CONOY TOWNSHIP

ZONING ORDINANCE

ORDINANCE NO. 01-2024

ADOPTED May 9, 2024

CONOY TOWNSHIP
211 FALMOUTH ROAD
BAINBRIDGE, PA 17502

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CAPITAL CITY AND HARRISBURG INTERNATIONAL AIRPORT SURFACE AREAS
DONEGAL SPRINGS AIRPARK AIRPORT SURFACE AREAS

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ARTICLE 1 - BACKGROUND PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Conoy Township Zoning Ordinance of 2024."

SECTION 102 PURPOSE

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

SECTION 103 SCOPE

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

SECTION 104 INTERPRETATION

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

Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

SECTION 105 CONFLICT

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued there under, 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 prescribes larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

SECTION 106 VALIDITY AND SEVERANCE

Should any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance be declared by a Court of competent jurisdiction to be illegal, unconstitutional or invalid, such decision shall not affect or impair the validity of this Ordinance as a whole or of any other part thereof. The Board of Supervisors hereby declares that they would have adopted this Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

SECTION 107 USES NOT PROVIDED

When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.

If a use is neither specifically permitted nor prohibited under this Ordinance and an application is made by a landowner 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 permit the use or deny the use in accordance with the standards for consideration of special exceptions contained herein. The use may be permitted if it is of the same general character as the enumerated permitted uses in the zoning district, in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and complies with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the Applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district and in compliance with all performance standards applicable to such permitted uses in the zoning district.

SECTION 108 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance, Conoy Township is hereby divided into zoning districts which shall be designated as follows:

Conservation (C)
Agricultural (A)
Rural (R)
Suburban Residential (R-1)
High Density Residential (R-2)
Village Center (VC)
Local Commercial (IC)
Industrial (I)
Floodplain (F)
Airport Hazard Overlay (AH)
Historic Overlay (H)

SECTION 109 OFFICIAL ZONING MAP

The areas within Conoy Township, as assigned to each zoning district and the location of the zoning districts 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. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

SECTION 110 ZONING DISTRICT BOUNDARY LINES

In the event of dispute about the location of the boundary of any zoning district, 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.

Where uncertainty exists as to the boundaries of the districts shown on the Official Zoning Map, the following rules shall apply:

110.1 Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;

110.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

110.3 Boundaries indicated as approximately following Township limits shall be construed as following Township limits;

110.4 Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines;

110.5 Boundaries indicated as parallel to or extensions of features indicated in sub-sections 110.1 through 110.4 above shall be so construed;

110.6 Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

110.7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by sub-sections 110.1 through 110.6 above, the Zoning Hearing Board shall interpret the district boundaries.

SECTION 111 APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

111.1 No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

111.2 No building or other structure shall hereafter be erected or altered:

A. To exceed the height or bulk;

B. To accommodate or house a greater number of families or uses;

C. To occupy a greater percentage of lot area; ~~or~~

D. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or

E. Is in any other manner contrary to the provisions of this Ordinance.

111.3 No part of a yard~~,~~ or other open space, or off-street parking or loading space required about or in connection with any structure or use for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use.

111.4 No yard or lot existing at the time of passage of this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

111.5 Application to Lots of Record. Where two (2) or more abutting non-conforming lots of record are held in single and separate ownership, such lots shall be considered to be merged into a single lot of record to the extent necessary to bring such lots into conformity for the purpose of this Ordinance; and the provisions of this Ordinance shall not thereafter be circumvented or avoided by the sale or conveyance of a part or portion of any parcel or parcels.

111.6 Public Utility Corporations. The provisions of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented

by other parties and otherwise exercise the rights of a party to the proceedings.

SECTION 112 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Conoy Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted with regard to the community development objectives listed in Chapter 2 of the Official Comprehensive Plan, Conoy Township, Lancaster County, PA (June 2009).

SECTION 113 DEFINITIONS

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

113.2 LANGUAGE INTERPRETATION - In this Ordinance, when not inconsistent with the context:

A. Words in the present tense imply also the future tense.

B. The singular includes the plural.

C. The male gender includes the female gender.

D. The word 'person" includes an individual, incorporator's association, partnership or corporation, as well as any similar entity.

E. The term "shall" or "must" is always mandatory.

F. Any term defined in the MPC which is not otherwise defined in this Ordinance shall have the meaning set forth in the MPC.

G. Any term defined in other ordinances of Conoy Township which are not otherwise defined in this Ordinance shall have the meaning as set forth in the other ordinances.

113.3 SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ABANDONED OR JUNKED MOTOR VEHICLE – Any vehicle that (1) is without a valid inspection sticker, registration or title required for its lawful operation on the public roads of Pennsylvania; (2) is not capable of passing a State inspection; or (3) has not been moved for a period of 45 days.

ACCESS – A way or means of approach for vehicle and/or pedestrian traffic from a street, right-of-way, public area or community facility to a lot.

ACCESS DRIVE - A private access providing pedestrian and vehicular access between a public or private street and a parking area(s) within a nonresidential land development, and any driveway servicing three or more units of occupancy on a single lot or contiguous lots. The access drive is not intended to include any portion of the travel lane abutting parking areas.

ACCESSORY APARTMENT FOR ADDITIONAL FAMILY MEMBERS – A secondary dwelling unit located within an existing single-family detached dwelling or within a detached accessory building and established in conjunction with and clearly subordinate to a primary dwelling unit, and occupied by a person or persons related by blood, marriage, or adoption, to the occupants of the principal dwelling.

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

ACT - The latest version of the Pennsylvania Municipalities Planning Code (MPC), as

amended.

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

A. Adult Bath House - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

B. 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.

C. Adult Bookstore - Any establishment which has a substantial or significant portion of its stock in trade:

1. 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; and,

2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

D. Adult Cabaret - A nightclub, theater, bar or other establishment which features live or media representations of performances by topless and/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.

E. Adult Massage Establishment - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

F. Adult Mini Motion Picture Theater - An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

G. 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.

H. 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.

I. 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.

J. Adult Motion Picture Theater - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

K. Adult News Rack - Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

L. 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.

M. 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.

N. 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.

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

AGRITAINMENT/AGRITOURISM ENTERPRISE - An enterprise conducted upon, and accessory to, an active principal agricultural operation or agri-business use, providing a combination of agriculture, entertainment, education, recreation, or active involvement elements, characteristics, and experiences related to the agricultural operation or agri-business.

AGRITAINMENT/AGRITOURISM SPECIAL EVENT, FAIR OR FESTIVAL - Any organized event that is planned to occur within the Township as part of an approved

agritainment/agritourism enterprise, which will result in the assemblage of 250 or more persons.

AIRPORT – Any landing area, runway or other facility designated or used or intended to be used, either publicly or by any person or persons, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces within the airport boundaries.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties. For the purposes of this Ordinance, an alley is not considered a type of street.

ALTERATIONS - A change or rearrangement in the parts of a building or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another which would change its use classification, other than an addition.

AMENDMENT – Any revision to a regulation or ordinance that is formally adopted by the governing body charged with the keeping of such regulations, which includes revisions to an ordinance and/or map. Amendments to this ordinance lie solely with the Conoy Township Board of Supervisors.

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance e.g., pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices. This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL, DOMESTIC – Any equine (horse, etc.) animal, bovine (cow, etc.) animal, sheep, goat, or porcine (swine) animal.

ANIMAL, EXOTIC - Any animal defined as "exotic" by State and/or Federal regulations. Examples include, but are not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, and any crossbreed of these animals which would have similar characteristics in appearance or features, and any animal of a species prohibited by Title 50, Code of Federal Regulations, as amended.

ANIMAL, WILD - Wild birds, wild mammals, and facsimiles thereof, as defined by Title 34 of the Pennsylvania Game and Wildlife Code.

ANIMAL GROOMING SHOP – Any establishment or premises maintained for the purpose of offering animal cosmetological services for profit. No outside kennel or animal enclosure is permitted.

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

ANIMATED SIGN - A sign employing actual motion or the illusion of motion.

ANTENNA - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities as defined below.

APPLICANT – A landowner, as herein defined, or agent of the landowner, who has filed an application for a zoning, building or driveway permit and/or an application for development, including his heirs, successors and assigns.

AWNING – A structure attached to a building, typically consisting of a frame and covered with fabric or any other material

ARTS AND CRAFT STUDIO – A business, utilizing less than 800 SF of internal floor space, for the creation and sale of ceramics, painting, kiln, foundry, weaving, wood-working, and related activities, which may be conducted in conjunction with a residence.

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

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

BASEMENT – That portion of a building that is partly or completely below grade.

BED AND BREAKFAST - An owner-occupied single family detached dwelling in which bed-and-breakfast units are provided for compensation on a nightly basis. Meals may be offered only to registered overnight guests.

BED-AND- BREAKFAST UNIT – A room within a bed-and-breakfast establishment used as lodging for no more than four persons.

BEEKEEPING – Raising or keeping of bees.

BILLBOARD - A sign upon which advertising matter of any character is printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services, or businesses at a location other than the premises on which the sign is placed.

> ELECTRONIC BILLBOARD – A billboard whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or it may be from an external light source designed to reflect off the changeable component display.

BOARD - The Zoning Hearing Board of Conoy Township.

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

BOOKBINDING – The art or trade of binding books.

BREWERY – A place where beer is produced.

BUILDING – Any structure used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including covered porches, greenhouses, stables, garages, roadside stands, mobile home and similar structures, whether stationary or movable, but excluding fences and walls which are a part of the landscaping, signs, steps and awnings.

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

BUILDING ADDITION – Any exterior structural enlargement to a building or structure.

BUILDING AREA - The total of areas taken on a horizontal plane at the average grade level of

the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

BUILDING HEIGHT - The vertical distance from grade to the top of the highest roof beams of a flat roof or the top of the eave of a hip or gable roof.

BUILDING LENGTH – The horizontal measurement of any continuous building wall, regardless of offsets.

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

BUSINESS, GOVERNMENT OR PROFESSIONAL OFFICES – See "Office"

BUTCHER SHOP – An establishment where meat, poultry and/or fish are cooked, cured, cut or otherwise prepared and are offered for retail sale, but does not include the smoking of meats, meat products plant, stock-yard, abattoir, tannery or hide processing plant, poultry-killing establishment, animal food factory, or animal by-products plant.

CALIPER – The diameter of a tree trunk measured in inches, six inches above ground level for trees up to four inches in diameter and measured 12 inches above ground level for trees over four inches in diameter.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

> CAMPGROUND, DEVELOPED - A campground with two or more campsites, accessible by vehicular traffic where sites are substantially developed and toilets and/or privies, tables, refuse containers, bathing facilities, and water may be provided. These sites also may have individual water, sewer, and electrical connections.
>
> CAMPGROUND, PRIMITIVE - A campground accessible only by walk-in, pack-in, or equestrian campers where no facilities are provided for the comfort or convenience of the campers.
>
> CAMPGROUND, SEMI-PRIMITIVE – A campground accessible only by walk-in, pack-in, equestrian, or motorized trail vehicles where rudimentary facilities (privies and/or fireplaces) may be provided for the comfort and convenience of the campers.

CAMPING UNIT - Any tent, travel or camping trailer, truck camper, motor home, cabin, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes. A dwelling unit located on the campground and occupied by the owner or manager of the campground shall not be considered a camping unit.

CAMPSITE - A plot of ground within a campground intended for occupation by a tent, camp trailer, travel trailer, motor home, or similar movable or temporary sleeping quarters of any kind.

CARE FACILITIES – Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health related services for individuals not in needs of hospitalization, but who, because of age, illness, disease, injury, convalescence, or by reason of physical or mental infirmity, need such care. These facilities are generally defined and licensed by the PA Department of Public Welfare in accordance with Title 55, Chapter 2620 of the PA Code.

CARPORT - An unenclosed structure, which is open on at least two sides, with a permanent floor and roof supported by columns or posts that is primarily used for the storage of one or more vehicles in the same manner as a private garage. Carports not open on at least two sides

shall be considered a garage.

CARTWAY - That portion of a street or alley right-of-way that is intended for vehicular movement.

CATERING SERVICE - An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

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 (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area, or as a story of permissible building height.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries, when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

CERTIFICATE OF USE AND OCCUPANCY - A certificate issued by the Township upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein and within all other applicable requirements have been complied with.

CHANGEABLE SIGN - A sign with the capability of content change by means of manual or remote input.

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

CHICKEN COOP/PEN - An enclosed and/or covered structure providing a predator-resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all-season protection from the elements, designed to be easily accessed and cleaned where domestic chickens/fowl live.

CHICKEN RUN – A covered, secure enclosure that allows domestic chickens/fowl access to the outdoors.

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

CLUB ROOM, CLUB GROUNDS, OR MEETING HALL – Premises or buildings for social, recreational, or administrative purposes for organizations catering exclusively to members and their guests, such as athletic, community service, political, union, or veteran organizations.

CLUSTER – OPEN SPACE DEVELOPMENT – An area of land under single or multiple ownership, to be developed as a cohesive and unified mixed residential community, in which greater design flexibility is offered in exchange for greater Common Open Space areas/amenities.

CO-LOCATION - The mounting of one or more WCFs, including antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

COMMERCIAL KEEPING AND HANDLING - Producing and/or maintaining animals other than for the personal use of the occupant(s) of the property on which such animals are produced and/or maintained. Commercial keeping and handling shall be conclusively presumed if more than 25 poultry, livestock and other animals, in the aggregate, are maintained on a tract of land.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the

public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, etc. This does not include adult-related uses or amusement arcades, as defined herein.

INDOOR COMMERCIAL RECREATIONAL FACILITY – An activity operated as a gainful business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, billiard hall, bowling alley, cinema, theater, health and fitness club, shooting club, spa, miniature golf course, etc., when operated within a completely enclosed building.

OUTDOOR COMMERCIAL RECREATIONAL FACILITY – A commercial use, other than Agritainment/Agritourism, dependent on large parcels of open land for leisure and/or recreational activities, including but not limited to, a swimming pool, tennis court, go-cart track, moto-bike course or trail, golf course and/or driving range, ski resort, gardens, miniature golf, or drive-in theater, park.

COMMERCIAL SIGHTSEEING RIDE - The transportation of people for sightseeing purposes by vehicle, buggy, carriage, surrey, tram, or similar device, whether propelled by animals or mechanical means. This shall include tethered hot air balloon rides. Not included are tours by vehicles that are properly licensed and registered under the Pennsylvania Motor Vehicle Code.

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

COMMUNITY/TENANT GARDEN – A private or public facility, as a separate use on a separate lot, for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMPREHENSIVE PLAN - The Official Comprehensive Plan of Conoy Township, Lancaster County, PA, adopted June 2009.

CONCENTRATED ANIMAL OPERATION (CAO) AND CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - As per former Act 6 of 1993, now the Agriculture Communities and Rural Environment Act (ACRE – Act 38 of 2005), being an agricultural use regulated by State and/or Federal law. For example, CAO are determined under Title 25, Chapter 83, of the PA Code, as being an agricultural operation with eight (8) or more Animal Equivalent Units (1,000 lbs of live weight of livestock or poultry animals, on an annualized basis, regardless of the actual numbers of individual animals comprising the unit) where animal density exceeds two (2) AEUs per acre on an annualized basis. CAFOs are regulated under Federal law, and are generally defined as an animal feeding operation that: (1) confines more than 1,000 animal units (AU); or (2) confines between 301 to 1,000 AU and discharges pollutants into waters of the U.S. though a manmade ditch, flushing system or similar manmade device, or directly into waters of the U.S. that originate outside of and pads over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle, 700 mature dairy cattle, 2,500 swine each weighing more than 25 kilograms (55 pounds), 30,000 laying hens or broilers (if a facility uses a liquid manure system), and 100,00 laying hens or broilers (if a facility uses continuous overflow watering).

CONDITIONAL USE - A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 605 of this Ordinance.

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

CONSERVATION DISTRICT – The Lancaster County Conservation District or any agency successor thereto.

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

CONVALESCENT OR NURSING HOME - A licensed establishment which provides full-time residential, intermediate, or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following, provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

A. Retail sales or rental of books, magazines, videos software, and video games provided that adult-related facilities are expressly prohibited;

B. Restaurants, including drive-thru or fast-food operations, provided that restrooms are made available to the public;

C. Amusement arcades;

D. Automatic bank teller machines;

E. Photomats and film development drop-off sites;

F. Laundry, dry cleaning, and tailoring drop-off sites;

G. Lottery sales counters and machines;

H. Propane fuel sales within no larger than 20-pound tanks, which must be stored outside of the building within a locked enclosure at all times;

I. Dispensing of motor vehicle fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items;

J. Motor vehicle wash facilities, subject to the other requirements of this Ordinance; and,

K. Post Offices and other parcel delivery drop-off sites.

CONVERSION APARTMENT - The adaptation of one single-family detached dwelling to two (2) or more dwelling units.

CROSSWALK -

A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DATA CENTER/CLOUD STORAGE – A building and/or series of buildings or a modular unit and/or series of modular units for electronic data storage and/or data warehousing.

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

accommodation.

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

B. Day-Care, Family: A day-care facility that is operated as an accessory use to a detached single-family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than six (6) different persons during any calendar day.

DCED – The Pennsylvania Department of Community and Economic Development or any agency successor thereto.

DECK – A constructed flat surface capable of supporting weight, similar to a floor but constructed outdoors and usually (though not always) connected to a building. A deck shall not be completely enclosed, except for any side which may adjoin a structure or for any fences, walls, shrubs, or hedges. For the purposes of this ordinance, a deck is considered to be an impervious surface and part of the principal building and is not permitted to extend into any required yards.

DENSITY - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, private streets, and areas within the Floodplain District as described in Section 208 of this Ordinance.

DETENTION FACILITY - A facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories, juvenile detention facilities, and similar facilities.

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

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

DISTILLERY – The work where distilling (as of alcoholic liquors) is done.

DISTRIBUTED ANTENNA SYSTEMS (DAS) – A network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION – A process whereby materials, goods or products are imported, stored by one person and then delivered to another.

DORMITORY – A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, or a commercial use.

DRILLING/MINING/QUARRY – A business involved in mineral/natural resource extraction, including gas, oil, related petroleum products, and related operations.

DRIVE-IN/THROUGH BUSINESS – A commercial establishment, including a drive-in bank, restaurant primarily offering stand-up counter, vending machine, window or in-car service and/or offering prepared or standardized food for either on or off-premises consumption.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement

between a public road and a tract of land serving one single-family dwelling unit or a farm.

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

A. Single-Family Detached: A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard. In the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they comply with paragraph E of this definition. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.

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

C. Multiple Family: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units.

D. Townhouse: A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

E. Mobile Home: For the purposes of this Ordinance, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings, and the following:

1. All apparatuses used to tow or transport the mobile home (including, but not limited to, the towing hitch) shall be removed; and,

2. All mobile homes and additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top or frame ties to ground anchors in accordance with the American National Standards, as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3- 1975]), as amended for Mobile Homes in Hurricane Zones or other appropriate standards, such as the following:

   a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;

   b. Frame ties shall be provided at each comer of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length; and,

c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

DWELLING UNIT - A single habitable living unit occupied by only one family. See definition of "family". Each dwelling unit shall have its own toilet, bath or shower, sink, sleeping and cooking facilities and separate access to the outside or to a common hallway or balcony that connects to outside access at ground level.

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

EASEMENT – A right-of-way granted for limited use of private land for a public, quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

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

ELECTRICALLY ACTIVATED ANIMATED SIGN - An animated sign producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

A. Flashing - Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle of intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also, any mode of lighting which resembles zooming, twinkling, or sparkling. For the purposes of this Ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds five (5) seconds.

B. Patterned illusionary movement - Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

ELECTRICALLY ACTIVATED CHANGEABLE SIGN - A changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. (See also "Electronic Message Sign or Center")

ELECTRONIC READER BOARD/MESSAGE CENTER - An electrically activated changeable sign whose variable message capability can be electronically programmed. A sign that contains a changing message within the copy area that remains on for a specified minimum period of time and blacks out for a specified period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

EMERGENCY - A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights- of-way to be unusable and result in loss of the services provided.

EVENT/CONFERENCE CENTER – A property and/or facility which is utilized to host a variety of business, educational, cultural, and social events, including but not limited to conferences, exhibitions, meetings, seminars, training, cultural events, parties, receptions and galas.

ENVIRONMENTAL – NATURAL FEATURES/RESOURCES – Features such as aquifers,

floodplains, habitat of endangered or threatened species, highly erosive soils, prime agricultural/farm soils, scenic vistas, sinkholes, steep slopes, wetlands, woodlands, etc.

ENVIRONMENTALLY SIGNIFICANT or SENSITIVE AREA – An area of land including steep slopes (e.g., slopes exceeding 15% grade), wetlands, floodplains and restricted soils.

FAMILY - An individual or individuals related by blood, marriage, or adoption that maintain one common household and live within one dwelling unit. Additionally, up to four (4) unrelated individuals who maintain a common household and live within one dwelling unit may be considered a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed family group home, as defined herein.

FAMILY GROUP HOME. A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to meet their maximum potential.

As used herein, the term "handicapped" shall mean having:

A. a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;

B. a record of having such an impairment; or

C. being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "family group home" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

FARM - Any parcel of land with ten (10) or more acres which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARM IMPLEMENT SALES AND SERVICE – A business solely involved in the sales, rental, service, and repair of agriculturally related equipment and products, which occupies no more than six (6) acres of display, sales, and storage area.

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

FCC - Federal Communications Commission.

FEMA – The Federal Emergency Management Agency or any entity successor thereto.

FENCE - A man-made barrier placed or arranged as a line of demarcation, an enclosure, or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. This definition does not include man-made barriers or walls constructed principally of masonry, concrete, cinder block or similar materials.

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

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FISH HATCHERY – An establishment in which young fish are produced and reared especially for later release in natural waters.

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

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

FLOODPLAIN AREA – An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source by designation in accordance with the Floodplain Management Ordinance.

FLOODPLAIN MANAGEMENT ORDINANCE - Conoy Township Floodplain Management Ordinance.

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

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

FLOOR AREA, NET – The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading.

FORESTRY – The science of developing, caring for, or cultivating forests.

FUNERAL HOME – A building devoted to the care, embalming, and holding of services for the deceased, including crematoriums, and the sale of funeral equipment as an accessory activity.

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

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

GREENHOUSE/HORTICULTURAL NURSERY - A use primarily involved in horticulture which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the primary use.

GROUP FACILITY - Any one of the following group living arrangements:

> COMMUNITY REHABILITATION FACILITY/HALFWAY HOUSE - Group living quarters for persons who need specialized housing, treatment and/or counseling that (a) provides supervised housing as an alternative to imprisonment, including but not limited to pre-

release, work-release, probationary programs, or active criminal rehabilitation, or (b) provides treatment/housing for persons convicted of driving under the influence of alcohol or drugs.

EMERGENCY SHELTER FOR HOMELESS - A structure or part thereof operated by a private corporation as a temporary or transitional shelter for persons who lack fixed, regular, and adequate nighttime residences. Rules of conduct, such as curfew, may be established by the shelter operator as a condition of residency; however, residents are in no way incarcerated. Such facility shall be designed to provide shelter for homeless adults and/or children only until permanent living arrangements can be obtained.

GROUP CARE FACILITY - An institutional care facility, licensed, registered or certified under an applicable County, Commonwealth or Federal agency, in which persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, reside while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements in family dwellings, or nursing, convalescent, or similar health care facilities.

SHELTER FOR ABUSED PERSONS - A temporary group residence operated by a public agency or private corporation which provides a safe and supportive environment for persons who because of actual or threatened physical domestic violence and/or mental abuse are forced to leave their previous residence. Such facility shall be designed to provide shelter for at-risk adults and/or children only until a safe, permanent living arrangement can be obtained.

TEMPORARY SHELTER - A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

TRANSITIONAL HOUSING FACILITY - Group living quarters that provide~~s~~ transitional housing for groups such as, but not limited to, unwed mothers. Transitional housing facilities are <u>not</u> facilities that (a) provide supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation; (b) provide treatment/housing for persons convicted of driving under the influence of alcohol or drugs; (c) provide housing for persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements; or (d) shelters as defined in this Ordinance.

GUEST ROOM – A room which is intended, arranged, or designed to be occupied, or which is occupied, by one or more guests, but in which no provision is made for cooking. Residential non-commercial guest rooms shall be within, or attached to, the principal residence and shall be part of the residential utility (sewer, electric, etc.).

HAZARDOUS MATERIAL – Materials which have the potential to damage health, endanger human life or impair safety.

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

A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed 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 storage or treatment for any time span other than the transportation time through the Township.

