dark with the light meter held 6 inches away from the brightest spot on the face of the sign with the meter aimed at the brightest spot on the face of the sign. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
5. Height - The maximum height above the ground grade permitted for light sources mounted on a pole is 20 feet except in the case where a parking lot contains at least one hundred contiguous parking spaces and/or when the light source serves an off-street loading space and related maneuvering area, in which cases the maximum permitted height shall be 25 feet. A light source mounted on a building shall not exceed the height of the face of the building to which it is attached, and no light sources shall be located on the roof unless said light's intended purpose is solely to enhance the architectural features of the building.
6. Location – Except for lights mounted on an individual residence, the light source of an outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case, less than 10 feet from a street right of way and five (5) feet from all side or rear lot lines.

7. Security Lighting - In all Districts, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail upon grounds and parking lots. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it. Unenclosed outdoor storage and display areas for commercial uses are exempt from the standards within this Section.
8. Billboards and Signs - The lighting of new, or replacement of lighting systems of existing billboards and existing or proposed signs shall be subject to the following requirements:
  - A. All electrically illuminated signs and billboards shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.
  - B. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto the billboard or sign and not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during nighttime.
  - C. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
  - D. The illumination of billboards shall be limited to the (LI) Zone and the illumination of billboards within 500 feet of a residential use or (LDR, VR, TND, MFR, MHP, MU or VC) Zone is prohibited.
  - E. The maximum illumination on the face of an externally illuminated billboard or sign shall not exceed 30 footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.
  - F. Rotating, traveling, pulsing, flashing, animated, "marching" or oscillating light sources, lasers, beacons, or strobe lighting shall not be permitted except within the (LI) Zone and not within 500 feet of a signalized traffic intersection, a residential use or a (LDR, VR, TND, MFR, MHP, MU or VC) Zone.
  - G. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the HC, and/or LI Zones and shall comply with the requirements of Section 310 of this Ordinance.
  - H. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
  - I. Applications for the lighting or relighting of signs and/or billboards shall be accompanied by a point-by-point plot of illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting.
10. Outdoor Recreation - No lighting of recreation facilities shall be permitted brighter than that necessary for security purposes except during recreation events. The following requirements shall apply to the lighting of outdoor recreation facilities:
  - A. Lighting shall be accomplished only through the use of fixtures conforming to IESNA full-cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.

B. Maximum mounting heights for recreational lighting shall be in accordance with the following:

Outdoor Recreation Activity	Maximum Mounting Height
Basketball	35'
Football	70'
Soccer, Lacrosse, Field Hockey, Rugby and other similar field sports	70'
Baseball 200' Radius	60'
Baseball 300' Radius	90'
Miniature Golf	20'
Swimming Pool Aprons	20'
Tennis	50'
Track	70'

C. Off street parking areas for outdoor recreation uses, which are illuminated, shall meet the requirements stated in Section 310 of this Ordinance.

D. To assist the Township in determining whether lighting will be permitted, in addition to the normal lighting plan submission requirements listed in Section 310 of this Ordinance, applications for illuminating recreational facilities shall also contain the following:

1. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties within 200 feet of the subject property.
2. Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
3. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of five (5) feet line-of-sight.
4. Elevation drawings containing illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. In the case where an adjoining property is undeveloped, elevation drawings containing illuminance plots on the facades plotted at the minimum required applicable setback line of all potential residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this Ordinance.
5. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
6. A narrative describing the measures proposed to achieve minimum off-site disturbance.

**310.F. PROHIBITIONS** - No search lights, flashing lights or lights that may cause a hazard by impairing driver's vision shall be permitted.

**310.G. SUBMISSION OF LIGHTING PLANS** - Where site lighting is required by this Ordinance, is otherwise required by the Township, or is proposed by the applicant, lighting plans shall be submitted for review

and approval. The submission shall contain the following in addition to other required data for the specific permit:

1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
2. Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required, the angle of the cutoff of light emissions, etc.).
3. A point-by-point illuminance-grid plot on 10' x 10' centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Section. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.
4. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
5. When requested by the Township, the Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare. This plan may require the inclusion of footcandle values at specific off-site locations (e.g., bedroom windows of adjacent residential uses, street centerlines)
6. Required Plan Notes - The following notes shall appear on the Lighting Plan:
  - A. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.

**310.I. EXEMPTIONS** - The standards of this Section 310 shall not apply to the following:

1. Temporary holiday lighting. This Section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
2. Civic Event Lighting. This Section does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
3. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, or other federal, state, county or municipal agencies, to include streetlights within the public right-of-way.
4. Outdoor lighting fixtures required by law enforcement, fire and rescue, or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction.

**SECTION 311                      RESERVED FOR FUTURE USE**

**SECTION 312                      RESERVED FOR FUTURE USE**

**SECTION 313                      RESERVED FOR FUTURE USE**

**SECTION 314                      OFF-STREET LOADING**

### **314.A. WHEN REQUIRED**

Off-street loading shall be required in accordance with this Section prior to the occupancy of any building or use that requires off-street loading. Off-street loading shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

1. A new use is established.
2. The use of a property or building is changed such that more loading space is required.
3. An existing use is enlarged such that more loading space is required.

### **314.B. SITE PLAN APPROVAL**

1. Each application for a Zoning Permit for a use for which off-street loading spaces are required shall include a site plan drawing showing the proposed layout of the off-street loading spaces. The drawing shall clearly include the design elements required by this Section.
2. No Zoning Permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

### **314.C. SURFACING**

All off-street loading spaces, including access drives, shall have a paved surface consisting of man-made materials resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This shall expressly include asphalt, bituminous, concrete, masonry, permeable geo-grids, and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

### **314.D. LOCATION & ORIENTATION**

1. Except as provided elsewhere, a ground-level off-street loading space may only be located in any side or rear yard.
2. No off-street loading space is permitted between a building and an adjoining street right-of-way.
3. No off-street loading space shall be located on the face of a building facing any adjoining land in the (C, A, AH, LDR, VR, MFR, MHP, MU or VC) Zones unless the loading space is at least 100 feet from adjoining land.
4. No exterior portion of an off-street loading space (including access drives) shall be located within the following specified distances from adjoining land within the following respective Zones:

MINIMUM REQUIRED SETBACKS FOR OFF-STREET LOADING														
ZONE WITHIN WHICH LOADING SPACE IS LOCATED	ZONE FROM WHICH LOADING SPACE MUST BE SETBACK													
	Zone	C	A	AH	LDR	VR	MFR	MHP	MU	VC	HC	CO	LI	
	C	50 feet									10 feet			
	A	50 feet									10 feet			
	AH	50 feet									10 feet			
	LDR	50 feet									10 feet			
	VR	10 feet				5 ft.	10 feet		5 feet		10 feet			
	MFR	25 feet									10 feet			
	MHP	25 feet									10 feet			
	MU	Not required												
	VC	Not required												
	HC	50 feet									10 feet			
	CO	50 feet									10 feet			
LI	50 feet									10 feet				

**314.E. CONNECTION TO STREET OR ALLEY**

Every loading space shall be connected to a street or alley by means of an access drive. The access drive shall be at least 24 feet wide, exclusive of curb returns and gutters.

**314.F. SEPARATION FROM STREETS, SIDEWALKS, AND PARKING LOTS**

Off-street loading spaces shall be designed so that there will be no need for vehicles to back onto streets or sidewalks. All off-street loading spaces shall be designed such that vehicles shall only be able to enter an adjoining street in a forward direction. Furthermore, off-street loading spaces shall not interfere with off-street parking lots or with the free movement of vehicles and pedestrians on the site and over a public street or sidewalk.

**314.G. DRAINAGE**

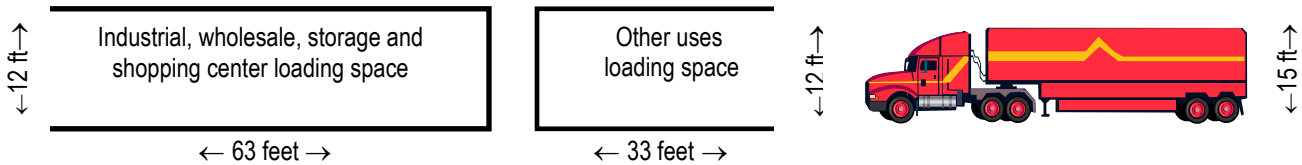
Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading spaces shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

**314.H. REQUIRED OFF-STREET LOADING SPACE SIZES**

Off-street loading spaces shall have a rectangular shape with not less than the following dimensions, excluding access drives, entrances, and exits. Angled spaces will need to be longer to achieve the rectangular shape.

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

**Off-Street Loading Space Diagram (§314.H.)**



**314.I. ACCESS**

Off-street loading spaces shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle. All access drives shall be so designed and constructed such that it will not be necessary for drivers to back out onto a street. All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them. Such back-up and turn-around areas shall also be considered to be part of the off-street loading space for purposes of location, setbacks, orientation and screening.

**314.J. LIGHTING**

Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall comply with Section 310 of this Ordinance.

**314.K. LANDSCAPING AND SCREENING REQUIREMENTS**

Unless otherwise indicated, all off-street loading facilities shall be surrounded by a 10-foot-wide landscape strip. All off-street loading facilities shall be screened from adjoining areas in the AH, LDR, VR, MFR, MHP, MU, or VC Zones and all adjoining public streets. All landscaping and screening shall be provided in accordance with the standards listed in Section 321 of this Ordinance.

**314.L. LOADING SPACE MARKINGS**

All off-street loading spaces shall be marked and maintained for the purpose of defining all loading spaces and interior drives. As a minimum, the lines of all off-street loading spaces and interior drives (including directional arrows) shall be in a color typically suitable for such markings and shall be at least four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control truck parking and to direct vehicular circulation.



**314.M. SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES**

The schedule of required off-street loading spaces is as follows:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotel	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per use	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls, and plazas) having at least 25,000 square feet of gross floor area	See Section 480	
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)

Type of Use	Number Spaces Per	Gross Floor Area
Wholesale or warehousing (except mini warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)

**SECTION 315 OFF-STREET PARKING**

**315.A. WHEN REQUIRED**

Off-street parking shall be required in accordance with the provisions of this Section prior to the occupancy of any building or use. Off-street parking shall be provided whenever:

1. A building is constructed, or a new use is established.
2. The use of an existing building is changed to a use requiring more parking facilities.
3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

**315.B. REDUCTION OF EXISTING PARKING**

Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under Section 315.W. of this Ordinance.

**315.C. PARKING FOR SINGLE-FAMILY DETACHED DWELLINGS**

Every single-family dwelling shall be required to provide at least two (2) off-street parking spaces that are each rectangular and a minimum of nine (9) feet wide and 18 feet long. Such spaces must be provided behind the street right-of-way line and may be within garages, carports, and/or driveways. Additional regulations pertaining to driveways are contained in Section 305 of this Article. The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single-family dwelling.

**315.D. SITE PLAN APPROVAL**

1. Each application for a Zoning Permit for a use that requires off-street parking spaces shall include a site plan drawing showing the proposed layout of the lot.
2. No Zoning Permit shall be issued for any use for which off-street parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

**315.E. SURFACING**

All parking lots shall have a paved surface consisting of man-made materials resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This shall expressly include asphalt, bituminous, concrete, masonry, permeable geo-grids, and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

**315.F. SEPARATION FROM STREETS AND SIDEWALKS**

Parking spaces shall be guarded by curbs or other protective devices, which shall be arranged so that parked cars cannot project into streets, yards, or walkways. No open curb parking spaces shall be permitted along public or private streets. All parking lots and parking spaces shall be designed such that vehicles shall only be able to enter an adjoining street in a forward direction.

**315.G. DRAINAGE**

Parking lots shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan to be approved by the Township under the terms of the SALDO.

**315.H. PARKING SPACE SIZES**

1. Within an off-street parking lot, each parking space for passenger vehicles (except those spaces dedicated for use by handicapped persons) shall have a minimum length of 18 feet and a minimum width of nine (9) feet with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.
2. Where parallel parking is proposed, parking spaces shall be delineated by painted lines and shall have a minimum width of eight (8) feet as measured from the curb or cartway edge and a minimum length of 23 feet as measured along the curb or cartway edge with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.

**315.I. PARKING SPACES FOR DISABLED PERSONS**

All uses shall comply with the Americans with Disabilities Act (or successor regulation) which shall supersede any conflicting requirements of this Section 315.

**315.J. INTERIOR DRIVEWAYS**

1. Vehicle aisles between rows of parking spaces shall have the minimum widths shown:

Angle of Parking	Width of Driveway: One-Way Traffic	Width of Driveway: Two-Way Traffic
90 Degrees	24 feet	24 feet
60 Degrees	20 feet	24 feet
45 Degrees	15 feet	24 feet
30 Degrees	12 feet	24 feet
Parallel	12 feet	24 feet

2. Interior access drives in areas where there is no parking permitted shall be at least 12 feet wide for each lane of traffic.

3. The maximum permitted length of vehicle aisles between rows of parking spaces shall be 200 feet.

#### **315.K. MARKING OF PARKING SPACES, ACCESS DRIVES AND VEHICLE AISLES**

1. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives prior to occupancy. As a minimum, the lines of all parking spaces, access drives and vehicle aisles (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white non-reflective traffic line paint, or equivalent.
2. In the event parking lots are not marked as required by this section, the Township may at its option, perform or hire the said marking to be done and recover the same from the owner or tenant of said lot in the manner permitted by law.

#### **315.L. REQUIRED HORIZONTAL RADII**

Not less than a five (5) feet radius of curvature shall be permitted for horizontal curves in parking areas.

#### **315.M. DEAD END PARKING SPACES**

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

#### **315.N. LIGHTING**

Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to direct, reflect, or otherwise cause glare beyond the property line. Lighting shall comply with Section 310 of this Ordinance.

#### **315.O. ACCESS DRIVE REQUIREMENTS**

Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least 12 feet wide for each lane, exclusive of curb return and gutters. Section 301 specifies other requirements for access drives.

#### **315.P. SPEED BUMPS AND TRAFFIC CALMING DEVICES**

Speed bumps and traffic calming devices shall be setback at least 50 feet from the street right-of-way of any local, marginal access or collector road and at least 100 feet from the street right-of-way of any expressway or arterial road.

#### **315.Q. JOINT PARKING LOTS**

Parking lots may be designed to serve more than one (1) use, provided that the number of spaces is not less than the sum of the spaces that would be required for each use if calculated separately. For the purposes of determining required landscape strips and interior landscaping required by Section 321 of this Ordinance, all parking spaces within a joint parking lot shall be combined.

#### **315.R. PROHIBITED USES OF A PARKING LOT**

Parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display, or storage of automobiles or other merchandise, except as otherwise permitted by this Ordinance.
2. Parking vehicles accessory to the use.
3. Performing services (including services to vehicles).

4. The placement or storage of trailers, trucks, portable storage containers, palettes or other similar structures, vehicles, items, or materials.
5. Loading and unloading purposes except during hours when business operations are suspended.

#### **315.S. ACCESS**

Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. All commercial and industrial use access drives shall be so designed and constructed such that vehicles need not reverse onto the street in order to exit the parking facility.

#### **315.T. LOCATION**

All parking spaces shall be provided on same premises except that, if the required number of parking spaces cannot be reasonably provided on the premises, parking spaces may be provided on another property, if approved by the property owner, subject to and in accordance with the following:

1. The proposed off-site location for the off-street parking spaces is located within the same Zone as the principal use.
2. Adequate pedestrian access from the off-site parking spaces to the principal use is provided to the satisfaction of the Township.
3. The applicant provides written evidence of a binding agreement in a form acceptable to the Township Solicitor that ensures ongoing use and access to the off-site parking spaces; and,
4. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot spaces may not be claimed by more than one (1) user for use at the same time.

#### **315.U. BUS STOP/PUBLIC TRANSIT STOPS**

Where provided, bus stops/public transit stop shall be located and designed to permit the safe discharge and collection of occupants at the use within the lot. Stops shall be linked with a safe means of pedestrian access to the principal use of the property.

#### **315.V. LANDSCAPING AND SCREENING REQUIREMENTS**

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

1. Front Yard Landscape Strip - When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line consisting of grass, or other ground covering approved by the Township. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip. The strip may be located within any other landscaped strip required to be located along a street. The following lists required width of landscape strips:

Number of Parking Spaces in Parking Lot, Including Joint Facilities	Landscape Strip Width Measured in Feet From the Street R.O.W. Line*		
	Other Zones	HC Zone	CO & LI Zones
Less than 100	10	10	15
100-250	20	20	25
Over 250	25	25	25

\*Or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip.

2. Side and Rear Yard Landscape Strips - Unless otherwise indicated, all off-street parking lots shall be surrounded by a 10-foot-wide landscape strip consisting of grass, or other ground covering approved by the Township.
3. Interior Landscaping:
  - A. Except in those instances when off-street parking spaces are provided on a story either above or below grade, or when such off-street parking spaces are provided at grade but covered with a roof, any parking lot, or portion thereof, containing 20 or more parking spaces, shall devote a minimum of five (5) percent of the total area of the lot to interior landscaping.
  - B. Such interior landscaping shall be used:
    - i. At the end of parking space rows and to break up continuous rows of parking spaces at least every 10 parking spaces.
    - ii. Adjoining and to help visually define travel lanes through or next to the parking lot; and,
    - iii. To provide for a minimum six (6) feet wide landscape island that extends the full length of adjoining parking space rows at intervals of no less than every four (4) rows of parking spaces.
  - C. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
  - D. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces, aisles, islands, and curbed areas.
  - E. Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) mature shade tree shall be provided for each 300 square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished grade level.
  - F. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Where necessary, wheel stops, or curbing shall be provided to insure no greater overhang.
  - G. If a parking lot of under 20 spaces is built without interior landscaping, and later additional spaces are added so that the total is 20 or more, the interior landscaping shall be provided for the entire parking lot.

4. Screening - When a parking lot is located on property which is adjacent to an (AH, LDR, VR, MFR, MHP, MU, or VC) Zone, the parking lot shall be screened from the adjoining property in accordance with Section 321 of this Ordinance.

**315.W. SCHEDULE OF REQUIRED PARKING SPACES**

1. Except as provided for in Sections 315.W.2 the minimum number of automobile off-street parking spaces to be provided for each land use type shall be as indicated on following chart. Any use involving a combination of several uses shall provide the sum of the number of spaces required for each individual use. When a calculation results in a fraction, any fraction below one-half (½) may be disregarded, and any fraction of one-half (½) or more shall require an additional full space.

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Automobile, truck, trailer, bus, and recreational vehicle repair and washing facilities	¼ service and/or washing bay (i.e. 4 per bay)
Automobile, boat, and trailer sales	500 square feet of gross indoor and outdoor display areas
Auction House, excluding automobile auctions	one (1) space per each two (2) persons of legal occupancy within the auction house, plus one (1) space per employee on the site at any one time
Banks, credit unions & other similar financial uses	200 square feet of gross floor area
Bed and Breakfasts	One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area
Convenience stores	75 square feet of gross floor area
Casinos, off-track betting and/or slot machine parlor	One (1) space per each 65 square feet of gross floor area, including related dining, restaurant, and snack bar areas
Convenience Stores	One (1) space for each 80 square feet of gross floor area shall be provided. In addition, any exterior accessory uses (e.g., auto filling station, car wash, etc.) shall <u>also</u> require parking to be provided in accordance with the Section 315.W
Drive-thru and/or fast-food restaurants	Two seats and one per each two employees

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Dry cleaners, laundries and laundromats	one off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one off-street parking space for each 400 square feet of gross floor area
Farmers and/or flea market	One space per each 200 square feet of retail sales area
Food markets and grocery stores	150 square feet of gross floor area
Fuel dispensing use as a principal or accessory use	2 parallel spaces arranged in a stacked configuration for each fuel dispensing location.
Funeral homes	50 square feet of gross floor area
Furniture sales	500 square feet gross floor area
Home improvement, equipment rental and building supply stores	One space for each 200 square feet of interior retail sales area, plus one (1) space for each 500 square feet of exterior retail sales area
Hotels, motels	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)
Kennels & Horse boarding stables	10 animals of occupancy plus and one per each employee on two largest shifts
Mini warehouses	25 units plus one per 250 square feet of office space, plus two per any resident manager
Nightclubs	Two seats of legal occupancy plus one per each employee on site at one time
Office buildings	200 square feet of gross floor area



<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Clinics and professional offices of veterinarians, physicians, dentists, opticians, and counselors	8 spaces per practitioner plus one per employee
Commercial Day-Care Facilities	One off-street parking space shall be provided for each six (6) persons enrolled, or fraction thereof
Commercial Produce Operation	One (1) off-street parking space for each employee during the largest work shift
Personal services (e.g. barbers, beauticians, masseuse, tanning salon, tattoo parlor, photographer, etc.)	4 spaces per practitioner or 2 spaces per service station whichever produces the greater number
Retail stores or shops (except those listed above) and personal service uses	200 square feet of gross floor area plus one per each employee on two largest shifts
Restaurants and taverns	Three seats plus one per each employee on largest shift
Shopping centers or malls	See Section 480 of this Ordinance.
Other commercial buildings	400 square feet of gross floor area
Auditorium, banquet, conference, and meeting facilities; theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of are used for assembly purposes
<b>INDUSTRIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Automobile auctions and storage yards	One off-street parking space shall be provided for each 1000 square feet of <u>total</u> interior and exterior display, sales and storage area for vehicles
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the two largest shifts

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Other industrial uses	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
<b>RECREATION USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Amusement arcades	80 square feet of gross floor area
Baseball, soccer, field hockey, lacrosse, rugby, football, and other athletic fields, without spectator seating.	1/12 field (12 per field)
Baseball, soccer, field hockey, lacrosse, rugby, football, and other athletic fields with spectator seating	1/12 field (12 per field) plus one (1) per each four (4) seats of spectator seating
Basketball and volleyball courts without spectator seating	1/8 court (8 per court)
Basketball and volleyball courts with spectator seating	1/8 court (8 per court) plus one (1) per each four (4) seats of spectator seating.
Bowling alleys, billiards rooms	1/4 lane/table (i.e., 4 per lane/table) and one per each two employees
Campgrounds	Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	1/2 hole (i.e., 2 per hole), plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	One per tee and one per employee
Gymnasiums without spectator seating	1/8 court (8 per court)
Gymnasiums with spectator seating	1/8 court (8 per court) plus one (1) per four (4) seats of spectator seating.
Miniature golf courses	1/2 hole (i.e., 2 per hole) and one per employee 18 holes
Outdoor shooting ranges	one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Picnic areas	Per table
Skating rinks	Four persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy
Tennis or racquetball clubs	1/4 court (i.e., 4 per court), plus one per employee plus 50% of the spaces normally required for accessory uses
<b>RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Single-family detached dwellings and two-family conversions	1/2 dwelling unit (i.e., two spaces per dwelling unit)
Boarding houses, group homes, bed and breakfasts, orphanages, dormitories, and rectories	Bedroom
Duplex, quadraplexes, townhouse, dwellings	1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.
multiple-family dwellings	1/2 dwelling unit (i.e., two spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.
<b>SOCIAL AND INSTITUTIONAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Auditorium, banquet, conference, and meeting facilities; church, theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of are used for assembly purposes
Church-related educational or day-care facilities	one off-street parking space shall be provided for each six persons enrolled below grade ten, and/or one off-street parking space for each three persons, grades ten and above

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>As Identified, or a Minimum of One Passenger Parking Space for Each</b>
Clubs, lodges and other similar places	Two seats but not less than 100 square feet of gross floor area and one per each employee on two largest shifts
Nursing, rest or retirement homes, Group Homes, and Halfway House/Recover Community	Four accommodations (beds) in addition to those needed for doctors and support staff
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Rehabilitation centers (without overnight accommodations)	One per each employee and per each three people anticipated to be handled through the facility.
Schools below grade ten, including principal day-care and kindergarten	Six students enrolled
Schools, tenth grade and above, including colleges with on-site housing for a majority of students enrolled	Three students enrolled
Colleges that do not offer on-site housing for a majority of students enrolled	1.5 students enrolled
Vocational training and adult education facilities	1.5 students enrolled

2. All other uses not specifically mentioned above shall provide off-street parking spaces to accommodate one (1) space for the maximum number of persons regularly employed, having business, and/or resident upon the premises at any given time.
3. For commercial and industrial uses, no off-street parking area shall accommodate more than 120 percent of the minimum requirement, regardless of whether such additional spaces are provided with pervious surfacing.

**315.X. RECREATIONAL VEHICLES, BOATS, CAMPERS, AND PERSONAL CARGO TRAILERS**

1. Within the (C and A) Zones the parking and/or storage of recreational vehicles, travel trailers, trucks, boats, and personal cargo trailers used solely for the transport of the residents' personal property is permitted as an accessory use to a principal dwelling unit provided that such vehicles comply with all principal setback requirements.
2. Within the (LDR, VR, MFR, & MU) Zone upon any property used principally for residential purposes, the parking and/or storage of recreational vehicles, travel trailers, trucks, boats, and personal cargo trailers

used solely for the transport of the residents' personal property is permitted as an accessory use to a principal dwelling unit only according to the following requirements:

- A. For purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and personal cargo trailers used solely for the transport of the residents' personal property are divided into two separate categories, as follows:

Class I Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other personal cargo trailers used solely for the transport of the residents' personal property that possess no more than 200 square feet, as measured to the vehicle's outermost edges, nor exceed a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

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

- B. The temporary parking of one Class I or Class II vehicle for periods not exceeding 72 hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than 10 feet from any street right-of-way or alley, and five (5) feet from adjoining property lines.
- C. The storage of one Class I vehicle shall be permitted per lot behind the front yard building setback line, so long as the unit is set back no less than 10 feet from any street right-of-way or alley, and five (5) feet from adjoining property lines. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
- D. The storage of one Class II vehicle is permitted provided that:
- i. The vehicle shall not contain more than 320 square feet, as measured to the vehicle's outermost edges, nor exceed a height of 13 feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
  - ii. All vehicles shall be set back a horizontal distance equal to twice the vehicle's height from every side and rear lot line.
  - iii. No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.
  - iv. Screening, as described in Section 321.D. of this Ordinance, shall be provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot and stores the vehicle on an adjacent vacant lot that he/she owns. One 10-foot-wide break in required

screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley.

- v. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.

### **315.Y. PARKING OF COMMERCIAL TRUCKS**

Within the (A) Zone, the parking of no more than one (1) commercial truck with a gross vehicle weight of no more than 11,000 pounds (Class IV) where the use of such vehicle is not incidental to the use of the premises is permitted upon farms and residential properties, subject to the following conditions:

- A. The parking of a commercial truck upon a residential property is limited to a vehicle operated by the occupant of the residence and must be located within a completely enclosed garage unless the site has at least two (2) acres. No such parking space therein shall be leased to a non-resident of the lot.
- B. No business, occupation, or service shall be conducted therein.
- C. Any driveway used for commercial truck access shall have a minimum inside turning radius of 30 feet.
- D. The driveway upon which a commercial vehicle is parked must have sufficient area for a truck turnaround so that the vehicle can enter and exit the site in a forward direction.
- E. The commercial truck must be parked behind the front building setback line or at least 100 feet, whichever is the lesser distance.
- F. Any driveway used for commercial truck access shall have a minimum 100-foot paved apron as measured from the street right-of-way.

### **315.Z. OVERFLOW PARKING**

Off-site parking on unimproved property used for overflow or intermittent parking demands are exempt from the requirements for the use of paved surfaces materials in Section 315.E and marking requirements in Section 315.K. Such overflow parking areas shall use turf, gravel, or approved pervious material. Overflow parking areas shall not be used more than ten (10) times per calendar year. Applicants seeking to use this exception for site design shall include information with appropriate permit application(s) as to the number of times the overflow parking areas will be used, which shall become part of the zoning permit. This design exception does not relieve the applicant from obtaining other required permits and approvals as determined by the Township.

Overflow parking within the Conservation (C) Zone is prohibited from using impermeable materials, shall not be used at night, and shall not have permanent illumination.

## **SECTION 316 OPERATIONS AND PERFORMANCE STANDARDS**

### **316.A. REQUIRED COMPLIANCE WITH APPLICABLE REGULATIONS**

- 1. All uses within the Township shall operate in compliance with all applicable State and Federal regulations. Performance standards identified herein are applicable to all land uses, existing and/or proposed, in all Zones of South Londonderry Township.
- 2. No use, or premises in any Zone shall be developed, operated, altered, or occupied in a manner as to create any dangerous, injurious, noxious, or otherwise harmful, relative to fire, explosive, radiation, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or

other disturbance; liquid or solid refuse or wastes; conditions conducive to the breeding of vermin; or other substance, condition, or element; in any manner or amount as to adversely affect the surrounding areas as described herein.

3. Notwithstanding the laws and regulations of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and any other State and/or Federal regulations, the standards contained herein shall be utilized by South Londonderry Township as regulatory controls on land use.
4. These standards shall be utilized in the evaluation of all zoning applications, zoning enforcement activities, subdivision plan proposals, and land development plan proposals, where applicable.
5. These standards shall also be utilized as regulatory measures in the evaluation of existing land uses and activities conducted thereon. Compliance with these standards shall be demonstrated on a continuous basis and shall be enforced by the Zoning Officer.
6. The following lists Township regulations and other known governmental regulations associated with various land uses and their impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township but is merely provided for information to applicants and landowners.

#### **316.B. AIR POLLUTION, AIRBORNE EMISSIONS, AND ODOR**

1. No use shall discharge contaminants to the air in excess of the limits prescribed herein, or as may be amended and/or created by State and/or Federal laws, rules, and regulations, unless such measures shall be utilized as prescribed by applicable the regulatory agency.
2. There shall be no emission into the atmosphere of visible gray smoke of a shade darker than No.1 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines or successor agency. Visible gray smoke as dark as No.2 on the said chart may be emitted if permitted by State and/or Federal regulatory controls for a period or periods totaling no more than four (4) minutes within any given eight (8) hour period. These provisions shall apply to smoke of other colors having an equivalent apparent opacity.
3. Open burning is not permitted unless such burning is consistent with the provisions and restrictions of all codes, regulations, and ordinances adopted by South Londonderry Township.