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

HEAVY EQUIPMENT – VEHICLES STORAGE, SALES, AND/OR SERVICE FACILITY – The storage, sales, and/or service of a movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises~~,~~ including, but not limited to aircraft, backhoe, boat, bulldozer, bus, crane, lift, farm equipment, front-end loader, mobile home, snowplow, roller, truck, trailer.

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

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

HEIGHT OF A TOWER-BASED WCF - The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including antennae mounted on the tower and any other appurtenances.

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

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

HISTORIC STRUCTURE - Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. By an approved state program as determined by the Secretary of the Interior, or

    2. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION - An occupation, profession, activity or use conducted within a residential dwelling by the resident-operator and not more than two (2) nonresident employees. Home occupation uses are intended to be of a service nature and not involve the purchase and/ or sale

of goods. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. The area used for the practice of a home occupation shall occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less. Since the use may be of such nature that may require regular visits by customers and/or deliveries, off-street parking spaces will be required in addition to the spaces required for the residential use.

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

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

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

IMPERVIOUS SURFACE – A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick, bituminous products, crushed stone or gravel, shall be considered impervious surfaces for computation of lot coverage.

INDOOR COMMERCIAL RECREATION FACILITY – See "Commercial Recreation Facility."

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

A. Wetlands as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service;

B. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; and,

C. PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2.

IMPROVEMENTS – Physical changes to the land, including, but not limited to buildings/structures, grading, paving, curbs, gutters, storm sewers and drains, stormwater management facilities, improvements to existing watercourses, sidewalks, streets, signs, monuments, water supply facilities and sewage disposal facilities.

INDUSTRIAL ACTIVITIES – Any industrial activity involving manufacturing, processing, packaging, printing, publishing and binding, production, refining, testing of materials, goods and products, textile, industrial laundries, and repair of large appliances and equipment, including machine shops and welding shops.

INDUSTRIAL BUSINESS PARK – A tract of land: (1) organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries; (2) designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

INTENSIVE COMMERCIAL USES - Any commercial use listed in Section 206.2. that is characterized by any of the following:

A. A site exceeding one acre in size;

B. The outdoor storage of finished products and/or materials used in the production process; and,

C. A sales and/or display area exceeding three thousand, six hundred (3,600) square feet.

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

JAIL – A place of confinement for persons held in lawful custody.

JUNK – Any worn, cast off, discarded or stored material, including unlicensed vehicles, machinery, and equipment ready for destruction or which has been collected for salvage or conversion to some use.

JUNK YARD - An area of land exceeding one hundred (100) square feet (four hundred thirty (430) square feet on a farm), with or without buildings, used for the storage outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same.

KENNEL - Any lot on which up to three (3) each or more cats or three (3) each or more dogs (except relating to a farm) are kept, boarded, raised, bred, treated, or trained for a fee.

KENNEL, BOARDING - A facility available to the general public, where three (3) or more dogs or cats that are more than six (6) months old are boarded for a specified period of time or housed for training purposes. This shall also include facilities operated by a licensed veterinarian in the treatment of animals.

KENNEL, BREEDING - A facility operated for the purpose of breeding, buying, selling or in any way transferring three (3) or more dogs or cats for research or non-research purposes.

LAND DEVELOPMENT - Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. A group of two or more residential or nonresidential building, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

2. The division or allocation of hand or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of; or for the purpose of streets, common area, leasehold, condominium, building groups, or other features.

B. A subdivision of land.

LANDOWNER – The legal, beneficial or equitable owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

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

LANDSCAPING – Includes, but is not limited to, grass or ground cover, and other plantings such as trees and shrubs, and may also include mulch and/or decorative stone.

LANDSCAPING STONES – Decorative stones ½ inch or larger in diameter placed on a property for landscaping purposes, not including driveways, sidewalks, patios and/or walkways. Surface area covered by landscaping stones would be considered pervious.

LARGE WIND ENERGY PRODUCTION FACILITY. An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, towers, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power principally for off-site use.

LIVESTOCK – Large animals traditionally associated with agriculture or farming, including but not necessarily limited to horses, ponies, donkeys, mules, cows, cattle, sheep, goats, swine, fish, poultry or foul. "Livestock" shall not be considered "Domestic Pets". -

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

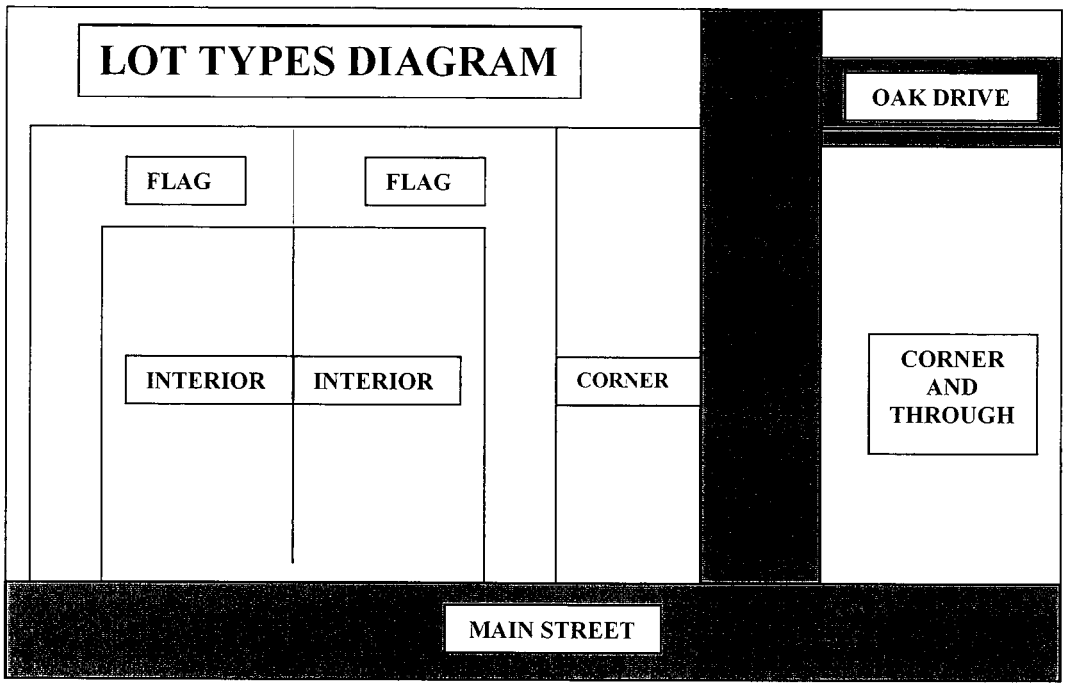
LOT - A parcel of land held in single and separate ownership, occupied or capable of being occupied by buildings, structures, accessory building or structures, signs, and uses customarily incidental to it, including such open spaces as required, and which is described by reference on a recorded plat or by metes and bounds.

A. LOT, CORNER: A lot at the junction of and abutting on two or more intersecting streets. Such lot shall be considered as having as many front yards as there are streets to which it abuts.

B. LOT, FLAG: A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.

C. LOT, INTERIOR: A lot other than a comer lot, the sides of which do not abut a street.

D. LOT, THROUGH OR REVERSE FRONTAGE: An interior lot having frontage on two parallel or approximately parallel streets.



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

LOT AREA, GROSS – The total area of a lot that is the subject of an application for land development.

LOT AREA, NET – The area of a lot, excluding any area within a street right-of-way or floodplain, but including the area of any easements.

LOT COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On comer 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 FRONTAGE – The required distance between side lot lines (or in the case of corner lots, between a front and side lot line) measured along a single street right-of-way line. For pie-shaped lots, lot width at the midpoint of lot depth shall never be less than one-half of the required length of the frontage.

LOT LINES – The lines bounding a lot as described in the recorded title. Also referred to as "property lines."

LOT, NONCONFORMING – A lot, the area or dimensions of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

LOT WIDTH - The horizontal distance measured between side property lines. 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.

MACHINE SHOP – A workshop in which work is machined to size and assembled.

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

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

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

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

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

METHANE DIGESTER SYSTEM – An anaerobic digestion system for the purpose of generating electrical and/or heat energy for onsite or off-site consumption.

> ACCESSORY METHANE DIGESTER SYSTEM – An anaerobic digestion system that processes manure that is generated as part of the farming operation on which the system is located. An Accessory Methane Digester System generates electrical and/or heat energy for onsite consumption.
>
> REGIONAL METHANE DIGESTER SYSTEM – An anaerobic digestion system that processes manure that is generated as part of the farming operation on which the system is located, and/or manure transported to the site from other farming operations. A Regional Methane Digester System generates electrical and/or heat energy for onsite or off-site consumption.

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

MINOR REPAIR - The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements. Minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in Section 448 of this Ordinance. Mobile homes placed on individual lots shall be considered "dwellings," and be bound by the requirements there-imposed. For the purposes of Section 208 of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than 180

days in any calendar year shall be considered a mobile home.

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

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MONOPOLE - A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

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

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

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

NONCOMMERICIAL 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.

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

NON-PROFIT – An educational, religious or charitable use which qualifies as "nonprofit" under Section 501 C of the Internal Revenue Code.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) - All Non-Tower Wireless Communications Facilities, including but not limited to, antennae and Related Equipment. Non-Tower WCF shall not include support structures for antennae or any Related Equipment that is mounted to the ground or at ground-level.

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

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

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

ON-SITE SEWER SERVICE - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the PA DEP.

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

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

OPEN SPACE - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

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

OUTDOOR COMMERCIAL RECREATION – See "Commercial Recreation Facility."

PACKAGING – The enclosing of something in a container or covering.

PA DEP - Pennsylvania Department of Environmental Protection.

PARCEL – Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land separated by an existing State or Township road shall be considered contiguous.

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 District or the Conservation District, 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 on August 27, 1992, or if such land was not classified as Agricultural District or Conservation District on August 27, 1992, which was held by the landowner or his or her predecessor in title on the date such land was first classified as Agricultural District or Conservation District after August 27, 1992.

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

PARKING GARAGE – A building or structure where passenger vehicles may be stored for daily, short-term or overnight off-street parking.

PARKING LOT - An accessory use provided on a lot for the use of the general public

designated for short-term parking of vehicles. Vehicles shall be limited to currently registered and inspected vehicles. Such use is subject to the requirements listed in Section 311 of this Ordinance.

PARKING, PRIVATE – An off-street parking area or structure owned and operated by an entity for the sole use of its residents, customers, employees, or other visitors and not open to the general public.

PARKING, PUBLIC – An off-street parking area or structure owned and operated for use by the general public.

PARKING SPACE - An impervious space available for the parking of one motor vehicle and having usable impervious access to a street, access drive or alley.

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

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

PATIO – An unroofed area or courtyard which shall not be completely enclosed, except for any side which may adjoin a structure or be lined by fences, walls, shrubs, or hedges. Outdoor areas covered by a roof, trellis, or fixed awning shall be considered to be a structure and not a patio. For the purposes of this ordinance, a patio is considered to be an impervious surface and part of the principal building and is not permitted to extend into any required yards

PENN DOT - Pennsylvania Department of Transportation.

PENNSYLVANIA LIMITED WINERY - A use licensed by the Pennsylvania Liquor Control Board which can involve the annual production of up to 200,000 gallons of wine from produce originating within the Commonwealth, the on-site retail sales of wine produced on the site~~,~~ and up to one other Pennsylvania Limited Winery, and the retail sales of related accessories.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L.805, No.247, as reenacted and amended.

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

PERSONAL SERVICE BUSINESS – Barber and beauty shops; therapeutic massage; self-service laundry, dry cleaning, laundromats; electronics, radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; tattoo or any other business of a similar nature providing personalized service to customers.

PERVIOUS – A surface or material that permits water to pass through (permeable).

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.

PETTING ZOO OR MENAGERIE - Any place where one or more birds or animals that have similar characteristics and appearance to birds or animals wild by nature, or local domestic animals, are kept in captivity for the evident purpose of exhibition to the public with or without charge.

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

PLACE OF WORSHIP – A single or group of buildings/structures, including accessory uses, designed or intended for public religious worship. This definition includes rectories, convents, church-related schools (less than 4,000 SF), day care facilities, occasional (no more than once per week) charitable fund-raising events, and food banks/pantries.

PLANNING COMMISSION - The Planning Commission of Conoy Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include "planned center signs" as regulated herein.

PLAT – The map or plan of a subdivision or land development, whether preliminary or final.

PORCH – A roofed-over structure projecting from the front, side, or rear wall of a building. For the purpose of this ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.

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

A. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.

B. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.

C. 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.

PRINTING – The act or product of one that prints.

PRIVATE – Not publicly owned, operated or controlled.

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

PROCESSING – A function involved in the manufacturing of goods or products in which the material used is not physically changed except for packaging or sizing.

PRODUCTION – A function involved in the manufacturing and/or packaging of materials, goods, or products, in which they are physically changed.

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

PUBLIC FACILITY – Any building held, used or controlled exclusively for public purposes by any government agency (Federal, State, County or Municipal) without reference to the ownership of the building or of the realty upon which it is situated, excluding a jail or related incarceration facility.

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

PUBLIC NOTICE – Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven 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(s) at a conspicuous location(s) along the perimeter of the subject property. This sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

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

PUBLIC USES - Includes public and semi-public uses of a welfare and educational nature, such as schools, parks, fire stations, municipal buildings and garages, and other similar uses.

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

PUBLIC WATER - A municipal water supply system or a comparable common water facility approved and permitted by the PA DEP. Such systems are capable of serving multiple users.

PUBLISHING – The business or profession of the commercial production and issuance of literature, information, musical scores or sometimes recordings.

QUARRY – A place, typically a large, deep pit, from which stone or other materials are or have been extracted.

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

RECREATION – Activities, whether structured or not, in which individuals customarily engage during their leisure for play, relaxation or athletic purposes, such as sporting activities, hobbies, reading or walking.

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

RECREATIONAL VEHICLE – A vehicle which is (i) built on a single chassis; (ii) not morethan

400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLING COLLECTION FACILITY - A recycling box/receptacle less than 300 square feet used to collect reusable items including used paper goods, used glass items, and used aluminum items suitable for recycling, at which no fee is collected from the person depositing recyclables. Offal, unsanitary waste and hazardous waste are specifically excluded from this definition.

RECYCLING STATIONS FOR PAPER, GLASS AND METAL PRODUCTS - A facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable materials. Recycling centers shall not include solid waste disposal, manufacturers, or processing facilities.

REFINERY – A building or equipment for refining or processing oil or sugar.

RELATED EQUIPMENT - Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, Related Equipment includes generators and base stations.

RENDERING PLANT – A plant that converts packing house waste, kitchen grease, and livestock carcasses into industrial fats and oils and various other products.

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

REPAIR SHOP – An establishment primarily engaged in the maintenance, repair and restoration of appliances, business machines, instruments, etc. but excluding vehicle repairs.

RESEARCH LABORATORY – An administrative, engineering, scientific research, design, or experimentation facility for research on such things as electronic, mechanical components, optical equipment, etc., and which shall be free of dust, smoke, fumes, odors, or unusual vibrations or noise.

RESORT – A group or groups of buildings containing dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis, barbecue and picnic facilities, and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

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

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

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

RETIREMENT COMMUNITY – A residential community which offers a range of housing, personal living support and health care services for senior citizens. A retirement community may include independent living (single or multi-family units) and personal care units as well as long-term care nursing centers, located in a campus setting, developed as a cohesive and integrated community. A retirement community may also include limited banquet, retail, fitness, health and personal service, restaurant uses, typically co-located in such a community.

RIDING STABLE – A principal use whereby equestrian instruction is offered and/or horses are kept, bred, trained and/or exercised upon land not occupied by the owner of the horse(s).

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

ROOMING HOUSE – See "Boarding/Rooming House"

SALES - The exchange of a commodity for money.

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 uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

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

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

B. Private School - A school licensed by the PA Department of Education for the purpose of providing elementary, secondary, post-secondary, post graduate and/or adult education that may, or may not, be operated as a gainful business.

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

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. Truck driving;
2. Engine~~er~~ repairs;
3. Building construction and general contracting;
4. Woodworking;
5. Masonry;
6. Plumbing;
7. Electrical contracting; and,
8. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 604.2 of this Ordinance.

SEPTAGE - Those remnant materials that result from the use of domestic on-site sewage disposal systems that are not released into the ground, but are periodically pumped from the septic tank. Such materials can include solid and semi-solid matter that is often referred to as sludge and scum.

SERVICE STATION AND RELATED AUTOMOTIVE USES – Any activity for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories. This definition may include major repairing, body and fender work, painting, vehicle sales or rental, and car washes.

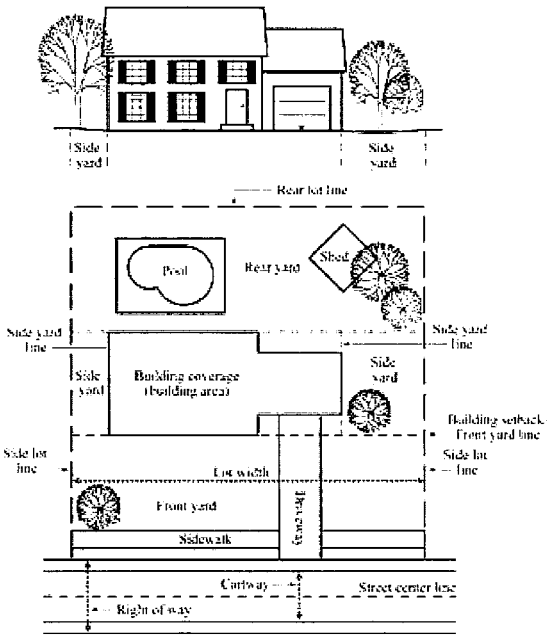
SETBACK - The required horizontal distance between a setback line and a property or street right-of-way line.

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

B. 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." In the case of a corner lot, the rear setback line shall be projected to the front setback line.

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

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



SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, where each establishment has a separate customer entrance from the parking lot or street and where off-street parking is shared and provided on site.

SIDEWALK – A paved, surfaced, or leveled area, paralleling and usually separated from the vehicular travel way that is an integral part of the right-of-way and used as a pedestrian walkway.

SIGHT DISTANCE – The length of road visible to the driver of a passenger vehicle at any given point in the road when viewing is unobstructed.

SIGHT TRIANGLE – A triangle-shaped portion of land established at a street intersection on which nothing above 30 inches shall be erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the clear sight distance of motorists entering or leaving the intersection.

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

SIGNMAKER – A maker of signs.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot or tract by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot.

SLAUGHTERING – The act of killing animals for food (butcher).

SMALL DOMESTIC ANIMALS/PETS - Small, domestic animals that are customarily kept in the house or residential yard for the company or enjoyment of the owner which are commonly available in retail pet stores, such as, but not limited to, dogs, cats, rabbits, birds, reptiles, rodents, fish, and other such animals that pose no threat, harm or disturbance to neighboring residents or properties. Domestic pets shall not be considered livestock, horses or any exotic animal as defined herein. Any animal which requires the issuance of a permit by the Pennsylvania Game Commission or is classified as an exotic animal shall not be considered a domestic pet.

SMALL ENGINE REPAIR SHOP – A facility used specifically for small engine repairs such as motorcycles, scooters, mopeds, dirt bikes, all-terrain vehicles, boats, snowmobiles, chain saws, lawn mowers, hedge trimmers, tractors and portable generators.

SMALL WIND ENERGY SYSTEM. A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

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

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement or hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLID WASTE PROCESSING FACILITY – Any facility for the compaction, composting, disposal, energy conversion and fuel generation, incineration, processing, shredding, sorting, storage, transfer of solid material, including 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 excrements or hazardous materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and PA Code Chapter 273, as amended, supplemented or revised.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 604.3 of this Ordinance.

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

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

A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or

torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.

B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.

C. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.

D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast.

E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.

F. Erotic or lewd touching, fondling or other contact with an animal by a human being.

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STABLE – A structure that is used for the shelter or care of horses, cattle, or other large animals.

STEALTH TECHNOLOGY - State of the art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

STORAGE – A function or place involving the depositing of materials, goods or products for safekeeping.

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

STORY, HEIGHT OF – The vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, when there is not a ceiling, to the top of the roof rafters.

STREET – A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, street trees, and sidewalks

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

STREET, CUL-DE-SAC – A local street intersecting another street at one end and terminating at the other in a vehicular turnaround.

STREET GRADE – The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

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

legal right-of-way line currently in existence.

STREET, PRIVATE – A street not offered for dedication or whose dedication was not accepted by the Township.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including, but not limited to, buildings, sheds, cabins, mobile homes, trailers, dams, culverts, roads, railroads, bridges, storage tanks, solar energy systems, wind energy systems, signs and transmission or receiving towers or dishes.

> STRUCTURE, ACCESSORY: A detached subordinate structure (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, fences, etc.) the use of which is customarily incidental and subordinate to that of the principal structure or building and which is located on the same lot as that occupied by the principal building or structure.
>
> STRUCTURE, PRINCIPAL: A structure associated with a primary use.

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

STRUCTURE, HEIGHT OF – The vertical distance from the average grade to the top of the highest point of structures, other than principal or accessory buildings, such as, but not limited to, telecommunication towers, light poles, flagpoles, silos and water tanks.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - Conoy Township Subdivision and Land Development Ordinance.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 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 CHANGE OR SUBSTANTIAL CHANGE (wireless communications) - A modification to an existing wireless communications facility Substantially Changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for Communications Tower outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for Communications Towers in the rights-of-way, it increases the height of the facility by more than 10% or 10 feet, whichever is greater; (2) for Communications Tower outside the public rights-of-way, it protrudes from the edge of the WCF by more than 20 feet, or more than the width of the Tower structures are the level off the appurtenance, whichever is greater; for those Communications Tower in the public rights-of-way, it protrudes from the edge of the structure by more than 6 feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; (4) it entails any excavation of deployment outside the current site of the Communications Tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the Communications Tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

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

TANNERY – The process of treating skins and hides or animals to produce leather.

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

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) - Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCF.

TOWNSHIP - Conoy Township.

TOWNSHIP ENGINEER – A duly registered professional engineer, licensed as such in the Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant thereto.

TRACT – An area of land which may comprise the entire area or subpart of a parcel. Individual "tracts" within a parcel of land shall not constitute separate lots for the purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts within parcels shall be considered descriptive only.

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

(1) The unit is of such size or weight as to not require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on the highway.

(2) The unit is mounted or designed to be mounted on wheels.

(3) The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck.

(4) The unit contains, or was designed to contain, temporary storage of water and sewage.

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

TRUCK OR MOTOR FREIGHT TERMINAL – Any property that is the origin and/or destination point of short and long-distance hauling and/or is used for the purpose of storing, transferring, loading and unloading, in addition to truck parking. This use may be in conjunction with a warehouse business.

TWO-FAMILY CONVERSIONS - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units each having its own water and sewer connection.

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

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

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

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

USE, CHANGE OF – An alteration of a building, structure or tract of land which changes the use heretofore existing to a new use classification.

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

USE, MUNICIPAL – Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare of the municipality that are typically the responsibility of the local governments or local government authorities. Such uses shall include, but not be limited to:

A. Township offices and halls.

B. Police, fire and ambulance stations.

C. Township authority facilities.

D. 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.

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

UTILITY, PUBLIC OR PRIVATE – Any regulated agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or similar service.

UTILITY SHED – A small building having a floor area not exceeding 100 SF, and a height of not more than eight (8) feet, intended primarily for the storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a residence. Such buildings shall not be used to house an automobile or as a dwelling unit.

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

VEHICLE – A self-propelled device, except that which uses human power only, used for the transporting of persons or goods. This would include automobiles, trucks, boats, trailers, farm equipment, all-terrain vehicles, dune buggies and snowmobiles.

VEHICLE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel, and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, rental, or automatic car washes.

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

VEHICLE SALES OR RENTAL LOT – An open lot for the outdoor display of new or used automobiles, recreational vehicles and similar vehicles when accessory to a vehicle sales, rental or display building.

VEHICLE SERVICE AND REPAIR FACILITY – A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, servicing, or supplying of gasoline or oil to automobiles, recreational vehicles, and similar vehicles.

VEHICLE SERVICE - The retail repair, servicing, maintenance, and reconstruction of passenger vehicles but not including car washes per se.

VEHICLE WASHING FACILITY – A building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

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

VOCATIONAL/MECHANICAL TRADE SCHOOL – See "School - Vocational/Mechanical Trade School"

WALL, FREESTANDING – A man-made structure erected for purposes of property delineation, decoration, or enclosure that is not part of a building or other structure and is typically constructed of brick or stone. This definition shall not include retaining walls.