#### **316.C. FIRE AND EXPLOSIVES**

1. It is the responsibility of each property owner and/or tenant to ensure that his/her use does not jeopardize the public health, safety, and welfare of the Township because of potential explosive, fire, and/or hazardous condition.
2. All activities and all storage of flammable and explosive materials shall be provided with safety devices against hazards of fire and explosion along with adequate firefighting and fire-suppression equipment and devices as detailed and specified by State and Federal regulations.
3. All explosive material shall conform to the requirements of Chapter 211, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations for Storage, Handling, and Use of Explosives.

#### **316.E. GLARE AND HEAT**

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those lighting standards listed in Section 310 of this Ordinance. No use shall produce heat above the ambient temperature that is perceptible beyond subject property.

### 316.F. MATERIALS AND WASTE STORAGE, HANDLING AND DISPOSAL

1. All principal commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
  - A. Listing of all materials to be used and/or produced on the site.
  - B. Listing of all wastes generated on the site; and,
  - C. Written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable federal, state, county, and municipal requirements, including, but not limited to, the following:
    - i. The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101).
    - ii. The Pennsylvania Solid Waste Management Act (Act 97).
    - iii. The Federal Emergency Management Act.
    - iv. The Federal Superfund Amendment and Reauthorization Act.
    - v. The Pennsylvania Hazardous Materials Emergency Planning and Response Act.
    - vi. The Pennsylvania Low-Level Radioactive Waste Disposal Act.
  - D. No flammable or explosive liquids, solids, or gases shall be stored above ground, except within receptacles which meet all local, state, and/or federal regulations unless restricted or prohibited by other regulatory controls contained within this ordinance.
  - E. All storage facilities for fuel stored outdoors shall be enclosed by a security fence and screened from adjoining roads and properties.
  - F. All storage facilities for fuel stored outdoors shall be located in accord with any state and/or federal regulatory requirements for separation distances.
  - G. Highly flammable or toxic or hazardous or explosive liquids, solids, or gases shall be stored above-ground in leakproof double walled containment vessels which accommodate testing for leaks and all such containment vessels and facilities shall be suitably screened by natural plantings so that they are not visible from lot lines.
  - H. No substance which has the potential to contaminate groundwater or surface waters shall be permitted to be stored outdoors unless the property owner and/or proprietor provides safeguards from potential contamination satisfactory to the Township based upon state and federal requirements.
  - I. No materials or wastes shall be stored or deposited upon a lot in such form or manner that they:
    - i. May be transferred off the lot by natural causes or forces.
    - ii. Can contaminate a stream or watercourse.



- iii. Render a stream or watercourse undesirable as a source of water supply or recreation.
    - iv. Will destroy aquatic life.
  - J. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to vermin shall be stored only if enclosed in containers which are adequate to eliminate such hazards.
  - K. Dumpsters are permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Unless specified elsewhere within this Ordinance dumpsters shall comply with all side and rear yard setbacks imposed upon the principal use. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
- 2. All uses must properly dispose of wastes in accordance with all applicable laws and regulations. The outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding 15 days is prohibited.
- 3. Upon any property used for a principal residence, the use of dumpsters and or other portable storage containers and pods is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of dumpsters and or other portable storage containers and pods for permanent storage and/or waste containment is expressly prohibited. The use of dumpsters and or other portable storage containers and pods shall not exceed 30 days during any calendar year and only following the issuance of a zoning permit. Such containers must be located so as not to block any required clear sight triangles and be at least 10 feet from all lot lines. The Zoning Officer may issue one time extension to the zoning permit, if the applicant can demonstrate that the nature of the proposed activity:
  - A. Is ongoing.
  - B. Is making reasonable progress.
  - C. Requires additional time.
  - D. Has a definitive ending date identified by the applicant beyond which the use shall cease.

**SECTION 317 SHOPPING CART STORAGE**

**317.A. SHOPPING CART STORAGE**

For grocery stores and other stores containing grocery departments, variety stores, home improvement and building supply stores, and other uses that provide shopping carts for use by customers, the outdoor storage and collection of shopping carts is permitted subject to the following.

- 1. Shopping carts shall be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot.
- 2. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).
- 3. Shopping cart storage and collection areas shall be situated to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the storefront.

**SECTION 318 PROJECTIONS INTO YARDS**

**318.A.** The following projections shall be permitted into required yards.

1. Projecting architectural features (such as bay windows, cornices, eaves, fireplaces, chimneys, windowsills, and similar features) are permitted to encroach no more than three (3) feet into the required yard.
2. Uncovered stairs and landings, provided that such stairs or landings do not exceed three (3) feet six (6) inches in height, and 16 square feet in area.
3. Open balconies and fire escapes, provided that such balcony or fire escape is not supported on the ground and does not project more than five (5) feet into any yard nor come within three (3) feet of any property line.
4. Sidewalks, stormwater inlets and/or stormwater outlets.

**SECTION 319 REQUIRED TRAFFIC STUDY STANDARDS**

**319.A.** Where a traffic study is required elsewhere in this Ordinance, it shall be provided in accordance with the SALDO.

**319.B.** Deviations from the traffic study requirements of the SALDO that are proposed during the zoning permit process or subdivision / land development process shall be permitted as a waiver according to Section 8.02 of the SALDO.

**SECTION 320 ROADWAY CLASSIFICATIONS**

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

Arterial Road	Major Collector Roads	Local Roads
<ul style="list-style-type: none"> <li>• US Route 322</li> </ul>	<ul style="list-style-type: none"> <li>• Airport Road (T-328)</li> <li>• Bachmanville Road (SR3011)</li> <li>• Colebrook Road (PA 341)</li> <li>• Elizabethtown Road (PA 241)</li> <li>• Forge Road (PA 117)</li> <li>• Mount Wilson Road (PA 117)</li> <li>• Mount Gretna Road (PA 117)</li> <li>• Lawn Road (SR3007)</li> <li>• Lawn Hill Road (SR3007)</li> <li>• Lingle Avenue (SR3017)</li> <li>• Manheim Road (SR3005)</li> <li>• Mt. Wilson Road (PA 241)</li> <li>• Northside Drive (T-659)</li> <li>• Palmyra Road (SR3019)</li> <li>• Schoolhouse Road (TR 3013)</li> <li>• Stauffers Church Road (T 335)</li> </ul>	<p>All other roads not listed in other two categories.</p>

## **SECTION 321**

## **SCREENING AND LANDSCAPING REQUIREMENTS**

### **321.A. REQUIRED LANDSCAPE PLAN**

For uses with off-street parking lots, the applicant shall submit a landscape plan that demonstrates compliance with all applicable provisions of this Ordinance and the SALDO. Such plans shall include, but not be limited to, details depicting:

1. Landscape buffers and screens used to protect adjoining properties, residential Zones and streets.
2. Screening used to prevent the spillage of headlights onto adjoining properties.
3. Typical interior landscape island treatments including rain gardens, if applicable.
4. Typical landscape strip treatments including rain gardens, if applicable.
5. Typical screening treatments.
6. Landscape treatments at access drives' intersections with streets.

### **321.B. YARD GROUNDCOVER**

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

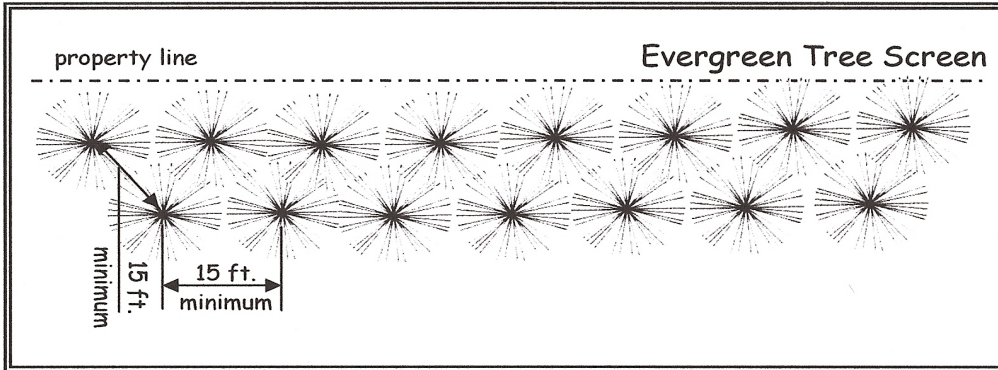
### **321.C. LANDSCAPING REQUIREMENTS**

1. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than 80 percent of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas and/or strips.
2. For each 750 square feet of required area for landscape strips, one shade/ornamental tree shall be provided. Deciduous trees shall have a clear trunk at least five (5) feet above finished grade. Evergreen trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
3. Interior landscaping within off-street parking lots shall be provided in accordance with Section 315.V of this Ordinance. For every 300 square feet of interior landscaping required (parking lots), at least one mature deciduous shade tree shall be provided. Such trees shall have a clear trunk at least five (5) feet above finished grade.
4. Landscape strips and/or screens that are located at the periphery of a property shall include a continuous planting of low-level vegetation to act as a trash and litter trap/barrier for the subject property. Such vegetation shall be located and maintained so as not to interfere with any clear sight-triangle as regulated in Sections 301.C., 303 and 305.C of this Ordinance.

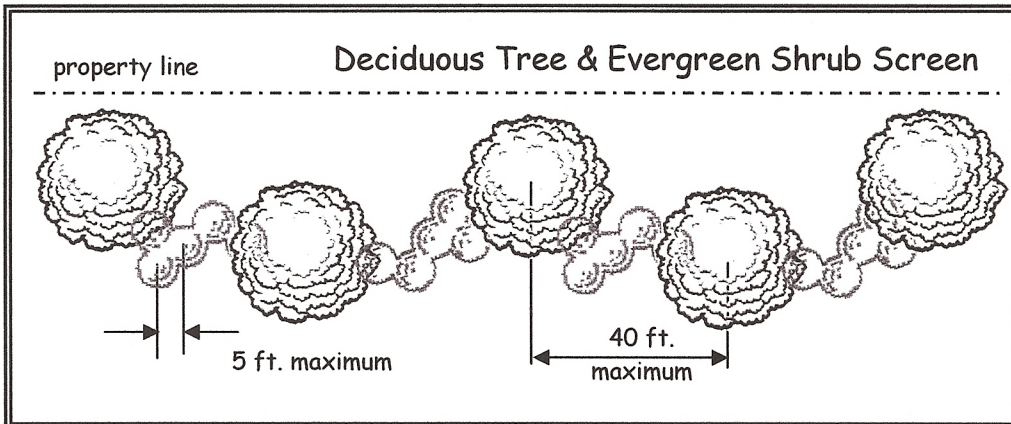
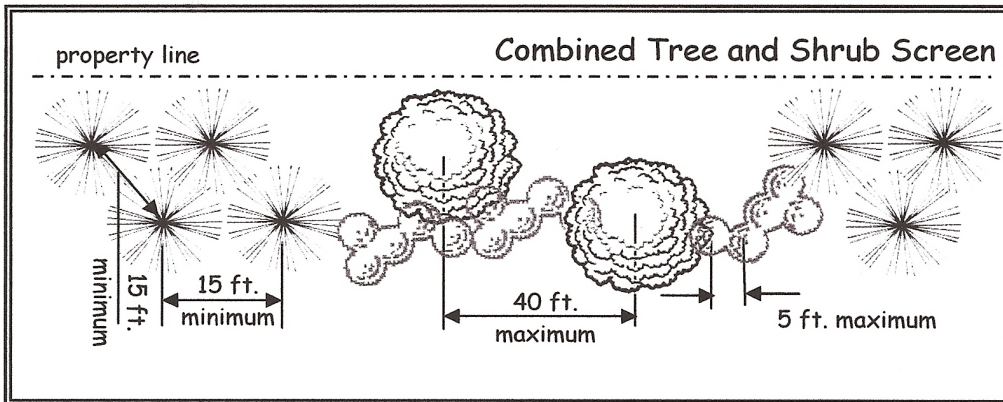
### 321.D. SCREENING

1. Screening shall be located as specified. When no location is specified, screening shall occur along the subject property's lot line, except that screening can be located elsewhere on the subject property if the applicant can prove that the alternate location affords a more effective screen for the proposed use by reason of natural site conditions, or because of the site design. Alternate screening location shall be approved by the Zoning Officer with assistance from the township engineer.
2. Screening shall be arranged so as to block the ground level views between grade, and a minimum height of six (6) feet. Landscape screens must achieve this visual blockage within five (5) years of installation and shall be comprised of plants approved for screening purposes as listed in Section 321.E.3. of this Ordinance. As screens can take many forms and incorporate different materials and treatments (e.g. vegetation, berms, fences, walls and combinations) the following present several typical landscape screening arrangements:
  - A. Screening may consist of a minimum of two rows of evergreen trees that are at least three (3) years in age and a minimum of six (6) feet in height at the time of planting. Each row of evergreen trees shall be located at least 15 feet apart with plants arranged 15 feet on center, staggered alternately as depicted below. **See Evergreen Tree Screen Diagram.**
  - B. Screening may consist of a minimum of two rows of vegetation (e.g. deciduous trees with evergreen shrubs). Deciduous trees shall be at least three (3) years in age with a minimum two (2) inch diameter clear trunk at least five (5) feet above finished grade that are planted a maximum of 40 feet apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four (4) feet with a minimum mature height of six (6) feet. Evergreen shrubs shall be planted no more than five (5) feet apart on center. **See Combined Tree and Shrub Screen Diagram.**
  - C. Screening may consist of a combination of a minimum of two rows of evergreen trees alternating with a minimum of two rows of deciduous trees and evergreen shrubs. Evergreen trees shall be at least three (3) years in age and a minimum of six (6) feet in height at the time of planting. Each row of evergreen trees shall be located at least 15 feet apart with plants arranged 15 feet on center, staggered alternatively. Deciduous trees shall be at least three (3) years in age with a minimum two (2) inch diameter clear trunk at least five (5) feet above finished grade that are planted a maximum of 40 feet apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four (4) feet with a minimum mature height of six (6) feet. Evergreen shrubs shall be planted no more than five (5) feet apart on center. **See Deciduous Tree & Evergreen Shrub Screen.**
  - D. As an alternate to the preceding arrangements, an applicant can request an alternate landscape screen arrangement if proven through expert evidence that the proposed alternate arrangement:
    - i. Will result in an equally effective blockage of ground-level views between the subject and adjoining properties.

- ii. Will employ an attractive combination of vegetation (e.g. deciduous and evergreen trees, hedges, or shrubs) that presents a more natural appearance.
  - iii. Has a better chance for long-term survival and maintenance given the characteristics of the location upon the subject property.
- E. Walls, fences, earth berms, or other approved similar materials may also be used to supplement the required vegetation of a landscape screen. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal,



or be in the front yard.



**321.E. SELECTION OF PLANT MATERIALS**

1. No vegetation shall include any noxious or invasive species as defined herein. Trees and shrubs shall be native and typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Applicants shall select a mix of native diverse plant materials to protect against a catastrophic loss due to a disease or insect damage. "Salt tolerant" species shall be selected for locations near streets.
2. Any tree or shrub which dies within 18 months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within 30 days, season permitting.
3. The following lists the types of vegetation approved for specific required uses by this Ordinance within the Township:

<b>APPROVED SHADE TREES</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (ft.)</b>
Acer rubrum	Red Maple (N)	75
Acer saccharum	Sugar Maple (N)	100
Betula alleghaniensis	Yellow Birch	60-70
Betula lenta	Black Birch	45-55
Betula nigra	River Birch (N)	70
Carpinus betulus	European Hornbeam	60
Carya glabra	Pignut Hickory	80-90
Carya laciniosa	Shellbark Hickory	80-100
Carya ovata	Shagbark Hickory	60-90
Carya tomentosa	Mockernut Hickory	50-80
Celtis occidentalis	Common Hackberry (N)	120
Cercidiphyllum japonicum	Katsura Tree	75
Fagus grandifolia	American Beech	60-70
Fraxinus Americana	White Ash	50-80
Fraxinus pennsylvanica	Green Ash	30-50
Ginko bi/oba (males only)	Ginko, Maidenhair Tree	120
Gleditsia tricanthos	Common Honeylocust	120
Gymnocladus dioicus	Kentucky Coffee-tree (N)	90
Liquidambar styraciflua	Sweet Gum (N)	75
Liriodendron tulipifera	Tulip Tree (N)	150
Nyssa sylvatica	Black Gum (N)	50
Platanus occidentalis	Sycamore	75-100

<b>APPROVED SHADE TREES</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (ft.)</b>
Plantanus xacerifolia	London Planetree	50
Quercus alba	White Oak	50-100
Quercus bi-color	Swamp White Oak	60-70
Quercus palustris	Pin Oak	70
Quercus 43ontana	Chestnut Oak	40-75
Quercus rubra	Red Oak(N)	75
Quercus prinus	Chestnut Oak (N)	70
Salix nigra	Black Willow	45-55
Tilia tomentosa	Silver Linden	70
Tilia cordata	Littleleaf Linden	90
Ulmus americana	American Elm (N)	120
Zelkova serrata	Japanese Zelkova	80

<b>APPROVED SMALL DECIDUOUS TREES</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (ft.)</b>
Acer buergeranum (tree form)	Trident Maple	30
Acer campestre	Hedge Maple	45
Acer griseum	Paper Bark Maple	40
Amelanchier arborea	Serviceberry	15-25
Amelanchier canadensis (tree form)	Serviceberry (N)	30
Betula populifolia	Gray Birch (N)	30
Carpinus caroliniana	Ironwood, American Hornbeam (N)	35
Cercis canadensis	Eastern Redbud (N)	36
Chionanthus virginicus	Fringetree (N)	30
Cladrastis lutea	American Yellow-wood (N)	50
Cornus alternifolia	Alternate-leaved Dogwood	15-25
Cornus florida	Flowering Dogwood (N)	40
Cornus kousa	Kousa Dogwood	40
Cornus mas	Cornelian Cherry	24
Halesia carolina	Carolina Silverbell (N)	40
Ilex verticallata	Winterberry	6-10
Magnolia stellata	Star Magnolia	20
Magnolia virginiana	Sweet Bay Magnolia (N)	20

<b>APPROVED SMALL DECIDUOUS TREES</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (ft.)</b>
Malus floribunda	Japanese Flowering Crab* & **	30*
Malus 'Red Barron'	Red Barron Flowering Crabapple	20
Ostrya virginiana	Hop-hornbeam (N)	40
Oxydendrum arboretum	Sourwood (N)	30
Parrotia persica	Persian Parrotia	40
Prunus sargentii	Sargent Cherry	50
Prunus serrulata	'Kwanzan' Kwanzan Cherry	25
Stewartia pseudocamellia	Japanese Stewartia	40
Syringa amurensis japonica	Japanese Tree Lilac	30
Ulmus parvifolia	Chinese Elm	40

<b>APPROVED EVERGREEN TREES FOR SCREENING</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (ft.)</b>
Abies concolor	White Fir (N)	90
Chamaecyparis nootkatensis 'pendula'	Weeping Nootka False-Cypress	35
Chamaecyparis thyoides	Atlantic White Cedar (N)	50
Ilex opaca	American Holly (N)	45
Juniperus virginiana	Eastern Red Cedar (N)	90
Picea abies	Norway Spruce	120
Picea omorika	Serbian Spruce	90
Picea pungens	Colorado Spruce (N)	100
Pinus flexilis	Limber Pine (N)	50
Pinus strobus	Eastern White Pine (N)	100
Pinus strobus 'Fastigiata'	Pyramidal White Pine (N)	40
Pinus thunbergi	Japanese Black Pine	90
Pseudotsuga taxifolia	Douglas Fir (N)	100
Taxodium distichum	Bald Cypress	NA
Thuja occidentalis 'pyramidalis'	Pyramidal Arborvitae (N)	15
Thuja occidentalis	'Emerald Emerald Arborvitae (N)	15
Tsuga Canadensis	Canadian Hemlock (N)	90



<b>APPROVED DECIDUOUS SHRUBS</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (ft.)</b>
Aesculus parviflora	Bottlebrush Buckeye (N)	12
Aronia arbutifolia	Red Chokeberry (N)	8
Aronia melanocarpa	Black Chokeberry (N)	8
Calycanthus floridus	Common Sweetshrub	9
Cephalanthus occidentalis	Buttonbush (N)	10
Chaenomeles speciosa	Common Flowering Quince	10
Clethra alnifolia and cultivars	Summersweet Clethra	8
Cornus alba and cultivars	Tatarian Dogwood	10
Cornus amomum	Silky Dogwood (N)	10
Cornus racemosa	Gray Dogwood (N)	15
Cornus sericea	Red Oosier Dogwood (N)	9
Cotinus coggygria and cultivars	Smokebush	15
Fothergilla major	Large Fothergilla (N)	10
Hamamelis virginiana	Common Witchazel (N)	20
Hydrangea quercifolia	Oakleaf Hydrangea (N)	6
Ilex verticillata	Common Winterberry (N)	10
Itea virginica	Virgina Sweetspire (N)	6
Lindera benzoin	Spicebush (N)	10
Myrica pennsylvanica	Northern Bayberry (N)	12
Philadelphus virginialis	Sweet Mockorange	12
Physocarpus opulifolius	Common Ninebark (N)	9
Sambucus canadensis	American Elder (N)	12
Spiraea x vanhouttei	Van Houtte Spiraea	10
Symphoticarpos albus	Common Snowberry (N)	6
Syringa vulgaris and hybrids	Common Lilac	15
Vaccinum corymbosum	Highbush Blueberry (N)	12
Viburnum acerifolium*	Mapleleaf Viburnum (N)	6
Viburnum carlesii	Korean Spice Viburnum	5
Viburnum dentatum	Arrow Wood Viburnum (N)	12
Viburnum lentago*	Nannyberry Viburnum (N)	18
Viburnum prunifolium	Black Haw Viburnum (N)	15
Viburnum recognitum*	Arrow-wood Viburnum	12

<b>APPROVED EVERGREEN SHRUBS FOR SCREENING</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (ft.)</b>
Chamaecyparis pisifera 'Boulevard'	Boulevard False Cypress	12
Ilex glabra	Inkberry (N)	8
Juniperus chinensis shrub cultivars	Chinese Juniper	3-15
Kalmia latifolia	Mountain Laurel (N)	15
Leucothoe jontanesiana	Drooping Leucothoe (N)	6
Picea glauca 'conica'	Dwarf Alberta Spruce	10
Pieris floribunda	Dwarf Alberta Spruce	6
Pinus mugo	Mugho Pine	6
Rhododendron catawbiense & cultivars	Catawba Rhododendron (N)	10
Rhododendron 'P.J.M' and cultivars	P.J.M. Rhododendrons	6
Taxus x media and cultivars	Yew	3-12
Thuja occidentalis 'Techny'	Mission Arborvitae	8

<b>APPROVED GROUNDCOVERS</b>		
<b>Botanical Name</b>	<b>Common Name (N–Native)</b>	<b>Mature Height (in.)</b>
Ajuga reptans	Ajuga/Carpet Bugleweed	4-6
Hedera helix	English Ivy	6-8
Juniperus horizontalis	Creeping Juniper	8-24
Liriope muscari	Lilyturf	12-24
Liriope spicata	Lilyturf	12
numerous genera, species, cultivars	Ornamental Grasses	12-60
Ophiopogon japonicus	Mondo Grass	4-6
Pachysandra terminalis	Japanese Spurge	12
Vinca minor	periwinkle/vinca	4-6

**SECTION 322**

**SIGNS**

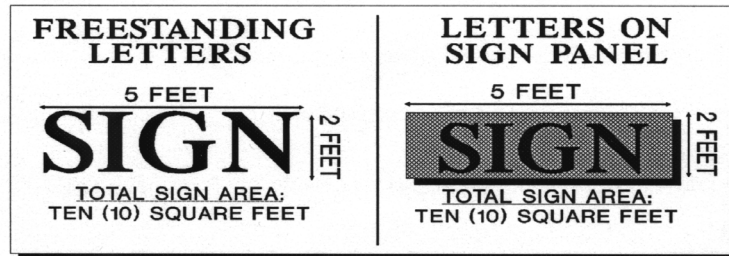
**322.A. PURPOSE**

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

**322.B. SIGN AREA AND HEIGHT**

The following guidelines shall apply when interpreting area and height regulations in this Section.

1. Area - The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.



- A. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.
  - B. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.
  - C. When a single sign structure has more than one (1) face with the same message, and no two (2) sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.
2. Height - The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established

by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.

- A. No sign shall be higher than the height limitation imposed by this Ordinance.
- B. The height of freestanding signs shall be controlled by the standards in Tables 1, 2 and 3 listed in Section 322.D. of this Ordinance.
- C. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
- D. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

### **322.C. GENERAL REGULATIONS**

The following regulations shall apply to all signs, in addition to the specific regulations contain in the following provisions of this Section. Where these general regulations are contradicted by a specific regulation, the specific regulation shall control.

- 1. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
- 2. 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.
- 3. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
- 4. All signs shall be removed within 12 months if the purpose for which they were erected no longer exists.
- 5. Each property that displays one (1) or more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one (1) permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of 100 feet (three [3] inch high lettering/numerals with a three-quarter  $\frac{3}{4}$  inch stroke). The area taken up by the address does not count as part of the sign area.
- 6. No permanent or temporary signs shall be permitted except as authorized by this Section.
- 7. No sign shall be located within a street right-of-way.
- 8. All freestanding signs shall be setback a minimum distance equal to the sign height from each lot line. No sign within the clear sight triangle shall obstruct vision between the heights of 30 inches and eight (8) feet above the elevation of the centerline of the street.
- 9. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.

10. All freestanding signs shall comply with the Township Floodplain Management Ordinance.
11. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
12. No sign shall be placed so as to obstruct ventilation or light from a building.
13. No overhead sign shall have a clearance of less than eight (8) feet between any pedestrian walk and the lowest part of the sign nor less than 17 feet six (6) inches between any roadway and the lowest part of the sign.
14. No flat wall sign shall project more than 18 inches from the face of the wall to which it is attached over a public sidewalk.
15. No wall projecting sign shall project more than 48 inches from the face of the wall to which it is attached over a public sidewalk.
16. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
17. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green, or yellow lights.
18. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
19. No sign shall advertise activities or products that are illegal under federal, state, or local municipal laws or regulations.
20. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities", both as defined herein.
21. In addition to any other signs permitted by this Section, each principal use may display one (1) flag not to exceed the size and height of a permanent sign permitted by Section 322.D. Of this Ordinance. Such flag shall not be used to convey any commercial message or advertising.
22. No sign shall emit smoke, visible vapors, particles, sound, or odor.
23. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
24. No open flames shall be permitted as part of a sign or in any other way to attract attention.
25. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this Section.
26. Signs that are located on the inside of a window shall be counted as a sign if they are legible from an adjoining road or adjoining property.
27. Any sign may be exempted from the regulations of Section 322.D. of this Ordinance as a special exception, if the applicant can demonstrate to the satisfaction of the Zoning hearing Board that the sign has been authenticated as historically significant and accurate

for its specific location, whether original or a replica.

- 28. The lighting of all signs shall comply with Section 310.F.11. of this Ordinance.
- 29. Billboards shall comply with Article 6 (Nonconformities) of this Ordinance.
- 30. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the (HC and LI) Zones and shall comply with the following requirements:
  - A. Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists.
  - B. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning.
  - C. Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect to facilitate immediate recognition by motorists.
  - D. Each message display cycle shall comply with the following minimum time standards based upon the lowest speed limit of the road travel lane from which the sign is visible:

<b>Required Minimum Message Display Cycles (seconds)</b>			
<b>Speed Limit (miles per hour)</b>	<b>Total sign area with up to 64 square feet</b>	<b>Total sign area with between 64 and 300 square feet</b>	<b>Total sign area with more than 300 square feet</b>
25 mph	17 sec.	28 sec.	56 sec.
30 mph	14 sec.	24 sec.	48 sec.
35 mph	12 sec.	20 sec.	40 sec.
40 mph	11 sec.	18 sec.	36 sec.
45 mph	10 sec.	16 sec.	32 sec.
50 mph	9 sec.	14 sec.	28 sec.
55+ mph	8 sec.	12 sec.	24 sec.