WALL HEIGHT – The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

WALL, RETAINING – A structure that holds back earth or water from a building or other structure. Retaining walls stabilize soil and/or rock from downslope movement or erosion and provide support for vertical or near-vertical grade changes. Retaining walls are generally made of masonry, stone, brick, concrete, vinyl, steel or timber. Retaining wall designs must be certified by a professional engineer licensed in the Commonwealth of Pennsylvania.

WALKWAY – A paved pedestrian path which is not aligned with vehicular circulation patterns, but which is located on a lot along proposed or existing pedestrian patterns.

WAREHOUSE – A facility for handling goods with or without maintenance facilities.

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 having defined bed and banks.

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

WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

WELDING SHOP – A facility used to unite metal or plastic parts by heating and allowing the metals to flow together or by hammering or compressing with or without previous heating.

WETLANDS – Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WHOLESALE ESTABLISHMENT – A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. This definition shall not include what is commonly referred to as "big box retail," such as Costco, Home Depot, Lowes, Sam's Club, and the like,

WILDLIFE REFUGE – An area maintained in a natural state for the preservation of both animal and plant life.

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

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

WIRELESS - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) - the antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) - Any person that applies for a wireless communication facility zoning permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property.

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a Tower-Based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

YARD - An open, unoccupied space, other than a courtyard, that lies between the principal building or buildings and the lot lines.

A. FRONT YARD: The area contained between any street right-of-way line(s) and the principal structure and extending the entire way of the right-of-way line, except the lot line to the rear of the address street shall be considered a rear yard. For flag lots, the front yard shall be that area between the principal structure and that property line which is most parallel to the street that provides access.

B. REAR YARD: The area contained between the principal structure and the property line directly opposite the street of address and extending the entire way of the right-of-way line. 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.

C. SIDE YARD: A yard between a structure and a side lot line, extending from the front yard to the rear yard. 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 outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

YARD WASTE – All garden residues, shrubbery, tree prunings of less than ¼ inch, sod and similar materials, grass clippings and leaves.

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

ZONING MAP – The Official Conoy Township Zoning Map.

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

ZONING ORDINANCE – The official Conoy Township Zoning Ordinance.

ZONING PERMIT - A permit issued indicating that a proposed use, building or structure is in accordance with this Ordinance which authorizes an Applicant to proceed with said use, building or structure.

ARTICLE 2 – DISTRICT REGULATIONS

SECTION 201 AGRICULTURAL DISTRICT (A)

201.1 Purpose

The primary purpose of this District is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. Areas contained within the District have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. This District also intends to protect and stabilize the Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this District must be willing to accept the impacts associated with normal farming practices and related businesses. Finally, the provisions of this District have been specifically formulated to further the objectives of the MPC, which provides that local zoning ordinances shall be designed "to preserve prime agriculture and farm land considering topography, soil type and classification, and present use."

201.2 Permitted Uses

A. Agriculture, horticulture, fish hatchery.

B. Agritainment/agritourism enterprises permitted by right (see Section 407).

C. Bed and breakfasts (see Section 412).

D. ECHO housing (see Section 426).

E. Forestry (see Section 323).

F. Public facilities and public utilities structures.

G. Temporary farm employee housing (see Section 473).

H. Wildlife refuges.

I. Accessory apartments for additional family members (See Section 483).

J. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

1. Animal grooming shops.

2. Arts and craft studios.

3. Beekeeping (see Section 413).

4. Family day-care facilities (see Section 428).

5. Keeping of small domestic animals/pets (see Section 321).

6. Manure storage facilities, subject to the following regulations:

a. All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the PA DEP, copies of which are available from the Water Quality Management in the DEP.

b. All waste storage facilities' designs shall be reviewed by the Lancaster County Conservation District. The Applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.

c. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another review by the Lancaster County Conservation District.

7. No-impact home-based businesses (see Section 452).

8. Noncommercial keeping of horses (see Section 450).

9. Noncommercial keeping of livestock (see Section 451).

10. Roadside stands for the sale of agricultural products, subject to the following:

a. Any structure used to display such goods and related parking shall be no more than two thousand (2,000) square feet in size, and shall be located at least twenty-five (25) feet from any property line;

b. At least half of the products displayed for sale must have been produced on the premises;

c. Off-street parking shall be provided for all employees and customers; and,

d. Any signs used shall be attached to the roadside stand structure and shall not exceed ten (10) square feet in total area nor exceed a maximum height of fifteen (15) feet.

11. Small wind energy systems (see Section 301.5.E).

12. Solar energy systems (see Section 301.5.B-D).

13. Accessory methane digester systems (see Section 482).

201.3 Special Exception Uses

Subject to the review procedures listed in Section 604.2 of this Ordinance.

A. Agritainment/agritourism enterprises permitted by special exception (see Section 407).

B. Club rooms, club grounds, meeting halls (see Section 418).

C. Community/tenant garden.

D. Conversion apartments (see Section 423).

E. Family group homes (see Section 429).

F. Farm occupations (see Section 430).

G. Farm implement sales and service (see Section 436).

H. Greenhouses, horticultural nurseries.

I. Heavy equipment sales, service and/or repair facilities (see Section 436).

J. Home occupations (see Section 438).

K. Hunting, fishing, camping, other recreational lodges.

L. One room public or private school houses (see Section 466).

M. Riding schools and/or horse boarding stables (see Section 465).

N. Two-family conversions (see Section 475).

201.4 Conditional Uses

Subject to the review procedures listed in Section 605.2 of this Ordinance.

A. Agritainment/agritourism enterprises permitted by conditional use (see Section 407).

B. Airports or heliports (see Section 408).

C. Animal hospitals, veterinary clinics (see Section 410).

D. Animal rendering, livestock and poultry disposal facilities (see Section 470).

E. Butcher shops, fish markets.

F. Campgrounds (see Section 416).

G. Churches and related uses (see Section 417).

H. Group facilities (see Section 434).

I. Kennels (see Section 445).

J. Large wind energy production facilities (see Section 301.5.F).

K. Outdoor commercial recreation facilities (e.g. golf, etc.) (see Section 421).

L. Petting Zoos (see Section 455).

M. Public libraries, public museums, and similar facilities (see Section 457).

N. Quarrying and similar extractive uses (see Section 458).

O. Recycling collection facilities, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

P. Resorts (see Section 461).

Q. Single family detached dwellings (see Section 468).

R. Slaughterhouses and meat packaging facilities (see Section 470).

S. Solid waste processing facilities/landfills (see Section 469).

T. Spent mushroom compost processing and/or commercial mushroom operations (see

Section 471).

U. Tannery facilities (see Section 472).

V. Tower-Based Wireless Communications Facilities (see Section 422).

W. Vehicle filling stations, including minor incidental repair (see Section 476).

X. Vehicle service and repair facilities (see Section 478).

Y. Regional methane digester systems (see Section 482).

Z. Wind energy conversion facilities (see Section 301.5)

201.5 Lot Area Requirements

A. Agricultural use – Twenty-five (25) acres minimum.

B. Creation of new lots or erection of single-family dwellings or other principal nonagricultural buildings on existing tracts:

1. For each twenty-five (25) acres of contiguous land in single ownership, as of August 27, 1992, there may be one (1) lot sold or utilized for a single-family detached dwelling or other principal nonagricultural building or use.

2. For each tract of contiguous land in single ownership that is two (2) acres or more, but less than twenty-five (25) acres, as of August 27, 1992, there may be only one (1) lot sold or utilized for a single-family detached dwelling or other principal nonagricultural building or use.

3. The provisions of paragraphs B.1. and B.2. of this section shall apply to all parcels of land legally existing on August 27, 1992. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on August 27, 1992 shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family detached dwellings or other principal nonagricultural buildings or uses, the number of lots, buildings or uses, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of new lots or erection of single-family detached dwellings or other principal nonagricultural buildings or uses as determined by the provisions of this section.

4. For those vacant lots in existence on August 27, 1992, and containing less than one acre, there may be one single-family detached dwelling constructed, subject to the standards listed for such dwellings in Section 202 of this Ordinance.

C. Single-family detached dwellings - Unless otherwise specified, the minimum lot area shall be one (1) acre and the maximum lot area shall be two (2) acres.

D. Other permitted, special exception or conditional uses – Unless otherwise specified, the minimum lot area shall be one (1) acre.

E. The minimum lot area requirements imposed by this section assume compliance with all PA DEP regulations pertaining to sewage disposal. For those lots using on-site sewage disposal systems in an area where ambient groundwater nitrogen-nitrate

levels exceed five (5) parts per million, additional lot area may be required (see Section 316).

201.6 **Minimum Lot Width** – Two hundred (200) feet at the frontage and front yard setback lines.

201.7 **Minimum Setbacks and Maximum Height Requirements**

A. Agricultural uses (other than farm dwellings):

1. Front yard setback – Fifty (50) feet from street right-of-way line.

2. Side yard setbacks – Fifty (50) feet on each side (100 feet total).

3. Rear yard setback – Fifty (50) feet.

4. Special setback requirements – Except as provided for in the following paragraph, no new slaughter area, area for the storage or processing of manure, garbage, or spent mushroom compost, structures for the cultivation of mushrooms or the raising of commercial livestock, or any building housing commercial livestock, shall be permitted within 300 feet of any adjoining property within the R, R-1, and R-2 Districts.

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

5. Maximum permitted height – One hundred fifty (150) feet, provided all structures are set back a distance at least equal to their height from all property lines.

B. Single-family detached dwellings on lots of one (1) acre or larger:

1. Front yard setback – Fifty (50) feet from street right-of-way line,

2. Side yard setbacks – Fifteen (15) feet on each side (30 feet total),

3. Rear yard setback – Thirty-five (35) feet,

4. Maximum permitted height – Thirty-five (35) feet.

C. Single-family detached dwellings on existing, nonconforming lots of less than one (1) acre:

1. Front yard setback – Fifty (50) feet from street right-of-way line,

2. Side yard setbacks – Ten (10) feet on each side (20 feet total),

3. Rear yard setback – Thirty-five (35) feet,

4. Maximum permitted height – Thirty-five (35) feet.

D. Other permitted, special exception, or conditional uses – Unless otherwise specified, the following requirements shall apply to all other principal and accessory uses permitted within the Agricultural District:

1. Front yard setback – Fifty (50) feet from the street right-of-way line.

2. Side yard setbacks – Fifty (50) feet on each side (100 feet total).

3. Rear yard setback – Fifty (50) feet.

4. Maximum permitted height – Thirty-five (35) feet.

E. Residential accessory uses on lots of one (1) acre or larger – Unless otherwise specified, the following requirements shall apply to accessory uses:

1. Front yard setback – No accessory use (except roadside stands and permitted signs) shall be located within the front yard.

2. Side yard setbacks – Fifteen (15) feet on each side (30 feet total).

3. Rear yard setback – Fifteen (15) feet.

4. Maximum permitted height – Twenty-five (25) feet.

F. Residential accessory uses on existing, nonconforming lots of less than one (1) acre – Unless otherwise specified, the following requirements shall apply to accessory uses:

1. Front yard setback – No accessory use (except roadside stands and permitted signs) shall be located within the front yard.

2. Side yard setbacks – Ten (10) feet on each side (20 feet total).

3. Rear yard setback – Fifteen (15) feet.

4. Maximum permitted height – Twenty-five (25) feet.

201.8 Maximum Lot Coverage

A. Agricultural uses – Ten percent (10%).

B. Single-family dwellings on lots of one (1) acre or larger – Twenty percent (20%).

C. Single-family dwellings on existing, nonconforming lots of one-half (½) acre to one (1) acre – Thirty percent (30%).

D. Single-family dwellings on existing, nonconforming lots of less than one-half (½) acre – Thirty-five percent (35%).

E. Other uses (unless otherwise specified) – Twenty percent (20%).

201.9 Driveways and Access Drives

All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry-related activities shall be exempt from driveway and access drive requirements. However, all farm lanes shall be located, designed and maintained so as to prevent the collection of mud on public roads.

201.10 All uses permitted within this District shall also comply with the General Provisions contained within Article 3 of this Ordinance.

201.11 Agricultural Nuisance Disclaimer

All lands within the Agricultural District are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

201.12 Vegetation Setback Requirement

On any separate nonfarm parcel, no shrub or tree shall be planted within ten (10) and thirty (30) feet, respectively, of any land used for agricultural purposes.

201.13 Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least fifty (50) feet and screened from adjoining roads and properties.

SECTION 202 RURAL DISTRICT (R)

202.1 Purpose

The primary purpose of this District is to promote a continuation of the rural character of the area, characterized by a mixture of sparsely developed residential uses. In addition, other small-scale nonresidential uses have developed. This District will continue these development trends, but will install additional protection for rural residences from the impacts of other nonresidential uses. These areas are not likely to be served by public sewer or water facilities within the foreseeable future; therefore, larger lot sizes are indicated. This District has been deliberately located away from large areas of productive farmlands. Because of the character of these areas, some steep slopes are included. For this reason, specific lot design requirements have been imposed on steeply sloped development sites.

202.2 Permitted Uses

A. Agriculture, horticulture, fish hatchery.

B. Agritainment/agritourism enterprises permitted by right (see Section 407).

C. Animal hospitals, veterinary clinics (see Section 407).

D. Bed and breakfasts (see Section 412).

E. Butcher shops, fish markets.

F. Community/tenant garden.

G. ECHO housing (see Section 426).

H. Family group homes (see Section 429).

I. Farm implement sales and service.

J. Forestry (see Section 323).

K. Greenhouses, horticultural nurseries.

L. Hunting, fishing, camping, other recreational lodges.

M. Kennels (see Section 445).

N. Pennsylvania limited wineries, as defined herein.

O. Public and/or nonprofit parks.

P. Public facilities and public utilities structures

Q. Single-family detached dwellings.

R. Wildlife refuges.

S. Accessory apartments for additional family members (see Section 483).

T. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

1. Animal grooming shops.

2. Arts and craft studios.

3. Beekeeping (see Section 413).

4. Family day-care facilities (see Section 428).

5. Home occupations (see Section 438).

6. Keeping of small domestic animals/pets (see Section 321).

7. Manure storage facilities, subject to the following regulations:

   a. All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the PA DEP, copies of which are available from the Water Quality Management in the DEP.

   b. All waste storage facilities' designs shall be reviewed by the Lancaster County Conservation District. The Applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.

   c. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another review by the Lancaster County Conservation District.

8. No-impact home-based businesses (see Section 452).

9. Noncommercial keeping of horses (see Section 450).

10. Noncommercial keeping of livestock (see Section 451).

11. Roadside stands for the sale of agricultural products, subject to the following:

   a. Any structure used to display such goods and related parking shall be no more than two thousand (2,000) square feet in size, and shall be located at least twenty-five (25) feet from any property line;

   b. At least half of the products displayed for sale must have been produced on the premises;

   c. Off-street parking shall be provided for all employees and customers; and,

   d. Any signs used shall be attached to the roadside stand structure and shall not exceed ten (10) square feet in total area nor exceed a maximum height of fifteen (15) feet.

12. Small wind energy systems (see Section 301.5.E).

13. Solar energy systems (see Section 301.5.B-D).

202.3 Special Exception Uses

Subject to the procedures presented in Section 604.2 of this Ordinance.

A. Agritainment/agritourism enterprises permitted by special exception (see Section 407).

B. One room public or private school houses (see Section 466).

C. Riding schools and/or horse boarding stables (see Section 465).

D. Vehicle service and repair facilities (see Section 478).

202.4 Conditional Uses

Subject to the review procedures listed in Section 605.1 of this Ordinance.

A. Agritainment/agritourism enterprises permitted by conditional use (see Section 407).

B. Animal rendering, livestock and poultry disposal facilities (see Section 470).

C. Campgrounds (see Section 416).

D. Churches and related uses (see Section 417).

E. Club rooms, club grounds, meeting halls (see Section 418).

F. Convalescent homes, nursing homes, hospitals (see Sections 439 and 453).

G. Golf courses (see Section 433).

H. Group facilities (see Section 434).

I. Mobile home parks (see Section 448).

J. Outdoor commercial recreation facilities (see Section 421).

K. Petting zoos (see Section 455).

L. Public or private schools (see Section 466).

M. Quarrying and similar extractive uses (see Section 458).

N. Resorts (see Section 461).

O. Slaughterhouses and meat packaging facilities (see Section 470).

P. Tannery facilities (see Section 472).

Q. Tower-Based Wireless Communications Facilities (see Section 422).

R. Wind energy conversion facilities (see Section 301.5).

S. Large wind energy production facilities (see Section 301.5.F).

202.5 Design Standards

Unless specified elsewhere, the following table prescribes lot area, width, and coverage, as well as minimum yard requirements for uses within this District:

Use[2]	Minimum Lot Area[1]	Minimum Lot Width	Maximum Lot Coverage	Front Yard	Minimum One Side	Yard Setbacks (Both Sides)	Rear Yard
All Permitted Uses, except as noted below	1 acre	150'	10%	50'	30'	(60')	50'
All Permitted Uses If More Than 50% of the Site Possesses Slopes in Excess of 15%	2 acres	150'	7%	50'	30'	(60')	50'
Single-family detached dwellings on existing, nonconforming lots of less than one (1) acre	N/A	N/A	20%	50'	10'	(20')	35'

Accessory Uses on lots of one (1) acre or larger	N/A	N/A	N/A	Not Permitted In Front Yard	15'	(30')	15'
Accessory Uses on existing, nonconforming lots of less than one (1) acre	N/A	N/A	N/A	Not Permitted In Front Yard	10'	(20')	15'

1 For each five (5) acres of contiguous land in single ownership as of August 27, 1992, there may be one (1) lot sold or utilized for a single-family detached dwelling, provided that the minimum lot area shall be one (1) acre. For each tract of contiguous land in single ownership that is two (2) acres or more, but less than five (5) acres, as of August 27, 1992, there may be only one (1) lot sold or utilized for a single-family dwelling.

The provisions of this section shall apply to all parcels of land legally existing on August 27, 1992. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on August 27, 1992 shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the Rural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings as determined by the provisions of this section.

In the event a tract of land, which was not classified as part of the Rural District on August 27, 1992 , is hereafter classified as part of the Rural District, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification.

For those vacant lots in existence on August 27, 1992, and containing less than one acre, there may be one single-family detached dwelling constructed, subject to the above standards listed for such dwellings in this section.

2 All uses relying upon on-lot sewage disposal are subject to the requirements listed in Section 316 of this Ordinance.

202.6 Maximum Permitted Height

A. Principal buildings and structures – Thirty five (35) feet.

B. Accessory buildings and structures – Twenty-five (25) feet.

202.7 Driveways and Access Drives

All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.

202.8 All uses permitted within this District shall also comply with the General Provisions contained in Article 3 of this Ordinance.

202.9 Vegetation Setback Requirement

No shrub or tree shall be planted within ten (10) and thirty (30) feet, respectively, of any adjoining farm.

202.10 Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least fifty (50) feet and screened from adjoining roads and properties.

SECTION 203 SUBURBAN RESIDENTIAL DISTRICT (R-1)

203.1 Purpose

This District accommodates medium density suburban residential development growth within the Township. Generally, this District coincides with existing and expected public sewer service areas; however, limited areas have been designated beyond immediate public utility service areas. In these areas, permitted densities are reduced, and lot design standards protect in-fill development opportunities for the eventual extension of public utilities. Only single-family detached and single-family semi-detached housing styles are permitted to provide a homogeneous, serene neighborhood. The Districts have been located around existing medium density neighborhoods and where roads are adequate to accommodate the additional traffic generated. Various residential-related uses are permitted by special exception and clustering is provided via conditional use, when public utilities are utilized.

203.2 Permitted Uses

A. Agricultural and horticultural uses, subject to the standards listed in Section 201.

B. Community/tenant gardens.

C. ECHO housing (see Section 426).

D. Family group homes (see Section 429).

E. Forestry (see Section 323).

F. Public facilities and public utilities structures.

G. Single-family detached dwellings.

H. Single family semi-detached dwellings.

I. Accessory apartments for additional family members (see Section 483).

J. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

1. Arts and craft studios.

2. Keeping of small domestic animals/pets (see Section 321). .

3. No-impact home-based businesses (see Section 452).

4. Animal grooming shops.

5. Farm produce roadside stands, subject to the requirements of Section 201.2.

6. Small wind energy systems (see Section 301.5.E).

7. Solar energy systems (see Section 301.5.B-D).

203.3 Special Exception Uses

Subject to the review procedures listed in Section 604.2. of this Ordinance.

A. Bed and breakfasts (see Section 412).

B. Churches and related uses (see Section 417).

C. Conversion apartments (see Section 423).

D. Family day-care facilities (see Section 428).

E. Home occupations (see Section 438).

F. Noncommercial keeping of horses (see Section 450).

G. Noncommercial keeping of livestock (see Section 451).

203.4 Conditional Uses

Subject to the review procedures listed in Section 605.2 of this Ordinance.

A. Cemeteries (see Section 417).

B. Club rooms, club grounds, meeting halls (see Section 418).

C. Cluster developments (see Section 419).

D. Convalescent homes, nursing homes, hospitals (see Sections 439 and 453).

E. Public or private schools (see Section 466).

F. Retirement communities (see Section 464).

203.5 Design Standards – See Table 1 below:

Utilized Public Utilities	Minimum Lot Area (per DU)	Maximum Density (Units/Ac.)	Minimum Lot Width[1] (per DU)	Maximum Lot Coverage	Minimum Yard Setbacks			
					Front	One Side	(Both Sides)[2]	Rear
Public Sewer and Public Water	10,000 sq. ft.	4.35	80 ft.	35%	40 ft.[3]	10 ft.	(20 ft.)	35 ft.
Public Sewer Only	20,000 sq. ft.	N/A	100 ft.	35%	40 ft.[3]	20 ft.	(40 ft.)	35 ft.
Public Water Only or None[4]	43,560 sq. ft.	N/A	150 ft.	15%	40 ft.[3]	25 ft.	50 ft.	35 ft.
Accessory Uses	N/A	N/A	N/A	N/A	Not Permitted In Front Yard	10 ft.	(20 ft.)	10 ft.

1. Minimum lot width shall be measured at the building setback line. In no case shall a lot's frontage be less than 50 feet.
2. Single family semi-detached dwellings only have one side yard.
3. Those properties abutting an arterial road, as identified in this Ordinance, shall provide a minimum front yard setback of fifty (50) feet from the right-of-way line.
4. All uses relying upon on-lot sewage disposal are subject to the requirements listed in Section 316 of this Ordinance.

203.6 Maximum Permitted Height

A. Principal structures – Thirty-five (35) feet; and,

B. Accessory structures – Twenty-five (25) feet.

203.7 Driveways and Access Drives

All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.

203.8 All uses permitted within this District shall also comply with the General Provisions contained in Article 3 of this Ordinance.

203.9 Agricultural Setback Requirement

No dwelling unit shall be located within 100 feet of any land within the Agricultural District. In addition, no shrub or tree shall be planted within ten (10) and thirty (30) feet, respectively, of any land within the Agricultural District.

203.10 Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least twenty-five (25) feet and screened from adjoining roads and properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.

SECTION 204 HIGH DENSITY RESIDENTIAL DISTRICT (R-2)

204.1 Purpose

This District is intended to provide for the higher density residential need of the Township. It accommodates the widest range of housing types available within the Township at densities higher than those permitted elsewhere. Both public sewer and public water are planned to be, or are available. Similarly, adjoining roads are, or are planned to be, adequate to accommodate the additional traffic generated by uses in this Zone. Finally, cluster developments are allowed by conditional use, and encouraged with the use of density bonus incentives.

204.2 Permitted Uses

A. Agricultural and horticultural uses, subject to the standards listed in Section 201.

B. ECHO housing (see Section 426).

C. Family group homes (see Section 429).

D. Forestry (see Section 323).

E. Multiple-family dwellings, provided that public sewer and public water are used and no conversions from single family detached dwellings are allowed.

F. Public and/or nonprofit parks.

G. Public facilities and public utilities structures.

H. Single-family detached dwellings.

I. Single-family semi-detached dwellings.

J. Townhouses, provided that public sewer and public water are used.

K. Two family dwellings.

L. Accessory apartments for additional family members (see Section 483).

M. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

1. Keeping of small domestic animals/pets (see Section 321).

2. No-impact home-based businesses (see Section 452).

3. Small wind energy systems (see Section 301.5.E).

4. Solar energy systems (see Section 301.5.B-D).

204.3 Special Exception Uses

Subject to the review procedures listed in Section 604.2. of this Ordinance.

A. Boarding (rooming) houses (see Section 415).

B. Churches and related uses (see Section 417).

C. Family day-care facilities (see Section 428).

D. Home occupations (see Section 438).

E. Noncommercial keeping of horses (see Section 450).

F. Noncommercial keeping of livestock (see Section 451).

G. Nursing, rest or retirement homes (see Section 453).

204.4 Conditional Uses

Subject to the review procedures listed in Section 605.2 of this Ordinance.