**322.D. SPECIFIC SIGN REQUIREMENTS**

The tables on the following four pages tabulate requirements imposed upon permanent and temporary signs as permitted within the Township:

**§322. D. - PERMANENT SIGN REQUIREMENTS (TABLE 1)**

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Wall, Window and Roof signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Zoning Permit Required
1. Signs for lawfully conducted activities associated with and on the premises of an individual residence or farm, including accessory uses.	1 freestanding sign per principal use, unlimited wall or roof signs	4 square feet, <u>plus</u> 1 square feet per 25 lineal feet of lot frontage, not to exceed 8 square feet of total sign area.	5 feet	Flat wall and wall projecting signs shall not extend higher than the top of the wall to which they are attached.	5 feet, but not closer than 10 feet from any lot line.	All		No
2. Signs for lawfully conducted activities upon common residential property	1 per vehicle entrance; maximum two signs	16 square feet, <u>plus</u> 1 square foot per each dwelling unit more than 16 units, not to exceed 48 square feet per sign.	15 feet			C, A, AH, LDR, MFR, MHP, MU and TND	No flat wall, wall projecting, flat roof, roof projecting or window sign shall be larger than 15% of the surface area (i.e. wall, windows and/or roof) to which the sign is attached.	Yes
3. Signs for lawfully conducted activities associated with and on the premises of an individual non-residential principal use.	1 freestanding sign per principal use, unlimited wall, window, or roof signs	24 square feet, <u>plus</u> 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet of total sign area.	15 feet	Flat roof and roof projecting 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.	20 feet, but not closer than 10 feet from any lot line.	VC, HC, CO, and LI		Yes
4. Signs for lawfully conducted activities upon common non-residential property	1 per vehicle entrance; maximum two signs	24 square feet, <u>plus</u> 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet per sign.	15 feet		No wall projecting sign shall project more than forty-eight (48) inches from the surface to which it is attached over a public sidewalk.			Yes
5. Signs for lawfully conducted activities associated with and on the premises of an individual non-residential principal use.	1 freestanding sign per principal use, unlimited wall, window or roof signs	4 square feet, <u>plus</u> 1 square feet per 10 lineal feet of lot frontage, not to exceed 8 square feet of total sign area.	15 feet			VR, MU		Yes
6. Signs for lawfully conducted activities associated with and on the premises of an individual non-residential principal use.	1 freestanding sign per principal use, unlimited wall, window, or roof signs	16 square feet, <u>plus</u> 1 square feet per 10 lineal feet of lot frontage, not to exceed 32 square feet of total sign area.	15 feet			C, A, AH, LDR, MFR, and MHP		Yes

**§322. D. - PERMANENT SIGN REQUIREMENTS (TABLE 1)**

<b>Sign Type</b>	<b>Maximum Permitted Number</b>	<b>Maximum Permitted Sign Area</b>	<b>Maximum Height of Freestanding Signs</b>	<b>Maximum Height of Wall, Window and Roof signs</b>	<b>Maximum Projection from Wall/Roof Projecting Signs</b>	<b>Permitted Zones</b>	<b>Other Requirements</b>	<b>Zoning Permit Required</b>
7. Signs for lawfully conducted activities upon common non-residential property	1 per vehicle entrance; maximum two signs	4 square feet, <u>plus</u> 1 square feet per 10 lineal feet of lot frontage, not to exceed 8 square feet of total sign area.	15 feet			VR, MU		Yes
8. On-site directional, directory, entrance, exit, rest room, and other informational signs.	4 per principal use	2 square feet per sign; 8 square feet if the sign is not legible from an adjoining road or adjoining property.	5 feet		2 feet	All		No
9. Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.	1 per dwelling unit	2 square feet	5 feet	10 feet	Not Permitted	All		No
10. Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal feet of property line	2 square feet per sign	5 feet	Not Permitted	Not Permitted	All	Spacing at no less than 25-foot intervals.	NO
11. Placemaking Signs – South Londonderry Township, Campbelltown, Colebrook, Lawn, and Upper Lawn Villages	1 at each location	24 square feet	8 feet	Not Permitted	Not Permitted	All	Signs shall be setback 1-foot from the right-of-way line	Yes



**§322. D. - TEMPORARY SIGN REQUIREMENTS (TABLE 2)**

<b>Sign Type</b>	<b>Maximum Permitted Number</b>	<b>Maximum Permitted Sign Area</b>	<b>Maximum Height of Freestanding Signs</b>	<b>Maximum Height of Wall, Window and Roof signs</b>	<b>Maximum Projection from Roof/Wall for Projecting Signs</b>	<b>Permitted Zones</b>	<b>Other Requirements</b>	<b>Zoning Permit Required</b>
12. Signs for lawfully conducted activities associated with an individual residence or farm, including but not limited to signs for roadside stands, real estate, open house, yard sale, political and etc.	1 sign per principal use	4 square feet per sign.	5 feet	Flat wall, window and wall projecting signs shall not extend higher than the top of the wall to which they are attached.  Flat roof and roof projecting 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.	5 feet, but not closer than 10 feet from any lot line.	All	Such signs shall be removed within 7 days after the purpose for the sign no longer exists. In the case of temporary non-residential signs (other than political signs), such signs shall be limited to no more than 30 continuous days and no more than sixty days during each calendar year. Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
13. Signs for lawfully conducted activities associated with an individual non-residential principal use including but not limited to signs for special event sales, real estate, open house, political and etc.	1 sign per principal use	6 square feet, <u>plus</u> 2 square feet per 10 lineal feet of lot frontage, not to exceed 12 square feet per sign.	10 feet		20 feet, but not closer than 10 feet from any lot line.	AH, LDR, MFR, and MHP		Yes
14. Signs for lawfully conducted activities associated with an individual non-residential principal use including but not limited to signs for special event sales, real estate, open house, political and etc.	1 sign per principal use	4 square feet, <u>plus</u> 1 square feet per 10 lineal feet of lot frontage, not to exceed 8 square feet per sign.	10 feet		No wall projecting sign shall project more than 48 inches from the surface to which it is attached over a public sidewalk.	VR & MU		Yes
15. Signs for lawfully conducted activities associated with an individual non-residential principal use including but not limited to signs for special event sales, real estate, open house, political and etc.	1 sign per principal use	16 square feet, <u>plus</u> 1 square feet per 10 lineal feet of lot frontage, not to exceed 32 square feet per sign.	10 feet			C, A, VC, HC, CO, and LI		Yes

**§ 322.D. – SHOPPING CENTER SIGN REQUIREMENTS (TABLE 3)**

<b>Sign Type</b>	<b>Maximum Number Permitted</b>	<b>Maximum Permitted Sign Area</b>	<b>Maximum Permitted Height</b>	<b>Other Requirements</b>	<b>Zoning Permit Required</b>
16. Freestanding shopping center sign	1 per street frontage with entrance or exit	1 square foot for each 4 lineal feet of frontage within the shopping center, with a maximum of 100 square feet	20 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes
17. Anchor tenant sign for each use containing more than 150 lineal feet of storefront.	Unlimited within the allowable total sign area	If sign is less than 300 feet from facing street, then sign can be up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be up to a maximum of 150 square feet.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, window, wall projecting, flat roof or roof projecting signs.	Yes
18. Storefront sign for each use containing up to 150 lineal feet of storefront.	Unlimited within the allowable total sign area	2 square feet per lineal foot of storefront up to a maximum of 75 square feet	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, window, wall projecting, flat roof or roof projecting signs.	Yes
19. Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	8 square feet	To base of canopy, or where no canopy is provided, 10 feet.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
20. Outparcel signs for principal freestanding uses sharing common ingress and egress.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, window, wall projecting, flat roof or roof projecting signs.	Yes

**322.E. COORDINATED SIGNS**

As an alternative to separate freestanding signs, uses may provide for coordinated freestanding signage among several principal uses. In so doing each tenant is permitted 60 percent of their respective freestanding sign area upon the coordinated freestanding sign plus the ability to erect a flat wall, window or wall projecting sign at 60 percent that otherwise permitted for the use under Section 322.D. of this Ordinance. Such coordinated signage must be located no less than 10 feet from the street right of way, not exceed 15 feet in height and include a sign easement agreement in language acceptable to the Township solicitor which assures each use adequate sign display and ensures adequate sign maintenance.

**322.F. NON-CONFORMING SIGNS**

Non-conforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions.

1. There shall be no expansion or increase in the non-conforming aspect in any way.
2. Maintenance and repair of the sign are permitted. If necessary, up to 50 percent of the entire area of a sign and its supporting structure may be replaced in the event of damage. Any such replacement must be completed within six (6) months of the damage occurring.
3. The sign must be brought into conformity if, for a period of at least 12 months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

**322.G. PERMITTING PROCEDURES AND FEES**

Permits for the placement of signs are required as indicated by the last column in the Tables listed in Section 322.D. of this Ordinance. All signs requiring permits must have such permit prior to the erection, installation, or alteration of the sign. Sign permit applications, forms, plan requirements, and fees shall be established by resolution of the Board of Supervisors.

1. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to the requirements of this Ordinance. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
  - A. Exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected.
  - B. Exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation.
  - C. Any other lawful information that may be required of the applicant by the Zoning Officer.

2. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

**SECTION 323                      ZONING REQUIREMENTS FOR USE OF ON-LOT SEWAGE DISPOSAL SYSTEMS**

**323.A. MINIMUM LOT AREA**

Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwaters. Such determinations will be made by the PA DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection.

# Article 4

## Specific Criteria

### **Section 400                      Specific Criteria for Permitted Uses, and Conditional Use**

#### **400.A. APPLICABILITY**

It is the intent of this Article to provide special controls and regulations for uses that are permitted by right, and conditional uses within the various Zones established in this Ordinance. All uses must comply with the standards expressed within the underlying Zone and all other applicable sections of this Ordinance, unless those standards expressed within this Article differ; in such case, the specific standards listed within this Article shall apply. Proposals that combine uses permitted by this Ordinance shall comply with all applicable sets of criteria and their respective review processes.

#### **400.B. PERMITTED USES**

For uses permitted by right, these standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

#### **400.C. CONDITIONAL USES**

For uses permitted by conditional uses, in addition to the general criteria listed in Section 805 of this Ordinance, this Article sets forth standards that shall be applied to each respective conditional use. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

### **SECTION 401                      ADAPTIVE REUSE OF AGRICULTURAL BUILDINGS**

**401.A.** The purpose of this section is to provide for an expanded list of uses permitted within agricultural buildings that existed on the effective date of this Ordinance. The applicant must demonstrate that such agricultural building existed on such date.

**401.B.** Any use proposed under this section must be permitted within the Township. The addition of new dwelling units is prohibited.

**401.C.** Any number of uses may be permitted under this section, provided that the Zoning Hearing Board finds that such multiple uses are designed and developed to function in a coordinated fashion, and that the uses are not inherently incompatible by reason of impact.

**401.D.** Any use proposed under this section that has specific criteria applied to it within other than the Conservation Zone, and listed in Article 4 of this Ordinance, shall comply with such other specific criteria, unless the Zoning Hearing Board finds that such other specific criteria are not necessary because:

1. The specific criteria provide a level of protection that exceeds that necessary to protect the character of the site and its surroundings.
2. The specific criteria provide a level of protection that exceeds that necessary to protect adjoining properties because of man-made and/or natural conditions upon the site.

**401.E.** The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.

**SECTION 402                      ADULT USES**

- 402.A.** An adult use shall not be permitted to be located within 1,000 feet of any other adult-related use.
- 402.B.** No adult use shall be located within 500 feet of any land within the (LDR, VR, MFR, MHP, or MU) Zones.
- 402.C.** No adult use shall be located within 500 feet of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement Park
  2. Camp (for minors' activity)
  3. Childcare facility
  4. Church or other similar religious facility
  5. Community center
  6. Museum
  7. Park
  8. Playground
  9. School
  10. Other lands where minors congregate
- 402.D.** The distance between any two adult uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each establishment. The distance between any adult use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.
- 402.E.** No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- 402.F.** Any building or structure used and occupied as an adult use shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- 402.G.** No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- 402.H.** Each entrance to the premises shall be posted with a notice specifying that persons under the age of 17 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- 402.I.** No adult use may change to another adult use, except upon approval of an additional conditional use.

**SECTION 403 AIRPORTS/HELIPORTS**

- 403.A.** Minimum Lot Area - 30 acres for airports and five (5) acres for heliports.
- 403.B.** The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation.
- 403.C.** No part of the take-off/landing strip and/or pad shall be located nearer than 300 feet from any property line, except for a lot associated with a Hangar Home as permitted in Section 491.

**SECTION 404 ALTERNATE ENERGY PRODUCTION FACILITIES**

- 404.A.** Within every Zone, alternate energy production facilities are permitted accessory uses by right provided that the applicant has met a burden of proof that the proposed use meets all applicable regulations contained within this Ordinance.
- 404.B.** Alternate energy production facilities shall be primarily utilized by the principal use of the lot upon which it is located. Surplus energy may be exchanged, transferred and/or sold to a public or private utility company.
- 404.C.** Except as specifically permitted by Section 404.E of this Ordinance, alternate energy production systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems do not exceed the permitted height requirements, maximum lot coverage, and applicable setbacks of the zone in which it is located. Systems attached to a principal structure will be required to comply with principal use setbacks.
- 404.D.** Solar energy panels shall be designed and located to minimize reflective glare towards any adjoining use and/or road.
- 404.E.** The following provisions shall specifically apply to wind turbines:
  - 1. Wind turbines shall be setback from the nearest occupied building upon the subject property a distance not less than 1.1 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the occupied building.
  - 2. Wind turbines shall be setback from the nearest adjoining property a distance not less than 1.5 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the adjoining property.
  - 3. All wind turbines shall be setback from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the nearest right-of-way line of the public road to the center of the wind turbine base. This Section shall not be interpreted to permit the location of a wind turbine in the front yard.
  - 4. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of 15 feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
  - 5. The maximum height of a wind turbine shall be 50 feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
  - 6. All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

7. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

**404.F.** The following provisions shall specifically apply to geothermal systems:

1. Only closed loop geothermal systems shall be permitted.
2. No geothermal system sub-surface loops will be located closer than twenty (20) feet from any existing or planned drinking water wells.

**404.G.** Manure digester facilities shall only be permitted as an accessory use to an agricultural or horticultural use.

**404.H.** Above-ground alternate energy production facilities shall be clear-coated, transparent, and/or be designed with a non-obtrusive color. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

**404.I.** On-site transmission and power lines of an alternate energy production facility shall be placed underground.

**404.J.** The applicant shall provide written evidence from the Chief of the “first-due” fire company that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.

**404.K.** Alternate energy production facilities shall not be located on Class 1-4 Soils to preserve farmland.

#### **SECTION 405 AMUSEMENT ARCADES**

**405.A.** All activities shall take place within a completely enclosed building.

#### **SECTION 406 AMUSEMENT, THEME AND/OR ZOO PARKS**

**406.A.** Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Zoning Hearing Board that:

1. The proposed uses are coordinated to function as a single site.
2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact.
3. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties.

**406.B.** Stage 1- Concept Master Plan - Prior to the approval of a land development plan for any of the uses regulated in this Section, the applicant shall submit a Concept Master Plan for Conditional Use approval by the Board of Supervisors in accordance with Section 805. of this Ordinance. The requirements of this Section shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined.



3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Zoning Hearing Board attach a condition of approval, pursuant to Section 704.C.3. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance.
4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use.
5. The name, location, centerline, and present right-of-way width of all abutting streets.
6. The natural and cultural features information as required by SALDO.
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities.
8. A traffic impact study as required by Section 319 of this Ordinance.
9. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting.
10. Lighting as regulated by Section 310 of this Ordinance.
11. If public water and/or sewer is required. Documentation by the respective agency of the adequacy of such system to serve the proposed use.
12. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use.
13. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use.
14. Capacity of off-street loading areas and off-street parking in relation to the required spaces in Sections 314 and 315 of this Ordinance.
15. The handling and disposal of materials and wastes as required by Section 316.F of this Ordinance.
16. Maximum permitted height for uses regulated by this Section can exceed 45 feet provided:
  - a. That the proposed structure is setback a horizontal distance at least equal to its height from each property line.
  - b. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above 45 feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures.
  - c. The applicant must submit that the proposed structure complies with Section 240 (Airport Safety Zone) of this Ordinance.

**406.C. Modifications of Standards**— As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use

to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Zoning Hearing Board shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

1. Such modifications of standards better serve the design and operational objectives listed in Section 406.A. of this Ordinance.
2. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity.
3. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 406 of the Zoning Ordinance.

**406.D.** Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for approval through the Subdivision and Land Development Ordinance before constructing the proposed use pursuant to Section 801 of this Ordinance. Upon recording of the subdivision and/or land development plan a zoning permit can be issued. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use.
2. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 801.A.11. of this Ordinance provided that:
  - a. The proposed uses are consistent with those contemplated in the Master Concept Plan.
  - b. The area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan.
  - c. The application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan.
  - d. The impact of the proposed uses is consistent with that upset limit of impact authorized in the Master Concept Plan.

**SECTION 407                      AUCTION HOUSE, EXCLUDING AUTOMOBILE AUCTIONS**

**407.A.** All auction activities shall be conducted within a completely enclosed building.

**407.B.** No outdoor storage or display is permitted.

**SECTION 408****AUTOMOBILE AUCTIONS AND STORAGE YARDS**

- 408.A.** The subject property must front upon and have direct vehicular access to a collector or arterial road as listed in Section 320 of this Ordinance.
- 408.B.** The applicant shall be required to submit an on-site circulation plan prepared by a professional traffic engineer certified by the Commonwealth of Pennsylvania. Such circulation plan must fully describe the location and way vehicles for auction arrive, are registered, are stored, are displayed, are readied for sale, are stacked for sale, are sold, are road tested, are stored post-sale and then depart the site. The applicant shall demonstrate that the proposed circulation pattern can be operated safely and will not interfere with the on-site circulation and parking of customers and employees or the flow of traffic on adjoining streets. Such plan shall clearly delineate exterior areas of the site that are to be used solely for the storage of vehicles as opposed to display and sales areas and required off-street parking spaces.
- 408.C.** Exterior areas used solely for the storage of vehicles shall be connected to other areas of the site and the adjoining street via one or more access drives in accordance Section 301 of this Ordinance.
- 408.D.** Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 315 of this Ordinance, except that such areas:
1. May be arranged with blocks of horizontally stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle or piece of heavy equipment shall be located more than 100 feet from an on-site interior drive. Such interior drives must be a minimum of 18 feet wide.
  2. May employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least 100 feet from the closest property line. Vertical stacking shall not exceed 15 feet.
  3. Need **not** be paved but must have an all-weather and dust-free surface.
  4. Shall be completely enclosed by a six-foot high fence, which shall be subject to the (LI) Zone's setback requirements imposed upon off-street parking lots.
  5. Need **not** comply with the interior landscaping requirements but must be screened from adjoining roads and properties.
- 408.E.** Exterior areas used for the display and sales of automobiles shall comply with the off-street parking design requirements of Section 315 of this Ordinance.
- 408.F.** The applicant shall demonstrate compliance with Section 310 of this Ordinance.
- 408.G.** The proposed use must be connected to public utilities and all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No “porta-potties” are permitted.
- 408.H.** The subject property may contain facilities for the service, repair and reconditioning of vehicles provided:
1. All service, repair and reconditioning uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads and such stacking lanes will be fully integrated within the site’s on-site circulation plan as required in Section 408.B. of this Ordinance.

2. All service, repair and/or reconditioning activities shall be conducted within a completely enclosed building and shall be limited to vehicles that are to be auctioned on the site.
3. No outdoor storage of parts, equipment, lubricants, fuel, or other materials, new, used or discarded, as part of the service, repair and/or reconditioning operation, shall be permitted.
4. The demolition and/or junking of vehicles is prohibited. No vehicle shall remain on the site for more than one (1) year.

**408.I.** No part of the subject property shall be located within 300 feet of any land within the (LDR, VR, MFR, MHP, or MU) Zones.

**408.J.** A traffic impact study shall be prepared in accordance with Section 319 of this Ordinance and shall devote particular emphasis on movements of vehicles that may be moving between the subject property and other nearby uses that assist in making vehicles ready for sale.

**SECTION 409 AUTOMOBILE AND/OR ANIMAL RACING FACILITY WITH OR WITHOUT RELATED WAGERING**

**409.A.** Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Zoning Hearing Board that:

1. The proposed uses are coordinated to function as a single site.
2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact.
3. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties.

**409.B.** Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the uses regulated in this Section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 805. The requirements of this Section shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined.
3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use’s compliance with such standards. Should the Zoning Hearing Board attach a condition of approval, pursuant to Section 704.C.3. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use’s determination of compliance.
4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use.
5. The name, location, centerline, and present right-of-way width of all abutting streets.

6. The natural and cultural features information as required by the SALDO.
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities.
8. A traffic impact study as required by Section 319 of this Ordinance.
9. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting.
10. Lighting as regulated by Section 310 of this Ordinance.
11. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use.
12. Methods of policing and security to include a written statement from the township Police Department that adequate police protection is available to serve the proposed use. Also, the applicant is required to provide evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use.
13. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use.
14. Capacity of off-street loading areas and off-street parking in relation to the required spaces listed in Sections 314 and 315 of this Ordinance.
15. The handling and disposal of materials and wastes as required by Section 316.F of this Ordinance.
16. Maximum permitted height for uses regulated by this Section can exceed 45 feet provided:
  - A. That the proposed structure is setback a horizontal distance at least equal to its height from each property line.
  - B. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above 45 feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures.
  - C. The applicant must submit that the proposed structure complies with Section 240 (Airport Safety Zone) of this Ordinance.

**409.C. Modifications of Standards\_**– As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Zoning Hearing Board shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

- A. Such modifications of standards better serve the design and operational objectives listed in Section 409.A of this Ordinance.
- B. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity.

C. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 409 of the Zoning Ordinance.

**409.D.** Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use pursuant to Section 801 of this Ordinance. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

A. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use.

B. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 801.A.11. of this Ordinance provided that:

a. The proposed uses are consistent with those contemplated in the Master Concept Plan.

b. The area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan.

c. The application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan.

d. The impact of the proposed uses is consistent with that upset limit of impact authorized in the Master Concept Plan.

**SECTION 410 AUTOMOBILE FILLING STATIONS (INCLUDING MINOR INCIDENTAL REPAIR)**

**410.A.** The subject property shall front on an arterial or collector road as listed in Section 320 of this Ordinance.

**410.B.** The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited.

**410.C.** All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least 30 feet from any street right-of-way line.

**410.D.** No outdoor storage of auto parts shall be permitted.

**410.E.** Access driveways shall be a minimum of 28 feet and a maximum of 35 feet wide and separated by 75 feet from one another if located along the same frontage as measured from edge to edge.

**410.F.** All ventilation equipment associated with fuel storage tanks shall be set back 100 feet and oriented away from any land within an (LDR, VR, MFR, MHP, or MU) Zones.

**SECTION 411                    BED AND BREAKFASTS**

**411.A.** The owner and operator shall reside in the same building as the bed and breakfast and all rooms for rent shall be confined to the principal detached dwelling unit.

**411.B.** There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways, where practical, shall be located to the rear of the building insofar as such are permitted by applicable building codes.

**411.C.** All parking areas shall be screened from adjoining residentially zoned properties and adjoining residences.

**411.D.** No cooking facilities (other than portable coffee machines and tea pots) shall be permitted in any of the bedrooms available to guests.

**SECTION 412                    BEEKEEPING**

**412.A.** It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance.

**412.B.** Colonies shall be maintained in movable hives.

**412.C.** Hives shall be situated to maximize sunshine exposure and/or natural wind protection.

**412.D.** In no case shall hives be located within 15 feet of any property line.

**412.E.** All beehives must be registered in accordance with the PA Department of Agricultural, Entomology Section.

**412.F.** Hives shall not be oriented to children's play areas either on the site or an adjoining property.

**SECTION 413                    BILLBOARDS**

**413.A.** No billboard shall be located within 1,000 feet of another billboard as measured in a straight line, without regard to intervening structures, property lines, street rights-of-way and any other improvement.

**413.B.** Billboards shall only be permitted upon properties with frontage along an arterial road as listed in Section 320 of this Ordinance.

**413.C.** All billboards shall be a minimum of 40 feet from all property lines and street rights-of-way.

**413.D.** The maximum area for any one billboard sign face shall not exceed 14 feet in vertical measurement or 48 feet horizontally and in no event to exceed 672 square feet per facing (inclusive of any border, trim, or embellishment, which embellishment shall not exceed 28 square feet of area, but excluding the base or apron, supports and other structural members). The terms "face" and "facing" as used herein shall mean the surface area or surface areas of the structure containing the message of the billboard sign or signs.

1. The billboard sign face area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire billboard sign face above ground level.
2. A billboard sign structure shall contain no more than two facings with only one advertising message being displayed at any one time per face, which facings may be placed only back-to-back or V-shaped at an interior angle of less than 90°.

**413.E.** Any lighting used for billboards shall be designed in accordance with Section 310 of this Ordinance to only illuminate the face of the billboard and not cast glare on adjoining areas or in an upward direction.

**413.F.** Billboards incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like display shall comply with Section 322.C.30 of this Ordinance.

**SECTION 414 BOARDING HOUSES**

**414.A.** The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.

**414.B.** There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways, where practical, shall be located to the rear of the building insofar as such are permitted by applicable building codes.

**414.C.** All floors above and/or below grade shall have direct means of escape to ground level.

**SECTION 415 CAMPGROUNDS**

**415.A. Minimum Lot Area** - Ten (10) acres.

**415.B. Setbacks** - All campsites shall be located at least 50 feet from any side or rear property line and at least 100 feet from any public street line.

**415.C.** Each campsite shall be at least 1,200 square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.

**415.D.** Vehicular access shall be provided in accordance with the following minimum standards:

1. Access drive requirements shall apply along any entrance and/or exit for a minimum length of 100 feet from an adjoining street right-of-way.
2. Vehicular access shall be designed so that vehicles do not back up onto adjoining streets during peak exit and entrance periods.
3. Internal vehicular cartways shall have a width of not less than 12 feet for one-way vehicular flow and 20 feet for two-way vehicular flow. Parking along interior vehicular circulation routes shall be prohibited, unless an additional eight feet width is added to the minimum cartway for each lane of parallel parking spaces.
4. Internal vehicular cartways serving recreational vehicles or common parking areas for tenting shall have a durable, stable, and dust-free surface. Such cartways need not be paved, if a minimum depth of six inches of compacted, crushed stone is provided.
5. Internal vehicular cartways shall provide for a minimum centerline radius of 50 feet at curves and intersections.
6. Turnabouts shall be provided for all dead-end internal vehicular cartways over 100 feet in length.
7. Notwithstanding any of the above, the design of vehicular circulation must provide for adequate emergency vehicle access. The application shall include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use, attesting to the adequacy of emergency vehicle access.

**415.F.** All outdoor play areas shall be set back 100 feet and screened from adjoining properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.

**415.G.** All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of 100 feet and screened from adjoining properties. Such facilities shall be designed and maintained so as to be secure from animals.



- 415.H.** Any accessory retail or service commercial uses shall be set back a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels.
- 415.I.** All campgrounds containing more than 100 campsites shall have vehicular access to an arterial or collector street as listed in Section 320 of this Ordinance.
- 415.J.** A campground may construct one freestanding or attached sign containing no more than 32 square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least 10 feet from the street right-of-way line, at least 100 feet from any adjoining lot lines.
- 415.K.** A minimum of 20 percent of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within 100 feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner.
- 415.L.** During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.

**SECTION 416 CAR WASHES**

- 416.A.** Public sewer and water facilities shall be utilized, and grey water recycling is encouraged.
- 416.B.** There shall be an on-site stacking lane with a minimum length of 80 feet for each self-service washing bay; automatic car wash bays shall have an on-site stacking lane with a minimum length of 200 feet.
- 416.C.** All structures housing washing apparatuses, stacking lanes, self-service vacuum devices and post-wash drying areas shall be set back 20 feet from any side lot line.
- 416.D.** The subject property shall front on an arterial or collector road as listed in Section 320 of this Ordinance.

**SECTION 417 CASINOS, OFF-TRACK BETTING PARLORS, SLOT MACHINE PARLORS, AND GAMES OF CHANCE**

- 417.A.** Casinos, off-track betting and/or slot machine parlor shall not be permitted to be located within 1,000 feet of any other casinos, off-track betting and/or slot machine parlor.
- 417.B.** No casino, off-track betting and/or slot machine parlor shall be located within 1,000 feet of any land within the (LDR, VR, MFR, MHP, or MU) Zones.
- 417.C.** No off-track betting parlor shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses:
  - 1. Amusement Park
  - 2. Camp (for minors' activity)
  - 3. Childcare facility
  - 4. Church or other similar religious facility
  - 5. Community center
  - 6. Museum
  - 7. Park
  - 8. Playground
  - 9. School

10. Other lands where minors congregate.

**417.D.** The above-required distances shall be measured in a straight line without regard to intervening structures, from the closest point on the exterior property line of each land use.

**417.E.** No more than one (1) casino, off-track betting parlor or slot machine parlor may be located within one building or shopping center.

**417.F.** Games of chance are permitted in retail establishments at a rate of 1 per every 5,000 square feet of space or portion thereof.

## **SECTION 418 CHURCHES AND RELATED USES**

### **418.A. HOUSE OF WORSHIP**

1. Minimum lot area – The minimum area needed to meet the requirements of the zoning ordinance, subdivision and land development ordinance, and other applicable ordinances.
2. Maximum lot area within the (C and A) Zones – five (5) acres.
3. All houses of worship shall have vehicular access to an arterial or collector highway, as identified in Section 320 of this Ordinance.

### **418.B. CHURCH-RELATED RESIDENCES (RECTORIES AND CONVENTS)**

1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a church.
2. Except within the (VR, MU and VC) Zones, all residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the (MFR) Zone.

### **418.C. CHURCH-RELATED EDUCATIONAL OR DAY-CARE FACILITIES**

1. All educational or day-care uses shall be accessory and located upon the same lot as a church.
2. An outdoor area shall be provided, at a minimum rate of 100 square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back 25 feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 AM and 8:00 PM. Any vegetative materials located within the outdoor areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
3. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
4. All educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying zone.

**418.D.** Within the (C, A, AH, & LDR,) Zones the maximum permitted lot coverage for churches and related uses shall be 60 percent.

**SECTION 419**

**CO-LOCATED COMMUNICATION ANTENNA UPON EXISTING STRUCTURES  
OUTSIDE THE PUBLIC RIGHT-OF-WAY AND SMALL WIRELESS  
COMMUNICATION FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY**

- 419.A.** Communication antennas that are co-located upon existing structures (e.g. utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), that comply with all applicable requirements of the Pennsylvania Wireless Broadband Collocation Act are a use permitted by right, subject to the requirements and restrictions in Sections 419.A – O, and 419.Q.
- 419.B.** The height of the commercial communications antennas and apparatus attaching the commercial communications antennas thereto shall not exceed by more than 10 feet the height of such existing structure, unless the applicant proves that a greater antenna height is required to make it an adequately functional component of the applicant's system, but in no case shall such height exceed 25 feet above the existing structure.
- 419.C.** The applicant proves that such location is necessary to satisfy the antenna's function in the applicant's communications system and, where applicable, will obviate the need for the erection of a commercial communications antenna support structure in another location.
- 419.D.** The applicant employs concealment or other appropriate measures to camouflage or conceal the antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos, and advertising signs, the replication of steeples and other structures for such purpose, the simulation of elements of rural landscapes, such as trees, and such other measures as are available for use for such purpose.
- 419.E.** Commercial communications antennas may be located entirely within a steeple, but no portion of the antenna shall be visible from the outside.
- 419.F.** If the location of antennas on an existing structure obviates the need for the construction and erection of a tower in a permitted Zone in which a tower is a permitted by right, the applicant may locate of up to five (5) metal boxes placed on a concrete pad not exceeding 25 feet by 30 feet in area housing the receiving and transmitting equipment necessary to the operation of the antennas provided that: the pad is located within the side yard or rear yard; the pad and boxes are set back from the property line by a minimum of 30 feet; the combined height of the pad and boxes does not exceed eight (8) feet; and an evergreen landscape buffer screen is planted and maintained.
- 419.G.** Prior to the issuance of a Zoning Permit authorizing the co-location of a communications antenna, a structural engineer registered in the Commonwealth of Pennsylvania shall issue a written certification of the existing structure's and the antenna's ability to meet the structural standards required by either the Electronic Industries Association or the Communication Industry Association.
- 419.H. Design**
1. In order to assist in evaluating the visual impact, the Applicant shall provide color photo simulations showing the proposed site of the Co-Located Communication Antennas with a photo-realistic representation of the proposed WCF as it would appear viewed from the closest residential property, adjacent roads, and from other locations as required by the Township.
  2. Co-Located Communication Antennas shall be completely concealed or shall provide for Stealth Design methods that are compatible with the building. All other Co-

Located Communication Antennas shall employ Stealth Design and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Design utilized by the Applicant shall be subject to the approval of the Township.