A. Cluster developments (see Section 419).

B. Mobile home parks (see Section 448).

C. Retirement communities (see Section 464).

204.5 Design Standards – See Table 2 below:

Use	Minimum Lot Area (sq. ft.)	Maximum Density (Units/Ac.)	Minimum Lot Width[1]	Maximum Lot Coverage	Minimum Yard Requirements			
					Front Yard[4]	One Side Yard	(Both Side Yards)	Rear Yard
Single-Family Detached	7,500	5	70'	35%	25'	10'	(20')	30'
Single-Family Semi-Detached	6,000/unit	5	45'/unit	45%	25'	20'	(N/A)	30'
Two Family	12,000	5	100'	35%	25'	15'	(30')	30'
Townhouses[2]	2,000/unit	6	20'/unit	75%	25'	15'	15' (One side is an End Unit)	30'
Multiple-Family[3]	87,120	6	200'	60%	50'	30'	(60')	50'
Other Uses	43,560	N/A	200'	30%	40'	30'	(60')	50'
Accessory Uses	N/A	N/A	N/A	N/A	Not Permitted	6'	(12')	10'

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

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

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

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

   b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the buildings may be reduced to a minimum of twenty (20) feet.

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

4. If the property abuts an arterial road, as identified on the Official Zoning Map, the minimum front yard setback shall be fifty (50) feet from the right-of-way line.

204.6 Maximum Building Length

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

204.7 Maximum Permitted Height

A. Principal buildings and structures – Thirty-five (35) feet; and,

B. Accessory buildings and structures – Twenty-five (25) feet.

204.8 Driveways and Access Drives

All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.

204.9 All uses permitted within this District shall also comply with the General Provisions contained in Article 3 of this Ordinance.

204.10 Agricultural Setback Requirement

No dwelling unit shall be located within one hundred (100) feet of any land within the Agricultural District. In addition, no shrub or tree shall be planted within ten (10) and thirty (30) feet, respectively, of any land within the Agricultural District.

204.11 Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least twenty-five (25) feet and screened from adjoining roads or properties, and completely enclosed within masonry or fenced enclosure equipped with a self-latching door or gate.

SECTION 205 VILLAGE CENTER DISTRICT (VC)

205.1 Purpose

This District provides for the continuation of the development patterns that have evolved in the Villages of Bainbridge and Falmouth. Specifically, these villages have developed into a "quaint" setting that consists primarily of residences, but also includes commercial and civic uses. Site designs, too, vary with the "village-core" consisting of tightly-knit historic buildings on deep and narrow lots with small setbacks. Peripheral sites are more suburban in character with larger and wider lots and setbacks. These areas have public sewers and Bainbridge also has public water; therefore, land use intensity is limited until both public utilities are used.

205.2 Permitted Uses

A. Animal grooming shops.

B. Arts & craft studios.

C. Bakeries, delicatessens, ice cream shops, coffee/tea shops.

D. Banks/financial institutions.

E. Bed and breakfast (see Section 412).

F. Business or professional offices.

G. Butcher shops, fish markets.

H. Churches and church-related uses, excluding cemeteries (see Section 417).

I. Commercial schools and vocational and mechanical trade schools (see Section 466).

J. Community/tenant gardens.

K. Convalescent homes, nursing homes, hospitals (see Sections 439 and 453).

L. Conversion apartments (see Section 423).

M. Family group homes (see Section 429).

N. Forestry (see Section 323).

O. Funeral homes (see Section 432).

P. Medical or dental clinics (see Section 446).

Q. Motels/hotels (see Section 440).

R. Multi-family dwellings – no conversion from Single Family Dwelling

S. Museums.

T. Office conversions (see Section 454)

U. Parking lots or garages.

V. Personal service businesses.

W. Public and/or nonprofit parks.

X. Public facilities and public utilities structures.

Y. Public or private schools.

Z. Retail sales and/or rental of goods (see Section 463);

AA. Retail services, including, but not limited to: barber/beauty salons; tailors; shoe repair; music, dance, art, or photographic studios; and repair of jewelry, clocks, and small appliances (see Section 463);

BB. Single-family detached dwellings.

CC. Single family semi-detached dwellings.

DD. Two family (duplex) dwellings.

EE. Accessory apartments for additional family members (see Section 483).

FF. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

1. Family day-care facilities (see Section 428).

2. Home occupations (see Section 438).

3. Keeping of small domestic animals/pets (see Section 321).

4. No-impact home-based businesses (see Section 452).

5. Small wind energy systems (see Section 301.5.E).

6. Solar energy systems (see Section 301.5.B-D).

7. Recycling collection facilities provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

205.3 Special Exception Uses

Subject to the review procedures listed in Section 604.2. of this Ordinance.

A. Amusement arcades (see Section 409).

B. Animal hospitals/veterinary clinics (see Section 410).

C. Boarding (rooming) houses (see Section 415).

D. Club rooms, club grounds, meeting halls (see Section 418).

E. Commercial day-care facilities (see Section 420).

F. Drive-thru service facilities (see Section 424).

G. ECHO housing (see Section 426).

H. Health and recreation clubs (see Section 435).

I. Indoor commercial recreation facilities (see Section 421).

J. Restaurants and taverns (see Section 462).

K. Shopping centers or malls (see Section 467).

L. Townhouses.

M. Vehicle sales/rental (see Section 477).

205.4 Conditional Uses

Subject to the review procedures listed in Section 605.1 of this Ordinance.

A. Vehicle filling stations, including minor incidental repair (see Section 476).

B. Cluster developments (see Section 419).

C. Fraternities, sorority houses, dormitories (see Section 431).

D. Group facilities (see Section 434).

E. Retirement communities (see Section 464).

205.5 Design Standards

Recognizing the two different land use patterns existing within this District, the following two tables present two different design standards imposed, based upon basic design elements.

1. The following table presents design standards imposed upon lots that front on one public street and on another public street or alley. Also, lots qualifying for the following standards must also contain required off-street parking in a side or rear yard.

Public Utilities Utilized	Minimum Lot Area (sq. ft.)	Maximum Density (Units/Ac.)	Minimum Lot Width	Maximum Lot Coverage	Required Front Yard[1]	Minimum Side Yard One Side	(Both Sides)	Minimum Rear Yard
Public Water Only	32,670[2]	1.33	100'	25%	10'	25'	(50')	50'
Public Sewer Only	20,000	2.18	100'	35%	10'	20'	(40')	35'
Both Public Sewer and Public Water	6,000	6	40'	60%	10'	5'	(5')	35'

[1]All uses shall be set back ten (10) feet from any adjoining street line.
[2]All uses relying upon on-lot sewers shall also comply with Section 316 of this Ordinance.

2. The following table presents design standards imposed upon lots that do not qualify for those presented in the preceding Section 205.5.1:

Public Utilities Utilized	Minimum Lot Area (sq. ft.)	Maximum Density (Units/Ac.)	Minimum Lot Width	Maximum Lot Coverage	Required Front Yard	Minimum Side Yard One Side	(Both Sides)	Rear Yard
Public Water Only	32,670[1]	1.33	110'	25%	25'	30'	(60')	50'
Public Sewer Only	20,000	2.18	100'	35%	25'	20'	(40')	35'
Both Public Sewer and Public Water	7,500	5.8	55'	50%	25'	10'	(20')	35'

[1]All uses relying upon on-lot sewage disposal shall comply with Section 316 of this Ordinance.

205.6 Maximum Permitted Height

A. Principal buildings and structures – Thirty-five (35) feet; and,

B. Accessory buildings and structures – Twenty-five (25) feet.

205.7 All uses shall also comply with the applicable General Provisions contained in Article 3 of this Ordinance.

205.8 All accessory structures shall be located in the side or rear yard and set back at least five (5) feet from all property lines, except that the wall of any garage containing a vehicle opening shall be set back at least twenty (20) feet from the right-of-way of adjoining alleys.

205.9 Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least fifteen (15) feet and screened from adjoining roads and properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.

SECTION 206 LOCAL COMMERCIAL DISTRICT (LC)

206.1 Purpose

This District is intended to provide for the Township's commercial land use needs. Given the rural character of the Township, this District only provides for ~~(~~as permitted uses~~)~~ limited commercial uses that relate to the local retail, service, and employment needs of the Township. Other larger and more intensive uses, while provided for, must obtain specific approval by Special Exception or Conditional Use. These intensive uses will need to demonstrate the need or demand for such facilities, as well as be conducted in a manner that is most compatible with the Township's rural atmosphere. Areas within this District have been deliberately located close to public utility service areas, and the Township's planned residential growth areas, to minimize vehicular traffic congestion and conserve energy. This strategy also helps to preserve the outlying pastoral character of the Township.

206.2 Permitted Uses

The following uses may be permitted by right, provided their individual site sizes do not exceed one (1) acre and no outdoor storage is permitted.

A. Amusement arcades (see Section 409).

B. Animal grooming shops.

C. Arts & craft studios.

D. Bakeries, delicatessens, ice cream shops, coffee/tea shops.

E. Banks and similar financial institutions.

F. Butcher shops, fish markets.

G. Cemeteries (see Section 417).

H. Churches and related uses (see Section 417).

I. Club rooms, club grounds, meeting halls (see Section 418).

J. Community/tenant gardens.

K. Convalescent homes, nursing homes, hospitals (see Sections 439 and 453).

L. Drive-in/through businesses (see Section 424).

M. Antiques, flea and/or farmers markets (see Section 411).

N. Forestry (see Section 323).

O. Funeral homes (see Section 432).

P. Greenhouse, horticultural nurseries.

Q. Libraries.

R. Medical or dental clinics (see Section 446).

S. Motels/hotels (see Section 440).

T. Museums.

U. Offices.

V. Parking lots or garages.

W. Personal service businesses.

X. Commercial schools and vocational and mechanical trade schools (see Section 466).

Y. Public facilities and public utilities structures.

Z. Public and private schools (see Section 466).

AA. Restaurants (but not including drive-thru or fast-food restaurants or nightclubs and taverns).

BB. Retail sale and/or rental of goods, provided the total sales and/or display area is less than three thousand six hundred (3,600) square feet.

CC. Retail services, including: barber/beauty salons, music, dance, art or photographic studios, repair of clocks and small appliances, tailors, and dry cleaning.

DD. Veterinary clinics and animal hospitals, provided no outdoor keeping of animals is permitted (see Section 410).

EE. Event/Conference Center (See Section 484).

FF. Accessory uses and structures customarily incidental to existing nonconforming residential uses in the District, including, but not limited to, the following:

1. Family day-care facilities (see Section 428).

2. Home occupations (see Section 438).

3. Keeping of small domestic animals/pets (see Section 321).

4. No-impact home-based businesses (see Section 452).

5. Small wind energy systems (see Section 301.5.E).

6. Solar energy systems (see Section 301.5.B-D).

GG. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

1. Recycling collection facilities provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

206.3 Special Exception Uses

Subject to the procedures presented in Section 604.2. of this Ordinance.

A. Vehicle washes (see Section 479).

B. Commercial day-care facilities (see Section 420).

C. Commercial recreation facilities (see Section 421).

D. Conversion apartments (see Section 423).

E. Dry cleaners, laundries and laundromats (see Section 425).

F. Hospitals and other care-related uses (see Section 439).

G. Intensive commercial uses, as defined herein, (see Section 442).

H. Kennels (see Section 445).

I. Mini-warehouses (see Section 447).

J. Vehicle filling station, including minor incidental repair (see Section 476).

K. Vehicle service and repair facilities (see Section 478).

L. Vehicle sales/rental (see Section 477).

206.4 Conditional Uses

Subject to the procedures presented in Section 605.1 of this Ordinance.

A. Adult-related uses (see Section 406).

B. Jails/detention facilities (see Section 443).

C. Nightclubs and taverns (see Section 449).

D. Retirement communities (see Section 464).

E. Shopping centers or malls (see Section 467).

206.5 Minimum Lot Area, Lot Width, and Maximum Lot Coverage

Public Utilities Utilized	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.	200 ft.	25%
Public Sewer	20,000 sq. ft.	125 ft.	45%
Public Water	35,000 sq. ft.	150 ft.	35%
Both Public Sewer and Public Water	15,000 sq. ft.	100 ft.	55%

All uses relying upon on-lot sewage disposal shall comply with the requirements listed in Section 316 of this Ordinance.

206.6 Minimum Setback Requirements (Principal and Accessory uses)

A. Front yard setback – All buildings, structures (except permitted signs), and outdoor loading area shall be set back at least thirty-five (35) feet from the street right-of-way. Off-street parking lots and outdoor storage areas shall be set back a minimum of twenty (20) feet from the street right-of-way;

B. Side yard setback – All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;

C. Rear yard setback – All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line; and,

D. Residential buffer strip – Any lot adjoining land within a residential district shall maintain a fifty (50) foot setback from the residentially-zoned parcels for nonresidential

buildings, structures, off-street parking lots, loading areas, and outdoor storage areas. Such areas shall be used for a landscape strip.

206.7 Maximum Permitted Height – Thirty-five (35) feet.

206.8 Off-Street Loading

Off-street loading shall be provided, as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential district, nor any side of a building facing an adjoining street.

206.9 Off-Street Parking

Off-street parking shall be provided, as specified in Section 311 of this Ordinance.

206.10 Signs

Signs shall be permitted as specified in Section 314 of this Ordinance.

206.11 Driveway and Access Drive Requirements

All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.

206.12 Screening

A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed (see Section 313 of this Ordinance).

206.13 Landscaping

Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313 of this Ordinance).

A minimum fifteen (15) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot shared by adjoining nonresidential uses.

206.14 Waste Products

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

206.15 All uses permitted within this District shall also comply with the General Provisions in Article 3 of this Ordinance.

206.16 Commercial and Industrial Operations Standards

All commercial and industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

SECTION 207 INDUSTRIAL DISTRICT (I)

207.1 Purpose

This District provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. Essentially, this District provides for light industrial uses as permitted by right, but requires obtaining of a special exception for heavier and, potentially, more objectionable types of industrial uses. These areas have been located 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.

207.2 Permitted Uses

A. Agriculture, horticulture, fish hatchery subject to the standards listed in Section 201.

B. Commercial schools and vocational and mechanical trade schools (see Section 466).

C. Forestry (see Section 323).

D. Machine shops.

E. Mini-warehouses (see Section 447).

F. Offices.

G. Outdoor commercial recreation (see Section 421).

H. Public facilities and public utilities structures.

I. Repair shops for products permitted to be manufactured in this District.

J. Sales, storage and/or wholesaling of the following:

1. Home and auto-related fuels.
2. Nursery and garden materials, and stock.
3. Contractor supplies.
4. Plumbing, heating, air conditioning, electrical, and structural components of buildings.

K. Sign-makers.

L. Small engine repair shops.

M. Vehicle sales/rental/repair (see Sections 477 and 478).

N. Vehicle washing facilities (see Section 479).

O. Welding shops.

P. Accessory uses and structures customarily incidental to the above permitted uses as well as to existing nonconforming residential uses in the District, including, but not limited to, the following:

1. Keeping of small domestic animals/pets (see Section 321).

2. Noncommercial keeping of livestock (see Section 451).

3. No-impact home-based businesses (see Section 452).

4. Small wind energy systems (see Section 301).

5. Solar energy systems (see Section 301).

6. Recycling collection facilities provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than 300 square feet.

207.3 Special Exception Uses

Subject to the review procedures listed in Section 604.2. of this Ordinance.

A. Agricultural support businesses, including:

1. Facilities for the commercial processing and warehousing of agricultural products.

2. Facilities for the warehousing, sales, and service of agricultural equipment, vehicles, feed, or supplies.

3. Commercial stockyards or feedlots.

4. Veterinary offices, animal hospitals, or kennels.

B. Airports/heliports (see Section 408).

C. Animal rendering, livestock and poultry disposal facilities (see Section 470).

D. Billboards (see Section 414).

E. Bookbinding, printing, and publishing.

F. Heavy equipment sales, service, and repair facilities, such as excavation machinery, boats, commercial trucks, buses, mobile homes, trailers, and other similar machinery (see Section 436).

G. Heavy industrial uses involving processing, packaging, production, repair, or testing of materials, goods and products, including those industries performing conversion, assembly, or nontoxic chemical operations (see Section 437).

H. Industrial/business parks (see Section 441).

I. Junk yards (see Section 444).

J. Large wind energy production facilities (see Section 301.5.F).

K. Manufacturing, packaging, storage and/or wholesaling of the following:

1. Furniture, cabinets, fixtures, office supplies, and other household appointments.

2. Scientific, specialized, and technical instruments and equipment.

3. Audio-visual components, computers, vending machines, electronic equipment, and video games.

4. Finished textile products.

5. Brushes, brooms, combs.

6. Hot tubs, spas, saunas, and swimming pools.

7. Jewelry, and other precious metals.

8. Photographic, lighting, and timekeeping equipment.

9. Small household appliances, excluding major appliances.

10. Musical instruments and sporting equipment.

11. Cosmetics, toiletries, and pharmaceuticals.

12. Optical, dental, and medical supplies and equipment.

13. Small or novelty products from prepared materials (excluding the use of sheet metals).

14. Other similar products.

L. Parking lots or garages.

M. Processing, packaging, storage and/or wholesaling of food products, excluding:

1. Breweries and distilleries.

2. Pickling processes.

3. Rendering or slaughtering operations.

4. Sugar refineries.

N. Production, processing, storage and distribution of natural resource based renewable fuels and associated products including, but not limited to ethanol, distillers grain and carbon dioxide, and accessory uses customarily incidental to said uses (see Section 456).

O. Quarrying and similar extractive uses (see Section 458).

P. Recycling stations for paper, glass, and metal products (see Section 459).

Q. Regional methane digester systems (see Section 482).

R. Research laboratories (see Section 460).

S. Slaughterhouses and meat packaging facilities (see Section 470).

T. Solid waste disposal and processing facilities (see Section 469).

U. Tannery facilities (see Section 472).

V. Tower-Based Wireless Communications Facilities (see Section 422).

W. Truck or motor freight terminals (see Section 474).

X. Warehousing and wholesale trade establishments (see Section 480).

Y. Wind energy conversion facilities (see Section 301.5).

Z. Accessory uses and structures customarily incidental to the above permitted uses, including, but not limited, to the following:

1. Data center/Cloud Storage (see Section 301.9).

2. Recycling collection facilities provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than 300 square feet.

207.4 Lot Area Requirements

Unless otherwise specified, each use within this District shall have a minimum lot size of one (1) acre.

207.5 Minimum Lot Width – Two hundred (200) feet.

207.6 Minimum Setback Requirements (Principal and Accessory Uses):

A. Front yard setback – All buildings, structures (except permitted signs), off-street loading areas, dumpster, and outdoor storage areas shall be set back at least fifty (50) feet from the adjoining right-of-way. All parking lots shall be set back at least twenty (20) feet from any adjoining right-of-way.

B. Side yard setback – All buildings, structures (except permitted signs), dumpsters, and off-street loading areas shall be set back at least thirty (30) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty (20) feet from any side lot lines, unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks canbe waived solely for parking and/or loading facilities.

C. Rear yard setback – All buildings, structures, dumpsters, and off-street loading areas shall be set back at least thirty–five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five (25) feet from any rear lot lines.

D. The setback set forth herein shall not be required for buildings, structures, loading areas, apparatus or equipment adjacent to the property line of a railroad or railway.

E. Residential buffer strip – Any use adjoining land within a rural or residential district, or across a road from land within such district, shall maintain a seventy-five (75) foot setback for buildings, structures, dumpsters, and outdoor storage from such district. Off-street parking lots shall be set back at least fifty (50) feet from adjoining residentially-zoned properties. All fences contained on an industrial property shall be set back a minimum of ten (10) feet from any adjoining residentially-zoned land. All of these setback areas shall be devoted to landscaping (see Section 313).

F. Accessory recreation uses – These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line.

207.7 Maximum Permitted Structural Height

The height of any principal or accessory structure shall not exceed fifty (50) feet, except that chimneys, flagpoles, tanks, conveyors and other mechanical appurtenances may be built to a height not exceeding one hundred fifty (150) feet above the finished grade, with mechanical appurtenances to include apparatus, equipment, and extensions of structures which constitute a part of the principal or accessory use and which are part of or connected to the principal or accessory structure or to the other mechanical appurtenances and which, standing alone, do not constitute an independent use but are integral part of an overall principal or accessory use of the premises. All principal structures (except permitted signs) shall be set back a distance at least equal to their height from all property lines.

207.8 Off-Street Loading

Off-street loading shall be provided, as specified in Section 312 of this Ordinance. In addition, no off- street loading area shall be permitted on any side of a building facing adjoining lands within a residential district, or any side of a building facing an adjoining street.

207.9 Off-Street Parking

Off-street parking shall be provided, as specified in Section 311 of this Ordinance.

207.10 Signs

Signs shall be permitted, as specified in Section 314 of this Ordinance.

207.11 Driveway and Access Drive Requirements

All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.

207.12 Screening

A visual screen must be provided along any adjoining lands within a residential district, regardless of whether or not the residentially-zoned parcel is developed (see Section 313 of this Ordinance).

207.13 Landscaping

Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313 of this Ordinance).

A minimum twenty (20) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

207.14 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 seventy-five (75) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.

207.15 All uses permitted within this District shall also comply with the General Provisions in Article 3 of this Ordinance.

207.16 Industrial Operations Standards

All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

207.17 Outdoor Storage

Within the Industrial District (I), outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section.

SECTION 208 FLOODPLAIN DISTRICT (FP)

208.1 General Provisions

The Floodplain District shall encompass all lands and land developments within Conoy Township which are located within the boundary of a floodplain area as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated April 5, 2016, (or the most recent revision thereof), which map is incorporated herein by reference.

208.2 Conformance with Other Regulations

Uses permitted and procedures to follow for development in the Floodplain District are presented in Conoy Township Floodplain Management Ordinance No. 2-3-10-2016, as amended. Said Ordinance supplements other articles of this Zoning Ordinance. To the extent that Ordinance No. 2-3-10-2016 imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of Said Ordinance are more restrictive, it shall be deemed and interpreted to control other provisions of the Zoning Ordinance and the Conoy Township Subdivision and Land Development Ordinance.

208.3 Overlay Concept

The Floodplain District described above shall be an overlay to the existing underlying districts, as shown on the Official Conoy Township Zoning Map, and, as such, the provisions of Ordinance No. 2-3-10-2016 shall serve as a supplement to the underlying district provisions.

A. In the event of any conflict between the provisions or requirements of the Floodplain District and those of any underlying zoning district, the more restrictive provisions shall apply.

B. In the event any provision concerning a Floodplain District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

SECTION 209 CONSERVATION DISTRICT (C)

209.1 Purpose

This District seeks to protect the integrity of landscapes containing Conoy Township's highest-quality natural resources by restricting the amount of subdivision and development potential on these lands. These resources are the foundation of the local and countywide green infrastructure, including the highest quality streams and riparian areas, high-quality habitat areas, unique geologic features, and forest blocks greater than 100 acres. The provisions of this Conservation District are supportive of Section 604 (1) of the MPC, as amended, which requires zoning ordinances to "promote, protect and facilitate preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains."

209.2 Permitted Uses

A. Conservation uses, including public and non-profit parks, and fish, wildlife refuges, and/or nature preserves.

B. Forestry (see Section 323).

C. Continuation of existing agricultural operations.

D. Agritainment/agritourism enterprises permitted by right (see Section 407).

E. Single family detached dwellings.

F. Bed and breakfasts (see Section 412).

G. Public facilities and public utilities structures (see Section 427).

H. Family group homes (see Section 429).

I. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

1. Beekeeping (see Section 413).
2. Family day-care facilities (see Section 428).
3. Home occupations (see Section 438).
4. Keeping of small domestic animals/pets (see Section 321).
5. No-impact home-based businesses (see Section 452).
6. Noncommercial keeping of horses (see Section 450).
7. Noncommercial keeping of livestock (see Section 451).
8. Roadside stands for the sale of agricultural products.
9. Small wind energy systems (see Section 301.5.E).
10. Solar energy systems (see Section 301.5.B-C).
11. Accessory apartments for additional family members (see Section 483).