3. Co-Located Communication Antennas shall, to the extent technically feasible, incorporate architectural features, materials, and colors that blend with surrounding buildings, structures, terrain, or landscape.
  4. Co-Located Communication Antennas and Communications Ancillary Equipment must be of a neutral color that is identical to or closely compatible with the Wireless Support Structure so as to make the WCF and Communications Ancillary Equipment as visually unobtrusive as possible. Roof-mounted Co-Located Communication Antennas shall match existing air-conditioning units, stairs, elevator towers, or other background as closely as possible.
- 419.I.** Prohibited on certain structures. No Co-Located Communication Antennas shall be located on single-family detached dwellings, single-family attached dwellings, single-family semidetached dwellings, single-family detached dwellings, or any residential accessory structure(s).
- 419.J.** Third party Wireless Support Structures. Where the Co-Located Communication Antennas is proposed for collocation on a Wireless Support Structure that is not owned by the Applicant, the Applicant shall present documentation to the Zoning Officer that the owner of the Wireless Support Structure has authorized collocation of the proposed Co-Located Communication Antennas.
- 419.K.** Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF at its sole discretion and once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- 419.L.** Insurance. Each person or entity that owns or operates Co-Located Communication Antennas shall maintain general liability insurance coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Co-Located Communication Antennas.
- 419.M.** Substantial Change. Any Substantial Change to a WCF shall require notice to be provided to the Zoning Officer, and possible supplemental permit application submission as determined by the Zoning Officer in accordance with this section.
- 419.N.** Timing of approval.
1. Within 30 calendar days of the date that an application for Co-Located Communication Antennas is filed with the Zoning Officer, the Zoning Officer shall notify the Applicant in writing of any information that may be required to complete such application.
  2. Within 90 days of receipt of a complete application for a Co-Located Communication Antennas, the Zoning Officer shall make a final decision on whether to approve the application and shall notify the Applicant in writing of such decision.

**419.O.** Small WCF exemption. Co-Located Communications Antennas that meet the definition of a Small WCF shall be exempt from the requirements of Sections 419.A - O. Such Small WCFs shall be subject only to applicable permitting and the requirements of Section 419.P. and Section 419.Q.

**419.P. Small Wireless Communications Facilities within the Public Right-of-Way**

All Small Wireless Communications Facilities ("Small WCF") within the public right-of-way shall comply with the following requirements and restrictions:

1. Location and development standards.
  - a. Small WCFs are permitted by administrative approval from the Zoning Officer in all zoning districts, subject to the requirements of this Section 419.P and Section 419.Q relating to General Requirements for all WCF.
  - b. Small WCFs in the public right-of-way requiring the installation of a new Wireless Support Structure shall not be located in front of any building entrance or exit or on or within 50 feet of any public streetlight.
  - c. Applications for Small WCFs in the public right-of-way requiring the installation of a new Wireless Support Structure shall require the Applicant to demonstrate to the Zoning Officer's satisfaction that collocation is not technically feasible or is not feasible due to the inability to acquire the requisite property rights.
  - d. All Small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act and all Township Ordinance requirements applicable to streets and sidewalks.
2. All Small WCFs shall comply with the following dimensional restrictions:
  - a. All Small WCFs shall be Fifty (50) feet or less in height.
  - b. Small WCFs shall not be more than 10 percent taller than other adjacent structures.
  - c. Small WCFs shall not extend to a height of more than Fifty (50) feet or by more than 10 percent above its original height as a result of the collocation.
  - d. Each Communications Antenna associated with the deployment (excluding Communications Ancillary Equipment) shall not be more than three (3) cubic feet in volume.
  - e. All Communications Ancillary Equipment associated with the Small WCF (excluding Communications Antennas) shall cumulatively not be more than 28 cubic feet in volume.
3. Time and place. The Township shall determine the time and place of construction, maintenance, repair, and/or removal of all Small WCFs in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations.
4. Obstruction. Small WCFs and all Communications Ancillary Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety

hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the Township.

5. Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Communications Ancillary Equipment, shall be removed at the sole expense of the owner of the tower, or in default of the owner of the tower, the owner of the private property upon which the tower is located, within 30 days of notification by the Township.
6. Design standards. All Small WCFs in the Township shall comply with the requirements of the South Londonderry Township *Small Wireless Communications Facility Design Manual*. A copy of such shall be kept on file at the Township Building.
7. Application and timing of approval.
  - a. Applicants for Small WCFs shall include information showing compliance with the Township's *Small Wireless Communications Facility Design Manual* in the application.
  - b. Within 10 calendar days of the date that an application for a Small WCF is filed with the Zoning Officer, the Township shall notify the Applicant in writing of any information that may be required to complete the application.
  - c. Within 60 days of receipt of an application for collocation of a Small WCF on a pre-existing Wireless Support Structure, the Zoning Officer shall make a final decision on whether to approve the application and shall notify the Applicant in writing of such decision.
  - d. Within 90 days of receipt of an application for a Small WCF requiring the installation of a new or replacement Wireless Support Structure, the Zoning Officer shall make a final decision on whether to approve the application and shall notify the Applicant in writing of such decision.
8. Relocation or removal of facilities. Within 90 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any Small WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
  - a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way.
  - b. The operations of the Township or other governmental entity in the right-of-way.
  - c. Vacation of a Township Street or road or the release of a utility easement.
  - d. An emergency as determined by the Township.
9. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every Small WCF in the right-of-way is subject to the Township's right to fix annually a fair and

reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right-of-way management activities by the Township. The owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

10. A Small WCF is of a type and size that does not require Communications Antenna structure registration under 47 CFR Part 17. A Small WCF is also of a type and size that does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

**419.Q. General requirements for all WCF**

1. Standard of care.
  - a. All WCF shall meet or exceed all applicable standards and provisions of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate WCF; the latest National Electrical Safety Code (NESC); American National Standards Institute (ANSI) Code; the structural standards of the American Association of State Highway and Transportation Officials; the UCC; or any other industry standard applicable to the structure. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the Applicant and provided to the Township.
  - b. If such standards or regulations are changed, the owner of the WCF shall bring such WCF into compliance with the revised standards within six months of the effective date of such standards or regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such facilities into compliance shall constitute grounds for the removal of the WCF at the owner's expense.
2. Engineer signature. All plans and drawings included in an application for a WCF shall contain a seal and signature of a professional engineer, licensed in the Commonwealth of Pennsylvania, certifying that the information is in compliance with this Ordinance and all applicable design standards.
3. Eligible Facilities Requests (Modifications).
  - a. WCF Applicants proposing a Modification to an existing WCF, which is not considered a substantial change as defined in this Ordinance, shall be required only to obtain a zoning permit from the Zoning Officer. In order to be considered for such a permit, the WCF Applicant must submit a permit application to the Zoning Officer in accordance with the applicable permit policies and procedures, including any fees. Such permit application shall clearly state that the proposed Modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR §1.6100. The permit application shall detail all dimensional changes being made to the WCF and Wireless Support Structure.

4. Timing of approval.
  - a. Within 30 calendar days of receipt of a complete application for the Modification of an existing WCF, the Zoning Officer shall notify the WCF Applicant in writing of any information that may be required to complete the application.
  - b. Within 60 days of receipt of a complete application for the Modification of an existing WCF, the Zoning Officer shall issue the required zoning permit authorizing modifications of the WCF.
5. Wind and ice. All WCFs shall be designed to withstand the effects of wind gusts and ice to the standards of the American National Standards Institute and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
6. Aviation safety. WCFs shall comply with all federal, state, and local laws and regulations concerning aviation safety.
7. Public safety communications. WCFs shall not interfere with public safety communications, or the reception of broadband, television, radio, or other communications services enjoyed by occupants of nearby properties.
8. Radio frequency emissions. A WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The WCF Applicant shall submit proof of compliance with all applicable standards relating to radio frequency emissions as part of any complete WCF application.
9. Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and/or the South Londonderry Township Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
10. Non-conforming Wireless Support Structures. WCFs shall be permitted to collocate upon existing non-conforming Wireless Support Structures. Collocation of WCFs upon existing Wireless Support Structures is encouraged, even if the Wireless Support Structure is non-conforming as to location or use within a zoning district.
11. Inspections and reports. WCF shall be inspected on a regular basis to ensure structural integrity and compliance with applicable federal, state, and local codes and regulations. Inspection reports shall be submitted to the Township upon request.
12. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and other costs. Such permit fees shall be in an amount as established from time to time by resolution of the Board of Supervisors.
13. Indemnification. Each person or entity that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by, or



connected with any act or omission of the person or entity, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the WCF. Each person or entity that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

14. Non-commercial usage exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this section.
15. Abandonment and removal. In the event that the use of a WCF is to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. A WCF not operated for a period of 12 months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:
  - a. All abandoned or unused WCFs and Communications Ancillary Equipment, or portions thereof, shall be removed within 90 days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Township, unless a time extension is approved by the Township.
  - b. If the WCF or Communications Ancillary Equipment is not removed within 90 days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF, regardless of the owner's or operator's intent to operate the WCF in the future.
  - c. The Township reserves the right to pursue all available remedies under the law to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay by the Township in taking action shall not invalidate the Township's right to take action.
  - d. Where there are two or more users of a single WCF, this provision shall only apply to those facilities that are abandoned or unused. The support structure shall only be removed if it contains no active users for a period of consecutive 12 months.
16. Maintenance. The following maintenance requirements shall apply:
  - a. All WCFs shall be fully automated and unattended on a daily basis and shall be visited only for inspection, maintenance, repair, or replacement.
  - b. Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and in accordance with all applicable Township, state, and federal regulations
  - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

- d. Failure to maintain. Where a WCF is not maintained in a manner to promote the safety and security of the Township’s residents and in accordance with all applicable municipal, state, and federal regulations, the Township will issue a notice to remedy the condition to the owner of the property where the WCF facility is located outside the public rights-of-way, the owner of the WCF and the owner of the Wireless Support Structure where such owner is not a municipal entity. If the condition is not remedied within 30 days of the notice, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed jointly and severally against the owner of the WCF and the owner of the Wireless Support Structure, where such owner is not a municipal entity, and the owner of the property where the WCF facility is located outside the public rights-of-way, regardless of the owner’s or operator’s intent to operate the WCF in the future.
- e. Emergency maintenance. Where a WCF creates an immediate risk of harm to the public health, safety, and welfare of the Township’s residents, the Township may remedy such dangerous condition without notice. The cost of such remediation shall be assessed jointly and severally against the owner of the WCF and the owner of the Wireless Support Structure, where such owner is not a municipal entity, and the owner of the property where the WCF facility is located outside the public rights-of-way.

**SECTION 420 COMMERCIAL DAY-CARE FACILITIES**

- 420.A.** An outdoor area shall be provided, at a minimum rate of 100 square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back 25 feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 AM and 8:00 PM. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
- 420.B.** Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
- 420.C.** Passenger “drop-off” and “pick-up” areas shall be provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

**SECTION 421 COMMERCIAL GREENHOUSE AND PRODUCE OPERATIONS**

- 421.A.** Maximum Permitted Lot Coverage – 30 percent, including all impervious surfaces on the property.
- 421.B.** If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, no artificial lighting may be used for growing which can be viewed from adjoining roads or properties between the hours of official sunset to official sunrise. Any other lighting on the site shall be designed and arranged so as not to cast glare on adjoining roads or properties.
- 421.C.** Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the operator. If said fans are within 1,000 feet of the closest subject property line, then the applicant shall construct a dispersion buffer. Such dispersion buffer shall include a vegetative berm that will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at any of the subject property lines.

**421.D.** Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a 50-foot-wide radius for all turns and intersections.

**421.E.** Any on-site waste storage facilities shall comply with the requirements of Section 316.F. of this Ordinance.

**421.F.** The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

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

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

A water feasibility study shall include the following information:

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

**421.G.** All commercial produce operations must comply with applicable stormwater management regulations.

**421.H.** A traffic impact report shall be prepared in accordance with Section 319 of this Ordinance.

**421.I.** No retail sales shall be permitted on the site, except for roadside stands as permitted by Section 201.B of this Ordinance.

**421.J.** All buildings and storage/processing structures shall be set back at least 100 feet from adjoining roads and properties, and all off-street parking and loading spaces, outdoor storage areas, and dumpsters shall be set back at least 50 feet from adjoining roads and properties.

**SECTION 422 COMMERCIAL RECREATION FACILITIES**

- 422.A.** If the subject property contains more than two (2) acres, it shall front on an arterial or collector road as listed in Section 320 of this Ordinance.
- 422.B.** Those uses involving extensive outdoor activities shall provide screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- 422.C.** Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional 50 feet. Furthermore, such structures shall not be used for occupancy.
- 422.D.** Maximum permitted height for structures regulated by this Section can exceed 35 feet provided:
  - 1. That such structures shall not be used for occupancy.
  - 2. That the proposed structure is setback a horizontal distance at least equal to its height from each property line.
  - 3. The applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available.
- 422.E.** Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 315.W. of this Ordinance. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- 422.F.** Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the township determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the township can require the applicant to revise the means of access to relieve the undue congestion.

**SECTION 423 CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOS) & CONCENTRATED ANIMAL OPERATIONS (CAOS)**

- 423.A.** Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least 500 feet from any land within the (LDR, VR, MFR and/or MU) Zones.
- 423.B.** Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least 150 feet from all permanent surface waters, wetland areas, and wells that provide water for human consumption.
- 423.C.** Any new concentrated animal feeding operation and/or concentrated animal operations and all expansions to existing operations shall be required to submit a plan for control of erosion and sedimentation prepared by an applicable licensed professional and consistent with the requirements of the Nutrient Management Act. All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must submit written evidence of plan approval to the Zoning Officer.

- 423.D.** Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines.
- 423.E.** Any on-site manure storage facilities comply with the requirements of Section 445 of this Ordinance.
- 423.F.** Any driveway or access drive providing for vehicular access to the proposed use shall maintain a 50-foot-wide radius for all turns and intersections.
- 423.G.** The property whereupon the concentrated animal feeding operation is located shall be graded such that runoff from the area of the operation is not discharged onto surrounding properties, onto public roads, or into any permanent surface water, and comply with Stormwater Management regulations.

**SECTION 424 RESERVED FOR FUTURE USE**

**SECTION 425 RESERVED FOR FUTURE USE**

**SECTION 426 CONVENTION AND/OR CONFERENCE CENTERS**

**426.A.** Convention and/or conference centers may include any of the following uses, provided such uses are primarily accessory to a convention or conference center, located and designed as one integrated development (e.g., shared parking, signage, access, lighting, storm water management, etc.) to serve those persons or groups of persons attending the convention and/or conference center, and not the general public:

1. Offices
2. Hotels and motels
3. Meeting rooms and auditoriums
4. Banquet and social halls
5. Restaurants and taverns (excluding fast-food restaurants)
6. Nightclubs
7. Indoor theaters and arenas
8. Sports stadiums
9. Retail shops and concessionaires
10. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, spas, but excluding adult-related uses)
11. Commercial day-care facilities
12. Information centers and booths
13. Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts, and other similar events.

**426.B.** Minimum Required Lot Area - Ten (10) acres.

**426.C.** All uses shall be served by both public sewer and public water utilities.

**426.D.** The subject property shall provide a suitable means of vehicular access that connects to an arterial or collector road as listed in Section 320 of this Ordinance.

**426.E.** Required parking will be determined based upon a combination of the types of activities proposed, and the schedule listed in Section 315.W.

**426.F.** Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion.

**426.G.** A traffic impact report shall be prepared in accordance with Section 319 of this Ordinance.

**426.H.** All uses within the convention and/or conference center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

**SECTION 427                      RESERVED FOR FUTURE USE**

**SECTION 428                      DRIVE-THRU AND/OR FAST-FOOD RESTAURANTS**

**428.A.** The subject property shall have vehicular access onto an arterial or collector road as listed in Section 320 of this Ordinance.

**428.B.** All drive-thru window-lanes shall be separated from the parking lot's interior driveways.

**428.C.** Outdoor seating areas shall comply with all setback requirements imposed upon buildings within the respective zone.

**SECTION 429                      DRY CLEANERS, LAUNDRIES, AND LAUNDROMATS**

**429.A.** Public sewer and water shall be used.

**429.B.** All activities shall be conducted within a completely enclosed building.

**SECTION 430                      ECHO HOUSING**

**430.A.** The elder cottage may not exceed 1,200 square feet of gross floor area, including any enclosed garage and/or any basement.

**430.B.** The elder cottage shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage, or adoption.

**430.C.** The elder cottage shall be occupied by a maximum of two (2) people.

**430.D.** Utilities

1. Sewage disposal, water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility standards.

2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.

**430.E.** A minimum of one (1) all-weather off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.

**430.F.** The elder cottage shall be installed and located only in the side or rear yards and shall adhere to all side and rear yard setback requirements for principal uses.

- 430.G.** The elder cottage shall be removed from the property within 12 months after it is no longer occupied by a person who qualifies for the use.
- 430.H.** Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary Zoning Certificate of Use and Occupancy. Such Zoning Certificate of Use and Occupancy shall be reviewed every three (3) years until such time as the elder cottage is required to be removed.

**SECTION 431                      FAMILY DAY-CARE FACILITIES**

- 431.A.** All family day-care facilities with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare.
- 431.B.** An outdoor area shall be provided, at a minimum rate of 100 square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back 25 feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining property within the (LDR, VR, MFR, & MU,) zones. The use of outdoor areas shall be limited to the hours between 8:00 AM and 8:00 PM.
- 431.C.** Passenger “drop-off” and “pick-up” areas shall be provided on-site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

**SECTION 432                      FARM OCCUPATIONS**

- 432.A.** No subdivision of the farm occupation shall be permitted.
- 432.B.** A farm occupation may only be conducted on actively farmed parcels containing at least 10 acres. For the purposes of this Section, a “farm” shall be considered to include an area of land operated as a single economic agricultural enterprise, regardless of the number of contiguous parcels, plots, or tracts comprising such an enterprise.
- 432.C.** No more than one (1) acre of land shall be devoted to such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. However, any lane serving the farm occupation and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm occupation.
- 432.D.** No more than 50 percent of the area devoted to a farm occupation shall be covered by buildings, parking lots or any other impervious surface.
- 432.E.** At least one owner of the farm occupation must live on the property on which the use is conducted.
- 432.F.** No farm occupation shall be located within 300 feet of any property used principally for residential purposes (except for dwellings located upon the same parcel as the farm occupation), nor any lands within the (LDR, VR, MFR & MU) Zones. Such distances shall be measured as a straight line between the closest points of the property containing the farm occupation, and the residentially used or zoned properties.
- 432.G.** All farm occupations shall be conducted upon the same lot as an actively farmed parcel.
- 432.H.** No more than two (2) nonresidents of the farm parcel shall be employed by the farm occupation.
- 432.I.** The use must be conducted within one completely enclosed building. In no case shall such use occupy more than 4,000 square feet of gross floor area.
- 432.J.** Any out-building used for such farm occupation shall be located behind the principal farm residence on the site or, as an alternative, at least 300 feet from the street right-of-way.

**432.K.** Any outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties.

**432.L.** The applicant shall submit written evidence from the SEO that the proposed use has an approved means of sewage disposal.

**432.M.** Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.

**SECTION 433 FARMERS AND/OR FLEA MARKETS**

**433.A.** The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above.

**433.B.** The retail sales area shall be set back at least 20 feet from all property lines and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.

**SECTION 434 FENCES AND WALLS**

**434.A.** Upon properties used for residential purposes, no fence or wall (except athletic court walls or fences, or a retaining wall as noted below in Section 434.E) shall be erected to a height of more than:

1. Three (3) feet in a front yard.
2. Fences and walls erected upon reverse frontage lots may extend up to height of six (6) feet within those yards that do not contain vehicular access onto an adjoining road.
3. Six (6) feet solid fence in any side or rear yard, and any fence greater than six (6) feet shall have 50 percent openings.
4. Along Corner Lots, no fence or wall within the Front Yard Setback shall exceed three (3) feet in height along the street of address or six (6) feet in height along any other street frontage, provided further that no fence or wall shall obstruct any Clear Sight Triangle, as defined in Sections 301.C., 303 and 305.C. of this Ordinance.
5. All fences in the front yard shall be setback three (3) feet from the property line.

**434.B.** The finished side of the fence must face the adjoining property.

**434.C.** Within the (HC, CO and LI) Zones, no fence or wall (except agricultural, required junkyard, athletic court, outdoor shooting range walls or fences, or a retaining wall as noted below in Section 434.E.) shall be erected to a height of more than 10 feet in any yard.

**434.D.** No fence or wall shall interfere with the required clear sight triangle as listed in Sections 301.C., 303 and 305.C. of this Ordinance.

**434.E.** The use of retaining walls higher than three (3) feet is permitted, subject to the following findings:

1. That the proposed height of the retaining wall is necessary to facilitate an efficient use of the site and/or protect an important or sensitive natural or cultural feature of the site.
2. That the applicant has submitted written expert evidence from a professional engineer registered to practice within the Commonwealth of Pennsylvania that the proposed retaining wall is designed and will be constructed to assure structural



integrity and will in no way adversely affect any drainage pattern and/or underground utility lines nor interfere with their rights-of-way.

**434.F.** The use of barbed wire and electric fences are expressly prohibited except in the case of agricultural fences used to contain livestock.

**434.G.** Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal.

#### **SECTION 435 FISH HATCHERIES AND/OR FISH FARMS**

**435.A.** The applicant must furnish evidence of receipt of an approved artificial propagation license from the PA Department of Agriculture, Bureau of Animal Health.

#### **SECTION 436 FREESTANDING COMMUNICATION AND WIRELESS FACILITIES**

**436.A.** The purpose of this section and the standards established herein is to govern the use, construction, and location of communication and wireless communications facilities in recognition of the nature of commercial communication systems and the Federal Telecommunications Act of 1996. These regulations are intended to:

1. Accommodate the need for communication and wireless communications facilities while regulating their location and number so as to insure the provision for necessary services.
2. Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color, and finish and by requiring that competing providers of wireless communications services collocate their freestanding communication and wireless communications facilities and related facilities on existing towers.
3. Ensure the structural integrity of freestanding communication and wireless communications facilities support structures through compliance with applicable industry standards and regulations.
4. Promote the health, safety and welfare of the residents and property owners within South Londonderry Township.

**436.B.** All applicants seeking to construct, erect, relocate, or alter communication or wireless communications facilities shall secure approval from the Township, which shall be conditioned upon their demonstrated compliance with the regulations specified under this Section. As part of this requirement, a site plan shall be prepared and submitted to the Township for review and consideration that demonstrates compliance with the requirements for location, height, design, infrastructure, and site improvements by the applicant considering the communication or wireless communication network.

**436.C.** The following requirements concerning location and height shall apply to freestanding communication and wireless communication facilities.

1. No applicant shall have the right under the provisions of this Section to erect any freestanding communication and wireless communications facilities support structure, also referred to as a "tower" in these regulations, to the maximum height specified within this Ordinance, unless they prove the necessity for such height. The applicant shall demonstrate that the proposed height of the freestanding communication and wireless communications facilities support structure and the antenna be attached thereto is the minimum height required to provide satisfactory service.

2. Prior to approval of a site plan authorizing the construction and installation of a

freestanding communication and wireless communications facilities support structure in a permitted location or Zone, it shall be incumbent upon the applicant to prove to the reasonable satisfaction of Township that the applicant cannot adequately extend or infill its communications system by the use of equipment such as radomes, repeaters, antennas, and similar equipment installed on existing structures, such as utility poles or their appurtenances, and other available tall structures, hereinafter referred as an "existing structure."

3. The application for a tower shall be accompanied by a propagation study demonstrating the need for the proposed tower or other communications facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the applicant, the power in watts at which the applicant transmits, the design gain of applicant's antennas, the subscriber equipment sensitivity expressed in dBm, the design dBm of the transmission and receiving equipment, and the results of the drive test and other studies conducted by the applicant in determining the need for the proposed site and installation.
4. No freestanding communication and wireless communications facilities support structure shall be taller than 120 feet, as measured from undisturbed ground level, unless the applicant proves that another provider of communications services has agreed to co-locate communication and wireless communications antennas on the applicant's tower or that the tower will be available for such co-location. It shall be incumbent upon the applicant to prove that a greater tower height is necessary to provide satisfactory service for communications than is required by the applicant. In such case, the freestanding communication and wireless communications facilities support structure shall not exceed 150 feet unless the applicant secures approval of a variance under the provisions of this Ordinance. In no event shall mounted freestanding communication and wireless communications antennas' height on any tower extend more than 10 feet above the installed height of the tower.
5. In those areas where freestanding communication and wireless communications antennas and freestanding communication and wireless communications facilities support structures are permitted, either one (1) single-story wireless communications equipment building not exceeding 1,000 square feet in area or up to five (5) metal boxes placed on a concrete pad not exceeding 25 feet by 30 feet in area housing the receiving and transmitting equipment may be located on the permitted site selected for installation and location of the tower for each unrelated company sharing freestanding communication and wireless communications facilities space on the tower.
6. With the exception of the transmitting and wireless communications equipment necessary to facilitate the tower and freestanding communication and wireless communications antennas, all other uses ancillary to freestanding communication and wireless communications antennas and freestanding communication and wireless communications facilities support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot, and vehicle storage area, shall not be located on any site, unless otherwise permitted by the applicable Zone regulations in which the site is located.
7. The minimum distances between the base of a freestanding communication and wireless communications facilities support structure and any adjoining property line or street right-of-way line shall equal 50 percent of the proposed freestanding communication and wireless communications facilities support structure height. Where the site on which a tower is proposed to be located is contiguous to an

educational use, child day care facility, or residential use, the minimum distance between the base of a freestanding communication and wireless communications facilities support structure and any such adjoining uses shall equal 110 percent of the proposed freestanding communication and wireless communications facilities support structure height, unless it is demonstrated to the reasonable satisfaction of the Township that in the event of tower failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

8. Unless otherwise specified within this Ordinance, a proposed freestanding communication or wireless communications facility must be located or separated by a horizontal distance of 3,000 feet from any other freestanding communication or wireless communications facility except those devoted to accessory residential use.

**436.D.** The following standards shall apply to the structural stability, support, and design of all freestanding communication or wireless communication facilities.

1. The applicant shall demonstrate that the proposed freestanding communication and wireless communications antennas and freestanding communication and wireless communications facilities support structures are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineer, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association, and other established standards identified by the Township Engineer. The applicant shall demonstrate that the proposed communication and wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
2. In order to reduce the number of freestanding communication and wireless communications facilities support structures within the Township in the future, the proposed freestanding communication and wireless communications facilities support structure shall be designed to accommodate other potential communications users, including but not limited to, commercial wireless communications companies, local police, and fire and ambulance companies.
3. If the communications facility is fully automated, adequate parking shall be required for all maintenance workers, with a minimum of two (2) spaces provided. If the communications facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the communications facility during the largest shift.
4. Freestanding communication and wireless communications facilities support structures shall be painted silver or another color approved by the Township or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. In furtherance of this provision, the Township may require that:
  - A. Freestanding communication and wireless communications facilities support structures be painted green up to the height of nearby trees; and/or
  - B. Wireless communications equipment buildings that house electrical transmitter equipment be placed underground unless this is determined to be detrimental to the functioning and physical integrity of such equipment.

5. In making these determinations concerning aesthetics and architectural compatibility, the Township shall consider the following:
  - A. If it will promote the harmonious and orderly development of the zone involved.
  - B. If it is compatible with the character and type of development existing within the area.
  - C. If the benefits exceed any negative impacts on the aesthetic character of the community,
  - D. If it preserves woodland areas and trees existing at the site to the greatest possible extent.
  - E. If it encourages sound engineering practices.

**436.E.** The following general site improvements, compliance provisions, and procedural obligations shall be required for all communication or wireless communication facilities.

1. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or other governmental agency.
2. Where required, the freestanding communication and wireless communications facilities support structures shall meet all FAA regulations. No freestanding communication and wireless communications facilities support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is so required, it shall be limited to the minimum lumens and number of lights required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities as well as to the Township.
3. The applicant shall describe the anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic safety and noise impacts of such maintenance.
4. If the applicant proposes to build a freestanding communication and wireless communications facilities support structure (as opposed to mounting the freestanding communication and wireless communications facilities on an existing structure), the applicant shall prove to the Township that it has contacted the owners of structures of suitable location and height, either other towers or existing tall structures within a 3,000 foot radius of the site proposed, asked for permission to install the freestanding communication and wireless communications antennas on those structures, and has been denied. The Township may deny an application to construct a new freestanding communication and wireless communications facilities support structure if the applicant has not made a good faith effort to co-locate the communication and wireless communications facilities on an existing structure.
5. If use of the communications facility is abandoned or if the communications facility is not in use for a period of six (6) months or longer, the owner shall demolish and/or remove the communications facility from the site within six (6) months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the communications facility. In the event that the demolition and/or removal referred to above are not performed in a timely manner, the owner shall be subject to the enforcement remedies of this Ordinance or as otherwise provided by law.