209.3 Special Exception Uses

A. Hunting, fishing, camping, or other recreational lodges (see Section 418).

B. Farm occupations (see Section 430).

C. Agritainment/agritourism enterprises permitted by special exception (see Section 407).

D. Conversion apartments (see Section 423).

E. Two-family conversions in existing structures only (see Section 475).

209.4 Conditional Uses

A. Agritainment/agritourism enterprises permitted by conditional use (see Section 407).

B. Primitive/semi-primitive only campgrounds (see Section 416).

C. Non-intensive outdoor commercial recreation facilities (see Section 421).

D. Wind energy conversion facilities (see Section 301.5).

E. Petting zoos (see Section 455).

F. Large wind energy production facilities (see Section 301.5.F).

209.5 Site Plan Required

To ensure compliance with the standards for natural resource protection, a site plan shall be prepared for any zoning permit request proposing a Land Disturbance of 1,000 square feet or greater. Where a subdivision or land development plan is required under the Subdivision and Land Development Ordinance, the elements from the site plan may be incorporated into the subdivision or land development plan. The site plan shall provide the following information:

A. Boundary of the tract of land on which the land disturbance is proposed to take place.

B. Limits of each natural resource type, as defined within Section 320 of this Ordinance.

C. Location of any existing and proposed structures, driveways, roadways, and on-lot utilities.

D. Limits of the proposed land disturbance.

E. Grading plan that shows both the existing and proposed topographic contours within the proposed area of disturbance.

F. Calculations indicating the area of each resource type to be impacted by the proposed activity.

G. Applicable features, such as setbacks, that are required by the Natural Resource Protection Standards contained in Section 320.

209.6 Natural Resource Protection Standards

Section 320 of this Ordinance contains provisions designed to protect natural resources and environmentally sensitive areas through individual natural resource protection standards. The identifying criteria and performance standards contained within Section 320 shall be effective within the Conservation District, and are essential components of the site plan required in Section 209.5, above.

209.7 Lot Size and New Lot Creation Standards

A. Lot Area –

1. Agricultural use – Twenty-five (25) acres.

2. Single-family detached dwellings - minimum lot area shall be one (1) acre and a maximum of two (2) acres.

3. Other uses permitted by right, Special Exception or Conditional Use – minimum lot area as required in Article 3 or Article 4.

[Note – The minimum lot area requirements imposed by this section assume compliance with all PA DEP regulations pertaining to sewage disposal. For those lots using on-site sewage disposal systems in an area where ambient groundwater nitrogen-nitrate levels exceed five (5) parts per million, additional lot area may be required (see Section 316)].

B. Minimum Lot Width – Two hundred (200) feet at the front building setback line, unless otherwise provided in Article 3 or Article 4.

C. Restrictions on New Lot Creation – A parent tract shall be assigned a number of subdivision rights dependent upon the size of the contiguous lands in single ownership as of August 27, 1992, in accordance with the table below. Each lot subdivided from and/or additional dwelling added to the parent tract shall constitute the use of a subdivision right. A note shall be included on the subdivision plan, identifying the number of subdivision rights remaining as well as to which lot(s) they are being assigned.

Parent Tract Size	# of Subdivision Rights
Less than 25.0 acres	1
25.0 to less than 50.0 acres	2
50.0 to less than 75.0 acres	3
75.0 to less than 100.0 acres	4
100.0 acres or greater	5

209.8 Minimum Setbacks and Maximum Height Requirements

A. Agricultural uses (other than farm dwellings):

1. Front yard setback – Fifty (50) feet from street right-of-way line.

2. Side yard setbacks – Fifty (50) feet on each side (100 feet total), which may be reduced to no less than twenty-five (25) feet where the Applicant is conforming to the performance standards prescribed by the Natural Resource Protection Standards found in Section 320.

3. Rear yard setback – Fifty (50) feet, which may be reduced to no less than twenty-five (25) feet where the Applicant is conforming to the performance standards prescribed by the Natural Resource Protection Standards found in Section 320.

4. Maximum permitted height – One hundred fifty (150) feet, provided all structures are set back a distance at least equal to their height from all property lines.

B. Single-family detached dwellings:

1. Front yard setback – Fifty (50) feet from street right-of-way line.

2. Side yard setbacks – Fifteen (15) feet on each side (30 feet total).

3. Rear yard setback – Thirty-five (35) feet.

4. Maximum permitted height – Thirty-five (35) feet.

C. Other permitted, special exception or conditional uses. Unless otherwise specified, the following requirements shall apply to all other principal uses permitted within the Conservation District:

1. Front yard setback – Fifty (50) feet from the street right-of-way line.

2. Side yard setbacks – Fifty (50) feet on each side (100 feet total), which may be reduced to no less than twenty-five (25) feet where the Applicant is conforming to the performance standards prescribed by the Natural Resource Protection Standards found in Section 320.

3. Rear yard setback – Fifty (50) feet, which may be reduced to no less than twenty-five (25) feet where the Applicant is conforming to the performance standards prescribed by the Natural Resource Protection Standards found in Section 320.

4. Maximum permitted height – Thirty-five (35) feet.

D. Residential accessory uses. Unless otherwise specified, the following requirements shall apply to accessory uses:

1. Front yard setback – No accessory use (except roadside stands and permitted signs) shall be located within the front yard.

2. Side yard setbacks – Fifteen (15) feet on each side (30 feet total).

3. Rear yard setback – Fifteen (15) feet.

4. Maximum permitted height – Twenty-five (25) feet.

209.9 Maximum Lot Coverage

The maximum area of a lot allowed to be covered by impervious surfaces, including but not limited to structures, driveways, and parking areas, is as follows. However, conformity to the performance standards prescribed in the Natural Resource Protection Standards found in Section 320 may reduce the maximum allowable lot coverage below the following percentages.

A. Agricultural uses – Ten percent (10%).

B. Single-family dwellings – Twenty percent (20%).

C. Other uses (unless otherwise specified) – Ten percent (10%).

SECTION 210 AIRPORT HAZARD OVERLAY DISTRICT (AH)

210.1 Purpose.

The purpose of this Section is to create a zoning overlay district that considers safety issues around the Donegal Springs Airpark and the Harrisburg International Airport; regulates and restricts the heights of constructed structures and objects of natural growth; creates appropriate zones; establishes the boundaries thereof and provides for changes in the restrictions and boundaries of such zones; creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

210.2 Relation to Other Zoning Districts.

The Airport Hazard Overlay District shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

210.3 Definitions.

The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

A. Airport - Donegal Springs Airpark or Harrisburg International Airport

B. Airport Elevation - The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Donegal Springs Airpark is four hundred fifty-eight (458.00) feet above mean sea level. The airport elevation of the Harrisburg International Airport is three hundred ten (310.00) feet above mean sea level.

C. Airport Hazard - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

D. Airport Hazard Area - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Section and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

E. Approach Surface (Zone) - An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

F. Conical Surface (Zone) - An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

G. Department - Pennsylvania Department of Transportation.

H. FAA - Federal Aviation Administration of the United States Department of Transportation.

I. Height - For the purpose of determining the height limits in all zones set forth in this Section and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

J. Horizontal Surface (Zone) - An imaginary plane 150 feet above the established airport

elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1 (in Appendix B), is derived from the horizontal surface.

K. Larger Than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

L. Nonconforming Use - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.

M. Non-Precision Instrument Runway - A runway having an existing instrumentapproach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

N. Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Section.

O. Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precisions Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

P. Primary Surface (Zone) - An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1 (in Appendix B), is derived from the primary surface.

Q. Runway - A defined area of an airport prepared for landing and takeoff of aircraft along its length.

R. Structure - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

S. Transitional Surface (Zone) - An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

T. Tree - Any object of natural growth.

U. Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

V. Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

210.4 Establishment of Airport Zones.

There are hereby created and established certain zones within the Airport Hazard Overlay District, defined in Section 210.3 and depicted on Figure 1 (in Appendix B) and illustrated on the Donegal Springs Airpark Hazard Area Map (in Appendix B) and the Harrisburg International Airport Hazard Area Map (in Appendix B), hereby adopted as part of this Ordinance, which include:

A. Approach Surface Zone

B. Conical Surface Zone

C. Horizontal Surface Zone

D. Primary Surface Zone

E. Transitional Surface Zone

210.5 Permit Applications.

As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENN DOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Airport Hazard Overlay District. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 210.6.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

210.6 Variances.

Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

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

B. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 210.9 - Obstruction Marking and Lighting.

C. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the Applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Section.

210.7 Use Restrictions.

Notwithstanding any other provisions of this Section, no use shall be made of land or water within the Airport Hazard Overlay District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise

endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.

210.8 Pre-Existing Non-Conforming Uses.

The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning district) may only be reestablished consistent with the provisions herein.

210.9 Obstruction Marking and Lighting.

Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in Section 210.6 to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

210.10 Violations and Penalties.

It shall be the duty of the Zoning Officer of Conoy Township to administer and enforce the regulations prescribed herein. Application for permits and variances shall be made to the Zoning Officer of Conoy Township on a form published for that purpose. Applications required by this Section to be submitted to the Zoning Officer of Conoy Township shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer of Conoy Township.

210.11 Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

210.12 Appeals.

Appeals to actions taken under this Section shall be pursued in accordance with the provisions of this Ordinance.

ARTICLE 3 - GENERAL PROVISIONS

SECTION 300 GENERAL PROVISIONS

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

SECTION 301 ACCESSORY USES AND STRUCTURES

301.1 Fences and Walls

Except as provided for elsewhere in this Ordinance, all fences and walls shall be subject to the following requirements:

A. No fence or freestanding wall (except livestock, required junk yard, tennis court or ground mounted satellite dish antenna fences or walls, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than forty-two (42) inches in a front yard and more than six (6) feet in any other yard within the C, A, R, R-1, R-2, or VC District.

B. No fence or freestanding wall (except livestock, required junk yard, tennis court or ground mounted satellite dish antenna fences or walls, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than forty-two (42) inches in any front yard, nor more than eight (8) feet in any yard within the LC District.

C. No fence or freestanding wall (except livestock, required junk yard, tennis court or ground mounted satellite dish antenna fences or walls, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than forty-two (42) inches in any front yard, nor more than ten (10) feet including any barbed wire atop the fence or freestanding wall, in any yard within the I District.

D. Fence height exceptions. All portions of fencing shall be subject to the maximum fence height regulations specified in this Ordinance, except for fence posts and decorative finials on the fence post. The height of any such projection on the fence post shall not exceed the height of the fence by more than six (6) inches.

E. Fences alongside or rear lot lines are not subject to yard or setback requirements. Freestanding walls shall be setback five (5) feet from side and rear lot lines. Fences or freestanding walls within the front yard shall be a minimum of two (2) feet behind the required street right-of-way line. All fences shall be located completely within lot boundaries and no fence may coincide with any lot line.

F No solid fence or freestanding wall shall be erected within the required front yard setback, except where required to maintain the build-to line of adjacent buildings.

G. No fence or freestanding wall shall be erected which blocks or limits visibility for driveways on adjacent properties.

H. No fence or freestanding wall shall be located within any clear sight triangle as required by this Ordinance or the Township Subdivision and Land Development Ordinance.

I. No fence or freestanding wall shall be erected in a public right-of-way or other rights-of-way or easements, including but not limited to public or private drainage, utility or access easements, unless otherwise required by this Ordinance, the Township Subdivision and Land Development Ordinance or the Township Stormwater Management Ordinance.

J. Unless required for agricultural purposes, no fence shall be constructed of barbed wire, razor, or other sharp components capable of causing injury. Unless required for

security purposes for commercial, institutional or industrial use, no fence shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the portion of the fence containing barbed wire, razor, or other sharp components capable of causing injury is not lower than six (6) feet above the average surrounding ground level.

K. The finished side of the fence shall face the adjoining property or a public right-of- way.

L. Fences and freestanding walls shall not be constructed from scrap metal, sheet metal, junk or sheets of plywood and shall be uniform in construction materials and design.

M. All fences and freestanding walls shall comply with the Pennsylvania Uniform Construction Code (UCC) as enforced by the Township.

N. With the exception of livestock fencing, all fences and walls require a zoning permit.

301.2 Swimming Pools

No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine, or some other antibacterial agent. All swimming pools shall be completely enclosed by a minimum four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes, or other impoundments unless the primary purpose for their construction is swimming.

301.3 Tennis Courts

All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property.

301.4 Satellite Dish Antennas

The following types of satellite dish antennas shall be allowed in all districts and shall not require a permit for same, but shall observe setback regulations, if applicable.

A. Dishes that are one (1) meter (39.37 inches) or less in diameter for private TV reception or internet access.

B. Dishes used for credit card or other business transactions usually placed on rooftops.

C. The location of all satellite dish antenna must comply with the setback restrictions for the principal use and shall not be located in front of the principal building, unless applicable provisions of the Federal Communications Commission would be violated.

D. All ground-mounted satellite dish antennas located within the Industrial or Local Commercial Districts that are used to transmit video format data shall be completely enclosed by an eight-foot-high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the Industrial or Local Commercial Districts shall comply with all principal use standards.

301.5 Alternative Energy Sources

A. Definitions - The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

CLEAN WOOD. The term includes the following:

1. Wood that contains no paint, stains or other types of coatings.

2. Wood that has not been treated with preservatives or chemicals, including copper, chromium arsenate, creosote and pentachlorophenol.

CLOSED HORIZONTAL LOOP GEOTHERMAL SYSTEM. A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; and an air distribution system. An opening is made in the earth and a series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open horizontal loop system except there is no pumping of groundwater.

CLOSED VERTICAL LOOP GEOTHERMAL SYSTEM. A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

GEOTHERMAL BOREHOLE. A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

GEOTHERMAL ENERGY SYSTEM. An energy generating system that uses the earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

LARGE WIND ENERGY PRODUCTION FACILITY. An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power principally for off-site use.

OPEN HORIZONTAL LOOP GEOTHERMAL SYSTEM. Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injection". Alternatively, the groundwater could be discharged to a watercourse also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the watercourse or well.

OUTDOOR WOOD-FIRED BOILER.

1. A fuel-burning device that:

    a. Is designed to burn, or is capable of burning clean wood or other fuels listed in 25 Pa. Code Chapter 123, Section 123.14, (relating to outdoor wood-fired boilers).

    b. Has a rated thermal output of less than 350,000 Btu per hour.

    c. The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.

d. Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

2. The fuel-burning device may also be known as an:

a. Outdoor wood-fired furnace.

b. Outdoor wood-burning appliance.

c. Outdoor hydronic heater.

SKYSPACE. The open space between a solar collector or wind turbine and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to the extent that it would reduce its cost-effective operation.

SMALL WIND ENERGY SYSTEM. A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR COLLECTOR. A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR ENERGY SYSTEM. A complete design or assembly consisting of a solar energy collector, an energy storage system (where used), and components for the distribution of transformed energy.

STACK. Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

TURBINE HEIGHT. The distance measured from the highest point of the wind turbine rotor plane to the ground level.

WIND CHARGER. A wind-driven direct-current generator used for charging storage batteries.

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

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

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

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

B. <u>Solar Energy Systems – General Requirements</u>

1. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.

2. The solar energy system shall comply with all applicable Township Ordinances and Codes so as to ensure the structural integrity of such solar energy system.

3. In order to ensure the safety of emergency responders and in accordance with Township requirements, the type of solar energy system (thermal, chemical or electrical) and the system shut-off location(s) shall be clearly identified on the equipment.

4. Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system. If the solar energy system is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or repair the solar energy system.

C. Solar Collectors – Roof Mounted

Roof mounted solar collectors shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. Roof mounted solar collectors shall comply with the maximum building height requirements of the zoning district in which the installation of the solar collector is proposed.

2. On pitched roofs, roof mounted solar collectors shall be installed as close to parallel as possible to the pitch of the roof while not sacrificing the efficiency of the solar collector.

3. On flat roofs, roof mounted solar collectors may be installed at an angle to improve the efficiency of the solar collector with regard to the predominant sun angle, provided that the solar collector is placed in a manner to minimize its visibility from street level.

4. The systems installed shall provide for the ability to disconnect the system and disable the production of electricity to avoid potentially hazardous conflicts between the system and firefighters and their respective firefighting apparatuses. The manufacturer specifications and a detailed sketch showing the location of all disconnects shall be submitted to the Township with a copy to the local fire department responsible for coverage of the site as part of the application.

D. Solar Collectors– Ground Mounted

Ground mounted solar collectors shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. Ground mounted solar collectors shall comply with the setback requirements of the zoning district in which the installation of the solar collector is proposed.

2. Ground mounted solar collectors shall not be permitted by right in any front yard. The Zoning Hearing Board may authorize, by special exception, the installation of a ground mounted solar collector in a front yard if the Applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar collector can perform effectively.

3. Ground mounted solar collectors shall not exceed a height of ten feet (10').

4. Glare from ground mounted solar collectors shall be directed away from adjoining properties or street rights-of-way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or street rights-of-way.

E. Small Wind Energy Systems

Small wind energy systems shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

2. No more than one (1) small wind energy system shall be permitted per lot.

3. Small wind energy systems shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.

4. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.

5. All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.

6. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, or within any required principal building setback of any lot.

7. Structure-mounted small wind energy systems shall comply with all applicable provisions of this Section.

8. All small wind energy systems that are independent of any other structure shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line. This setback requirement shall not apply to inhabited structures when located on the same lot as the small wind energy system.

9. The maximum height of any small wind energy system shall not exceed fifty (50) feet from the finished grade elevation.

10. No portion of any small wind energy system shall extend over parking areas, access drives, driveways or sidewalks.

11. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground.

12. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.

13. When an accessory building is necessary for storage cells or related

mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within each zoning district. Accessory buildings shall not be located within any front yard, along any street frontage, ~~n~~or within any required setback of any lot.

14. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of zoning compliance for the small wind energy system. Off-grid systems shall be exempt from this requirement.

15. The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within twelve (12) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

16. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

F. Large Wind Energy Production Facilities

Large wind energy production facilities shall be permitted as a conditional use in the Agricultural and Conservation Districts, subject to the following regulations:

1. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

2. Large wind energy production facilities shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.

3. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.

4. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.

5. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.

6. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.

7. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.

8. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.

9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences.

10. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

11. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.

12. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.

13. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.

14. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

15. The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

16. The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than One Million Dollars ($1,000,000.00) and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

G. Outdoor Wood-Fired Boilers

Outdoor wood-fired boilers shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. All outdoor wood-fired boilers shall comply with the regulations established for outdoor wood-fired boilers by the Pennsylvania Department of Environmental Protection, in 25 Pa. Code Chapter 123, Section 123.14, as may be amended from time to time.

2. All outdoor wood-fired boilers shall be setback a minimum of fifty (50) feet from any property line and a minimum of one hundred fifty (150) feet from any residences or other buildings or structures where frequent assembly occurs, such as schools, offices, businesses, places of worship, or any similar use as determined by the Zoning Officer, excluding such structures when located on the same lot as the outside wood-fired boiler.

3. All outdoor wood-fired boilers shall have a minimum stack height of 10 feet above the ground. In any case where residences or other buildings or structures where

frequent assembly occurs, such as schools., offices, businesses, places of worship, or any similar use as determined by the Zoning Officer, are located within three hundred (300) feet or closer to an outside wood-fired boiler, excluding such structures when located on the same lot as the outside wood-fired boiler, the stack height shall be two (2) feet above the height of the eave of overhang of the roof of such residences or buildings that are nearest to the outdoor wood-fired boiler location.

4. No person shall construct, install, establish, or maintain any outdoor wood-fired boiler without first obtaining a Zoning Permit.

H. Geothermal Energy Systems

Geothermal energy systems shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. Only closed loop geothermal energy systems shall be permitted. Open-loop geothermal energy systems are prohibited within the Township.

2. For all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.

3. Geothermal systems shall not encroach on public drainage, utility, roadway or trail easements of any nature.

4. All horizontal closed loop systems shall be no more than twenty (20) feet deep.

5. All vertical closed loop geothermal energy systems shall have proper grout sealing with the following properties:

   a. High thermal conductivity to allow heat transfer.

   b. Low viscosity to allow the grout to wrap around the pipe.

   c. Low shrinkage volume to ensure that the grout will not pull away from the pipe.

   d. Low permeability to prevent the migration of antifreeze solution in the event of a line breakage.

6. Geothermal energy systems shall be located a minimum distance of twenty-five (25) feet from any property line, unless documentation in the form of a written agreement with the adjoining property owner(s) is provided.

7. Geothermal energy systems shall be located a minimum distance of one hundred (100) feet from existing potable water wells and a minimum distance of twenty-five (25) feet from any existing septic system.

8. Above-ground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.

9. All horizontal closed-loop geothermal energy systems shall be properly backfilled, including the removal of sharp-edged rocks before backfilling in order to prevent such rocks from coming into contact with the system pipe.

10. The design and installation of geothermal systems and related boreholes for

geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Conoy Township Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.

11. Abandonment. If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:

    a. The heat pump and any external mechanical equipment shall be removed.

    b. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

I. Building Permit Required

The installation of solar energy systems, wind energy facilities, geothermal energy systems, and/or outdoor wood-fired boilers shall be subject to all permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) and the National Electric Code (NEC,) in addition to any other Township ordinances and/or regulations required to demonstrate compliance with the provisions of this Ordinance.

J. Protection

Where a solar or wind energy system has been installed, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar or wind system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a Building and Zoning Permit for the solar or wind energy system.

301.6 Ornamental Ponds and Wading Pools

A. Such structures shall comply with all accessory use setbacks.

B. No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as "Man-made Lakes, Dams and Impoundments," and are subject to the criteria listed in Section 301.7 of this Ordinance.

C. No such impoundment shall have a length or diameter exceeding fifteen (15) feet nor a maximum depth exceeding two (2) feet.

D. All such ponds or pools shall be maintained so as not to pose a nuisance by reason of odor or the harboring of insects.

E. No such pond(s) shall be used for the commercial hatching of fish or other species.

301.7 Man-Made Lakes, Dams, and Impoundments

All lakes, dams, ponds, and impoundments may be permitted in any district subject to the following:

A. All dams, ponds, lakes and impoundments located along and connected to a stream, that involve any of the following, shall require the issuance of 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 dam, pond or impoundment contains a volume of at least fifty (50) acre feet;

   2. The dam reaches a height of fifteen (15) feet; or

   3. The dam, pond or impoundment impounds the water from a watershed of at least one hundred (100) acres.

B. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the issuance of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Stormwater Management.

C. All dams, ponds, and impoundments shall be located at least seventy-five (75) feet from adjoining lot lines, and any subsurface sewage disposal system or well.

D. All other dams, ponds and impoundments require the submission of statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety or the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one foot above the water surface elevation occurring during the base flood.

E. Requirements for Fencing – All dams, ponds and impoundments constructed within areas occupied by livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters.

F. Maintenance – All dams, ponds and impoundments shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

301.8 Garage / Yard Sales

Within any district, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one four (4) square foot sign shall be permitted advertising the garage/yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

301.9 Data Center / Cloud Storage

Data Centers shall be permitted as an accessory use to a principal use in the Industrial District, subject to the following criteria:

A. The electricity to support the data center must be generated on the property on which the data center is located.

B. The data center shall not be located in the front yard of the subject property.

C. The data center shall be comprised of not more than 10 modular units and an electric substation.

D. Each modular unit shall be no larger than 10 feet tall, 9 feet wide and 40 feet long.

E. The aggregate footprint of the modular units in use onsite at any one time shall be no greater than 3,600 square feet, excluding the supporting electric substation.

F. Sound levels emitted from the data center as measured at the property line on which the data center is located shall not exceed 75dBA for more than 10% of any sixty (6) minute measuring period.

G. All data center operations shall occur inside the modular units except for the electric substation.

H. The use shall be screened from all adjoining residentially-zoned properties and adjoining residential structures.

I. All structures shall be set back from the property line at least a distance equal to their height.

SECTION 302 UNENCLOSED STORAGE

302.1 Recreational Vehicles, Boats, Campers, Trailers and Trucks

In any residential district, no boats, campers, recreational vehicles, trailers, nor trucks with more than two (2) axles (except a personal pickup truck), shall be stored within any front yard, unless located within a driveway.

302.2 Outdoor Stockpiling

In all districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In any residential district and the VC District, the outdoor stockpiling of all materials (except firewood) is prohibited.

302.3 Trash, Garbage, Refuse, or Junk

Except as provided in Sections 444 and 469 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.

302.4 Dumpsters

All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads and properties.

SECTION 303 SETBACK MODIFICATIONS

303.1 Front Setback of Buildings on Built-up Streets

Where at least two adjacent buildings within one-hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than ten (10) feet from any abutting street right-of-way line.

303.2 Accessory or Appurtenant Structures

The setback regulations do not apply to:

A. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and

similar extensions, but do apply to porches and patios, whether covered or not.

B. Open fire escapes.

C. Minor public utility structures, articles of ornamentation or decoration.

D. Fences and retaining walls.

E. Except as required, adjacent to farms, hedges, shrubs, and trees.

SECTION 304 HEIGHT LIMIT EXCEPTIONS

304.1 The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line:

A. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, flagpoles, or other similar structures.

B. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.

C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.

304.2 In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial, or industrial purposes.

SECTION 305 CORNER LOTS AND FLAG LOTS

305.1 **Corner Lots** - A front yard, as provided for in the area and lot requirements for the various districts, shall be required along each street on which a corner lot abuts. On any lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth other than an approved driveway or access drive shall be permitted within an area which is formed by a triangle where the two legs of the triangle extended one hundred (100) feet from the centerline intersection of the two intersecting streets.

305.2 **Minimum Dimensional Requirements for Flag Lots.**

A. The minimum lot size and widths, building setback lines, and other applicable portions of this Ordinance shall be applicable to the main portion of the flag lot, excluding the access strip.

B. The access strip shall be a minimum of fifty (50) feet in width throughout its entire length.

SECTION 306 MINIMUM HABITABLE FLOOR AREA

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

306.1 Single-family, duplex, and townhouse dwelling units: 700 square feet per dwelling unit.

306.2 Multi-family dwellings: 400 square feet per dwelling unit.

SECTION 307 ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT

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

SECTION 308 REQUIRED VEHICULAR ACCESS

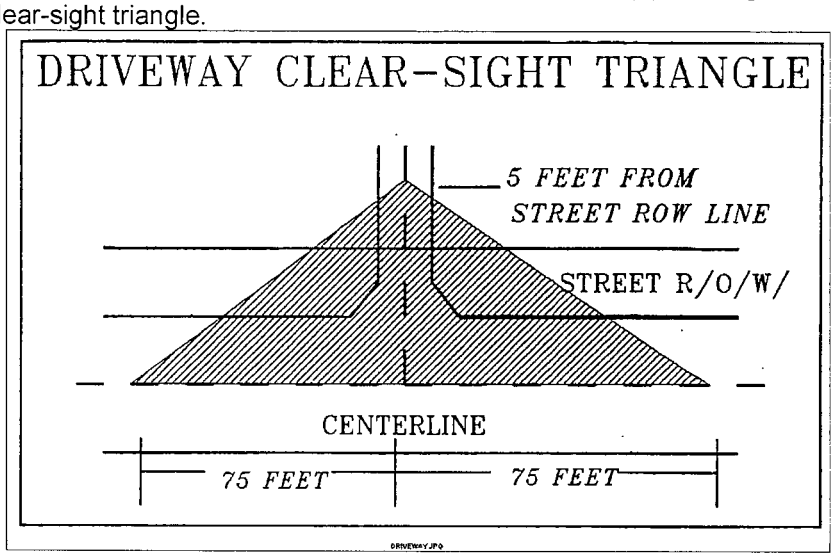
Each lot to be created and each principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with approved vehicular access. The creation of lots and the erection or moving of principal structures without approved access shall not be permitted. Approved access shall be defined in terms of the Conoy Township Road Ordinance, as may be amended from time to time, for street design. Access to lots containing single-family dwellings shall be via driveways (see Section 309); access to lots containing other uses shall be via access drives (see Section 310).

SECTION 309 DRIVEWAY REQUIREMENTS (Single-family dwelling)

In addition to the requirements of the Conoy Township Road Ordinance, driveways shall also conform to the following requirements:

309.1 **Number Per Lot** – No more than two (2) driveway connections per lot shall be permitted.

309.2 **Clear-Sight Triangle** - Driveways shall be located and constructed so that a clear-sight triangle as depicted below is provided. Two apexes of the triangle shall be located in both directions along the street centerline, seventy-five (75) feet from a point where the center line of a driveway and street intersect. The vertex of the triangle shall be located along the centerline of the driveway, on the site and five (5) feet from the property/street right-of-way line. No permanent obstructions and/or plant materials over three (3) feet high shall be placed within the clear-sight triangle.



SECTION 310 ACCESS DRIVE REQUIREMENTS (Non-single-family dwelling)

In addition to the requirements of the Conoy Township Road Ordinance, access drives shall also conform to the following requirements:

310.1 **Number Per Lot** – Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

310.2 **Setbacks** – The edge(s) of all access drives shall be set back at least:

A. One hundred (100) feet from the intersection of any street right-of-way lines.

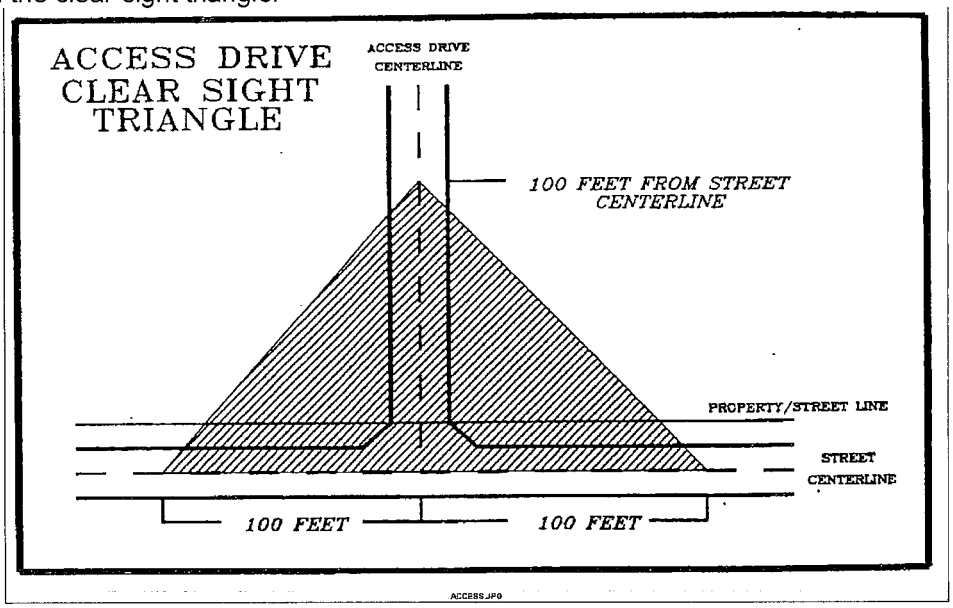
B. One hundred (100) feet from any other access drive located upon the same lot

(measured from cartway edges).

C. Fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.

310.3 Clear-Sight Triangle

Access drives shall be located and constructed so that a clear sight triangle as depicted below is provided. The apexes of the triangle shall be located along all centerlines, in all directions from the intersection of street and access drive. No permanent obstructions and/or plant materials over three (3) feet high shall be placed within the clear-sight triangle.



310.4 **Penn DOT Permit** – Any access drive intersecting with a State-owned road shall require the issuance of Pennsylvania Department of Transportation driveway permit.

SECTION 311 OFF-STREET PARKING REQUIREMENTS

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

A. A building is constructed or a new use is established;

B. The use of an existing building is changed to a use requiring more parking facilities; or

C. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

311.2 Parking for Single Family Dwellings

Every single family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Additional remaining regulations contained in this section do <u>not</u> apply to off-street parking facilities serving one single family dwelling.

311.3 Site Plan Approval

A. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below.

B. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

311.4 Surfacing

All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials~~,~~ or another dust-free surface, approved by the Board of Supervisors.

311.5 Separation from Streets and Sidewalks

Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parking cars cannot project into the streets, yards, or walkways.

311.6 Drainage

Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge storm water in accordance with a plan to be approved by the Township.

311.7 Parking Space Sizes

The following lists required minimum space sizes in feet:

Standard car spaces:

Parallel	23-feet by 8-feet
Non-parallel	19-feet by 9-feet

311.8 Design Standards for Handicapped Parking Spaces

Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act, as may be amended from time to time.

311.9 Interior Drive Widths

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

Angle of Parking	Width of Driveway in feet; One-way Traffic	Width of Driveway in feet; Two-way Traffic
90 degrees	25	25
60 degrees	20	22
45 degrees	18	22
30 degrees	11	22
Parallel	11	22

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

311.10 Marking of Parking Spaces and Interior Drives

All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control parking, when necessary to direct vehicular circulation. Parking areas for over thirty (30) vehicles shall be divided by permanent raised curbing that clearly defines parking spaces from designated access lanes.

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

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

311.13 Lighting

Adequate lighting shall be provided in accordance with the Subdivision and Land Development Ordinance. The lighting shall be arranged so that it is not directed at land used for residential purposes, or adjoining lots or streets.

311.14 Access Drive Requirements

Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 310 specifies other requirements of access drives.

311.15 Landscaping and Screening Requirements

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

A. Landscaped Strip

1. 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 streetline. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street R.O.W. line. The strip may be located within any other landscaped strip required to be located along a street. The following lists required width of landscape strips:

Number of spaces in parking lot, including joint facilities	Landscape strip width in feet measured from street R.O.W. line
Less than 100	15
100 to 250	20
Over 250	25

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

B. Interior Landscaping

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

2. Parked vehicles may not overhang interior landscaping areas more than two and one half (2 ½) feet. Where necessary, wheel stops or curbing shall be

provided to insure no greater overhang.

3. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

C. Screening

1. When a parking lot is located on property which adjoins land in a residential district or existing residential use, the parking lot shall be screened from the adjoining residential district or use.

311.16 Speed Bumps

A. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.

B. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.

C. There shall be a warning sign posted at each entrance to a parking area having speed bumps. ~~and,~~

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

311.17 Joint Parking Lots

In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty percent (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between every vehicle and each of the shopping center's stores.

311.18 Prohibited Uses of a Parking Lot

Parking lots shall not be used for the following:

A. The sale, display, or storage of automobiles or other merchandise, unless part of an approved vehicle sales/rental use.

B. Performing services (including services to vehicles).

C. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended.

311.19 Schedule of Required Parking Spaces

The following chart lists the required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

Type of Use	Minimum of One Parking Space for Each
Carpeting, drapery, floor-covering, and wall covering sales	500 square feet of gross floor area
Convenience stores	75 square feet of gross floor area
Drive-thru and/or fast-food restaurant	2 seats and 1 per each 2 employees
Food markets and grocery stores	150 square feet of gross floor area for public use and 1 per each employee on 2 largest shifts

Type of Use	Minimum of One Parking Space for Each
Funeral homes	100 square feet of gross floor area, 1 per each employee, and 1 per each piece mobile equipment such as hearses and ambulances
Furniture sales	500 square feet gross floor area
Hotel, motel, tourist home	Guest sleeping room and 1 per each employee on 2 largest shifts. (Restaurants and other accessory uses shall add to this requirement)
Mini-warehouses	25 units plus 1 per 250 square feet of office space plus 2 per any resident manager
Office buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	6 spaces per each physician or dentist, etc.
Retail stores or shops (except those listed above)	200 square feet of gross floor area of display area or sales area and 1 per each employee on 2 largest shifts
Restaurants	4 seats plus 1 per each employee on largest shift
Shopping centers or malls	182 square feet of gross leasable floor area
Vehicle repair, filling and washing facilities	400 square feet of gross floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and 1 per employee on major shift
Vehicle, boat, and trailer sales	1,000 square feet of gross indoor and outdoor display areas
Other commercial buildings	400 square feet of gross floor area
Industrial and heavy manufacturing establishments	2 employees on the 2 largest shifts or at least 1 space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the 2 largest shifts
Amusement arcades	80 square feet of gross floor area
Athletic fields	4 seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a fence delineating such parking area.
Bowling alleys, billiards rooms	¼ lane/table and 1 per each 2 employees
Campgrounds	Per campsite, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	1/8 hole, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	1 per tee and 1 per employee
Miniature golf courses	½ hole and 1 per employee
Riding schools or horse stables	2 stalls plus 1 per every 4 seats of spectator seating
Picnic areas	Per table
Skating rinks	4 persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	4 persons of legal occupancy
Tennis or racquetball clubs	¼ court plus 1 per employee plus 50% of the spaces normally required for accessory uses
Residential dwellings	½ dwelling unit (i.e., 2 spaces per dwelling unit)
Family group homes	1 space for each staff, plus 1 space for each resident authorized to operate a vehicle

Type of Use	Minimum of One Parking Space for Each
Boarding/Rooming houses, and bed and breakfasts	Bedroom
Auditorium, banquet, event/conference center, and meeting facilities; church, theater, and other such places of public assembly	200 square feet but not less than 1 space per each 2 seats
Clubs, lodges and other similar places	200 square feet of gross floor area and 1 per each employee on 2 largest shifts
Nursing, rest or retirement homes	3 accommodations (beds) in addition to those needed for doctors support staff
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least 1 space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Rehabilitation centers, (without overnight accommodations)	1 per each employee and per each 3 people anticipated to be handled through the facility
Schools below grade ten including commercial daycare and kindergarten	6 students enrolled
Schools, tenth grade and above, including colleges	3 students enrolled
Vocational training and adult education facilities	1.5 students enrolled

311.20 Multiple Uses in Single Structure

When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.

311.21 Combined Spaces

When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board by Special Exception may reduce the total parking spaces required for that use with the least requirement.

311.22 On Lots Divided by District Boundaries

When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to all of the lot. Parking spaces on such a lot may be located without regard to district lines, provided that no such parking spaces shall be located in any Residential District, unless the use to which they are accessory is permitted in such district, or upon approval of the Zoning Hearing Board by Special Exception.

311.23 Location and Ownership

Required parking spaces shall be provided on the lot where the principal use is located, except that by Special Exception of the Zoning Hearing Board, all or part of the required number of spaces for nonresidential uses may be provided on a separate lot or lots within 600 feet, walking distance, from the pedestrian entrance to the structure containing the use, subject to the condition that the Applicant produces evidence of ownership of the off-premises parking location or a minimum one-year lease with the tenant having the unconditional option to renew (with the exception of a condition for rent adjustment) for a minimum five years. Should this off-site parking no longer be available for the principal use, the owner of the principal use shall lease the required number of off-street parking elsewhere, subject to the distance and conditions stated above and shall provide evidence of the new leased parking to the Zoning Officer

prior to the expiration of the current parking lease. If this replacement parking is not provided, the owner of the principal building shall apply to the Zoning Hearing Board for a variance.

SECTION 312 OFF-STREET LOADING FACILITIES

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

A. A new use is established.

B. The use of a property or building is changed and thereby requiring more loading space.

C. An existing use is enlarged thereby requiring an increase in loading space.

312.2 Site Plan Approval

A. Each application for a zoning permit for use for which off-street loading spaces are required shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicated the design elements required below; and,

B. 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.

312.3 Surfacing

All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.

312.4 Location

Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential district. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential district.

312.5 Connection to Street

Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or eighteen (18) feet wide for one way travel, exclusive of any parts of the curb and gutters. Section 310 specifies other requirements for access drives.

312.6 Separation from Streets, Sidewalks, and Parking Lots

Off–street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.

312.7 Drainage

Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

312.8 Required Off-Street Loading Facilities Sizes

The following lists required minimum loading space sizes, in feet (excluding access drives, entrances, and exits):

	Length	Width	Height (if covered or Obstructed)
Industrial, wholesale and storage uses:	63 feet	12 feet	15 feet
All other uses:	33 feet	12 feet	15 feet

312.9 Lighting

Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected, or cause glare off of the site.

312.10 Landscaping and Screening Requirements

Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot-wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially-zoned properties and/or adjoining public streets.

312.11 Schedule of Off-Street Loading Spaces Required

Type of Use	Number Spaces Per	Gross Floor Area/Dwelling Units
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotel, motel and similar lodging facilities	None	First 10,000 square feet
	1.0	10,000 to 100,00 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per store	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	1.0	Each additional 100,000 square feet (or fraction)
Shopping Centers (integrated shopping centers, malls, and plazas) having at least 25,000 square feet.	1.0	25,000 square feet up to 100,000 square feet
	+1.0	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)

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

SECTION 313 SCREENING AND LANDSCAPING REQUIREMENTS

313.1 Yard Ground Cover

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

313.2 Landscaping Requirements

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

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

313.3 Screening

The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.

313.4 Selection of Plant Materials

Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies shall be replaced promptly. All landscaping and screening treatments shall be properly maintained.

313.5 Modification of Screening and Landscaping Requirements

Any modification of the screening and landscaping requirements of this section shall require special exception approval from the Zoning Hearing Board. Where the use requires conditional use approval by

the Board of Supervisors, any modification of the screening and landscaping requirements of this section shall require conditional use approval.

SECTION 314 OUTDOOR SIGNS

314.1 General Regulations for All Signs

A. Signs must be constructed of durable material and maintained in good condition.

B. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or with loose parts separated from original fastenings.

C. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days.

D. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.

E. Each sign shall be removed when the circumstances leading to its erection no longer apply.

F. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.

G. No sign shall be of the intermittent flashing or rotating type, unless permitted as an approved Electrically Activated Changeable Sign or Electronic Reader Board/Message Center.

H. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing.

I. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.

J. Signs must be positioned so that they do not interfere with any clear sight triangle.

K. Determination of Size: The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments but not including any supporting frame work or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double face sign if the interior angle formed by the two faces of the double face sign is less than forty-five degrees (45°) and the two faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included.

L. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner including but not limited to:

1. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

2. Scenes wherein a person displays the vulva or the anus or other genitals.

3. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above. ~~and,~~

4. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.

M. No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.

N. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.

O. No sign shall be permitted which is permanently attached to public utility poles~~, n~~or trees~~,~~ which are within the right-of-way of the street.

P. No sign located within the Floodplain District shall exceed six (6) square feet of area per side.

Q. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.

R. In all districts, only those signs referring directly to materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted.

S. No streamers, pennants, or other similar materials shall be permitted to be located on the outside of any building.

314.2 Specific Regulations for Signs

In addition to the general sign regulations listed in the preceding Section 314.1, specific regulations contained within this section shall also apply to all signs. For the purposes of this Ordinance, each sign is classified by its (1) use, and (2) by its type of construction. Specific sign requirements are listed by use, and then by construction type; therefore, each sign must comply with those regulations specified for its classification of use <u>and</u> its classification by type of construction.

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

1. Official traffic signs – No specific regulations are applied to this type of sign use when the signs are erected by or with written approval from theTownship Supervisors.

2. Professional accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling, and no trespassing or hunting or similarly restrictive signs, or signs indicating the private nature of a driveway or premises – The area on one (1) side of such sign shall not exceed two (2) square feet or project more than six (6) inches from a wall when attached to a building.

3. Identification signs identifying schools, churches, hospitals, or similar institutions – A total of forty (40) square feet will be allowed. Not more than one (1) such sign per organization will be permitted on the site except that a maximum of two (2) such signs shall be permitted when the property fronts on two (2) or more public streets.

4. Temporary signs of contractors, architects, mechanics, and artisans – The signs shall be displayed only while actual work is in progress, and shall not exceed twelve (12) square feet in area, and provided further that such signs

must be removed promptly upon completion of work. Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.

5. Real estate sale-sold-rent-signs when placed on the property to be sold, or rented – These signs shall not exceed six (6) square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two signs are permitted. All such signs shall be removed within five (5) days after final transactions are completed. No such signs shall be located off the site.

6. Real estate development signs – Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent may be erected if the size of any such signs is not in excess of six (6) square feet, and not in excess of four (4) feet in length. Furthermore, no more than one such sign shall be erected for each five hundred (500) feet of street frontage of the premises on which the sign is located.

7. Home occupation signs – Signs advertising home occupations shall not be larger than twelve (12) inches by twenty-four (24) inches, and may only include the name, occupation, and logotype or trademark, if appropriate, of the operator of the home occupation.

8. Public use and utilities signs – Signs necessary for the identification, operation, or protection of public use and public utilities are permitted so long as the general regulations of Section 314.1 of this Ordinance are met.

9. Business, commercial or industrial signs – A sign for a use conducted on the premises which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises. The total sign area shall not exceed one (1) square foot per five (5) lineal feet of lot frontage with a maximum size of eighty (80) square feet with forty (40) square feet per side. One sign is allowed per lot or per adjoining lots occupied by the same use. If the lot's frontage exceeds 1000 feet, one additional sign is permitted. On corner lots, one additional sign is permitted.

10. Functional signs such as those designating rest rooms, entrance, exit, or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto – Two signs per frontage used for vehicular access are permitted. Each sign shall not exceed two (2) square feet in total sign area.

11. Planned center signs – Signs advertising the name of an integrated development such as a planned shopping center, office or apartment complex, or industrial park. These signs shall devote no less than fifty percent (50%) of the total sign area to the advertisement of the planned center's name. Additionally, individual uses within the center may be advertised, but shall be flat wall, wall projecting, and/or roof signs as defined in Section 314.2.B. of this Ordinance; no other ground signs shall be permitted for those uses within the planned center. Only one (1) planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed one (1) square foot for each four (4) feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum size of one- hundred (100) square feet nor an overall height of twenty (20) feet.

12. Temporary (special event) signs and banners – One such sign may be permitted per lot for <u>one</u> period not exceeding thirty (30) days during any calendar year. Such signs shall be limited to a maximum thirty-two (32) square

feet in total sign area.

13. Billboards – These signs are only permitted by conditional use in the Industrial District. See Section 414 of this Ordinance for additional requirements.

14. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers - These signs are only permitted by conditional use in the Local Commercial and Industrial Districts and as accessory uses to institutional uses in any zoning district. See Section 481 of this Ordinance for additional requirements.

B. Classification of Signs by Type of Construction – All signs shall be divided into the following types of construction and shall be subject to the specific regulations listed therewith:

1. Ground sign – Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.

   No ground sign shall project to a point nearer than twelve (12) feet from the edge of a street right-of-way, unless obstructing view, at which time further setback is required. No support for any ground sign shall be located nearer than twelve (12) feet to any property line. Such signs shall not exceed twenty (20) feet in height nor exceed eighty (80) square feet in total sign area; however, planned center signs may have a maximum size of one hundred (100) square feet. Billboards, as regulated in Section 414, are exempt from these specific requirements.

2. Flat wall sign – A sign erected or displayed on or parallel to the surface of a building. Flat wall signs may have a maximum area of fifteen percent (15%) of the wall area of the wall on which the sign is to be erected. Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas. Flat wall signs shall not project more than twelve (12) inches from the building wall and must be located so that the lower edge is a minimum of eight (8) feet above grade where the sign projects from the wall more than six (6) inches.

3. Wall projecting signs – Any sign mounted upon a building so that its principal face is not parallel to the building wall. Projecting signs shall be located upon the buildings so that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may project a maximum of ten (10) feet from the building wall, provided however, that no sign shall project to a point nearer than twelve (12) feet from the edge of the street right-of-way. No projecting sign shall extend more than five (5) feet above the top of the wall upon which it is mounted, nor above the permitted structural height as listed in each zone. Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.

4. Roof sign – A sign erected or displayed upon the roof of any building or structure, or a wall sign, a portion of which exceeds the height of the building; however, all roof signs must comply with structural height limitations required in each zone. No roof sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to the other thereof, or interfere with any openings in such roof. No sign erected upon the roof of any building shall project beyond the edges of said roof in any horizontal direction.

Roof signs may extend above the roof, or top of wall, a distance equal to one-half (1/2) the height of the roof or wall, or five feet, whichever is the *lesser* height. Roof signs may have a maximum area of fifteen percent (15%) of the roof or wall area to which the sign is attached. No roof sign parallel to a building shall extend in length a distance greater than two-thirds (2/3) the length of the wall to which it is parallel.

314.3 Sign Permits

A. Requirements for Signs

The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:

1. Official traffic signs.
2. Residential accessory use or name signs.
3. Temporary signs of contractors, architects, mechanics, and artisans.
4. Real estate sale-sold-rent-development signs.
5. Functional signs.
6. Signs within buildings, not visible from outdoors.

B. All other signs shall require the issuance of a permit prior to the erection, alteration or installation of the sign. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:

1. Exact dimensions of the lot including any right-of-way lines and building upon which the sign is proposed to be erected.
2. 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.
3. Any other lawful information, which may be required of the Applicant by the Zoning Officer.
4. 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 to an existing sign, conform to all the requirements of this Ordinance.
5. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

SECTION 315 ROADWAY CLASSIFICATIONS

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

Arterial Roads	Collector Roads	Local Roads - Township
PA Route 441 (State)	Bainbridge Road (State) Donegal Springs Road (State) Second Street (Township) Stackstown Road (State) Turnpike Road (State)	All roads not listed as Arterial or Collector

SECTION 316 ZONING REQUIREMENTS FOR USE OF ON-LOT SEWAGE DISPOSAL SYSTEMS

316.1 As of the effective date of this Ordinance, all future uses that rely upon on-lot sewage disposal system shall be required to specifically test for and secure one disposal site (field, bed or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction, and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site.

316.2 Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining 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.