6. In the event that the wireless communications facilities cause interference with the

radio or television reception within the Township for a period of three (3) continuous days, the affected property owner or tenant may notify the applicant of such interference, and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the enforcement remedies of this Ordinance.

7. An eight (8) feet security fence shall be required around the antenna support structure and other equipment unless the freestanding communication and communications facility is mounted on an existing structure.
8. Landscaping shall be required to screen and buffer as much of a newly constructed freestanding communication and wireless communications facilities support structure as possible. The Township may permit a combination of existing vegetation, topography, walls, decorative fences, and other features in lieu of landscaping.

**436.F.** The following background information and documentation shall be submitted as part of the land development plan and/or zoning permit application.

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) or, in the case of those companies that own and erect towers for lease to such companies, that it has an existing contract with one (1) or more such companies to locate on the proposed tower (in those zoning zones or areas where such towers are permitted) and shall provide the Township Secretary with copies of all FCC applications, permits, approvals, licenses, and site inspection records. All such information shall be accompanied by a certification signed by two (2) officers of the applicant that the information being supplied is true and correct to the best of their knowledge, information, and belief. The applicant shall also provide the Township with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
2. The owner of a freestanding communication and wireless communications facilities support structure shall submit to the Township Engineer proof of the annual inspection of the freestanding communication and wireless communications facilities support structure and freestanding communication and wireless communications facilities(s) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, the Township may require removal or repair of the wireless communications facility. In the event that the annual inspection referred to above is not performed in a timely manner, the owner shall be subject to enforcement remedies of this Ordinance or as otherwise provided by law.
3. A soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-E, shall be submitted to the Township Engineer to document and verify the adequacy of the design specifications of the foundation for the freestanding communication and wireless communications facilities support structure and anchors for the guy wires, if used.
4. In January of each year, the owner of any wireless communications facilities shall pay any required registration fees and shall provide the Township with the following information.
  - A. The names and addresses of the owner of the communications facilities and any organizations utilizing the communications facility and telephone numbers of the appropriate contact person in case of emergency.

- B. The name and address of the property owner on which the communications facility is located.
- C. The location of the communications facility by geographic coordinates, indicating the latitude and longitude.
- D. Output frequency of the transmitter.
- E. The type of modulation, digital format, and class of service.
- F. Freestanding communication and wireless communications facilities(s) gain.
- G. The effective radiated power of the freestanding communication and wireless communications antenna(s).
- H. The number of transmitters, channels, and freestanding communication and wireless communications antenna(s).
- I. A copy of the owner or operator's FCC authorization.
- J. The height of the freestanding communication and wireless communications antenna(s).
- K. Power input to the freestanding communication and wireless communications antenna(s).
- L. Distance to nearest base station.
- M. A certification signed by two (2) officers of the applicant that the communications facility is continuing to comply with this Ordinance and all applicable government regulations, including but not limited to output and emission limits established by the FCC.
- N. A Certificate of Insurance issued to the owner/operators evidencing that there is adequate liability insurance in effect ensuring against liability for personal injuries and death and property damage caused by the site and the communications facilities.

**436.G.** All towers and guide wire anchors shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

**436.H.** All ground-mounted satellite dishes that are used to transmit video format data shall be completely enclosed by a minimum eight (8) foot high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.

**436.I.** The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the wind-borne scattering of ice onto adjoining properties and/or roads.

**436.J.** No site shall be located within 500 feet of:

1. Any land within the (LDR, VR, MFR, MHP or MU) Zones.
2. The nearest property line of any existing residence.
3. The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed.
4. The nearest property line of any lot proposed for residential purposes which has been submitted for preliminary or final subdivision approval.

**436.K.** All Freestanding Communication and Wireless Facilities shall also comply with the general provisions and restrictions for WCF set forth in Section 419.Q. of this Ordinance. In the event of a conflict between Section 419.Q. and any provision set forth in this Section 436, the more restrictive provision shall control.

**SECTION 437 FUNERAL HOMES**

**437.A.** Public sewer and water facilities shall be utilized.

**437.B.** No vehicular access to the site shall be from an arterial road.

**SECTION 438 RESERVED FOR FUTURE USE**

**SECTION 439 GOLF COURSES AND DRIVING RANGES**

**439.A.** In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, or street.

**439.B. Golf Paths** - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.

1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:
  - A. Each crossing shall be perpendicular to the traffic movements.
  - B. Only one (1) street, access drive or driveway may be crossed at each location.
  - C. No crossing is permitted between a point 15 feet and 150 feet from the cartway edge of a street, access drive or driveway intersection.
  - D. The crossing must be provided with a clear sight triangle of 75 feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over 30 inches high shall be placed within this area.
  - E. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.
  - F. The golf cart path shall not exceed a slope of eight (8) percent within 25 feet of the cartway crossing.
  - G. Golf path crossings shall be signed, warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
  - H. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of a tunnel or bridge. The construction of the collector or arterial roadway crossing of the tunnel or bridge shall comply with PennDOT standards.

**439.C.** All golf course buildings shall be set back 75 feet from any adjoining roads and 100 feet from adjoining residential properties and vacant properties within the (LDR, VR and MFR) Zones.

**439.D.** Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located to provide incidental service to the golf course employees and users:

1. Clubhouse, which may consist of:
  - A. Restaurant, snack bar, lounge, and banquet facilities
  - B. Locker and rest rooms
  - C. Pro shop
  - D. Administrative offices

- E. Golf cart and maintenance equipment storage and service facilities
  - F. Guest lodging for those using the golf course, provided:
    - a. No lodging units have separate exterior means of ingress/egress.
    - b. All lodging units shall be contained within the main clubhouse.
    - c. Such guest lodging shall have a total occupancy of no more than 20 persons.
  - G. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.
  - H. Game rooms, including card tables, billiards, ping-pong, and other similar table games.
  - I. Baby-sitting rooms and connected fence-enclosed playlots.
2. Accessory recreation amenities located outside of a building, including:
- A. Driving range, provided that no lighting is utilized
  - B. Practice putting greens
  - C. Swimming pools
  - D. Tennis, pickleball, platform tennis, handball, racquetball, squash, volleyball, and badminton courts
  - E. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses
  - F. Picnic pavilions, picnic tables, park benches, and barbecue pits
  - G. Hiking, biking, horseback riding, and cross-country ski trails
  - H. Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
3. Freestanding maintenance equipment and supply buildings and storage yards.
- 439.E.** All outdoor storage of maintenance equipment and/or golf carts shall be set back at least 100 feet and screened from adjoining residential properties and roads.
- 439.F.** The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the municipal system will supply the water needed.
- 439.G.** If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. A water feasibility study shall include the following information:
- 1. Calculations of the projected water needs.
  - 2. A geologic map of the area with a radius of at least one mile from the site.
  - 3. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
  - 4. The location of all existing on-lot sewage disposal systems within 1,000 feet of the site.
  - 5. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
  - 6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.



7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

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

**439.I.** Freestanding driving ranges shall comply with Sections 439.A, 439.B, and 439.E.

**SECTION 440 HEALTH, FITNESS, SOCIAL, FRATERNAL AND OTHER PRIVATE CLUBS**

**440.A.** All outdoor recreation facilities shall be set back at least 50 feet from the street right-of-way line, and 25 feet from all other lot lines.

**440.B.** This use shall expressly exclude adult uses, off-track betting parlors, casinos, nightclubs and outdoor shooting ranges.

**SECTION 441 HEAVY EQUIPMENT SALES, LEASING, RENTAL, SERVICE AND/OR REPAIR FACILITIES**

**441.A.** Aside from occasional diagnostics, testing and simple repairs, all service and/or repair activities shall be conducted within a completely enclosed building.

**441.B.** All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.

**441.C.** Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 315 of the Zoning Ordinance, except that such areas:

1. May be arranged with blocks of horizontally stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle shall be located more than 100 feet from an on-site interior drive. Such interior drives must be a minimum of 18 feet wide unless greater width is required under Section 315.J. of the Zoning Ordinance.
2. May employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least 100 feet from the closest property line. Vertical stacking shall not exceed 35 feet.
3. Need not be paved but must have an all-weather and dust-free surface.
4. Shall be completely enclosed by a six (6) foot high fence, which shall be subject to the (LI) Zone's setback requirements imposed upon off-street parking lots.
5. Need not comply with the interior landscaping requirements but must be screened from adjoining roads and properties.

**441.D.** All exterior storage and/or display and sales areas shall be screened from adjoining properties in the (LDR, VR, MFR, MHP and MU) Zones. All exterior storage/display areas shall be set back at least 50 feet from adjoining street lines and shall be covered in an all-weather, dust-free surface.

**441.E.** The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured homes, heavy equipment vehicles, and parts thereof, on the property is prohibited.

**441.F.** Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining properties in the (LDR, VR, MFR, MHP and MU) Zones.

**441.G.** All vehicles shall be repaired and removed promptly from the premises and in no case shall a vehicle be stored on the property for a period exceeding 90 days.

**441.H.** The storage of fuels and lubricant shall be limited to those that are accessory to the principal use; no retail and/or wholesale sales of such materials shall be permitted.

**SECTION 442 HEAVY INDUSTRIAL USES**

**442.A.** The applicant shall provide a detailed description of the proposed use in each of the following topics:

1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
2. A traffic impact study prepared by a professional traffic engineer, according to Section 319 of this Ordinance.

**SECTION 443 HELICOPTER PADS, PRIVATE**

**443.A.** The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation.

**443.B.** No part of the take-off/landing pad, or auxiliary facilities, such as fueling and maintenance equipment shall be located nearer than 300 feet from any property line.

**SECTION 444 RESERVED FOR FUTURE USE**

**SECTION 445 HOME IMPROVEMENT, EQUIPMENT RENTAL AND BUILDING SUPPLY STORES**

**445.A.** If the subject property contains more than two (2) acres, it shall front along an arterial or collector road as listed in Section 320 of this Ordinance,

**445.B.** The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above.

**445.C.** All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be located within a side and/or rear yard and shall be screened from adjoining roads and properties.

**445.D.** Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely enclosed building.

**445.E.** For uses with more than 100 feet off-street parking spaces, a traffic study shall be prepared by a professional traffic engineer, in accordance with Section 319 of this Ordinance.

**SECTION 446 HOME OCCUPATIONS**

**446.A.** In the (C, A, MU, VC, HC & CO) Zones no more than two (2) nonresident employees shall be employed on-site; in the (AH, LDR, VR, MFR & MHP) Zones all employees must reside on the site. For the purposes of this section employees shall be those regularly engaged on the premises; off-site employees who only occasionally visit the site shall not be limited.

**446.B.** Only one home occupation shall be conducted per dwelling unit, and such home occupation shall be incidental to the principal residential use.

**446.C.** In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided. Sufficient off-street

parking, as required by the use that is located and designed to blend with the character of nearby parking within the neighborhood shall be provided.

- 446.D.** No storage or display of goods shall be visible from outside of the dwelling and the exterior residential appearance of the dwelling shall be maintained.
- 446.E.** The area used for the conduct of a home occupation shall occupy no more than 25 percent of the habitable floor area of the dwelling unit, or 500 square feet, whichever is less. All home occupation activities shall be conducted within the dwelling building, or accessory building with the same area limitations as the dwelling unit.
- 446.F.** No manufacturing, repairing, or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the property line.
- 446.G.** No external storage of materials or products shall be permitted.
- 446.H.** Retail sales are not permitted as a home occupation unless the sale of items subordinate to the conduct of the home occupation or items used in the home occupation, such as the sale of beauty supplies used by the proprietor of a beauty salon conducted as a home occupation.
- 446.I.** No explosive or highly combustible materials shall be used or stored on the premises.
- 446.J.** The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks.
- 446.K.** The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation. If the property is served by public water or public sewer service, the applicant shall provide confirmation from the service provider(s) that capacity is available to adequately serve the home occupation. If the property is served by on-lot sewage disposal, the applicant shall provide written confirmation from the Sewage Enforcement Officer that the existing on-lot systems are adequate to serve the home occupation.

**SECTION 447                      HOSPITALS AND RELATED USES**

- 447.A.** The subject property shall have frontage along and vehicular access onto an arterial or collector road as listed in Section 320 of this Ordinance.
- 447.B.** Public sewer and public water shall be utilized.
- 447.C.** Permitted Uses:
  - 1.        Commercial daycare facilities.
  - 2.        Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
  - 3.        Health, fitness, and recreation clubs.
  - 4.        Hospitals and hospices.
  - 5.        Intermediate care and skilled nursing facilities.
  - 6.        Medical and dental offices.
  - 7.        Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities.
  - 8.        Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
    - A.        Administrative offices.

- B. Municipal uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility).
- C. Automobile parking lots and parking garages.
- D. Housing for students, employees, and their families in accordance with the standards of the (MFR) Zone.
- E. Lodging facilities for patients and their families.
- F. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/ service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five (5) percent of the floor area of existing buildings within this Zone.
- G. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues
- H. Helistop (See Section 447.D.1.)
- I. Incinerators and autoclaves (See Section 447.D.2.)

**447.D. Specific Requirements for Selected Accessory Uses:**

- 1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of 300 feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable state and federal standards; and,
- 2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely enclosed building. All storage of waste shall be in a manner that is leak and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines.

**447.E. Maximum Permitted Height**

The maximum permitted height is 90 feet, provided that an additional two (2) feet of required building setback shall be provided for each one (1) foot of height for that portion of building height exceeding 45 feet. Furthermore, any building with floor space exceeding 45 feet in height shall require the applicant to obtain a letter from the Township Emergency Management Coordinator indicating that adequate provision has been made for firefighting and rescue activities.

**SECTION 448 JUNKYARDS**

**448.A.** Minimum Lot Area - 10 acres.

**448.B.** The outdoor area devoted to the storage of junk shall be completely enclosed by a minimum eight (8) foot high, sight-tight fence or wall which shall be set back at least 50 feet from all property lines.

**448.C.** The setback area between the fence and the lot lines shall be kept free of junk storage, weeds and all scrub growth and shall be devoted to landscaping and/or screening in accordance with Section 321 of this Ordinance.

- 448.D.** All buildings used to store junk shall be completely enclosed and set back at least 50 feet from all property lines.
- 448.E.** No material may be stored or stacked exceeding a height of eight (8) feet or so that it is visible from adjoining properties and roads.
- 448.F.** All junk shall be stored or arranged so as to permit access by firefighting equipment with vehicle access lanes of no less than 12 feet in width spaced no more than 500 feet apart at the greatest separation distance. Such access lanes shall be kept free from obstruction at all times.
- 448.G.** The manner of storage and arrangement of junk, and the drainage facilities of the premises shall prevent the accumulation of stagnant water upon the premises and no inflammable liquid shall be permitted to remain in any junked container, whether the container is a separate item or is an integral part of, another item, at any time.
- 448.I.** No material shall be burned at any time.
- 448.J.** No junk shall be located on land with a slope in excess of five (5) percent.
- 448.K.** No junk yard shall be located within 200 feet of any land within the (LDR, VR, MFR, MHP, or MU) Zones.

**SECTION 449                      RESERVED FOR FUTURE USE**

**SECTION 450                      KENNELS**

**450.A.** The following lists minimum required lot sizes and required setbacks based upon the number of animals kept:

<b>Type and Number of Animals Kept</b>	<b>Minimum Required Lot Area</b>	<b>Minimum Required Setback of Unenclosed Animal Boarding Buildings, Pens, Stalls, Runways, and Running Areas from the Nearest Property Line</b>
1 dog to 50 dogs	5 acres	150 feet
1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
1 dog to 50 dogs, plus 1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
More than 50 dogs	10 acres	300 feet
More than 50 dogs, and/or more than 200 animals, other than dogs	10 acres	300 feet

**SECTION 451                      MAN-MADE LAKES, DAMS, PONDS, AND IMPOUNDMENTS**

**451.A.** All lakes, dams, ponds, and impoundments located along, and connected to, a stream that involve any of the following, shall require a permit from the PA DEP, Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:

1. The lake, dam, pond, or impoundment contains a volume of at least 50-acre feet.
2. The dam reaches a height of 15 feet.
3. The lake, dam, pond, or impoundment impounds the water from a watershed of at least 100 acres.

4. Those uses that do not exceed the preceding thresholds are subject to the requirements listed in Section 462 of this Ordinance.
- 451.B.** All such lakes, dams, ponds, and impoundments shall be located 50 feet from all adjoining lot lines.
- 451.C.** All other lakes, dams, ponds, and impoundments require the submission of a statement and seal by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood as regulated by the Township Floodplain Management Ordinance. All dams shall be constructed to a height of one (1) foot above the water surface elevation occurring during the base flood as regulated by the Township Floodplain Management Ordinance.
- 451.D.** All lakes, dams, ponds, and impoundments, including storm water management basins, shall be located a minimum of 50 feet from any subsurface sewage disposal system or well.

**SECTION 452 MANUFACTURED HOME PARKS**

- 452.A.** The minimum parcel size for any manufactured home park development shall be 10 acres.
- 452.B.** The maximum number of manufactured home units shall be limited to six (6) per gross acre.
- 452.C.** No single manufactured home lot/space shall contain less than 4,200 square feet.
- 452.D.** No manufactured home, office or service building shall be located within:
  1. 50 feet of a park boundary.
  2. 75 feet of an outside street right-of-way.
  3. Within 10 feet of the paved edge of a common parking area or common walkway.
- 452.E.** Each manufactured home shall have a minimum front yard of 30 feet, rear yard of 25 feet, and two sides of 10 feet each. In no case shall the distance between any two manufactured homes be less than 20 feet between outside wall of units, and no less than 12 feet between decks, porches, and other outside appurtenances associated with a manufactured home. At grade patios are exempt from the separation distance.
- 452.F.** A paved on-site walkway of a minimum width of five (5) feet shall be provided to each manufactured home unit from an adjacent street.
- 452.G.** There shall be a common walk system five (5) feet wide throughout the development.
- 452.H.** All roads in the park shall be private access drives, shall be lighted, and shall be paved with a bituminous or concrete surface at least 24 feet wide.
- 452.I.** Each manufactured home lot shall abut on a park access drive with access to such access drive. Access to all manufactured home lots shall not be from public streets or highways.
- 452.J.** No less than 10 percent of the total manufactured home park area shall be set aside for recreation and open space purposes. Such area may not include any of the required manufactured home park boundary area. No service buildings or offices may be constructed within the required recreation and open space area.
- 452.K.** Each manufactured home lot shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to an approved method of sewage disposal, and water and electrical supply.
- 452.L.** Protective skirting shall be placed around the area between the ground surface and the floor level of each manufactured home so as to prevent that area from forming a harborage for

rodents, creating a fire hazard, or exposing unsightly conditions.

- 452.M.** No travel or vacation trailer or other form of temporary living unit shall be placed upon any manufactured home stand or used as a dwelling within the manufactured home park.
- 452.N.** Individual manufactured home owners may install accessory or storage sheds. Any such facilities so installed shall not be located in the front yard and shall be setback five (5) feet from the side or rear yard property line or designated home space, and shall substantially conform in style, quality and color to the existing manufactured homes.
- 452.O.** Each manufactured home shall be provided with a minimum of two (2) paved parking spaces which shall be located on the manufactured home space. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking area. Such visitor parking areas shall be sized, arranged, and located so that the spaces are within 300 feet walking distance to those units served.
- 452.P.** All manufactured home parks shall be screened from adjoining properties and roads. Screening methods shall comply Section 321.

#### **SECTION 453                    MANURE STORAGE FACILITIES**

- 453.A.** The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection.
- 453.B.** All manure storage facilities associated with a concentrated animal operation or a concentrated animal feeding operation (both as defined herein) shall require written evidence of an approval of the applicant's nutrient management plan from the Lebanon County Conservation District or the Pennsylvania Conservation Commission under Title 25, Chapter 83, Subchapter D. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations.

#### **SECTION 454                    MASS TRANSIT AND/OR TAXICAB TERMINALS**

- 454.A.** The applicant shall submit a Traffic Impact Report in accordance with Section 319 of this Ordinance.
- 454.B.** The subject property shall be located no closer than 200 feet from any (LDR, VR, MFR, MHP OR MU) Zones and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- 454.C.** All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least 50 feet from any street right-of-way line.
- 454.D.** Access driveways shall be a minimum of 24 feet and a maximum of 35 feet wide. All access drives onto the same road shall be set back at least 150 feet from one another, as measured from closest points of cartway edges.
- 454.E.** All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
- 454.F.** The outdoor storage of unlicensed and un-inspected vehicles is prohibited.

**454.H.** The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within 30 days after arrival.

**SECTION 455 MEDICAL RESIDENTIAL CAMPUSES**

**455.A.** The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least 50 years old or possess some disability that can be treated within a setting like the medical residential campus.

**455.B.** Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers.

**455.C.** Commercial, medical, and recreational uses shall be grouped together and located near the populations being served.

**455.D.** All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least 50 feet from all lot lines of the campus property.

**455.E.** The maximum permitted overall density is 10 dwelling units per acre. For purposes of this Section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than 50 percent of the total number of permitted dwelling units shall consist of care beds. For the purposes of this Section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to those associated with medical and/or nursing care, or those associated with congregate or communal living quarters.

**455.F.** All buildings or structures used solely for residential purposes shall be set back at least 50 feet from all lot lines of the campus property.

**455.G.** The maximum permitted height is 60 feet, provided that an additional two (2) feet of required building setback shall be provided for each foot above that portion of building height exceeding 35 feet.

**455.H.** No more than 60 percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces.

**455.I.** Each off-street parking lot shall provide at least 10 percent of the total parking spaces as those designed for the physically handicapped. Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required.

**455.J.** Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial, and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community, will be permitted. Uses may include, but need not be limited to the following:

- A. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped.
- B. Medical facilities, including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities.
- C. Commercial uses which are strictly related and subordinate to the residential/ medical character of the campus, and which directly serve the residents and employees of, or visitors to, the center. No outside advertising shall be permitted for such facilities. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area.



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

**SECTION 456 METHADONE TREATMENT FACILITY**

- 456.A.** A methadone treatment facility shall not be permitted to be located within 1,000 feet of any other methadone treatment facilities.
- 456.B.** No methadone treatment facilities shall be located within 500 feet of any land within the (LDR, VR, MFR, MHP, or MU) Zones.
- 456.C.** No methadone treatment facilities shall be located within 500 feet of any parcel of land which contains any one or more of the following specified land uses:
  - 1. Amusement Park.
  - 2. Camp (for minors' activity).
  - 3. Childcare facility.
  - 4. Church or other similar religious facility.
  - 5. Community center.
  - 6. Museum.
  - 7. Park.
  - 8. Playground.
  - 9. School.
  - 10. Other lands where minors congregate.
- 456.D.** The distance between any two methadone treatment facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any methadone treatment facilities and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.

**SECTION 457 MINING, QUARRYING AND RELATED PROCESSING OPERATIONS**

**457.A. General**

Quarries and mineral extraction-related uses including the recycling of related materials operations:

- 1. Shall not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
- 2. Shall not adversely affect any public or private water supply source.
- 3. Shall not adversely affect the logical, efficient, and economical extensions of public services, facilities, and utilities throughout the Township.
- 4. Shall not create any significant damage to the health, safety, welfare of the Township and its residents and property owners.
- 5. Shall not result in the land area subject to quarrying being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation.

**457.B. Site Plan Requirements**

As a part of each application the applicant shall furnish an accurately surveyed site plan showing the location of the tract or tracts of land to be affected by the operation. The surveyed

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

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

**457.C.** Minimum Lot Area - 50 acres.

**457.D.** Fencing

Operations that have a highwall of 15 feet or higher, shall be required to enclose the actual area of mining with a minimum eight (8) foot high chain link fence and like latching gates. Operations with no highwalls, or highwalls of less than 15 feet high, shall be required to enclose the area of mining with a minimum 47 inches high minimum woven wire fence that has openings no larger than six (6) inches in any direction and has posts at intervals of no more than 10 feet. All woven wire fences shall be equipped with latching minimum six (6) bar tube or panel gates, at vehicular access points.

All gates shall be latched at times when the site is unattended. The Township will accept departures from the above-described fence/gate specifications, only if the applicant can demonstrate that the proposed fence/gate will achieve an equal or higher level of protection.

Along all fences, the applicant will be required to post and maintain “No Trespassing” and/or “Danger” signs at intervals of no less than one (1) sign per each 100 lineal feet of fence/gate. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five (5) feet above grade.

There shall be no advertising placed upon the fencing/gate, except as may be permitted in Section 322 of this Ordinance.

**457.E.** Setbacks

The following table identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:

Quarry-Related Feature	Existing Residence	Existing Nonresidential Building	(LDR, VR, MFR, MHP, or MU) Zone	Adjoining Road	Public/ Nonprofit Park	Cemetery or Streambank	Adjoining Property
Stockpiles or Spoil piles	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Mineral Processing Equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Quarry Pit	300 ft.	300 ft.	300 ft.	100 ft.	300 ft.	100 ft.	100 ft.
On-Site Access Roads & Off-Street Parking,	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.

Loading & Vehicle Storage and Weighing Facilities							
Other Operational Equipment, Structures &/or Improvements	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.

**457.F. Vehicular Access**

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

1. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least 10 feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than 10 feet above the street surface.

Speed Limitation on Public Street (mph)	Required Sight Distance (feet)
25	240
30	275
35	315
40	350
45	426
50	475
55	550

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

**457.G. Traffic Impact**

The applicant shall furnish a traffic impact study prepared in accordance with Section 319 of this Ordinance.

**457.H. Reclamation**

The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. A planting plan shall also be required for areas of the reclaimed site that are not to be underwater. Such plan shall demonstrate the covering of the site with sufficient arable

soil that can stabilize the site with a vegetative ground cover that prevents excessive soil erosion and will support a mix of indigenous vegetation. Finally, the applicant shall provide written notification to the Township within 30 days, whenever a change in the reclamation plan is proposed to the PA DEP.

**457.I. Buffering and Screening**

A minimum 100-foot-wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. All uses shall be screened from adjoining roads and properties. Such screening shall be comprised of an earthen berm at least 10 feet in height. Such berm shall be located on the subject property and placed so as to maximize the berm's ability to absorb and/or block views of, and the noise, dust, smoke generated by the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. Along any adjoining property line and road shall be located a minimum 10-foot-wide landscape screen. Such landscape screen shall consist of evergreen shrubs and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of deciduous and evergreen trees of not less than five (5) feet in height at the time of planting that shall be planted at intervals of not more than 10 feet. The low-level screen shall consist of evergreen trees and shrubs of not less than three (3) feet in height at the time of planting that shall be planted at intervals of not more than five (5) feet. The landscape screen shall be located outside of the fence required by Section 457.D. of this Ordinance and must be permanently maintained.

**457.J. Operations Progress Report**

Within 90 days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer, setting forth all the following:

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

**457.K. Water Restoration**

In accordance with the PA Noncoal Surface Mining and Conservation and Reclamation Act, any mining/processing operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply

with an alternate source of water adequate in quantity and quality for the purposes served by the affected supply; and,

**457.L. Maximum Permitted Height**

No piling of spoiled materials and/or waste materials shall exceed a height of 50 feet above the natural unexcavated grade. Such pilings must be periodically and sufficiently covered with earth and the seed of a year-round ground cover to achieve a stable condition.

**SECTION 458 MINI WAREHOUSES**

**458.A.** Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only, and at least 30 feet wide when cubicles open onto both sides of the lane.

**458.B.** Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the (LDR, VR, MFR, MHP or MU) Zones and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

**458.C.** Except as noted above, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.

**458.D.** Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.

**458.E.** No door openings for any mini-warehouse storage unit shall be constructed facing any property within the (LDR, VR, MFR, MHP, or MU) Zones.

**458.F.** Mini warehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site:

1. Auctions, commercial wholesale or retail sales, or garage sales
2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment
3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment
4. The establishment of a transfer and storage business
5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

**458.G.** The mini warehouses will be surrounded by a six (6) foot to eight (8) foot high fence.

**SECTION 459 RESERVED FOR FUTURE USE**

**SECTION 460 NONCOMMERCIAL KEEPING OF LIVESTOCK**

**460.A. MINIMUM LOT AREA**

All uses shall comply with the minimum lot area requirements within each respective Zone; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than 50 total animals:

1. GROUP 1 - Animals whose average adult weight is less than 10 pounds shall be permitted at an animal density of 12 per acre, with a maximum number of 50 animals.
2. GROUP 2 - Animals whose average adult weight is between 10 and 65 pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of 20 animals.
3. GROUP 3 - Animals whose average adult weight is greater than 65 pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of 10 animals.

**460.B.** The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types, the most restrictive setback shall apply:

1. GROUP 1 Animals  
Up to 25 animals, a 25-foot setback  
Above 25 animals, a 50-foot setback
2. GROUP 2 Animals  
Up to 2 animals; a 25-foot setback  
Above 2 animals; a 50-foot setback
3. GROUP 3 Animals  
50 feet

**460.C.** All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals.

**SECTION 461                      RESERVED FOR FUTURE USE**

**SECTION 462                      RESERVED FOR FUTURE USE**

**SECTION 463                      OUTDOOR FURNACES**

**463.A.** Outdoor furnaces which utilize any fuel or combustible material other than wood, natural gas, kerosene, propane, domestic heating oil, or electricity are prohibited. For the purposes of this definition wood fuel 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. Wood fuel does not include materials chemically treated with any preservative, paint, or oil.

**463.B.** The installation and use of Phase 2 outdoor furnaces is permitted subject to the following criteria:

1. No outdoor furnace shall be located upon a property that has a minimum lot area of less than one (1) acre.
2. No more than one (1) outdoor furnace shall be permitted per principal use.
3. No outdoor furnace shall be located within the front yard.
4. No outdoor furnace shall be located within 100 feet of any front, side or rear property line or the closest principal use located on the subject property.