316.3 Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

SECTION 317 PERMANENT / TEMPORARY OCCUPANCY REQUIREMENTS

No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home. However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted on the property of a friend or relative, for a cumulative period of up to fourteen (14) days in any calendar year.

SECTION 318 OPERATION AND PERFORMANCE STANDARDS

All uses proposed within Conoy Township shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for informational purposes to Applicants and landowners.

318.1 Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

318.2 Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

318.3 Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended.

318.4 Mine Reclamation and Open Pit Setback: Pennsylvania Act No. 1984-219, the "Noncoal Surface Mining Conservation and Reclamation Act."

318.5 Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

SECTION 319 OIL AND GAS OPERATIONS

It is the intent of the Township to comply with Chapter 33, Local Ordinances Relating to Oil and Gas Operations, of Title 58, Oil and Gas, of the Pennsylvania Consolidated Statutes, as added by Act 13 of 2012. Oil and gas operations, as defined in 58 Pa. C.S. §3301, shall be permitted within the Township to the extent of and in the manner required by 58 Pa. C.S. §3304. All provisions of this Ordinance shallapply to oil and gas operations to the maximum extent allowed by Chapter 33 of Title 58.

319.1 Purpose.

The purpose of this section is to provide for the reasonable use of land for oil and gas development pursuant to the authority found in the Municipalities Planning Code, consistent with the health and general welfare of the residents and in a manner that minimizes the impact of such development on the Township's environment and infrastructure.

319.2 Definitions.

As used in this section, the following terms shall be interpreted or defined as follows:

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

OIL AND GAS - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane, natural gas liquids and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

OIL AND GAS DEVELOPMENT - The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures, whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. This definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL OR GAS WELL SITE - A site that consists of the area occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

319.3 Use Restrictions.

Oil and gas development is a permitted use by right in all zoning districts in the Township, except as set forth herein below:

A. Natural gas compressor stations or any similar facilities performing the equivalent function are permitted by right in Industrial zoning districts; shall be prohibited in the Village Center zoning district; and shall be conditional uses in all other zoning districts, subject to the standards set forth in Sections 319.4, 319.5 and 319.6 hereafter, and the general conditions in this Ordinance.

B. Natural gas processing plants or any similar facilities performing the equivalent function may be permitted in Industrial zoning districts and shall be conditional uses in Agricultural zoning districts, subject to the standards set forth in Sections 319.4, 319.5 and 319.6, hereafter and the general conditions in this Ordinance.

319.4 Permit Requirements.

A. No oil and gas development shall be undertaken in the Township unless a permit for the development has been issued. The permit application shall be submitted together with a fee established by resolution and shall contain the following information:

1. A narrative describing an overview of the project, including the number of acres to be involved, the number of wells to be drilled, the location of all structures and a description of equipment to be used, to the extent known.

2. A narrative describing the project as it relates to existing or anticipated natural gas compressor stations or natural gas processing plants.

3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant for the information of emergency responders.

4. Contact information of the individual or individuals responsible for the operation and activities at the oil and gas development 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.

5. A location map of the oil and gas development showing the approximate location of 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 development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets to be undisturbed.

6. A location map of the natural gas compressor station or natural gas processing plant, including any equipment and structures and all permanent improvements to the site.

7. 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 oil and gas development.

8. Certification satisfactory to the Township that, prior to the commencement of oil and gas development, 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, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of affected Township streets.

9. 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 of dirt, mud and debris occurring as a result of the Applicant's usage.

10. Certification that a copy of the operation's preparedness, prevention and contingency plan has been provided to the Township and all emergency responders. The Applicant shall maintain at the well site and on file with the Township a current list and the material safety data sheets (MSDS) for all chemicals used in the Applicant's operations.

11. Certification 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.

12. 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 the sole responsibility of the Applicant. The Applicant shall not be required to hold more than one site orientation and training course annually under this subsection.

13. Copies of the documents submitted to the PA DEP regarding environmental impacts of the project or, if no documents have been submitted to the PA DEP, 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, as well as copies of all permits issued by appropriate regulatory agencies or authorities relating thereto.

14. Copies of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

B. Within fifteen (15) business days after receipt of a permit application and the required fee, the Township will determine whether the application is complete and shall advise the Applicant accordingly.

C. If the application is incomplete, the Township shall so notify the Applicant, who may resubmit the completed application. The Township shall issue or deny the permit within thirty (30) days following receipt of the completed application.

319.5 Design and Installation Requirements.

Oil and gas development constitutes a land development under the Municipalities Planning Code, and all pertinent provisions of the Code and this and other Township ordinances shall apply, except as preempted by federal or state law. In addition, the following design and installation requirements must be adhered to:

A. No oil or gas well site shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.

B. Permanent structures associated with oil and gas development, both principal and accessory, shall comply with the height regulations for the zoning district in which the development is located.

C. Provided, there may be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well, and in no case may it exceed six months.

D. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, and building not related to the drilling operations on either the same lot or an adjacent lot. Exemption from the standards established in this subsection may be granted by the Township upon a showing by the Applicant that it is not feasible to meet the setback requirements and that adequate safeguards have or will be provided to justify the exemption.

E. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.

F. Natural gas compressor stations and natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.

G. Twenty-four-hour on-site supervision and security shall be provided by the Applicant during the initial drilling or redrilling operations.

H. Upon completion of drilling or redrilling, security fencing consisting of a permanent chain-link fence at least six feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide shall be promptly installed at the oil or gas well site to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

I. Warning signs shall be placed 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.

J. Emergency responders shall be given means to access oil or gas well sites in case of emergency.

K. In the development of oil or gas well sites, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

L. Lighting at the oil and gas well development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings.

M. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

319.6 Conditional Use Requirements.

Where natural gas compressor stations and natural gas processing plants are deemed conditional uses, the following specific requirements apply, in addition to the requirements set forth in Sections 319.4 and 319.5 set forth hereinabove:

A. Prior to the operation of a natural gas compressor station or natural gas processing plant, the Applicant shall establish, by generally accepted testing procedures, the continuous seventy-two-hour ambient noise level at the nearest property line of a residence, public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two-hour test, the Applicant may assume and use, for the purpose of compliance with this section, a default ambient noise level of 55 dBA. The sound-level meter used in conducting any evaluation shall meet the American National Standards Institute standard for sound meters. The Applicant shall provide the Township with documentation of the established ambient noise level prior to operating the compressor station or processing plant.

B. The noise generated during the operations of the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in Subsection A by more than 5 decibels.

C. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facility.

D. In the case of complaints received by the Township, they shall be addressed by the Applicant within 24 hours following receipt of notification. The Applicant shall continuously monitor for a period of 48 hours at the complainant's property line. The

Applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

E. Exemption from the standards established in this section may be granted by the Township for good cause shown and upon written agreement between the Applicant, the Township, and affected property owners.

SECTION 320 NATURAL RESOURCE PROTECTION STANDARDS

320.1. Purpose

The provisions within this Section are designed to protect the natural resources and environmentally sensitive areas in all applicable areas of Conoy Township, within all Zoning Districts. The standards are intended to define and conserve selected natural resources by minimizing adverse impacts to them, thereby protecting the rights of the residents of Conoy Township to clean air, pure water, and the natural, scenic, historic and aesthetic values of the environment, as set forth in Article I, Section 27 of the Pennsylvania Constitution.

320.2. Resource Types

The following subsections address individual natural resource types by prescribing performance standards governing Land Disturbance where the resources exist.

A. Riparian Corridors

A Riparian Corridor incorporates a perennial or intermittent body of water, its lower and upper banks, and the vegetation that stabilizes its slopes. It includes the channel plus an adjoining strip of land. Riparian Corridors protect the waterway from erosion and sediment, provide cover and shade, maintain wildlife habitat, and filter air and water pollution. Portions of Riparian Corridors can be utilized for greenways, trails, and some stormwater management practices that minimize stormwater impacts to streams. The intent of these regulations is to reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach water courses, floodplains, adjoining wetlands, and subsurface and surface water bodies.

A Riparian Corridor includes the limits of a floodplain, which is established to reduce the loss of life and property in a specified flood event, and therefore takes into consideration a waterway's capacity, surrounding topography, and projected flows from a flood. However, the purpose of creating a Riparian Corridor is focused less on avoiding loss and casualty resulting from a natural disaster and more on improving and ensuring the quality of surface water resources and the health of the reliant ecosystem.

Riparian buffers and riparian forest buffers within Riparian Corridors shall be constructed and/or maintained in accordance with the requirements of the Conoy Township Stormwater Management Ordinance and 25 Pa. Code Chapter 102 (Erosion and Sediment Control).

B. Steep Slopes and Highly Erodible Soils

Steep Slopes can offer a variety of amenities such as significant views of valleys and hills, proximity to large natural open space areas, and privacy. However, improper development on Steep Slopes and Highly Erodible Soils can cause significant destruction of the scenic beauty of the area, decreased water quality, increased downstream runoff and flooding problems, loss of sensitive habitats, erosion, slope failures, fire hazards, high utility costs, lack of safe access for emergency vehicles, and high costs for maintenance of public improvements. The protection sought by these regulations is considered reasonable for regulatory purposes. This does not imply that areas that are not considered Steep Slopes and Highly Erodible Soils will be free from erosion or slope instability. This section shall not create liability on the part of Conoy Township or any officer or employee thereof for any damages that result from reliance

on this Section or any administrative decision lawfully made hereunder.

1. Defining Criteria

For purposes of this Section, the areas of Highly Erodible Soils and Precautionary and Prohibitive Steep Slopes, as defined below, are considered to be "Restricted Areas."

a. Highly Erodible Soils are defined as those satisfying criteria (1) and/or (2) below, which are based upon the United States Department of Agriculture Soil Conservation Service's Soil Survey of Lancaster County, Pennsylvania:

(1) Soils labeled as Class VI or Class VII by the Soil Survey of Lancaster County, Pennsylvania. Both Class VI and Class VII soils are defined as having very severe limitations that make them unsuitable for cultivation.

(2) Soils having an Erosion Factor K of 0.40 or greater, as listed in Table 16 of the Soil Survey of Lancaster County, Pennsylvania.ny Class VI or VII soils in an urbanized area shall not be defined as a Highly Erodible Soil for the purposes of this Section.

b. Steep Slopes are natural slopes above fifteen (15%) percent grade, and are classified as being either Precautionary Steep Slopes or Prohibitive Steep Slopes. Precautionary Steep Slopes are natural slopes between fifteen (15%) and twenty-five (25%) percent. They are generally considered steep and require precautionary measures, while natural slopes over twenty-five (25%) percent are considered Prohibitive and are unsuitable for agricultural and land development. The percentage of slope shall be calculated as the ratio of the vertical rise in elevation to the horizontal distance of the slope, measured from the top to the toe of the slope.

2. Performance Standards

a. All Highly Erodible Soils, as defined above, and steep slopes over fifteen (15%) percent shall be shown on all plans, with a differentiation of slopes between fifteen and twenty-five (15-25%) percent and those greater than twenty-five (25%) percent.

b. Any disturbance of Steep Slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three (3) days after completion of grading.

c. Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Conoy Township Engineer.

d. Any cuts shall be supported by retaining walls or other appropriate retaining structures, depending upon the nature of the soil characteristics, when such structures are approved by the Conoy Township Engineer in order to prevent erosion. Where the face of such retaining wall does not exceed three (3) feet in height, Conoy Township Engineer approval is not required.

e. All retaining walls greater than three (3) feet in height require certification by a professional engineer that the wall was constructed in accordance with the approved plans and applicable building codes.

f. The alignment of roads and driveways shall follow the natural topography, minimize regarding, and comply with design standards for maximum grades set forth in the Subdivision and Land Development Ordinance.

SECTION 321 KEEPING OF SMALL DOMESTIC ANIMALS/PETS

The following standards shall apply within all zoning districts for the keeping of domestic pets as an accessory use; however, these standards shall not be interpreted as applying to animal hospitals, veterinary clinics, kennels, riding schools, riding clubs or riding stables, or normal farming operations.

321.1 It is permitted to maintain up to six (6) dogs or cats, or a combination thereof and litters of puppies or kittens up to six months in age as domestic pets, provided the following conditions are met:

A. Maintaining dogs and cats shall be on a noncommercial basis and be strictly as an incidental use.

B. The area on which an outdoor shelter and/or exercise pen is maintained must be suitably enclosed and located in the rear yard at least ten (10) feet from any lot line and no closer than fifty (50) feet to any dwelling unit on adjoining/neighboring properties.

C. The area within which an outdoor shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.

D. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

321.2 In addition to Section 321.1, it is also permitted to maintain small domestic animals up to a total of six (6), provided the following conditions are met:

A. For the purposes of this subsection, small domestic animals shall include animals such as rabbits, guinea pigs, and chinchilla, domestic chickens and other domestic fowl such as turkeys, geese, ducks, and pigeons, but shall not include exotic animals held in captivity.

B. Maintaining small domestic animals shall be within the rear yard area when outdoors.

C. Maintaining small domestic animals shall be on a noncommercial basis and be strictly as an incidental use.

D. The outdoor area within which small domestic animals are kept shall be enclosed by a fence designed for containment.

E. Such fence shall be at least ten (10) feet from any lot line and no closer than fifty (50) feet to any dwelling unit on adjoining/neighboring properties.

F. The area within which small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

G. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

H. In addition to all of the above requirements of Section 321.2, the following additional requirements for the keeping of domestic chickens/fowl as an accessory use apply:

1. The keeping of roosters or guinea fowl is prohibited in all Zoning Districts.

2. Chicken Coops/Pens and Runs

a. Chickens/fowl shall be kept in an enclosed chicken coop or pen.

b. A maximum of one (1) chicken coop/pen and chicken run is permitted per property which is less than ten (10) acres in size.

c. The minimum coop size of a fully enclosed shelter shall be three (3) square feet per chicken/fowl. The total maximum coop size of a fully enclosed shelter shall be one hundred fifty (150) square feet.

d. A chicken run is permitted when attached to a coop.

e. If a chicken run is provided, it shall be no larger than one hundred fifty (150) square feet and shall be enclosed in a way that contains the chickens/fowl.

f. The chicken coop/pen and chicken run shall be maintained with a neat, weed and other debris-free appearance.

g. If the chicken coop/pen and chicken run are no longer used for a period of one (1) year, the coop/pen and run must be removed from the property.

h. A permit must be obtained to construct a fully enclosed chicken coop and chicken run.

3. Yard Setbacks

a. Any chicken coop/pen or chicken run shall be located in the rear yard area.

b. No chicken coop/pen or chicken run shall be permitted within ten (10) feet from any property line.

c. No chicken coop/pen or chicken run shall be permitted within ten (10) feet of any dwelling unit on the property containing the chicken coop or chicken run.

d. No chicken coop/pen or chicken run shall be permitted within fifty (50) feet of any dwelling unit on adjoining/neighboring properties nor within 10 feet of any occupiable accessory structure on adjoining/neighboring properties, such as but not limited, to sheds, garages and similar outbuildings.

e. In all instances, whether or not there is an adjoining dwelling unit or an accessory structure, the chicken coop/pen and chicken run shall not be located within the building setback area established by the zoning district in which the chicken coop and chicken run is located.

4. Sanitation

a. All chickens/fowl, chicken coops/pens and chicken runs must be maintained, housed and kept in a clean and sanitary condition and in a manner that does not cause a public or private nuisance from: odor, litter, droppings, feathers or other waste; excessive noise; predators, pests, rodents or other animals; or, favorable conditions that breed or attract flies, mosquitoes, maggots, other insects, pest or rodents.

b. All chicken/fowl feed must be kept in rodent-proof containers.

c. Manure and droppings shall be removed from pens, yards, cages and other enclosures as necessary to maintain sanitary conditions and handled or properly disposed of as to keep the property free of any public nuisance.

SECTION 322 KEEPING OF WILD OR EXOTIC ANIMALS

The keeping of exotic or wild animals shall be authorized only after special exception approval by the Zoning Hearing Board and shall not violate Title 50, Code of Federal Regulations nor any Pennsylvania Game Commission Regulations. The keeping of wild or exotic animals shall be limited to lots located in the Agricultural District with a minimum lot area of five (5) acres or greater, and shall be subject to the following additional requirements:

A. The number of such animals shall not exceed the equivalent of one animal per acre.

B. Said animals shall be maintained only within the rear yard area.

C. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.

D. Such fence or other form of enclosure shall be at least 50 feet from any lot line and not closer than 100 feet to the nearest dwelling other than that of the owner.

E. The area within which such animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

F. The owner of such animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

G. All such animals shall be maintained in accordance with the regulations and permit requirements of the Pennsylvania Game Commission and other applicable agencies.

SECTION 323 FORESTRY ACTIVITIES

In accordance with the requirements of Section 603 (f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

ARTICLE 4 –CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES AND OTHER SELECTED USES

SECTION 401 GENERAL DESCRIPTION

It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, by special exception and by conditional use within the various zoning districts established in this Ordinance. Special exceptions and conditional uses are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a special exception provided that the Applicant complies with the standards for special exceptions set forth in this Article and demonstrates that the proposed special exception shall not be detrimental to the health, safety, and welfare of the neighborhood. Similarly, the Board of Supervisors may grant approval of a conditional use under applicable regulations. The burden of proof shall rest with the Applicant. In granting a special exception or conditional use, the Zoning Hearing Board or Board of Supervisors, as appropriate, may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

SECTION 402 PROCEDURE

The procedure for consideration of a special exception and a conditional use shall follow the procedure for review and hearings as stated in Articles 6 and 7 of this Ordinance.

SECTION 403 PLAN REQUIREMENTS

In addition to any plan informational requirements for a specific land use identified in this Article, a special exception or conditional use application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance and shall include the following:

403.1 The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.

403.2 The names and addresses of adjoining property owners, including properties directly across a street right-of-way.

403.3 Ground floor plans and building elevations of proposed structures.

403.4 A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

SECTION 404 GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION AND CONDITIONAL USE APPLICATIONS

In order to receive a special exception or conditional use approval, the Applicant shall establish by credible evidence that:

404.1 The proposed use is consistent with the purpose and intent of this Ordinance.

404.2 The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.

404.3 The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.

404.4 The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.

404.5 The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.

404.6 The off-street parking provisions are in conformance with those specified in Article 3 of this Ordinance.

404.7 Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic.

404.8 The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted and the traffic is not out of character with the normal traffic using said public road.

404.9 The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.

404.10 The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.

404.11 Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).

404.12 Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.

404.13 The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

404.14 Operations in connection with a special exception or conditional use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.

404.15 Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.

404.16 For development within the Floodplain District, the application complies with the requirements listed in Article 2.

SECTION 405 CRITERIA FOR SPECIFIC LAND USES

In addition to those items required by Sections 403 and 404, (if applicable), each of the following land uses contains criteria that shall be addressed by the Applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by special exception, or by the Board of Supervisors, when permitted by conditional use. Deviation from the expressed criteria for specific uses shall require the granting of a variance from the Zoning Hearing Board.

SECTION 406 ADULT-RELATED FACILITIES

406.1 An adult-related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility.

406.2 No adult-related facility shall be located within six hundred (600) feet of any residentially-zoned land.

406.3 No establishment shall be located within six hundred (600) feet of any parcel of land, which contains any one or more of the following specified land uses:

A. Amusement park.

B. Camp (for minor's activity).

C. Child care facility.

D. Church or other similar religious facility.

E. Community center.

F. Museum.

G. Park.

H. Playground.

I. School.

J. Other lands where minors congregate.

406.4 The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment 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 entertainment establishment to the closet point on the property line of said land use.

406.5 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.

406.6 Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.

406.7 No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.

406.8 Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

406.9 No adult-related facility may change to another adult-related facility, except upon approval of an additional conditional use.

406.10 The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.

406.11 No unlawful sexual activity or conduct shall be permitted. ~~and,~~

406.12 No more than one adult-related facility may be located within one building or shopping center.

SECTION 407 AGRITAINMENT/AGRITOURISM ENTERPRISES

407.1 Purpose - The Lancaster County Strategic Tourism Plan states that successful tourism depends upon the quality of the natural and built environments. Lancaster County's distinct character and quality resource provides the foundation for developing appropriate types of authentic tourism products that would ensure that the county remains a unique and competitive destination in the future. Therefore, any tourism venture or experience that would be permitted in the agricultural areas of the Township must be directly related to supporting the primary use of the farm by interpreting the agricultural heritage of the county and providing a distinctly Lancaster County experience.

Therefore, certain types of uses are more appropriate than others in certain zoning districts

because of the direct nexus to experiencing Lancaster County's agricultural heritage. Other uses that are determined by the Zoning Hearing Board/ Board of Supervisors that do not meet this basic threshold and are not incidental to the primary agricultural use are not permitted.

407.2 Uses Permitted by Right

A. Roadside stands.

B. Farm markets.

C. U-pick operations.

D. Dairy, ice cream and bakery retail facilities.

E. Christmas tree farm/cut your own.

F. Local farm products retail operations (including crafts made on the farm; food products, garden and nursery products grown on the farm; and clothing products made from the wool of animals raised on the farm, etc.).

G. Corn mazes.

H. Hay rides.

I. Farm-related interpretive facilities and exhibits.

J. Agriculturally related educational and learning experiences.

K. On-farm tours with demonstrations of agricultural practices, techniques and methods.

L. Walking and bicycling tours and trails.

M. Farm stays.

N. Recreation related operations (outfitters, cross country skiing, fishing and hunting facilities, bird watching).

O. Horseback/pony rides.

407.3 Uses Permitted by Special Exception

A. Retail sale of food products not produced on the farm.

B. Other similar agricultural related activities, that may be determined on a case by case basis if the use meets the purpose and intent of the regulations, as long as they are directly related to, remain secondary and clearly incidental to, and compatible with, the active agricultural operation or agri-business.

407.4 Uses Permitted by Conditional Use

A. Weddings.

B. Concerts.

C. Banquets.

D. Agriculturally related special events / fairs / festivals.

E. Other similar non-agricultural entertainment oriented gatherings, events, fairs, festivals and related activities that may be determined on a case by case basis if the use meets the purpose and intent of the regulations, as long as they are directly related to, remain secondary and clearly incidental to, and compatible with, the active agricultural operation or agri-business.

407.5 Agritainment/agritourism enterprises are only permitted on farms. Farms must be existing and in operation.

407.6 Agritainment/agritourism use(s) shall be owned or operated by the landowner, landowner's immediate family member, the operator or employee of the active agricultural operation or agri-business, or a resident of the lot upon which the active agricultural operation or agri- business occurs.

407.7 The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the agritainment/agritourism use(s) and directly related thereto.

407.8 Applicants must submit a sketch plan or land development plan identifying the location of the agritainment/agritourism enterprise, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, location of sanitary facilities (if required), and screening and landscaping in accordance with Section 313.

407.9 Parking must be in compliance with Section 311. Parking is not permitted in the street right-of-way.

407.10 A driveway occupancy permit must be approved by the Township for access to Township roads and must be reviewed by the Board of Supervisors for access to state roads.

407.11 Sanitary facilities shall be provided in accordance with PADEP requirements.

407.12 All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted.

407.13 All buildings within which the agritainment/agritourism use(s) are conducted shall be designed and constructed in compliance with the most recent version of the IBC as referenced in the PA UCC adopted by the Township.

407.14 To the maximum extent feasible, the agritainment/agritourism use(s) shall be conducted within an existing agriculture building or other accessory building. All portable structures and signs used as part of the agritainment/agritourism use(s) shall be removed or shall be stored in an enclosed structure at the end of the harvesting season.

A. However, any new building constructed for use by the agritainment/agritourism use(s) shall be located no less than fifty (50) feet from any lot line.

B. Any new building constructed for use by the agritainment/agritourism use(s) shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the agritainment/agritourism use(s) is discontinued.

407.15 The maximum permitted size for signs used for the agritainment/agritourism enterprise shall be in compliance with Section 314.

407.16 The Applicant shall submit evidence that all state and federal requirements have been met prior to the issuance of a final Certificate of Zoning Compliance. Applicants must consult with the Township's building code officer to determine if a building permit is required for any building proposed as part of the agritainment/agritourism enterprise.

407.17 The Applicant shall submit proof of adequate liability insurance.

407.18 Special events, fairs and festivals shall comply with the following regulations:

A. Tents or other temporary structures shall comply with all setback regulations for principal buildings in this Ordinance.

B. All waste, trash and rubbish, tents and temporary structures, and any other displays or exhibits that resulted from the special event shall be removed from the property within 24 hours after the special event has ended.

C. Overflow parking areas may be on grass surface areas of the lot. The grass surface area which is to be used for overflow parking shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition. In the event any portion of the overflow parking area is disturbed, the areas shall be reseeded or planted with sod to ensure the area remains grass surface. Such planting shall occur within one week after the special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines, all such fences shall be removed within one week of a special event ending. Overflow parking areas shall be set back at least 25 feet from side and rear property lines.