**463.C.** Should an applicant design and construct his/her own outdoor furnace without manufacturer specifications, the applicant shall be required to show proof that the proposed use meets all applicable regulations contained within this Ordinance:

1. The applicant must submit written evidence demonstrating that the unit has been certified by the United States Environmental Protection Agency as meeting a

particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTUs) of output.

2. The applicant must present qualified expert evidence that his/her outdoor furnace is suitable and safe for the use of that fuel to be consumed as limited by Section 463.A. of this Ordinance.

**463.D.** For the purposes of this section the term “elevation” shall mean the specified vertical distance measured in relation to the National Geodetic Vertical Datum of 1929 (NGVD). At all times a completely enclosed exhaust chimney from an outdoor furnace shall extend to its emissions release point at an elevation equal to no less than two (2) feet higher than the highest elevation of the principal building that the unit serves, and any other principal use located within three hundred feet of the outdoor furnace release point. Notwithstanding the foregoing, in no event shall the exhaust chimney height for any outdoor furnace be less than the manufacturer’s guidelines, or for outdoor furnaces that are designed and built without manufacturer specifications, the height as suggested by qualified expert evidence that will enable suitable and safe operation and emissions. Any exhaust chimney exceeding 35 feet in height shall comply with Section 309 of this Ordinance.

**463.E.** All components used to convey between the outdoor furnace and the principal use building must be located within the outdoor furnace enclosure, buried underground and contained within the enclosed principal use building. No exposed conveyances shall be permitted between the outdoor furnace and the principal use building.

#### **SECTION 464 OUTDOOR RESIDENTIAL ATHLETIC COURTS**

**464.A.** All courts shall be setback 25 feet from side and rear lot line to prevent the trespass of balls or other play objects onto adjoining properties or be equipped with fences or other barriers that will prevent such trespass. Courts shall not be permitted in the front yard.

#### **SECTION 465 OUTDOOR SHOOTING RANGES**

**465.A.** The applicant shall submit a detailed written description of the methods used to ensure that outdoor shooting range operations:

1. Comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.
2. Limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset.

**465.B.** A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.

**465.C.** The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of 100-foot intervals around the range perimeter. Signs shall read “SHOOTING RANGE AREA. KEEP OUT!”.

**465.D.** All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.



- 465.E. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of 100 feet from the property line and street right-of-way.
- 465.F. No part of a shooting range property shall be located within one-quarter (¼) mile of any land within a (LDR, VR, MFR, MHP or MU) Zones.

**SECTION 466 PASSENGER MOTOR AND RECREATIONAL VEHICLE SALES, LEASING, SERVICE AND REPAIR FACILITIES INCLUDING, BUT NOT LIMITED TO, AUTO MECHANICS, DRIVE-THRU LUBRICATION SERVICES AND TIRES, AUTO PAINT, BRAKE, MUFFLER, TRANSMISSION, WINDSHIELD, AUTO BODY, DETAILING, CAR RADIO AND UPHOLSTERY SHOP**

- 466.A. All service and/or repair activities shall be conducted within a completely enclosed building.
- 466.B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- 466.C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
- 466.D. All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties and roads.
- 466.E. The storage of unlicensed vehicles for more than 60 days is prohibited.
- 466.F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining property within the (LDR, VR, MFR, MHP or MU) Zones.
- 466.G. Such uses shall rely upon public sewer.

**SECTION 467 POWER GENERATION FACILITIES**

- 467.A. Any processing and/or treatment of materials (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly enclosed building.
- 467.B. No materials or waste shall be deposited, stored or disposed of, and no building or structure shall be located, within 200 feet of any property line, and 500 feet of any adjoining land within the (LDR, VR, MFR, MHP or MU) Zones.
- 467.C. Any external area used for the unloading, transfer, storage, or deposition of material or waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by a minimum eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- 467.D. The use shall be screened from all adjoining land within the (LDR, VR, MFR, MHP or MU) Zones.
- 467.E. All uses shall provide sufficiently long stacking lanes into the facility, so that waiting vehicles will not back-up onto public roads.
- 467.F. All access drives onto the site shall be paved for a distance of at least 200 feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a 50-foot-long gravel section of driveway shall be placed just beyond the preceding 200-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- 467.G. Access to the site shall be limited to those posted times when an attendant is on duty. All areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

- 467.H.** Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- 467.I.** All structures shall be set back at least a distance equal to their height.
- 467.J.** The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- 467.K.** If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
1. Calculations of the projected water needs.
  2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
  4. The location of all existing on-lot sewage disposal systems within 1,000 feet of the site.
  5. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
  6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 467.L.** The applicant shall provide a qualified traffic impact report in accordance with Section 319 of this Ordinance.
- 467.M.** Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the zone in which it is located.
- 467.N.** Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems comply with all applicable setbacks of the zone in which it is located.
- 467.O.** Solar energy panels shall be designed and located in order to minimize reflective glare towards any adjoining use and/or road and shall not be located on Class 1 or Class 2 Prime Agricultural Soils in the Agricultural, Agricultural Holding, or Conservation Zones.
- 467.P.** The following provisions shall specifically apply to wind turbines:
1. Wind turbines shall be setback from the nearest occupied building upon the subject

property a distance not less than 1.1 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the occupied building.

2. Wind turbines shall be setback from the nearest adjoining property a distance not less than 1.5 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the adjoining property.
3. All wind turbines shall be setback from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the nearest right-of-way line of the public road to the center of the wind turbine base. This Section shall not be interpreted to permit the location of a wind turbine in the front yard if such structure is not permitted in the front yard within its respective zone.
4. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of 15 feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
5. The maximum height of a wind turbine shall be 50 feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
6. All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
7. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

**467.Q.** Above-ground power generation systems shall be clear-coated, transparent, and/or be designed with a non-obtrusive color. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

**467.R.** On-site transmission and power lines of a power generation system shall be placed underground.

**467.S.** Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

**467.T.** The applicant shall make reasonable efforts to minimize shadow flicker to adjoining residences.

**467.U.** The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternate energy production facility.

**467.V.** The applicant shall provide written evidence from the Chief of the “first-due” fire company that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.

**467.W.** The design of the power generation systems shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction Code.

**467.X.** The applicant shall submit a written plan for the removal of the power generation system once

it is no longer operational.

**467.Y.**The applicant / owner shall, at its expense, complete decommissioning of the power generation system within 12 months after the end of the useful life of the system. The system will presume to be at the end of its useful life if no energy is generated for a continuous period of 12 months.

**467.Z.** The removal of the above-ground power generation system components shall be completed within 12 months of decommissioning of the system. All disturbed earth shall be restored, graded, and reseeded unless a zoning permit has been issued for another use to take its place.

**467.AA.** The landowner or facility operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 25 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company, or a lending institution approved by the Township.

**467.BB.** An independent and certified professional engineer may be retained by the Township to inspect the decommissioning of the power generation system. All such inspection fees shall be paid by the landowner.

**467.CC.** Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable by the Township.

**467.DD.** If the applicant / owner fails to complete decommissioning during the prescribed period of 12 months, the Township may take such measures as necessary to complete decommissioning in accordance with the laws of the Township and the Commonwealth of Pennsylvania.

**467.EE.** The Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the removal plan.

**467.FF.** The applicant shall, always, maintain on file with the Township Zoning Officer, the current name and contact information of the party responsible for the operation and maintenance of the power generation system.

**SECTION 468                      PRINCIPAL WASTE HANDLING, RECYCLING, PROCESSING, TRANSFER AND DISPOSAL FACILITIES**

**468.A.** Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly enclosed building.

**468.B.** No waste shall be deposited, stored, or disposed of, and no building or structure shall be located, within 200 feet of any property line, and 500 feet of any adjoining land within the (LDR, VR, MFR, MHP, or MU) Zones.

**468.C.** Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by a minimum eight (8) foot high fence, with no openings greater than two (2) inches in any direction.

**468.D.** The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable state and federal standards and regulations.

**468.E.** The use shall be screened from all adjoining land within the (LDR and MU) Zones.

**468.F.** All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads.

- 468.G.** All access drives onto the site shall be paved for a distance of at least 200 feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a 50-foot-long gravel section of driveway shall be placed just beyond the preceding 200-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- 468.H.** Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- 468.I.** Litter control shall be exercised to prevent the scattering of wind-borne debris, and an acceptable working plan for the cleanup of litter shall be submitted to the Township.
- 468.J.** The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator.
- 468.K.** Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- 468.L.** All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation.
- 468.M.** A contingency plan for the disposal of waste during a facility shutdown shall be submitted to the Township.
- 468.N.** Leachate from the waste shall be disposed of in a manner in compliance with any applicable state and federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required, and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.
- 468.O.** All structures shall be set back at least a distance equal to their height.
- 468.P.** The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- 468.Q.** If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
1. Calculations of the projected water needs.
  2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
  4. The location of all existing on-lot sewage disposal systems within 1,000 feet of the site.

5. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
  6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 468.R.** The applicant shall provide a qualified traffic impact study, as described in Section 319 of this Ordinance.
- 468.S.** Any use where diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of five minutes.
- 468.T.** The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site.

**SECTION 469 PUBLIC AND PRIVATE SCHOOLS, COMMERCIAL SCHOOL, AND VOCATIONAL-MECHANICAL TRADE SCHOOLS**

- 469.A.** All buildings shall be set back at least 100 feet from any adjoining land within the (LDR, VR, MFR, MHP, or MU) Zones.
- 469.B.** No part of a public or private school property shall be located within:
1. 1,000 feet of a property containing an adult-related facility, methadone treatment facility, casino, off-track betting parlor, slot machine parlors.
  2. 500 feet from a truck or motor freight terminal, truck stop or warehousing and wholesale trade establishments.
  3. 300 feet of an automobile filling station.
  4. 200 feet from a mass transit or taxicab terminal.
- 469.C.** If education is offered below the college level, an outdoor play area shall be provided, at a rate of 100 square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back 25 feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).

**SECTION 470 RESERVED FOR FUTURE USE**

**SECTION 471 RECYCLING FACILITIES FOR PAPER, GLASS, PLASTIC, AND METAL PRODUCTS**

- 471.A.** All operations, including collection, shall be conducted within a completely enclosed building.
- 471.B.** There shall be no outdoor storage of materials used or generated by the operation.

**SECTION 472 RESIDENTIAL SWIMMING POOLS**

**472.A.**Swimming pools which are designed to contain a water depth of 24 inches or greater at any point, regardless of whether they are permanently affixed or portable, shall be located on the same lot or tract as the dwelling and shall not be permitted in the front yard.

**472.B.** Swimming pools and hot tubs shall be setback at least 10 feet from any side or rear lots line as measured to the pool deck, concrete walkway, or other surface system surrounding the pool.

**472.C.**All pools designed to contain a water depth of 24 inches or greater at any point, regardless of whether they are permanently affixed or portable, shall be completely enclosed with a continuous, impenetrable fence or barrier of no less than 48 inches in height above the ground level and shall be equipped with a lockable gate or retractable ladder, and all swimming pools, spas, and hot tubs must meet all other applicable current International Residential Code and Uniform Construction Code regulations

**472.D.**Portable or temporary inflatable or assembled plastic frame above-ground swimming pools, designed with water depths of 24 inches or greater, constructed as a one-piece liner/wall design, with or without a filtration pump, will require an annual Township temporary pool permit, which allows the set-up and use of such pools on the property from May 15<sup>th</sup> to September 15<sup>th</sup> of each year.

1. All permitted portable or temporary swimming pools must be removed by September 15<sup>th</sup>. A portable pool shall be located a minimum of five (5) feet from any side or rear yard. The portable pool location shall be inspected and approved by the Township's Zoning Officer.
2. Only portable or temporary pools shall be permitted without an operable filtration system and must utilize chlorine, bromine, or some other antibacterial agent. Pools with electrical filtration pumps must be inspected under current UCC regulations by the Township's building code inspector.
3. Swimming Pool – Kiddie - A pool, or other water holding feature, less than 24 inches in depth and less than five (5) feet in diameter is exempt from this section.

**472.E.**The pumping or draining of pool water in such a manner as to cause it to spill onto an adjoining street or property is prohibited.

**472.F.**Residential swimming pools shall not be rented, leased, or offered for free through traditional advertising, social media, or specific web sites to non-residents of the property on which the pool is located. This includes the property owner, or other residents, being on site but not participating in the rental use of the swimming pool.

**472.G.**Water surface area of pools is not count towards total impervious cover.

#### **SECTION 473RIDING STABLES**

**473.A.** The minimum lot area shall be 10 acres.

**473.B.** Any structure used for the boarding of horses shall be set back a minimum of 200 feet from all lot lines.

**473.C.** All areas and facilities used for training shall be set back a minimum of 100 feet from all lot lines.

**473.D.** All outdoor training, show, riding, boarding, and pasture areas shall be enclosed by a fence with a minimum height of four (4) feet. Said fence shall be located a minimum of 10 feet from all lot lines. All outdoor pasture/recreation areas shall be maintained with a vegetated

and stable surface and enclosed with fencing to prevent the escape of the animals.

- 473.E.** Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 315.W. of this Ordinance. Specifically with respect to parking, the applicant shall demonstrate that adequate parking facilities exist in form and number to accommodate all anticipated activities as they occur, taking into consideration the highest number of employees at a given time, the highest number of visitors at a given time, the seasonal or permanent nature of each event and the number of events which can occur simultaneously on the property.
- 473.F.** Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads.
- 473.G.** All parking lots and unimproved overflow parking areas shall be set back at least 10 feet from adjoining lot lines.
- 473.H.** All structures used to house livestock shall be prohibited from placement in the front yard.

#### **SECTION 474                      ROADSIDE STANDS**

- 474.A.** Roadside stands shall not exceed 250 square feet of total display area.
- 474.B.** Roadside stands must be located at least 30 feet from the right-of-way line and must have at least two (2) off-street parking spaces.
- 474.C.** A maximum of two (2) temporary signs will be permitted in accordance with Section 322 of this Ordinance.
- 474.D.** Any structure must be located at least 50 feet from any side or rear property line.
- 474.E.** No structures housing a roadside stand or accompanying parking area may be located within 100 feet of any intersecting street rights-of-ways.
- 474.F.** No more than one (1) roadside stand per property shall be permitted.

#### **SECTION 475                      RESERVED FOR FUTURE USE**

#### **SECTION 476                      RURAL OCCUPATIONS**

- 476.A.** Only one (1) rural occupation may be conducted as an accessory use on the same property as the owner's principal residence and shall not exceed the area of the principal residence's ground floor or 1,000 square feet, whichever is the lesser.
- 476.B.** A rural occupation shall only be conducted within one outbuilding that satisfies at least one (1) of the following:
  - 1.        The building will remain the same size and in the same location as it existed on the effective date of this Ordinance; or
  - 2.        The building is limited to one (1) story in height or 20 feet, whichever is lesser, is located in the rear yard of the principal residence and is set back at least 50 feet from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings.
- 476.C.** In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site.
- 476.D.** All off-street parking and loading spaces shall be screened from adjoining roads and properties.



- 476.E.** No outdoor storage or display shall be permitted. All vehicles, machinery and equipment associated with the rural occupation must be kept within a completely enclosed structure at all times, except that one (1) commercial truck of not more than 11,000 pounds gross vehicle weight may be parked behind the principal residence so long as it is screened from adjoining roads and properties.
- 476.F.** Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence; however, in no case shall the driveway be closer than 15 feet from any side or rear lot line. No additional roadway connections shall be permitted.
- 476.G.** The maximum number of employees who do not reside on the site shall be equal to two (2) full-time positions. For the purposes of this section, “employees” shall be defined as those involved in the on-site conduct of the rural occupation; off-site employees who only occasionally visit the site shall not be limited.
- 476.H.** Any area devoted to retail sales display shall be limited to 20 percent of the overall size of the rural occupation.
- 476.I.** The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principal residence.

**SECTION 477 SATELLITE DISH ANTENNAS**

- 477.A.** Roof, wall, or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter are permitted by right as accessory uses. Residential properties shall contain no more than two (2) such devices.
- 477.B.** Within the (C, A, AH, LDR, VR, MFR, MHP and MU) Zones one ground-mounted satellite dish antenna up to one meter (39.4 inches) in diameter is permitted by right as an accessory use to a single-family dwelling unit provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those specifically as follows:
  - 1. All accessory residential installations must comply with all residential accessory use requirements specified within the Zone.
  - 2. All installations shall be located (where possible) to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
  - 3. All installations shall be securely anchored to the ground to prevent detachment during foul weather conditions. The applicant shall furnish evidence (statements and/or drawings) indicating the foundation method to be employed.
  - 4. The allowance of a satellite dish antenna shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.
- 477.C.** Within the (C, A, AH, LDR, VR, MFR, MHP and MU) Zones, roof or window-mounted satellite dish antennas larger than one meter (39.4 inches) up to 12 feet in diameter are permitted by right as an accessory use to a single family dwelling unit provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those specifically as follows:
  - 1. Demonstration by the applicant that compliance with the applicable accessory yard, setback and height requirements would cause obstruction of a ground-mounted

satellite dish antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control.

2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code.
3. The satellite dish antenna must be set back at least the horizontal distance equal to its maximum height, from all property lines; and,
4. Any granting of a permit for a satellite dish antenna shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

**477.D.** In any (VC, HC, CO & LI) Zone, satellite dish antennas are permitted provided that the applicant has met a burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those specifically as follows:

1. All installations shall comply with the area, height, bulk, and setback standards imposed upon principal uses.
2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code.
3. Those ground-mounted installations shall be completely enclosed by an eight (8) foot high fence. Such fence shall include signs warning of dangerous radiation levels, must be screened from adjoining properties, and must be locked at all times. This screening requirement can be waived if the fence is set back a distance at least five times the diameter of the satellite dish antenna, from the adjoining property.
4. The allowance of a satellite dish antenna(s) shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

**SECTION 478                      SAWMILLS**

**478.A.** No material shall be deposited or stored, and no building or structure shall be located, within two hundred feet (200') of any property line within an (LDR, VR, MFR, TND, MHP and MU) Zone.

**SECTION 479                      SEPTAGE AND SPENT MUSHROOM COMPOST SEPTAGE PROCESSING AND/OR COMMERCIAL MUSHROOM OPERATIONS**

**479.A.** Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof.

**479.B.** The use shall be screened from all roads and adjoining properties.

**479.C.** All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles will not back up onto public roads.

**479.D.** All driveways onto the site must be paved for a distance of at least 100 feet from the street right-of-way line. In addition, a 50-foot-long gravel section of driveway should be placed just beyond

the preceding 100-foot paved section to help collect any mud that may have attached to a vehicle's wheels.

- 479.E.** The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- 479.F.** In addition, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.
- 479.G.** A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.
- 479.H.** A water feasibility study shall include the following information:
1. Calculations of the projected water needs.
  2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within 1,000 feet of the site and all known point sources of pollution.
  4. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  5. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  6. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 479.I.** A minimum 100-foot-wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip.
- 479.J.** Any structure used for the storage, loading, processing and/or packaging of septage and/or spent mushroom compost shall be set back at least 100 feet from all property lines, and 500 feet from any (LDR, VR, MFR, MHP and MU) Zone. In addition, any ventilation outlets must be oriented away from any land within an adjoining (LDR, VR, MFR, MHP and MU) zone.

## **SECTION 480 SHOPPING CENTERS**

- 480.A.** Public sewer and public water utilities shall be required.
- 480.B.** The subject property shall front on an arterial or collector road and all access drives shall be set back at least 200 feet from the intersection of any street right-of-way lines along the same side of the street and at least 100 feet from any side and/or rear property line. Drive-through lanes for any use contained within the shopping center shall connect only to internal access drives and parking lots.
- 480.C.** In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages. Such linkages shall be located to provide safe and convenient access to the shopping center from the nearby areas, even if they are not yet developed.
- 480.D.** Shopping centers of more than 75,000 square feet of gross floor areas must provide an

improved bus stop which would be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one shade tree.

- 480.E.** The applicant’s site plan shall clearly depict the proposed locations and dimensions of all on-site circulation improvements which must demonstrate safe vehicular and pedestrian movements both upon and abutting the subject property.
- 480.F.** A traffic study shall be submitted by the applicant in accordance with Section 319 of this Ordinance.
- 480.G.** The following tabulates required off-street parking and loading, and interior landscaping standards for shopping centers:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Floor Area	Minimum Required Interior Landscaping As Described in Section 321.C.3. of this Ordinance	Minimum Required Off-Street Loading Spaces
Shopping center, as defined herein, with up to 75,000 square feet of gross floor area.	4.5	5% of any off-street parking lot that is constructed at grade and is open to the sky above.	1 per 25,000 square feet, or fraction thereof, of gross floor area
Shopping center, as defined herein, with between 75,000 & 150,000 square feet of gross floor area.	5.0*	6% of any off-street parking lot that is constructed at grade and is open to the sky above.	1 per 20,000 square feet, or fraction thereof, of gross floor area
Shopping center, as defined herein, with over 150,000 square feet of gross floor area.	5.5*	7% of any off-street parking lot that is constructed at grade and is open to the sky above.	8 plus 1 per 50,000 square feet, or fraction thereof, of gross floor area over 150,000 square feet
* At least two (2) percent of the required off-street parking spaces shall be designed and designated for park-and-ride use.			

- 480.H.** The applicant shall submit a landscape plan that demonstrates compliance with all applicable provisions of Section 321 of this Ordinance. Such plans shall include but not be limited to details depicting:
  1. Landscape buffers and screens used to protect adjoining properties within the (LDR, VR, MFR, MHP, and MU) zones and adjoining residential uses.
  2. Screening used to prevent the spillage of headlights onto adjoining properties.
  3. Typical interior landscape island treatments.
  4. Typical landscape strip treatments.
  5. Landscape treatments at the shopping center access drives’ intersections with streets.
- 480.I.** The proposed shopping center design shall comply with the applicable regulations contained within the following table:

**Section 480.I. - SHOPPING CENTER DESIGN REQUIREMENTS**

Use	Minimum Required Lot Area	Minimum Required Lot Width	Required Minimum Yard Setbacks				Minimum Required Setback from Residential Zone	Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			Front, as Measured from Street R.O.W.	One Side	Both Sides	Rear			
Shopping center, as defined herein, with up to 75,000 square feet of gross floor area.	2 acres	250 ft. at the building setback line	35 ft. for buildings & structures (except permitted signs) 20 feet for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	25 ft. for buildings & structures (except permitted signs); 15 ft. for off-street parking & loading spaces & dumpsters	50 ft. for buildings & structures (except permitted signs); 30 ft. for off-street parking & loading spaces & dumpsters	25 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters. See Note A below	75%	35 feet
Shopping center, as defined herein, with between 75,000 & 150,000 square feet of gross floor area.	5 acres	400 ft. at the building setback line	50 ft. for buildings, off-street parking & structures (except permitted signs); no off-street loading, nor dumpsters are permitted within the front yard.	35 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters	70 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters	50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters	75 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters. See Note A below	70%	See Section 222.E. of this Ordinance.
Shopping center, as defined herein, with over 150,000 square feet of gross floor area.	7 acres	500 ft. at the building setback line	100 ft. for buildings, off-street parking & structures (except permitted signs); no off-street loading, nor dumpsters are permitted within the front yard.	50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters	100 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters	50 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters	100 ft. for buildings & structures (except permitted signs), off-street parking & loading spaces & dumpsters. See Note A below	65%	

**Note A** - 500 ft. for uses (e.g. buildings, structures, access drives, off-street parking and loading, outdoor storage, dumpsters and etc.) that operate between the hours of midnight and 6:00AM;

**Section 481**

**SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS  
AND THEIR BY-PRODUCTS**

- 481.A.** Minimum Lot Area - Five (5) acres.
- 481.B.** Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads.
- 481.C.** All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading, and holding of live animals, shall be conducted within a completely enclosed building.
- 481.D.** All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard.
- 481.E.** The applicant shall furnish an acceptable written working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented.
- 481.F.** The applicant shall furnish an acceptable written working plan for the regular clean-up and disposal of all animal wastes, so as not to be objectionable at the site's property line.
- 481.G.** The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals.
- 481.H.** The loading and unloading of trucks shall be restricted to the hours between 6:00 AM and 10:00 PM.
- 481.I.** No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within 200 feet of any property line nor 500 feet of any land within a (LDR, VR, MFR, MHP and MU) zone.
- 481.J.** All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum 50 foot wide landscape strip.
- 481.K.** The applicant shall demonstrate an adequate means of sewage disposal and water supply. Public sewer and water lines shall not meet within or beneath the plant and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines.
- 481.L.** Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.
- 481.M.** All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than 24 hours.
- 481.O.** The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.

**Section 482 TRUCK OR MOTOR FREIGHT TERMINALS**

- 482.A.** The subject property shall have a minimum of 300 feet of contiguous road frontage along an arterial and/or collector road as listed in Section 320 of this Ordinance.
- 482.B.** The subject property shall be located no closer than 500 feet from any (LDR, VR, MFR, MHP and MU) zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- 482.C.** All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least 50 feet from any street right-of-way line. Unless the fuel pump islands are set back 200 feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.
- 482.D.** Access driveways shall be a minimum of 28 feet, and a maximum of 35 feet wide. All access drives onto the same road shall be set back at least 150 feet from one another, as measured from closest points of cartway edges.
- 482.E.** Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- 482.F.** All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- 482.G.** The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.

**SECTION 483 TRUCK STOPS**

- 483.A.** The subject property shall have a minimum of 300 feet of contiguous road frontage along an arterial and/or collector road as listed in Section 320 of this Ordinance.
- 483.B.** The subject property shall be located no closer than 500 feet from any property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- 483.C.** All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least 50 feet from any street right-of-way line. Unless the fuel pump islands are set back 200 feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.
- 483.D.** Access driveways shall be a minimum of 28' feet and a maximum of 35 feet wide. All access drives onto the same road shall be set back at least 150 feet from one another, as measured from closest points of cartway edges.
- 483.E.** Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop according to the schedule contained within Section 315.W. of this Ordinance. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- 483.F.** All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.



**SECTION 484 TWO-FAMILY CONVERSIONS**

- 484.A.** Only single-family detached dwellings that contained at least 2,000 square feet on the effective date of this Ordinance may be converted into two-family dwellings.
- 484.B.** The applicant shall furnish evidence of an approved means of sewage disposal.
- 484.C.** No modifications to the external appearance of the building (except those required for safety), which would alter its residential character, shall be permitted.
- 484.D.** All dwelling units shall have direct means of escape to the exterior at ground level and be equipped with one operable fire detection device.
- 484.E.** No dwelling unit shall contain less than 600 square feet of habitable floor area and each unit shall require 3,500 square feet of lot area.
- 484.F.** A minimum of two (2) off-street parking spaces shall be provided for each unit of a two-family conversion.

**SECTION 485 WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS**

- 485.A** The applicant shall provide a detailed description of the proposed, including the nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials.
- 485.B.** The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.
- 485.C.** Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads as listed in Section 320 of this Ordinance.
- 485.D.** The subject property shall be located no closer than 500 feet from any (LDR, VR, MFR, MHP or MU) zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- 485.E.** All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least 50 feet from any street right-of-way line. Unless the fuel pump islands are set back 200 feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.
- 485.F.** Access driveways shall be a minimum of 28 feet and a maximum of 35 feet wide. All access drives onto the same road shall be set back at least 150 feet from one another, as measured from closest points of cartway edges.
- 485.G.** Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- 485.H.** All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- 485.I.** The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.

**485.J.** The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted.

**Section 486 WIND AND/OR SOLAR FARMS**

**486.A.** The applicant shall prepare and submit a narrative and mapping describing the proposed wind and/or solar farm, including:

1. An overview of the project.
2. The project location.
3. The approximate generating capacity of the wind and/or solar farm.
4. The approximate number, representative types and height or range of heights of wind turbines and/or solar panels to be constructed, including their generating capacity, dimensions, and respective manufacturers.
5. A description of accessory facilities.
6. An affidavit or similar evidence of agreement between the property owner(s) and the applicant demonstrating that the applicant has the permission of the property owner(s) to apply for necessary permits for construction and operation of the wind and/or solar farm.
7. A listing and map of the properties on which the proposed wind and/or solar farm will be located, and the properties adjacent to where the wind and/or solar farm will be located.
8. A site plan showing the planned location of each wind turbine and/or solar panel, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind farm to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
9. Shall not be located on Class 1-4 Soils in the Agricultural Zone or Conservation Zone.

**486.B.** The applicant shall demonstrate with credible expert evidence that:

1. Wind turbines and/or solar panels shall be a non-obtrusive color such as white, off-white, gray or some color similar to the background of the proposed wind turbine and/or solar panel.
2. Wind turbines and/or solar panels shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
3. Wind turbines and/or solar panels shall not display advertising, other than an incidental insignia of the turbine manufacturer.
4. On-site transmission and power lines between wind turbines and/or solar panels shall, to the maximum extent practicable, be placed underground.
5. A clearly visible warning sign concerning voltage must be placed at the base of all at-grade transformers and substations.
6. Wind turbines shall be designed and constructed to be non-climbable up to 15 feet above ground surface.

7. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
8. Wind turbines shall be set back from the nearest principal building of a property owner who has agreed to locate the proposed wind and/or solar farm upon his/her property a distance of not less than 50 feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the principal building.
9. Wind turbines shall be set back from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property a distance of not less than 50 feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the adjoining property line.
10. Wind turbines shall be set back from the right-of-way of any street a distance of not less than 50 feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the street right-of-way.

**486.C.** Audible sound from a wind and/or solar farm shall not exceed 55 dBA, as measured at the following minimum distances. Methods for measuring and reporting acoustic emissions from the wind and/or solar farm shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind turbine Generation Systems Volume I: First Tier*.

1. A distance of not less than 50 feet or 1.1 times the wind turbine height, whichever is greater from the nearest principal building of a property owner who has agreed to locate the proposed wind farm upon his/her property.
2. A distance of not less than 50 feet or 1.1 times the wind turbine height, whichever is greater from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property.
3. A distance of not less than 50 feet or 1.1 times the wind turbine height, whichever is greater, from the right-of-way of any street.

**486.D.** The applicant shall make reasonable efforts to minimize shadow flicker and to avoid any disruption or loss of radio, telephone, television, or similar signals. The applicant shall mitigate any such harm caused by the wind and/or solar farm on any adjoining property whose owner has not agreed to locate the proposed wind and/or solar farm upon his/her property.

**486.E.** The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate. Certificates of insurance coverage shall be made available to the Township each year that the wind and/or solar farm operates.

**486.F.** The applicant shall be responsible for the decommissioning of the wind and/or solar farm in accordance with the following requirements:

1. The applicant shall, at their expense, complete decommissioning of the wind and/or solar farm, or individual wind turbines and/or solar panels, within 12 months after the end of the useful life of the wind and/or solar farm or individual wind turbines and/or solar panels. The wind and/or solar farm or individual wind turbines and/or solar

panels will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

2. Decommissioning shall include removal of wind turbines and/or solar panels, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
3. Disturbed earth shall be graded and reseeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.
4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter at the applicant’s and/or any successor’s expense.
5. The applicant shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 25 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth-chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
7. If applicant fails to decommission within the periods prescribed by Sections 486.F.1. and 486.G.7. of this Ordinance, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
8. The escrow agent shall release the decommissioning funds when the applicant has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

**Section 487 FORESTRY USES**

**487.A.** Forestry is Permitted in all zones in accordance with state law, forestry uses are permitted, by right, in every zone.

**487.B.** Notification; preparation of a logging plan

1. Notification of commencement or completion. For all timber harvesting operations that are expected to exceed one (1) acre, the landowner shall notify the township Zoning Officer at least 10 business days before the operation commences and within two (2) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall

specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

2. Logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be always available at the harvest site during the operation and shall be provided to the township zoning officer upon request.
3. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

**487.C. Contents of the Logging Plan**

1. Minimum requirements. As a minimum, the logging plan shall include the following:
  - A. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings.
  - B. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.
  - C. Design, construction, and maintenance of stream and wetland crossings.
  - D. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
2. Map. Each logging plan shall include a sketch map or drawing containing the following information:
  - A. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.
  - B. Significant topographic features related to potential environmental problems.
  - C. Location of all earth disturbance activities such as roads, landings, and water control measures and structures.
  - D. Location of all crossings of waters of the commonwealth; and
  - E. The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
3. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:
  - A. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§691.1 et seq.).
  - B. Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§693.1 et seq.).
  - C. Relationships of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated

map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.

**487.D. Forest Practices**

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
2. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property.
3. All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.
4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
5. Material resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

**487.E. Responsibility for Road Maintenance and Repair; Road Bonding**

Pursuant to Title 75 Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner, and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic may be required to furnish a bond to guarantee the repair of such damages.

**487.E Inspections**

The Township Zoning Officer, or designee, may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this ordinance and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

**Section 488 OIL OR GAS WELL SITES, NATURAL GAS COMPRESSOR STATIONS, OR NATURAL GAS PROCESSING PLANTS**

- A. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
- B. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
- C. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or county for information of Emergency Responders.
- D. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all Emergency Responders.
- E. A location map and site plan of the oil or gas well site showing the approximate location of derricks,

drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site which shall allow the unimpeded normal flow of traffic on public streets.

- F. A location map and site plan of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
- G. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
- H. A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.
- I. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
- J. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders.
- K. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.
- L. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
- M. A copy of the documents submitted to the PA DEP and a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
- N. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance with environmental requirements.
- O. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
- P. Vehicular access to an oil or gas well sites shall be limited to arterial, or collector roads as listed in Section 320 of this Ordinance.
- Q. All permanent structures shall comply with applicable height requirements within the respective Zone except that this Section provides for an exemption to the height restrictions for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well provided:

1. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well.
  2. The time-period of such drilling and exemption shall not exceed six (6) months.
  3. The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.
- R. Required Setbacks:
1. Oil or gas well sites shall be located no less than 500 feet from any land within the LDR, VR, MFR, MHP, MU, and VC zones, and residential uses.
  2. Natural gas compressor stations or natural gas processing plants shall be located no less than 500 feet from any land within the LDR, VR, MFR, MHP, MU, and VC zones, and residential uses.
  3. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from each property line, public or private street, or building not related to the drilling operation.
  4. The drilling pad for the oil or gas well site and natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zone in which the oil or gas well site is located.
- S. Screening and Fencing:
1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, if manned 24-hour on-site supervision and security are provided.
  2. Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to completely enclose and secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
  3. Security fencing shall be at least six feet in height equipped with lockable gates at every access point which shall be no less than 12 feet wide. All gates shall be locked at times when the site is unattended.
  4. Emergency Responders shall be given means to access locked gates for the oil or gas well site in case of an emergency.
  5. Warning signs shall be placed at intervals of no less than one (1) sign per each 100 lineal feet of fence/gate on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five (5) feet above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly. There shall be no advertising placed upon the fencing/gate.
  6. In construction of oil or gas well sites the natural surroundings should be considered, and attempts made to preserve existing trees and other noninvasive or non-noxious vegetation.
  7. Any lot adjoining land within an LDR, VR, MFR, MHP, MU, and VC zones, and residential uses shall maintain a 50-foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the LDR, VR, MFR, MHP, MU, and VC zoned parcels. Such areas shall be used for a landscape screen in accordance with Section 317 of this Ordinance.
- T. Lighting:
- Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the



extent practicable, to minimize the glare on public roads and nearby buildings and shall comply with Section 310 of this Ordinance.

Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

U. Noise:

1. The noise generated during the oil and gas operations or by the natural gas compressor station or the natural gas processing plant shall not exceed 55 dbA except by more than:
  - a. 5 decibels during drilling activities.
  - b. 10 decibels during hydraulic fracturing operations.
  - c. 5 decibels for a gas compressor station or a natural gas processing plant.
  - d. The above allowable increases shall not occur for more than 10 minutes within any one-hour period.

**Section 489 CHICKENS, RESIDENTIAL**

**489.A.** Within the (C, A, AH, LDR, MFR, VR, MU and VC) zones, chickens are permitted by right provided that the applicant has met a burden of proof that the proposed use meets all applicable regulations contained within this Ordinance.

**489.B.** Chickens are allowed to reside on an occupied single-family property subject to the following:

Lot Area		Number of Chickens Allowed
At Least	Not More Than	
0 acres	0.25 acres	4
0.25 acres	0.5 acres	7
0.5 acres	0.75 acres	12
0.75 acres	1.00 acres	16
1.00 acres	1.25 acres	19
1.25 acres	1.50 acres	22
1.50 acres	1.75 acres	25

**489.C.** Chickens shall not be kept on duplex, triplex, multifamily properties, or mobile home/manufactured home parks.

**489.D.** Chickens must be always kept within the coop or enclosure.

**489.E.** No ducks, geese, turkeys, peafowl, or male chickens/roosters, or any other poultry or fowl may be kept under the provisions of this Section.

**489.F.** Chickens shall be kept for personal use only. The selling of chickens, chicken manure, or the breeding of chickens for commercial purposes is prohibited.

**489.G.** Location and Requirements for Chicken Coops and Enclosures.

1. Any chicken coop and fenced enclosure must be in the rear yard. No coop, enclosure or chickens shall be allowed in any front or side yard. (Corner lots shall be excluded from the side setback restriction).
2. The coop and enclosure must be a minimum of 10 feet from the rear and side property line.
3. The coop shall be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors, and gates (fencing or roofing is required over the enclosure in addition to the coop, to protect the chickens from predators).
4. All stored feed must be kept in a rodent and predator-proof container.
5. The coop shall provide a minimum of three-square feet per chicken and be of a sufficient size to permit free movement of the chickens.

**489.H.** Chickens shall not be permitted to trespass on neighboring properties.

**489.I.** Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, pests, or contribute any other nuisance condition.

**Section 490     SHORT TERM RENTALS**

**490.A.** Permitting

1. Owner(s) must obtain a zoning permit for all dwelling units intended for use as short-term rentals prior to renting out a dwelling unit as a short-term rental. Owners or their agents must complete the zoning permit application and submit it to the Township Zoning Officer for processing. No property may be used as a short-term rental until a zoning permit has been granted by the Zoning Officer.
2. Zoning permits are nontransferable. If ownership of a short-term rental changes, the new owner(s) must complete a new zoning permit application before renting out any part of the dwelling unit for a short-term rental and must pay the annual fee.
3. Upon the submission of a complete zoning permit application to operate a short-term rental, the Township will have thirty (30) business days to review the application and inspect the property and either grant or deny the request for a zoning permit. If the zoning permit application is denied due to the lack of information, the applicant will be given the opportunity to provide the requisite information and resubmit the application. The 30-day review period will reset upon resubmission of an amended application to operate a short-term rental.

**490.B.** Zoning Permit Requirements:

1. The short-term rental zoning permit shall only be issued in the name of the owner of the short-term rental property.
2. A separate zoning permit is required for each short-term rental property.
3. Each owner shall maintain a minimum of \$500,000 in liability insurance on the short-term rental for the full duration of the license term and provide proof of the same to the Township.
4. A copy of the current Lebanon County hotel room excise tax certificate and current Pennsylvania sales tax license.

5. A copy of the owner's short-term rental agreement which states the tenant(s) acknowledge that violation of the short-term rental agreement or this article may result in termination of the owner's short-term rental zoning permit.
6. All short-term rentals must be either owner-occupied or, if not owner-occupied, must designate a local person in charge. A person in charge, who may or may not be the owner, must reside in or have an office within 15 miles of the short-term rental property and be able to act as the legal agent for the owner(s). The Township must be notified, in writing, within 14 days of the change if there is a change of ownership or in the identity of the person in charge.
7. If the person in charge is not the owner, they shall immediately advise the owner of any notification of a violation. Owner(s) and person(s) in charge must maintain all short-term rental dwelling units under their ownership and/or control in compliance with all applicable Township ordinances and regulations as established by the Township. Owners, persons in charge, and tenants shall be liable for violations of laws and/or ordinances.
8. A short-term rental must comply with applicable health and safety requirements with the International Residential Code, as identified by the Building Code Official, currently in use as adopted by the Commonwealth of Pennsylvania and other relevant laws and codes and Township.
9. The owner shall limit overnight occupancy of the short-term rental to the specific number of tenants designated in their short-term rental zoning permit.
10. Overnight occupancy of a short-term rental dwelling unit shall be limited to no more than two persons per bedroom plus four additional persons per dwelling unit. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall not exceed 75 percent of the maximum overnight occupancy of the short-term rental.
11. No on-street or yard parking, or parking on unpaved areas of the property, will be permitted at any time. No tents are permitted. No recreational vehicles, campers, buses, or other similar vehicles may be parked on the short-term rental property by owners or tenants at any time. Outdoor overnight sleeping of tenant guests is prohibited.
12. In addition to the required off-street parking for a single-family dwelling, short-term rentals shall provide one (1) additional off-street parking space for each bedroom designated to be rented as part of the short-term rental.
13. A short-term rental shall comply with the Pennsylvania Sewage Facilities Act, the Township's Act 537 Plan, and any other applicable regulations related to on-lot sewage planning and disposal.

**490.C.** Zoning permit posting requirement:

Each short-term rental zoning permit granted will include a public notice placard. It is the owner's responsibility to post the notice on the inside of the front door of the dwelling unit. This notice shall always remain on the front door, and it is the owner's responsibility to ensure that it remains legible.

**490.D** Term of permit; fees; initial compliance:

1. The permit term for a short-term rental run from January 1 to December 31. The initial permit granted hereunder shall run until December 31 of the year this section was adopted, regardless of when the permit was issued.
2. The annual short-term rental permit fee is per dwelling regardless of the point in a calendar year that a zoning permit is obtained. Fee(s) is established by resolution and are set forth in the Township Fee Schedule, which may change from time to time. Fee(s) must be paid at the time the application is submitted for approval.
3. Short-term rentals existing on date of adoption of this article shall have 30 days after adoption of application to make application for short-term rental permit.

**490.E. Zoning permit renewal**

Each short-term rental permit shall be renewed annually. Failure to pay the renewal permit fee will immediately terminate the short-term rental zoning permit. Renewal fee(s) are established by resolution and are set forth in the Township Fee Schedule, which may change from time to time. Annual short-term rental permit renewal will not be approved unless all required permitting conditions are met. In addition, verification that all owed hotel and sales taxes have been paid shall be provided. Zoning permit renewal applications must be filed on or before November 15 of the prior year.

**490.F. Inspections**

1. All short-term rental permits and renewal applications shall be subject to inspection by the Zoning Officer and the Township’s Code Official, or designated third party inspection agency, to verify application information and compliance with all ordinances, uniform construction code, zoning, and renewal and/or operating requirements.
2. The issuance of a short-term rental permit or inspection is not a warranty that the premise is lawful, safe, habitable, or in compliance with this article or any other applicable ordinances. Rather, the permit indicates that the premises is either set to be inspected on a routine basis or, if inspected, the premises met applicable ordinance requirements on the day and at the time of the inspection.
3. If there is reasonable cause to believe that any provision of this article is being violated, the Township may enter or may cause, through an authorized representative of the Township, entry onto the short-term rental property and into the short-term rental for the purpose of inspection for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or the person in charge to secure access thereof. Upon such request, the owner or person in charge shall provide access and be present during the inspection.

**490.G. Owners severally responsible**

If the premises are owned by more than one owner, each owner shall jointly and severally be subject to prosecution for a violation of this article.

**Section 491 HANGAR HOME**

**491.A.** Shall only be constructed on lots that contain an airport or on lots that directly adjoin a lot that contains an airport. Hangar home lots and lots containing an airport cannot be separated by a public or private road.

**491.B.** If constructed on an adjacent lot, the lot containing the hangar home must have a direct means of access to the grounds of the airport and its taxiways and runways. This direct means of access shall not be via any public roadway or access drive meant for regular vehicular use and shall be intended primarily for the normal movement of aircraft. An agreement between the owner of the airport and the owner of the hangar home lot granting the access shall be executed and recorded with Lebanon County.

**491.C.** If constructed on an adjacent lot, the lot containing the hangar home must have a direct means of access to a public roadway.

**491.D.** Hangar homes shall be connected to the public water and public sewer is systems.

**491.E.** Minimum Lot Sizes and Lot Widths:

1. A Hangar Home with a Unified Residential Aircraft Hangar – 1 acre with a minimum lot width of 120 feet at the lot frontage and 150 feet at the minimum building setback line.
2. A Hangar Home with an Accessory Residential Aircraft Hangar Building – 1.5 acres with a minimum lot width of 120 feet at the lot frontage and 150 feet at the minimum building setback line.

**491.F.** In no case shall any hangar home lot be less than 200 feet in depth as measured from the airport boundary of the parcel in a perpendicular line to the boundary of the lot fronting on a public roadway.

**491.G.** An accessory building residential aircraft hangar shall be 2,000 square feet or less, building height not to exceed 25 feet high, or shall not be located in a front or side yard.

**491.H.** Total impervious cover for a hangar home lot shall not exceed 30 percent.

**491.I.** Hangar Home setbacks:

1. Front Yard - 30 feet
2. Side Yard – 20 feet
3. Rear Yard – 35 feet

**494.J.** Hangar Home Maximum Permitted Height – 35 feet but shall comply with the Airport Safety Zone in Section 240.

**491.K.** Accessory Building Residential Aircraft Hangar setbacks:

1. Rear – 35 feet

## **Section 492 ACADEMIC CLINICAL RESEARCH CENTER**

**492.A.** Off-Street Loading Spaces and Parking requirements will follow the parking schedule found in Sections 314 and 315 of this Ordinance, respectively and as listed for office building uses.

**492.B.** An Academic Clinical Research Center shall fully comply with the Pennsylvania Medical Marijuana Act (35 P.S. §10231.101 *et seq.*) and the regulations promulgated thereunder.

**492.C.** All external lighting serving an Academic Clinical Research Center shall be in compliance with Section 310 of this Ordinance.

- 492.D.** A buffer planting is required where an Academic Clinical Research Center adjoins a residential use or district per Section 321 of this Ordinance.
- 492.E.** Entrances and driveways to an Academic Clinical Research Center must be designed to accommodate the anticipated vehicles used to service the facility and as required in Section 301 of this Ordinance. All accesses must secure the appropriate highway occupancy permit from PennDOT and/or South Londonderry Township.
- 492.F.** All activity and aspects of the Academic Clinical Research Center use shall be conducted indoors.
- 492.G.** The minimum lot size shall be five (5) acres.
- 492.H.** The subject property shall have frontage along and vehicular access onto an arterial or collector road as listed in Section 320 of this Ordinance.
- 492.I.** Public sewer and public water utilities shall be required.
- 492.J.** Adequate provisions shall be made to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment. A traffic study shall be required in accordance with Section 319 of this Ordinance.

**Section 493 MEDICAL MARIJUANA DISPENSARY**

- 493.A** The buffer requirements of Section 321 of this Ordinance shall be met as required by the Township.
- 493.B.** No outside display or storage is allowed.
- 493.C.** The establishment and operation of a Medical Marijuana Dispensary shall fully comply with the Pennsylvania Medical Marijuana Act (35 P.S. §10231.101 *et seq.*) and the regulations promulgated thereunder, including, but not limited to, Chapters 1141 and 1151 of Title 28 of the Pennsylvania Code (28 Pa. Code Chpts. 1141 & 1151), as amended, and shall be registered in the Commonwealth and possess a current valid medical marijuana permit of the DOH.
- 493.D.** A Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 493.E.** Permitted hours of operation of a Medical Marijuana Dispensary shall be 8:00 a.m. to 8:00 p.m.
- 493.F.** A Medical Marijuana Dispensary shall be a maximum of 3,000 square feet of gross floor area.
- 493.G.** A Medical Marijuana Dispensary shall not have a drive-through service and/or outdoor seating areas.
- 493.H.** A Medical Marijuana Dispensary must be more than 1,000 feet from the property line of any public or private school, Day-Care, and of any other Medical Marijuana Dispensary.
- 493.I.** All external lighting serving a Medical Marijuana Dispensary shall be in compliance of Section 310 of this Ordinance.
- 493.J.** Off-Street Loading Spaces and Parking requirements will follow the parking schedule found in Sections 314 and 315 of this Ordinance, respectively and as listed for office building uses.
- 493.K.** Entrances and driveways to a Medical Marijuana Dispensary must be designed to accommodate the anticipated vehicles used to service the facility and as required in Section 301 of this

Ordinance. All accesses must secure the approximate highway occupancy permit from PennDOT and/or South Londonderry Township.

**Section 494 MEDICAL MARIJUANA GROWER/PROCESSOR USE**

- 494.A.** The buffer requirements of Section 321 of this Ordinance shall be met as required by the Township.
- 494.B.** No outside display or storage is allowed.
- 494.C.** The establishment and operation of a Medical Marijuana Grower/Processor shall fully comply with the Pennsylvania Medical Marijuana Act (35 P.S. §10231.101 *et seq.*) and the regulations promulgated thereunder, including, but not limited to, Chapters 1141 and 1151 of Title 28 of the Pennsylvania Code (28 Pa. Code Chpts. 1141 & 1151).
- 494.D.** A Medical Marijuana Grower/Processor may only grow medical marijuana in an indoor, enclosed, and secure building as required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 494.E.** The proposed facility shall comply with all performance regulations in Section 316 of this Ordinance.
- 494.F.** Retail sales and dispensing of medical marijuana and other products is prohibited at Medical Marijuana Grower/Processor facilities.
- 494.G.** Medical Marijuana Grower/Processors may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center and of any other Medical Marijuana Grower/Processor.
- 494.H.** All external lighting serving a medical marijuana grower/processor shall be in compliance with Section 310 of this ordinance.
- 494.I.** Off-Street Loading Spaces and Parking requirements will follow the parking schedule found in Sections 314 and 315 of this Ordinance, respectively and as listed for warehousing use.
- 494.J.** Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility and as required in Section 301 of this Ordinance. All accesses must secure the appropriate highway occupancy permit from PennDOT or South Londonderry Township.

# Article 6

## Nonconformities

### SECTION 600 – CONTINUATION

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

### SECTION 601 - ABANDONMENT

All non-conforming signs (except billboards), the storage of junk upon residential property and other non-conforming uses of open land, when discontinued for a period of 90 days or damaged or deteriorated to an extent of 60 percent or more of replacement costs, shall not be continued, repaired, or reconstructed. No other non-conforming use may be re-established after it has been discontinued for 24 consecutive months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.

### SECTION 602 - EXTENSION OF A NONCONFORMING USE OF LAND

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot that was in existence on the effective date of this Ordinance.

### SECTION 603 - EXPANSION OR ALTERATION

**603.A** - Any nonconforming use may be expanded or altered provided the applicant has met a burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically, as follows:

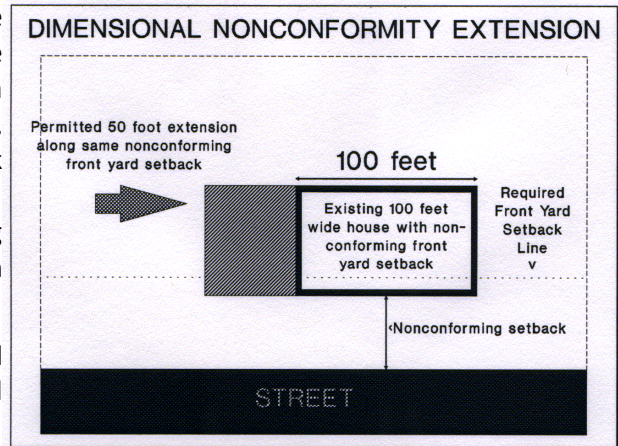
1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
2. The total of all such expansions or alterations of use shall not exceed an additional 50 percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
4. Provision for yards, building height, and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
5. Appearance should be harmonious with surrounding properties; this feature includes, but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.



6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the floodplain as regulated by the Township Floodplain Management Ordinance.
9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use must comply with the Township Floodplain Management Ordinance.

**603.B** - Any dimensional nonconformity may be reduced by permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as noted below in Section 603.C. of this Ordinance, no extension or enlargement of a dimensional nonconformity shall be permitted.

**603.C** - Any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback(s) line, up to a maximum of 50 percent or 100 feet, whichever is less, of the area of the building that follows the setback when it was originally made nonconforming; the adjoining diagram illustrates this regulation. Nothing within this section shall be interpreted to allow an increase in any dimensional nonconformity.



**603.D** - Dimensional nonconformities can be created as a permitted use through the acquisition of land and/or rights-of-way by a governmental agency.

#### **SECTION 604 - SUBSTITUTION OR REPLACEMENT**

**604.A.** A nonconforming use may be replaced or substituted by another nonconforming use, if the Zoning Officer determines that the proposed use is at least equally compatible with the surrounding area, then the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities.

**604.B.** If a non-conforming use is proposed to be replaced with a conforming use that cannot meet certain design standards (such as area, coverage, setbacks, etc.), the Zoning Hearing Board may grant a variance to permit such non-conforming aspects of the conforming use, if the Board determines that the proposed use is at least equally compatible with the surrounding area, then the original nonconforming use. The Zoning Hearing Board may attach reasonable conditions to the variance to maintain or improve compatibility within its surroundings.

#### **SECTION 605 - RESTORATION**

A non-conforming structure that is partially damaged or entirely destroyed by natural or accidental causes not related to demolition may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed structure shall not increase any dimensional non-conformity and that the reconstruction shall start within one (1) year from the time of damage to the structure and carried on without interruption, unless reconstruction start date is delayed due

to insurance claims or other reasonable actions associated with the reconstruction start exceeding one (1) year.

**SECTION 606 - UNSAFE OR UNLAWFUL STRUCTURES**

If a non-conforming structure or building or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt in conformity with the regulations of the zone in which it is located.

**SECTION 607 - PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES**

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

**SECTION 608 - USE OF NONCONFORMING LOTS OF RECORD**

In any Zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected as a use by right on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all the lot area and lot width requirements of the zone in which the lot is located. However, all setback and lot coverage requirements shall be met unless variances are authorized pursuant to Section 704.D. of this Ordinance.

**SECTION 609 - USE VARIANCES ARE NOT NONCONFORMING USES**

Any use that is permitted by variance under the terms of this Ordinance shall not be deemed a non-conforming use. Any expansion and/or alteration of such use will require approval of another variance by the Zoning Hearing Board in accordance with Section 704.D. of this Ordinance.

# **Article 7**

## **Zoning Hearing Board**

### **SECTION 700 - ESTABLISHMENT AND MEMBERSHIP**

The Board of Supervisors shall appoint a Zoning Hearing Board which shall consist of three (3) members who shall be residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies 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 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 701, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to Section 702 unless designated as a voting alternate member pursuant to Section 701 of this Ordinance.

### **SECTION 701 - ORGANIZATION OF ZONING HEARING BOARD**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 703. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

## **SECTION 702 - EXPENDITURES FOR SERVICES**

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to Section 701, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the governing body.

## **SECTION 703 - PUBLIC HEARINGS**

**703.A** - The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

**703.B** - Public notice shall be given to the applicant, the zoning officer, such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

**703.C** - 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.

**703.D** - The first hearing before the Zoning Hearing Board or hearing officer shall commence within 60 days from the date of receipt of the applicant's application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

**703.E** - The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member, or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the

decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

- 703.F** - The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- 703.G** - The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- 703.H** - The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 703.I** - Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 703.J** - The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- 703.K** - The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- 703.L** - The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within

45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Act, Where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence or complete the required hearing as provided in Section 703.D. of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner, as provided in this Section of this Ordinance. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

**703.M** - A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**703.N. TIME LIMITATIONS ON ZONING HEARING BOARD'S DECISION**

1. For uses that require subsequent subdivision and/or land development approval:
  - A. If a variance or special exception is granted, or other action by the appellant is authorized, the applicant shall be required to submit the subsequent subdivision and/or land development application within 12 months after the date when the variance or special exception is finally granted, or the other action by the appellant is authorized, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the 12 months or five (5) year period.
  - B. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within 12 months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all approvals granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.
  - C. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said 12 months period, but should fail to secure a zoning permit for such use within said five (5) year period, the Zoning Hearing Board may, upon 10 days' notice in writing, rescind or revoke the granted approvals, if the Zoning Hearing Board finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
2. As an alternative to the preceding requirements of Section 703.N.1., an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable

associated with the request which would supersede the deadlines imposed in Section 703.N.1. and 703.N.2. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite timeframe for (1) application of for subdivision and/or land development approval if applicable, and (2) issuance of a zoning permit.

#### **SECTION 704 - ZONING HEARING BOARD'S FUNCTIONS**

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

**704.A - SUBSTANTIVE CHALLENGES TO THE VALIDITY OF THE ZONING ORDINANCE**, except those brought before the governing body pursuant to Section 804.E. of this Ordinance.

1. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance that will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
  - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map.
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
  - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare; and,
  - F. For challenges alleging the exclusion of one or more land uses within the Township, the Zoning Hearing Board shall consider the availability of opportunity for such uses throughout the Township.
2. The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Hearing Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
3. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

4. Public notice of the hearing shall be provided as specified in Section 804.B.2. of this Ordinance.

#### **704.B - RESERVED FOR FUTURE USE**

#### **704.C - SPECIAL EXCEPTIONS**

The Zoning Hearing Board shall hear and act upon applications for special exceptions as specifically authorized by this Ordinance. The granting of a special exception shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

1. Filing Requirements - In addition to the required zoning permit information (See Section 801) each special exception application shall include the following:
  - A. Ground floor plans and elevations of proposed structures.
  - B. Names and address of adjoining property owners including properties directly across a public right-of-way.
  - C. A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
  - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
2. General Criteria - Each applicant must demonstrate, by credible evidence, compliance with the following:
  - A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by special exception within the Zone wherein the applicant seeks approval.
  - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
  - C. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
  - D. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
  - E. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
  - F. That the application complies with the Township Floodplain Management Ordinance.
  - G. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.



- H. The proposed use will not substantially impair the integrity of the Comprehensive Plan.
3. Conditions - The Zoning Hearing Board in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 9.
  4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 704.C.1. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the approval of another special exception.
  5. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 703.N. of this Ordinance.

#### **704.D - 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, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the following findings where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or Zone in which the property is located.
2. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the Zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.
6. That variances shall require compliance with the Township Floodplain Management Ordinance.
7. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 9.

8. If a Zoning Permit has been requested, the approved variance with any conditions imposed by the Zoning Hearing Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Zoning Hearing Board shall be forwarded to the Zoning Officer.
9. Time Limitation – An approved variance that results in the submission of a subdivision and/or land development plan shall be bound by the time limitations listed in Section 703.N. of this Ordinance, otherwise, the applicant shall have two (2) years to secure a zoning permit.

**704.E - 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 enforcement notices or the registration or refusal to register any nonconforming use, structure, or lot.

**704.F - APPEALS FROM A DETERMINATION BY A MUNICIPAL ENGINEER OR THE ZONING OFFICER** with reference to the administration of any provisions contained within the Township Floodplain Management Ordinance.

**704.G - APPEALS FROM THE DETERMINATION OF ANY OFFICER OR AGENCY** charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

**704.H - APPEALS FROM THE ZONING OFFICER'S DETERMINATION** under Section 916.2 of Act 247.

**704.I - APPEALS FROM THE DETERMINATION OF THE ZONING OFFICER OR MUNICIPAL ENGINEER** in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of Act 247.

**SECTION 705 - APPEALS TO THE ZONING HEARING BOARD**

**705.A** - Appeals under Sections 704.E., 704.F., 704.G., 704.H., and 704.I. and proceedings to challenge this Ordinance under Sections 704.A. and 704.B. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 704.D. and for special exception under Section 704.C. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal/application shall state:

1. The name and address of the appellant and applicant.
2. The name and address of the landowner of the real estate to be affected.
3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

**705.B** - All appeals and any amendments thereto addressed to the Zoning Hearing Board shall be filed with the Township on forms prescribed by the Township and executed by the applicant(s).

**705.C** - Every appeal form shall be completed in its entirety and shall include a reference to the specific section and, where applicable, the subsection at issue and a statement in numbered paragraphs setting forth the grounds for each form of relief sought together with each fact supporting the claim for relief.

**705.D** - No appeal form or any amendment thereto shall be deemed filed unless and until the applicable fee is paid, the form is properly completed, and all necessary signatures are applied. Any failure to comply with the requirements of this subsection may lead to the rejection of the appeal or amendment as determined by the Township Zoning Officer.

**705.E** - By executing the appeal form and any amendment thereto, every applicant verifies that to the best of his or her knowledge, information, and belief each fact alleged is true and correct, and that there exists a good faith basis for the requested relief.

#### **SECTION 706 - TIME LIMITATIONS**

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

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of Act 247, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

#### **SECTION 707 - STAY OF PROCEEDING**

Upon filing of any proceeding referred to in Section 705 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted, and the amount of the bond shall be within the sound discretion of the court. An order

denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

#### **SECTION 708 - APPEAL**

Any person, taxpayer, or the Township aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of Act 247.

#### **SECTION 709 - MEDIATION OPTION**

**709.A** - Parties to proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings. In no case shall the Zoning Hearing Board, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 8 once they have been formally initiated.

**709.B** - Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized by Act 247, provided there is written consensus by the mediating parties and by an applicant or municipal decision-making body if either is not a party to the mediation.
5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether some or all the mediation sessions shall be open or closed to the public.
7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in Act 247.

**709.C** - No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

# Article 8

## Administration

### SECTION 800 – ZONING OFFICER

The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall receive such fees or compensation as approved by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office within the Township. No Zoning Permit or Zoning Certificate of Use shall be granted by the Zoning Officer for any purpose, except in compliance with the literal provisions of this Ordinance. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

### 800.A - DUTIES & RESPONSIBILITIES

The duties and the responsibilities of the Zoning Officer shall be:

1. **Process Applications** - To receive, examine and process all zoning permit and certificate of use applications as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
2. **Maintain Official Records** - 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 Zoning Permits and Certificates of Use issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of this office shall be available for the use of the Township government and for inspection of any interested party during normal office hours.
3. **Inspections** - Before issuing any Zoning Permit or Zoning Certificate of Use at the Zoning Officer's discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit or a Zoning Certificate of Use. Thereafter, and may make such inspections during the completion of the work for which a Zoning Permit has been issued. Upon completion of such work and before issuing a Zoning Certificate of Use, a final inspection shall be made, and all violations of the approved plans or Zoning Permit shall be noted, and the holder of the Zoning Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in execution of the Zoning Officer duties. To inspect properties to determine compliance with all provisions of this Ordinance, as well as conditions attached to the approval of variances, special exceptions, conditional uses, and curative amendments.
4. **Inspect and/or Register Nonconformities** - Upon request by a landowner and/or the direction of the Board of Supervisors, to inspect nonconforming uses, structures, and lots, and to keep a file record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.

5. **Assist Local Officials** - Upon the request of the Board of Supervisors, Planning Commission, or the Zoning Hearing Board, present to such body's facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
6. **Maintain Up-to-Date Ordinance** - To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.
8. **Preliminary Opinion** - To render a preliminary opinion regarding a proposed land use.
9. **Investigate Complaints** - When in receipt of a duly filed written complaint stating fully the cause and basis thereof, to investigate alleged violations of this Ordinance. If after the investigation the Zoning Officer determines that a violation has occurred, the Zoning Officer shall act as provided for by this Ordinance. Unless directed by the Board of Supervisors or Township Manager verbal complaints or complaint received by means other than the approved complaint policy will not be investigated.
10. **Prosecute Violations** - to institute civil enforcement proceedings as a means of enforcement when anyone undertakes deliberate actions that are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals authorized under this Ordinance.

#### **800.B - VIOLATIONS**

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

#### **800.C - ENFORCEMENT NOTICE**

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

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

- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth under Section 704.E. of this Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**800.D - ENFORCEMENT REMEDIES**

Any person, partnership, or corporation who, or which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under Act 247, or prior enabling laws, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays, nor timely appeals, the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

**800.E - CAUSES OF ACTION**

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance enacted under Act 247, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that property or person will be substantially affected by the alleged violations, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

**SECTION 801 - ZONING PERMITS**

**801.A - GENERAL REQUIREMENTS FOR ZONING PERMITS:**

1. **Actions Requiring Zoning Permits** - A zoning permit shall be required prior to:
  - A. A change in use of land or structure.
  - B. The erection or construction of a structure (principal or accessory) or portion thereof, including, but not limited to, fences but excluding satellite dish antennas that are less than one (1) meter in diameter.
  - C. The improvement or alteration of any existing structure (principal or accessory) where such improvement or portion thereof increases the amount of space which the structure encloses.

- D. The alteration or development of any improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavation, or drilling operations **but not** including the tilling of soil associated with agriculture.
  - E. The erection or alteration of any signs specified in Section 322 of this Ordinance as requiring a zoning permit.
  - F. The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.
  - G. The conduct of any forestry use in accordance with Section 487 of this Ordinance.
  - H. For uses other than a single-family dwelling or agricultural:
    - 1. The installation of a new outdoor lighting system.
    - 2. The alteration, rehabilitation, or renovation to an existing outdoor lighting installation, which is commenced after the effective date of this Ordinance and involves the complete replacement of an existing lighting system with a new lighting system.
    - 3. The replacement of an outdoor light fixture that existed on the effective date of this Ordinance.
2. **Permit Exemptions** - No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
  3. **Form of Application** - Application for zoning permits shall be made in writing to the Zoning Officer. Two (2) copies of the application including a plot plan for a Zoning Permit shall be submitted in such form as the Zoning Officer may prescribe.
  4. **Permit Review Deadline** - Such zoning permits shall be issued or rejected within ninety (90) days from date of a complete application.
  5. **Permit Conformity** - No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
  6. **Permit Burden of Proof** - In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of the zoning permit application. If such evidence is not presented, the zoning permit will be denied.
  7. **Authorization to Apply** - The parcel or parcels shall be in a single and full ownership, or proof of option shall be furnished at the time of application. The full names and addresses 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.
  8. **Permit Referral** - The Zoning Officer may call upon other Township staff and/or Township appointed consultants in the review of submitted materials for applications.
  9. **Permit Revocation** - The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application, or on the plans on which the permit or approval was based, or for any other cause set forth in the Zoning Ordinance.



10. **Required Permit Fees** - No permit shall be issued until the fees prescribed by the Board of Township Supervisors approved by resolution is paid. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, they will be required to correct any noted violations and pay another final inspection fee or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use.
11. **Issuance / Rejection of Permits** - Upon receipt, the Zoning Officer shall examine the permit application within a reasonable time after filing. If the application fails to comply with the provisions of this Ordinance and all pertinent local laws and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, the Zoning Officer shall reject such application in writing, stating the reasons, therefore. Should the Zoning Officer deny the permit, the Zoning Officer shall inform the applicant of their right to appeal to the Zoning Hearing Board under Section 704.E. of this Ordinance. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance, and all local laws and ordinances applicable thereto and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, the Zoning Officer shall issue a permit, but not later than ninety (90) days from receipt of the complete application.
12. **Reconsideration of Application** - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new review of the application if this condition is not met.
13. **Expiration of Permit** - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended for a period not to exceed an additional year upon the request by the applicant who can demonstrate good cause for the extension.
14. **Compliance with Ordinance** - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board through the issuance of an approved variance under Section 704.D. of this Ordinance.
15. **Compliance with Permit and Plot Plan** - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.
16. **Display of Zoning Permit** - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its Zoning Certificate of Use and Occupancy.
17. **Availability of Zoning Permit** - The Zoning Officer shall maintain a copy of all active Zoning Permits for inspection.
18. **Compliance with Applicable State and Federal Requirements** - No Zoning Permit shall be issued unless evidence has been submitted that the applicant has complied with all applicable laws, rules, and regulations of the State and Federal governments. Issuance of a zoning permit by the

Zoning Officer shall in no way be interpreted to suggest that the applicant has demonstrated compliance with all applicable laws, rules, and regulations of the State and Federal governments and/or the need to do so.

19. **Temporary Use Permits** - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period in times of local or national emergency and/or disaster which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of application, they will:
  - A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone.
  - B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Board of Supervisors may direct the Zoning Officer to issue a permit.

#### **801.B - APPLICATION FOR ALL ZONING PERMITS**

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land, and shall be accompanied by plot plans in duplicate drawn to scale and showing the following as may be applicable to the requested permit:
  - A. The actual dimensions and shape of the lot to be built-upon.
  - B. The exact size and location on a lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto.
  - C. The number of dwelling units or other units of occupancy (e.g., commercial, industrial, institutional, agricultural, accessory uses) if any, to be provided.
  - D. The location and proposed surfacing of driveways and access drives and copies of any highway occupancy permits as required by local, county and/or state agencies.
  - E. The height of all structures, buildings, and/or signs.
  - F. Distances of buildings and structures from lot lines and street right-of-way lines.
  - G. Off-street parking and loading areas and access thereto, including grades and proposed surfacing.
  - H. Outdoor areas devoted to storage of goods, materials and/or wastes.
  - I. Utility systems affected and proposed, including primary and back-up on-lot and/or public sewage disposal and water supply systems, including any required permits.
  - J. Alteration or development of any improved or unimproved real estate.
  - K. Lot coverage.
  - L. Site lighting plans, including lighting of signs in accordance with the requirements of Section 310 of this Ordinance.

- M. Floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses.
  - N. Recreation areas.
  - O. Screens, buffer yards, landscaping, erosion control filter strips and riparian buffers.
  - P. Means of pedestrian access.
  - Q. Written approvals for needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans.
  - R. Information relating to any zoning approvals obtained from the Zoning Hearing Board or the Board of Supervisors.
  - S. Proof of approval from the PA Department of Labor and Industry, when required by such agency.
  - T. Copies of any applicable subdivision/land development plan.
  - U. Workers Compensation Certificates.
  - V. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
2. Applications involving any excavation or earthmoving involving earth disturbance on five thousand (5000) square feet or more shall require submission of one or more of the following:
- A. Applications for permits for agricultural use involving earth disturbance on five thousand (5000) square feet or more shall require submission of a letter from the Lebanon County Conservation District or the United States Department of Agriculture's Natural Resource and Conservation Service (NRCS) that the proposed use has an approved Conservation Plan.
  - B. Applications for permits involving nonagricultural use where any of the following conditions apply shall require submission of a letter from the Lebanon County Conservation District that the proposed use has an approved Erosion and Sediment Pollution Control Plan:
    - 1. Earth disturbance will occur on one (1) acre or more.
    - 2. The site possesses slopes exceeding ten percent (10%).
    - 3. The site contains or abuts a body of water or watercourse.
    - 4. The site and proposed use or activity presents the potential for discharge into State designated "High Quality Waters," and/or State designated "Exceptional Value Waters," and/or "Exceptional Value Wetlands;"
  - C. Applications for permits that do not involve uses or activities subject to the above Sections 801.B.2.A. and 801.B.2.B., shall require the submission of a signed statement by the applicant that an adequate Erosion and Sediment Pollution Control Plan will be developed, implemented, and maintained prior to any excavation or earthmoving on the site.

4. Applications involving forestry uses shall require the submission of information listed in Section 487 of this Ordinance.

## **SECTION 802 - ZONING CERTIFICATE OF USE**

### **802.A - WHEN REQUIRED**

It shall be unlawful to use and/or occupy any structure, building, sign, or land or portion thereof for which a Zoning Permit is required until a Zoning Certificate of Use has been issued by the Zoning Officer. The Zoning Officer shall not issue such Certificate until the Zoning Officer has inspected said structure, building, sign, or land and has determined that all provisions of the Zoning Ordinance have been satisfied and that the applicant has received a Certificate of Occupancy under the Township Building Code, if applicable.

### **802.B - FORM OF APPLICATION**

The application for a Zoning Certificate of Use 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.

### **802.C - 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.

### **802.D - ACTION UPON APPLICATION**

The Zoning Officer shall inspect any structure, building, sign, or use of land within fourteen (14) days after notification that the proposed work that was listed under the Zoning Permit has been completed. If the Zoning Officer is satisfied that:

1. The work is in conformity and compliance with the work listed in the issued Zoning Permit.
2. That the applicant has received a Certificate of Occupancy under the Township Building Code, if applicable.

The Zoning Officer shall issue a Zoning Certificate of Use for the intended use listed in the approved application. If the Zoning Officer finds that the work has not been performed in accordance with this Ordinance and/or the approved application, the Zoning Officer shall refuse to issue the Zoning Certificate of Use and shall give in writing the reasons for such refusal. The Zoning Officer shall inform the zoning permit holder of their right of appeal to the Zoning Hearing Board under Section 704.E. of this Ordinance.

The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, they will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use.

### **802.E - AVAILABILITY OF CERTIFICATE**

The Zoning Officer shall maintain a Zoning Certificate of Use (or a true copy thereof) for all uses that shall be always kept available for inspection.

#### **802.F - TEMPORARY ZONING CERTIFICATE OF USE**

It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period, which activities may be prohibited by other provisions of this Ordinance during times of local or national emergency and/or disaster. If such uses are of such a nature and are so located that, at the time of application, they will:

1. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone.
2. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved.

The Board of Supervisors may direct the Zoning Officer to issue a Temporary Zoning Certificate of Use for a period not to exceed six (6) months. Such Zoning Certificate of Use may be extended at the direction of the Board of Supervisors.

#### **802.G - PERFORMANCE STANDARDS**

For uses that involve activities that are subject to operations and performance standards listed in Section 316 of this Ordinance, no Zoning Certificate of Use shall become permanent until thirty (30) days after the facility is fully operating and when, upon re-inspection by the Zoning Officer, it is determined that the facility is in compliance with all such standards.

### **SECTION 803 - FEES**

**803.A** - The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for Zoning Permits, Zoning Certificates of Use, special exceptions, conditional uses, variances, appeals, amendments, and other matters pertaining to this Ordinance.

**803.B** - The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors.

**803.C** - Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

### **SECTION 804 - AMENDMENTS**

#### **804.A - POWER OF AMENDMENT**

The Board of Supervisors may, from time to time, amend, supplement, change, or repeal this Ordinance, including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by an interested party. The Township is under no obligation to consider any zoning amendment other than curative amendments submitted under Section 804.F. and 804.G. of this Ordinance.

#### **804.B - HEARING AND ENACTMENT PROCEDURES FOR ZONING AMENDMENTS**

1. Public Hearing – Before voting on the enactment of Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice and electronic and/or mailed notice (as defined herein and listed below) has been given.
2. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
  - A. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
    - i. A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
    - ii. An attested copy of the proposed Ordinance shall be filed in the County Law Library, or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.
  - B. For Zoning Map amendments, public notice shall also include the Township posting of a sign or signs at one or more conspicuous locations deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. The sign posting requirement shall not apply when the rezoning constitutes a comprehensive rezoning. In addition, notice of the public hearing shall be sent by first class mail by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first-class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.
  - C. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material, or proposed amendments, may be examined by the public.
  - D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, mailed notice and electronic notice before proceeding to vote on the amendment.
3. **Electronic and/or Mailed Notice** - In addition to the public notice requirements defined herein, an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within a municipality, may request that the municipality provide written or electronic notice of a public hearing which may affect such tract or parcel of land.
  - A. Mailed notice shall be required only if an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the

municipality has made a written request that the notice be mailed and has supplied the municipality with a stamped, self - addressed envelope prior to a public hearing.

- B. Electronic notice shall be required only if an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality has made a written request that notice be sent electronically and has supplied the municipality with an electronic address prior to a public hearing and only if that municipality maintains the capability of generating an electronic notice. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality making the request and supplying an electronic address may at any time notify the municipality that the owner of the tract or parcel of land located within the municipality, or the owner of the mineral rights in the tract or parcel of land within the municipality no longer will accept electronic notice, and in that event the municipality may no longer provide electronic notice.
  - C. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested a mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. The municipality shall not be responsible or liable if the owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes in the owner's mailing address.
  - D. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested electronic notice shall be solely responsible for the accuracy and functioning of the electronic address provided to the municipality. The municipality shall not be responsible, or owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes to the owner's electronic address.
  - E. A municipality shall deposit a mailed notice in the United States mail or provide electronic notice not more than 30 and not less than seven days prior to the scheduled date of the hearing as shown on the notice.
  - F. For each public hearing, the municipal secretary or zoning officer shall prepare, sign, and maintain a list of all mailed notices, mailing dates, electronic notices and electronic notice dates. The signed list shall constitute a presumption that the notice was given.
  - G. The mailed notice shall be deemed received by an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality on the date deposited in the United States mail.
  - H. The electronic notice shall be deemed received by an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality on the date the municipality electronically notifies the owner.
  - I. Failure of an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality to receive a requested mailed notice or electronic notice shall not be deemed to invalidate any action or proceedings under Act 247.
4. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater

than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 804.B.2.

5. **Township Planning Commission Referrals** - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least forty-five (45) days prior to the public hearing on such amendment. A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within forty-five (45) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and the Official Comprehensive Plan of the Township.
6. **Lebanon County Planning Department Referrals** - All proposed amendments shall be submitted to the Lebanon County Planning Department at least forty-five (45) days prior to the public hearing on such amendments. The Department may submit recommendations to the Board of Supervisors; however, if the Lebanon County Planning Department fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.
7. **Adjournment of Public Hearing** – If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.
8. **Copies of Adopted Amendments** - Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the Lebanon County Planning Department.
9. **Authentication of the Official Zoning Map** - Whenever there has been a change in the boundary of a Zone or a reclassification of the Zone adopted, the change on the Official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be re-filed as part of the permanent records of the Township.

#### **804.C - AMENDMENT 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.

#### **804.D - AMENDMENT INITIATED BY THE BOARD OF SUPERVISORS**

When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 804.B.

#### **804.E - AMENDMENT INITIATED BY A PETITION FROM AN INTERESTED PARTY**

A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in



question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials as well as a professional services agreement to ensure reimbursement of costs and fees associated with the requested amendment.

#### **804.F - CURATIVE AMENDMENT BY A LANDOWNER**

A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered), with a written request that their challenge and proposed amendment be heard and decided, as provided in Sections 609.1 and 916.1 of Act 247; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Lebanon County Planning Department, as provided for in Section 804.B, and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The governing body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
  - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map.
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features.
  - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.
  - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
  - F. For challenges alleging the exclusion of one or more land uses within the Township, the Board of Supervisors shall consider the availability of uses permitted within the zoning ordinance.
2. The governing body shall render its decision within forty-five (45) days after the conclusion of the last hearing.
3. If the governing body fails to act on the landowner's request within the time limits referred to in Section 804.F.2., a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

4. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material, or proposed amendments may be examined by the public.
5. The challenge shall be deemed denied when:
  - A. The governing body fails to commence the hearing within sixty (60) days.
  - B. The governing body notifies the landowner that it will not adopt the curative amendment.
  - C. The governing body adopts another curative amendment which is unacceptable to the landowner.
  - D. The governing body fails to act on the request forty-five (45) days after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and municipality.
6. Where, after the effective date of Act 247, a curative amendment proposal is approved by the grant of a curative amendment application by the governing body pursuant to this Section, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 704.A., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of Act 247 shall apply.
7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

**804.G - CURATIVE AMENDMENT BY THE BOARD OF SUPERVISORS**

1. The Board of Supervisors, by formal action, may declare this Ordinance, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
  - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
    1. References to specific uses which are either not permitted or not permitted in sufficient quantity.
    2. References to a class of use or uses which require revision.
    3. References to the entire Ordinance which requires revisions.

- B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of Act 247 in order to cure the declared invalidity of the Ordinance.
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 704.A., subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

## **SECTION 805 CONDITIONAL USE**

### **805.A. Filing of Conditional Use**

For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. No conditional use application will be accepted which requires approval for any use or relief by the Zoning Hearing Board until such times as such approvals have been secured. If during review of the conditional use it is determined that the proposed use requires approval for any use or relief by the Zoning Hearing Board, the application shall be either withdrawn by the applicant or may be denied by the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

### **805.B General Criteria**

Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by conditional use within the Zone wherein the applicant seeks approval.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
4. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
5. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.
6. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
7. That the application complies with the Township Floodplain Management Ordinance.
8. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
9. The proposed use will not substantially impair the integrity of the Comprehensive Plan.

#### 805.C Conditions

The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation

of this Ordinance and be subject to the penalties described in this Article.

#### 805.D Site Plan Approval

Any site plan presented in support of the conditional use pursuant to Section 805.A.3. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

#### 805.E Hearing Procedure

1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
2. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations.
3. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate 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 and will exhibit the nature, date, time, and location of the hearing.
4. The first hearing before the Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
5. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal

expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.

6. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose.
7. The Chairman or Acting Chairman of the Board of Supervisors or hearing officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
8. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
10. The Board of Supervisors or 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 the decision of the Board of Supervisors or hearing officer if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
11. The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his/her representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.
12. The Board of Supervisors or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the

facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

13. Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
14. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally, or mailed to him/her no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### 805.F Time Limitation

1. For uses that do not require subsequent subdivision and/or land development approval:
  - A. If a conditional use is granted, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period.
  - B. Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,
  - C. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the conditional use, if the Board of Supervisors finds that no good cause appears for

the failure to complete within such two (2) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.

2. For uses that require subsequent subdivision and/or land development approval:
  - A. If a conditional use is granted, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the conditional use is finally granted, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period.
  - B. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,
  - C. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted conditional use approval, if the Board of Supervisors finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.
3. As an alternative to the preceding requirements of Section 805.F.1. and 805.F.2., an applicant can request, as part of the original conditional use application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 805.F.1.-2. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Board of Supervisors must establish and bind a definite timeframe for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

## **SECTION 806 MEDIATION OPTION**

- 806.A** - Parties to proceedings before the governing body may utilize mediation as an aid in completing such proceedings. In no case shall the governing body, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 8 once they have been formally initiated.
- 806.B** - Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:



1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized by Act 247, provided there is written consensus by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether some or all the mediation sessions shall be open or closed to the public.
7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in Act 247.

**806.C** - No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## **SECTION 807 INFORMATION SUBMISSION REQUIREMENTS**

### **807.A - SUBMISSION CONSTITUTES PUBLIC RECORD (WAIVER OF COPYRIGHT)**

1. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township pursuant to this Ordinance constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are therefore subject to review and reproduction upon request in accordance with that Law and applicable Township ordinances and resolutions.
2. To the extent that any such documents or information are not deemed public records and are subject to protection pursuant to Federal or State copyright laws, or Common Law copyright protection, the applicant and all of its agents, employees and consultants, by filing documents with the Township pursuant to this Ordinance, shall be deemed to have waived all copyright protection as relates to review, analysis, criticism, or approval of the application by the Township and all of its agents, servants, employees, officials, and consultants, and the public at large.
3. The applicant hereby agrees to indemnify and hold harmless the Township and all its agents, servants, employees, officials, and consultants of any and all claims related to violations of the copyright.

### **807.B - APPLICANT'S DUTY OF GOOD FAITH**

1. Upon the filing of an application for review under this Ordinance, the applicant shall exercise good faith and promptly address or otherwise respond substantively to the review comments and requirements of the Township and its staff and consultants.
2. It is the duty of the applicant to move the application to completion in a prompt, timely, and diligent manner so as to enable formal action by the respective agency or agent of the

Township, as the case may be, and to comply with all conditions of approval imposed by such agencies or agents.

3. The Township is not obligated to accept an applicant's offer of a time extension for application review or grant a continuance of any hearing, meeting or review.

**807.C - UNSWORN FALSIFICATION TO AUTHORITIES** - All statements, whether written or oral, to the Township in the course of the review of the application under this Ordinance shall be true and correct to the best of the knowledge, information and belief of the applicant or its agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

## **SECTION 808 APPEALS**

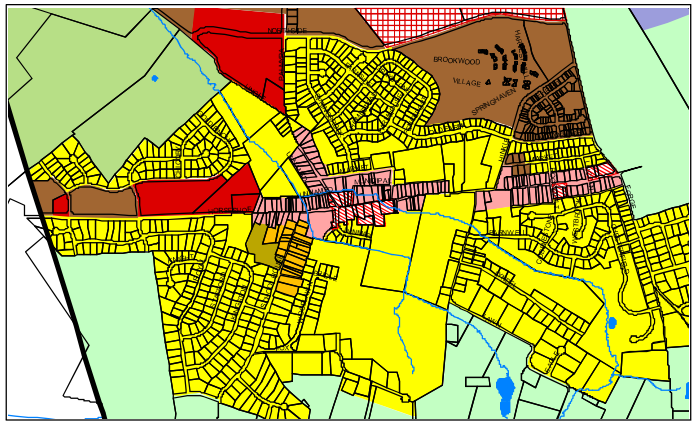
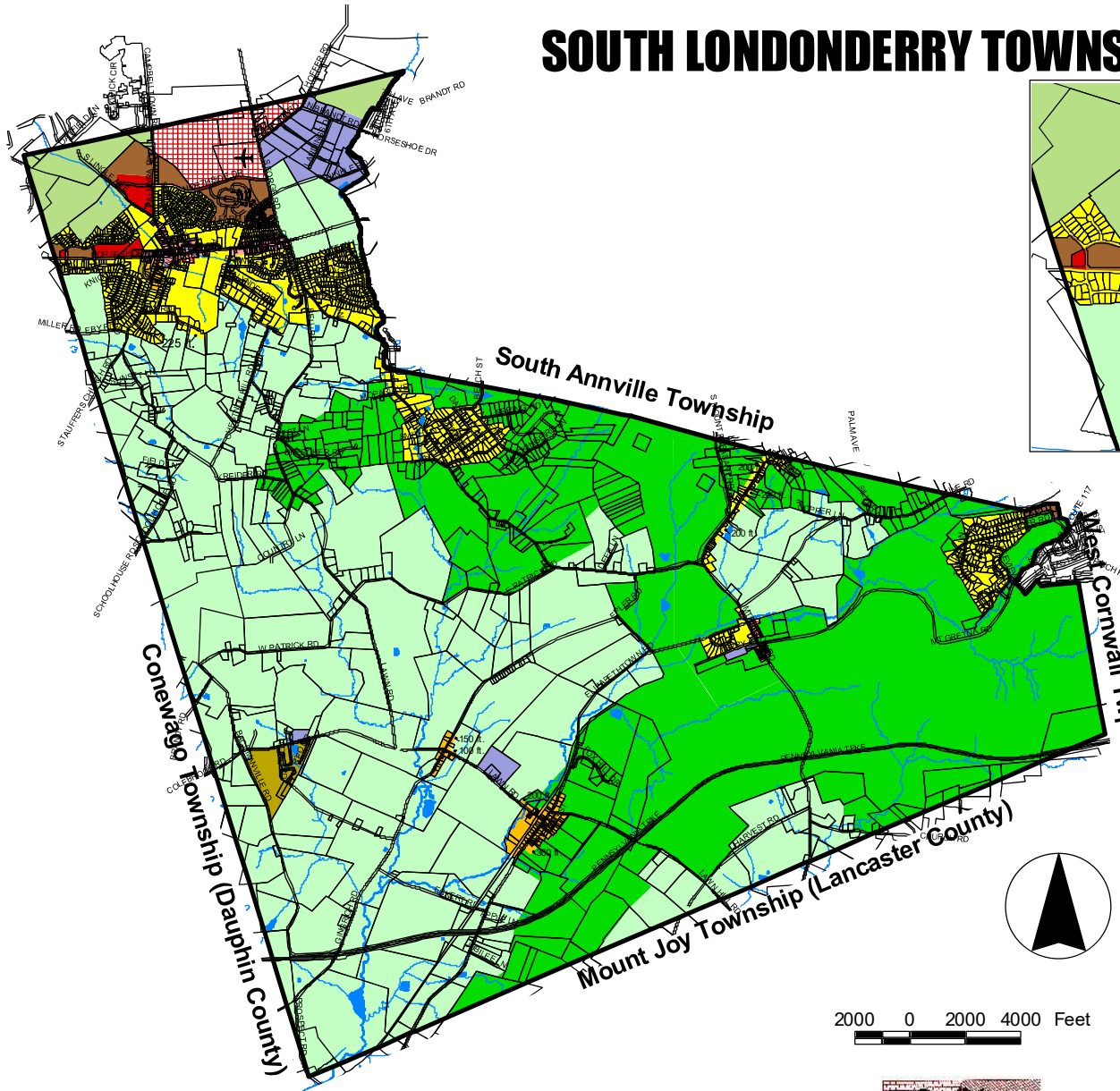
Proceedings for securing review of any ordinance or of any decision, determination, or order of the Board of Supervisors, their agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Ordinance shall be in accordance with Article X-A of Act 247, as amended.

## **SECTION 809 REPEALER**

**809.A** - Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Township this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

**809.B** - In the event Act 247 is amended subsequent to the effective date of this Ordinance, any provision contained within this Ordinance that is inconsistent therewith is, at that time, expressly repealed and the amended language within Act 247 is expressly incorporated herein.

# SOUTH LONDONDERRY TOWNSHIP, LEBANON COUNTY, PA



**CAMPBELLTOWN INSET**

900 0 900 1800 Feet



2000 0 2000 4000 Feet



**ZONES**

-  **Conservation**
-  **Agriculture**
-  **Agricultural Holding**
-  **Low Density Residential**
-  **Village Residential**
-  **Multi-Family Residential**
-  **Manufactured Home Park**
-  **Mixed Use**
-  **Village Commercial**
-  **Highway Commercial**
-  **Commercial Office**
-  **Light Industrial**



**Effective Date**

This Ordinance shall become effective immediately.

**Duly ordained and enacted** this 24 day of April 2024, by the Board of Supervisors of the Township of South Londonderry, Lebanon County, Pennsylvania in lawful session duly assembled.

**BOARD OF SUPERVISORS OF  
SOUTH LONDONDERRY TOWNSHIP**

  
\_\_\_\_\_  
Faith Bucks, Chairwoman

  
\_\_\_\_\_  
Jack Custer, Vice Chairman

  
\_\_\_\_\_  
William Bova

ATTEST:   
\_\_\_\_\_  
Township Manager