D. All driveway locations must be permitted under applicable state or local regulations.

407.19 No part of an agritainment/agritourism use shall be located within fifty (50) feet of any lot line.

407.20 Any use or event that is anticipated to result in the public gathering of more than two hundred fifty (250) people shall also be subject to the requirements of the Conoy Township Public Entertainment, Amusement or Recreational Gathering Ordinance (Ordinance No. 3-87).

407.21 It shall be the responsibility of the Applicant and/or landowner to prove compliance with these regulations at the time of application for a zoning permit.

SECTION 408 AIRPORTS / HELIPORTS

Where permitted, airports/heliports are subject to the following criteria:

408.1 Minimum lot area – Thirty (30) acres;

408.2 All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;

408.3 The Applicant shall furnish evidence of the issuance of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application; and,

408.4 No part of the take-off/landing strip and/or pad shall be located closer than three hundred (300) feet from any property line.

SECTION 409 AMUSEMENT ARCADES

Where permitted, amusement arcades are subject to the following criteria:

409.1 All activities shall take place within a wholly-enclosed building.

409.2 The Applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade.

409.3 A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall <u>also</u> require parking to be provided in accordance with the schedule listed in Section 311.19 of this Ordinance.

409.4 A working plan for the clean-up of litter shall be furnished and implemented by the Applicant.

SECTION 410 ANIMAL HOSPITALS AND VETERINARY CLINICS

Where permitted, animal hospital and veterinary clinics are subject to the following criteria:

410.1 All animal hospital and veterinary clinics shall be in fully enclosed buildings.

410.2 The Applicant shall furnish current copies of applicable State and/or Federal licenses, and all renewals.

410.3 Dog boarding shall be in accordance with Section 445 (Kennels).

410.4 The Applicant shall provide plans, if applicable, for:

A. Housing or boarding of larger animals if essential to the facility.

B. Storage of drugs and medical supplies for the treatment of animals.

C. Lighting, off-street parking, and the control of noise.

D. Disposal of manure, hazardous waste and dead animals.

410.5 All facilities shall comply with the provisions of all other applicable Township Ordinances.

SECTION 411 ANTIQUES, FLEA AND/OR FARMERS MARKETS

Where permitted, antiques, flea and/or farmers markets are subject to the following criteria:

411.1 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 shall include all indoor and outdoor areas as listed above.

411.2 The retail sales area shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.

411.3 Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area.

411.4 Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Section 312 of this Ordinance.

411.5 All outdoor display and sales of merchandise shall begin not earlier than one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.

411.6 Any exterior lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

411.7. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.

411.8 Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

SECTION 412 BED AND BREAKFASTS

Where permitted, bed and breakfasts as defined herein are subject to the following criteria:

412.1 All bed and breakfast establishments shall be conducted in single-family detached dwellings.

412.2 Not more than five (5) units may be rented to guests.

412.3 Not more than one (1) rental unit is permitted for each five thousand (5,000) gross square feet of

lot area.

412.4 Guests shall be limited to lodging for a maximum of fourteen (14) consecutive days. Each period of lodging for a guest shall be separated from another period of lodging for that same guest by at least a thirty (30) day period.

412.5 Meals shall be offered only to registered overnight guests.

412.6 The owner and operator of the bed and breakfast establishment shall be a resident of the dwelling.

412.7 No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.

412.8 All floors above-grade shall have direct means of escape to ground level.

412.9 One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit. No additional front yard areas shall be utilized as parking area.

412.10 Within the A and R Districts, all parking areas shall be set back a minimum of twenty-five (25) feet from all property lines. Within the R-1 and VC Districts, all parking shall be located in the side and/or rear yard, shall be set back at least five (5) feet from adjoining lots, and shall be screened from adjoining lots and streets.

412.11 Within the A and R Districts, a bed and breakfast may erect one sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines. Within the R-1 and VC Districts, one sign not exceeding six (6) square feet shall be located no less than five (5) feet from all lot lines.

412.12 All sewage and water facilities shall be reviewed and inspected by the Township Sewage Enforcement Officer and shall comply with all applicable Pennsylvania Department of Environmental Protection regulations.

412.13 The Applicant shall furnish proof or approval from the PA Department of Labor and Industry.

412.14 The Township may require an annual review of these conditions to ensure compliance.

SECTION 413 BEEKEEPING

Where permitted, beekeeping is subject to the following criteria:

413.1 It shall be the duty of the Applicant to maintain each colony so as to not create a public nuisance.

413.2 Colonies shall be maintained in movable frame hives.

413.3 Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.

413.4 Hives shall be located no closer than one hundred (100) feet from any property line unless a six-foot-high fence or hedge is located along any adjoining property lines for a distance at least one-hundred (100) feet from the hive(s). In no case shall hives be located within fifty (50) feet of any property line.

413.5 All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the Applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.

413.6 Hives shall not be oriented to children's play areas, or neighboring properties.

413.7 Adequate techniques in handling bees, such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging seventy-five (75) feet or more from the hive.

SECTION 414 BILLBOARDS

Where permitted, billboards are subject to the following criteria:

414.1 No billboard shall be located within one thousand (1,000) feet of another billboard.

414.2 All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.

414.3 All billboards shall be set back at least thirty-five (35) feet from any street right-of-way lines.

414.4 All billboards shall be set back at least one hundred (100) feet from any land within a Residential District.

414.5 No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.

414.6 No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.

414.7 No electronic billboard shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

414.8 Except as noted below, electronic billboards may not contain any flashing, pulsing, scrolling or moving lights, text or graphics, or any full-motion video.

414.9 When approved as a Conditional Use by the Board of Supervisors, electronic billboards may also contain electrically activated, patterned illusionary movement (animation) as defined in this Ordinance. As part of its approval, the Board of Supervisors may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.

414.10 Change Interval - Electronic billboards must provide a minimum change interval of at least five (5) seconds. A "change interval" is defined as the time period in which the display of an electronic billboard must remain static and during which the display may not transition to display another advertisement.

414.11 Transition Interval - Electronic billboards must provide a maximum transition interval of one (1) second. The "transition interval" is defined as the time period in which the display of an electronic billboard transitions to another display.

414.12 Streaming video is prohibited.

SECTION 415 BOARDING/ROOMING HOUSES

Where permitted, boarding/rooming houses are subject to the following criteria:

415.1 The following minimum lot area requirements shall be provided:

Zoning District	Minimum Required Lot Size	plus	Additional Lot Area Per Boarder
R-2	10,000 sq. ft.	plus	2,500 sq. ft.
VC	7,500 sq. ft.	plus	2,000 sq. ft.

415.2 The Applicant shall furnish evidence that approved systems for sewage disposal and water supply will be used.

415.3 No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.

415.4 All floors above-grade shall have direct means of escape to ground level.

415.6 One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.

415.7 Within the (R-2) District, all parking areas shall be set back a minimum of twenty-five (25) feet from all property lines. Within the (VC) District, parking shall be located in the side or rear yard, shall be set back at least five (5) feet from adjoining lots, and shall be screened from adjoining lots and streets.

415.8 One sign, not to exceed six (6) square feet, shall be permitted.

415.9 The Applicant shall furnish evidence of approvals granted by the PA Department of Labor and Industry.

SECTION 416 CAMPGROUNDS

Where permitted, campgrounds are subject to the following criteria:

416.1 The minimum lot size shall be ten (10) acres.

416.2 No camping site may be occupied on a permanent basis.

416.3 The area improved for camping sites shall not exceed fifty (50%) percent of the total gross area of the tract being developed as a Campground.

416.4 Setbacks – All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one-hundred (100) feet from any public street line. The land between the campsites and the exterior property line of the campground shall have sufficient existing or planted trees and/or shrubbery to screen the campground from the adjacent lands and to serve as a buffer.

416.5 All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6") inches of compacted crushed stone, bank run gravel, or shale.

416.6 All campsites designed for tenting may be provided with on-site parking spaces in accordance with the Subdivision and Land Development Ordinance or may have a common parking area not over three hundred (300') feet from the most distant camp site. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.

416.7 Each campsite shall have a minimum area of at least three thousand (3,000) square feet in size, exclusive of street rights-of-way and walkways.

416.8 An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.

416.9 All outdoor play areas shall be set back one-hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.

416.10 All campgrounds shall furnish centralized solid waste and garbage collection facilities that shall

be set back a minimum of one-hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.

416.11 Any accessory retail or service commercial uses shall be set back a minimum of one-hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels.

416.12 All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as identified in this Ordinance.

416.13 A campground may construct one freestanding or building attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential district, and, at least twenty-five (25) feet from adjoining lot lines.

416.14 A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.

416.15 During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.

416.16 All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.

416.17 Electric service shall be provided to at least seventy-five percent (75%) of the recreational vehicle campsites. Such electric service shall be installed underground.

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

SECTION 417 CHURCHES AND RELATED USES

Where permitted, churches and related uses are subject to the following criteria:

417.1 House of Worship

A. Minimum lot area – Two (2) acres.

B. Minimum lot width – Two hundred (200) feet.

C. Vehicular access to an arterial or collector highway.

D. Side yard setback – Fifty (50) feet on each side. ~~and,~~

E. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

417.2 Church-Related Residences (Rectories and Convents)

A. All residential uses shall be accessory~~,~~ and located upon the same lot or directly adjacent to a lot containing a house of worship.

B. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the site's District.

417.3 Church-Related Educational or Day-Care Facilities

A. All educational or day care uses shall be accessory, and located upon the same lot as a house of worship.

B. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-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).

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

D. 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.

E. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying district.

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

417.4 Cemeteries

Where permitted, cemeteries are subject to the following criteria:

A. Minimum Lot Area - One (1) acre.

B. All structures and graves shall be setback a minimum of 35 feet from any public road or street right-of-way line or property line and 10 feet from the cartway of an internal driveway.

C. Cemetery plot sales office buildings, maintenance buildings, and storage buildings shall be situated in accordance with the yard setback and building height requirements for principal buildings in the district.

D. Existing natural features, vegetation, and drainage patterns shall not be removed, changed, or destroyed except where absolutely necessary for the layout of the cemetery.

E. No grave sites shall be located within the 100-year floodplain.

F. The provisions of this Section shall not apply to the expansion of public or religious cemeteries in existence prior to the original enactment of this Section; however, any such expansion shall comply with other applicable ordinance provisions and any applicable State and Federal rules, regulations, statutes, codes and law.

G. The provisions of this Section shall not apply to private family cemeteries, provided the total number of individuals interred in any such cemetery does not exceed 10 on any one lot or group of lots and such internment complies with other applicable ordinance provisions and any applicable State and Federal rules, regulations, statutes, codes and law.

SECTION 418 CLUB ROOMS, CLUB GROUNDS, MEETING HALLS

Where permitted, club rooms, club grounds, and meeting halls are subject to the following criteria:

418.1 All private clubs shall front on and have access to, an arterial or collector road.

418.2 All off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Parking compounds will also be set back thirty (30) feet from any adjoining residential lot lines.

418.3 All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.

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

418.5 All exterior lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

SECTION 419 CLUSTER DEVELOPMENTS

Where permitted, cluster developments are subject to the following criteria:

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

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

419.3 Within the R-1, R-2, and VC Districts, at least thirty percent (30%) of the cluster development site shall be devoted to common open space. Such required common open space shall be in addition to any dedicated parklands, and/or fees-in-lieu thereof.

419.4 Required open space shall be designed and arranged to achieve at least one of the following objectives, and the Applicant shall demonstrate those specific measures employed to achieve these objectives:

A. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).

B. Protection of important historical and/or archaeological sites.

C. Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development and the Township.

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

419.5 The following table and its footnotes list design standards for cluster developments that differ from those listed within the respective districts. These standards shall be applicable to a cluster development in lieu of the standards applicable within the respective districts.

					Minimum Yard Setbacks[1]			
District	Permitted Dwelling Type	Maximum Density Units/Net Acre	Minimum Lot Width at Building Setback/(Frontage)	Maximum Lot Coverage	Front[2,3]	One Side	(Both Sides)	Rear
R-1	Single-Family Detached	5.5	65 ft. (55 ft.)	50%	30 ft.	10 ft.	(20 ft.)	30 ft.[4]
R-2 & VC	Single-Family Detached	6	60 ft. (50 ft.)	50%	25 ft.	6 ft.	(12 ft.)[1]	20 ft.
R-2 & VC	Duplex	6	45 ft. (40 ft.) per unit	55%	25 ft.	10 ft. per unit		20 ft.
R-2 & VC	Townhouses[5]	8	18 ft. (18 ft.) per unit	70%	25 ft.	15 ft. for end units		20 ft.

R-2 & VC	Multiple-Family[6]	8	200 ft. (200 ft.)	60%	50 ft.	30 ft.	(60 ft.)	30 ft.

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

   a. Minimum lot width shall be forty-five (45) feet and thirty-five (35) feet at the building setback and the lot frontage, respectively.
   b. One side wall of the structure may be located no less than one inch from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten (10) feet wide.
   c. A perpetual four (4) foot wall-maintenance easement shall be provided on the lot adjacent to the zero-lot-line, which, with the exception of freestanding walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.
   d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area.
   e. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight (8) feet above grade, and have translucent panels.

2. Minimum front yard setbacks shall be measured from the right-of-way line. However, if the property abuts an arterial road, the minimum front yard setback shall be forty (40) feet from the right-of-way line.

3. Except for multiple-family dwellings, the minimum front yard setback for accessory residential garages shall be twenty (20) feet.

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

5. No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse buildings are contained upon the same lot, the standards listed in the following footnote 6 shall apply.

6. In those instances where several buildings and/or townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

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

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

A. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space.

B. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township.

C. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the PA Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. or the PA Uniform Planned Community Act, 68 Pa. C.S.

§5101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:

1. Such organization shall not dispose of the common open space by sale or otherwise except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization, which shall maintain the common open space in accordance with this Ordinance.

2. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the MPC relating to the maintenance of deteriorating common open space by municipalities.

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

SECTION 420 COMMERCIAL DAY-CARE FACILITIES

Where permitted, commercial day-care facilities are subject to the following criteria:

420.1 An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within 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).

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

420.3 Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

420.4 One off-street parking space shall be provided for each six (6) students enrolled.

SECTION 421 COMMERCIAL RECREATION FACILITIES: OUTDOOR COMMERCIAL RECREATION FACILITIES, INDOOR COMMERCIAL RECREATION ESTABLISHMENTS AND NON-INTENSIVE OUTDOOR COMMERCIAL RECREATION FACILITIES

Where permitted, commercial recreation facilities are subject to the following criteria:

421.1 If the subject property contains more than two (2) acres, it shall front on an arterial or collector road.

421.2 Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.

421.3 Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.

421.4 Waste holding (dumpster) areas shall be located no more than fifteen (15) feet from the principal building and shall be screened with a minimum eight (8) feet high screen of either natural or manmade materials.

421.5 The Applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution.

421.6 The Applicant shall provide a plan for controlling traffic, loitering, accidents, noise, light, litter, dust, pollution, and hours of operation.

421.7 Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 311.19. In addition, the Township may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

421.8 Any booths or other structures used for the collection of admission and/or parking fees shall be set back not less than fifty (50) feet from all property lines and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the Applicant to revise means of access to relieve the undue congestion.

421.9 Any outside pedestrian waiting lines~~,~~ shall be provided with a means of shade.

SECTION 422 WIRELESS COMMUNICATIONS FACILITIES (WCF)

422.1 Purpose. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities (WCF) in Conoy Township (referred to herein as the "Township"). While the Township recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions. By enacting these provisions, the Township intends to:

A. Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision of necessary services;

B. Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;

C. Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Township, including facilities both inside and outside the public rights-of-way;

D. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, and other Wireless Communications Facilities;

E. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, and by requiring that competing providers of wireless communications services co-locate their Non-Tower WCF and related facilities on existing towers;

F. Promote the health, safety and welfare of the Township's residents.

422.2 General and Specific Requirements for Non-Tower Wireless Communications Facilities

A. The following regulations shall apply to all Non-Tower WCF:

1. Non-Tower WCF shall be located on municipally owned poles, ~~and~~ traffic lights, buildings and other structures. If such placement is not possible, Non-Tower WCF are subject to the

restrictions and conditions prescribed below and subject to applicable permitting by the Township.

2. Non-conforming Wireless Support Structures. Non-Tower WCF shall be permitted to co-locate upon non-conforming Tower-Based WCF and other non-conforming structures. Co-location of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.

3. Standard of care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Standard, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

4. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended) and ASCE-7, latest edition.

5. Aviation safety. Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.

6. Public safety communications. Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

7. Radio frequency emissions. A Non-Tower 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.

8. Removal. In the event that use of a Non-Tower WCF is 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. Unused or abandoned WCF or portions of WCF shall be removed as follows:

   a. All abandoned or unused Non-Tower WCFs and accessory facilities shall be removed within sixty (60) calendar days of the cessation of operations at the site unless a time extension is approved by the Township.

   b. If the Non-Tower WCF or accessory facility is not removed within sixty (60) calendar days of the cessation of operations at a site, or within any longer period approved by the Township, the Non-Tower WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the Non-Tower WCF.

9. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability 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 Non-Tower WCF.

10. Indemnification. Each person that owns or operates a Non-Tower 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, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each person that owns or operates a Non-Tower 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 Non-Tower 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.

11. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

    a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

    b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

    c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

B. The following regulations shall apply to all co-located Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached, or otherwise fall under the Pennsylvania Wireless Broadband Collocation Act:

1. Permit required. WCF Applicants proposing the modification of an existing Tower-Based WCF shall obtain a zoning permit from the Township. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.

2. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. The Township shall notify the WCF Applicant as to completeness of the WCF Application within thirty (30) calendar days of receipt. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.

3. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.

4. 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 Non-Tower WCF or $1,000, whichever is less.

C. The following regulations shall apply to all Non-Tower WCF that do Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:

1. Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, or any residential accessory structure.

2. Conditional Use Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a

conditional use from the Township. New constructions, modifications, and replacements that fall under the WBCA shall not be subject to the conditional use process. The conditional use application shall demonstrate that the proposed facility complies with all applicable provisions in the Conoy Township Zoning Ordinance.

3. Historic Buildings. No Non-Tower WCF may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance.

4. 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 and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF 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.

5. Permit Fees. The Township may, from time to time, establish by resolution appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.

6. Development Regulations. Non-Tower WCF shall be co-located on existing Wireless Support Structures, such as existing buildings or Tower-Based WCF, subject to the following conditions:

   a. The total height of any Wireless Support Structure and mounted WCF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district, unless the WCF Applicant applies for, and subsequently obtains, a variance.

   b. In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.

   c. If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district, and landscaping shall be required to screen as much of the equipment building as possible. An evergreen screen shall surround the site. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

7. A security fence with a minimum height of six (6) feet and a maximum height of eight (8) feet, with openings no greater than nine (9) inches, shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

8. Non-commercial usage exemption. Township residents utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section, but shall be subject to Section 301.4 of this Ordinance.

9. Design Regulations.

   a. Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.

b. Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.

c. Directional or panel communications antennas shall not exceed eight (8) feet in height or three (3) feet in width.

d. Cylinder-type antennas shall not exceed ten (10) feet in length and not exceed twelve (12) inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the antenna and any related accessory equipment visually unobtrusive.

e. Satellite and microwave dishes shall not exceed ten (10) feet in diameter. Dish antennas greater than three (3) feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture or building to which they are attached. This screening requirement shall not apply to dishes located upon towers.

10. Removal, Replacement and Modification.

a. The removal and replacement of Non-Tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not Substantially Change the overall size of the WCF or the number of antennae.

b. Any material modification to a WCF shall require notice to be provided to the Township, and possible supplemental permit approval to the original permit or authorization.

11. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

D. Regulations Applicable to all Non-Tower WCF located in the Public Rights-of- Way. In addition to the Non-Tower WCF provisions listed in Section 422.2 A. through C., the following regulations shall apply to Non-Tower WCF located in the public rights-of-way:

1. Co-location. Non-Tower WCF in the ROW shall be co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the WCF Applicant, with the Township's approval, shall locate its Non-Tower WCF on existing poles or freestanding structures that do not already act as Wireless Support Structures.

2. Design Requirements:

a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

b. Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related

considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

4. Equipment Location. Non-Tower WCFs and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

   a. In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;

   b. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

   c. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Township.

   d. Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner.

   e. Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Township.

5. Relocation or Removal of Facilities. Within sixty (60) calendar 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 WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined 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 street or road or the release of a utility easement; or

   d. An Emergency as determined by the Township.

422.3 <u>General and Specific Requirements for All Tower-Based Wireless Communications Facilities.</u>

A. The following regulations shall apply to <u>all</u> Tower-Based Wireless Communications Facilities, excluding any Tower-Based WCF that is less than seventy (70) feet in height and owned and operated by a federally licensed amateur radio status operator.

   1. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Standard, National Electrical Safety Code, National Electrical Code, ASCE-7, latest edition, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

2. Notice. Upon submission of an application for the construction or installation of a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within one thousand five hundred (1,500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township.

3. Conditional Use Authorization Required. Tower-Based WCF are permitted in the Industrial (I) District, Agricultural (A) District, and Rural (R) District, by conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.

   a. Prior to Board of Supervisor's approval of a conditional use authorizing the construction and installation of Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such conditional use approval to prove to the reasonable satisfaction of the Board of Supervisors that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.

   b. The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.

   c. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.

   d. Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to the Board of Supervisors that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.

   e. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions in this section.

4. Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings, or at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any zoning permits.

5. Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted silver or another color approved by the Board of Supervisors, or shall have a galvanized finish. All Tower-Based WCF and Related Equipment 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. The Board of Supervisors shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

6. Co-location and siting. An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned and maintained by Conoy Township. The Board of Supervisors may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one-half (1/2) mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

   a. The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

   b. The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

   c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

   d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

7. Permit Required for Modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a zoning permit from the Township. Non-routine modifications shall be prohibited without such permit.

8. Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCF.

9. Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based WCF where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

10. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of

the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222), as amended and ASCE-7, latest edition.

11. Height. Any Tower-Based WCF shall be designed at the minimum functional height. In all Zoning Districts the maximum height of any new Tower-Based WCF shall be two hundred (200) feet. An existing tower may be modified or extended to a height not to exceed a total height of two hundred fifteen (215) feet, to accommodate the collocation of additional communications antennas.

12. Related Equipment. Either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(e) space on the Tower-Based Wireless Communications Facility.

13. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

14. Maintenance. The following maintenance requirements shall apply:

    a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

    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 utilize the best available technology for preventing failures and accidents.

15. Radio Frequency Emissions. A Tower-Based 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.

16. Historic Buildings or Districts. A Tower-Based WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.

17. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.

18. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.

19. Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and any applicable Township regulations, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

20. Aviation Safety. Tower-Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.

21. Retention of Experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF 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.

22. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) calendar days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) calendar day review period.

23. Non-Conforming Uses. Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section.

24. Removal. In the event that use of a Tower-Based WCF is planned 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. Unused or abandoned WCF or portions of WCF shall be removed as follows:

    a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within one hundred eighty (180) calendar days of the cessation of operations at the site unless a time extension is approved by the Township.

    b. If the WCF and/or accessory facility is not removed within one hundred eighty (180) calendar days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

    c. Any unused portions of Tower-Based WCF, including antennae, shall be removed within one hundred eighty (180) calendar days of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.

25. Permit Fees. The Township may, from time to time, by resolution establish appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.

26. FCC License. Each person that owns or operates a Tower-Based WCF over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

27. Insurance. Each person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $5,000,000 per occurrence and property damage coverage in the minimum amount of $5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability 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 each Tower-Based WCF.

28. Indemnification. Each person that owns or operates a Tower-Based 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, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each person that owns or operates a Tower-Based 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 Tower-Based 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.

29. Engineer signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

30. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.

B. The following regulations shall apply to Tower-Based Wireless Communications Facilities located <u>outside</u> the Public Rights-of-Way:

1. Development Regulations.

a. Tower-Based WCF shall not be located in, or within seventy-five (75) feet of, an area in which utilities are primarily located underground.

b. Tower-Based WCF are permitted by conditional use, outside the public Rights-of-Way, subject to the prohibition in Section 422.3 B.1.a., as well as the provisions of ~~in~~ Section 422.3 A.3., in the following zoning districts:

(1) Industrial (I) District

(2) Agricultural (A) District

(3) Rural (R) District

c. Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in this Ordinance. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 100% of the proposed WCF structure height.

d. Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

(1) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.

(2) Minimum lot area. The minimum lot area shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower- Based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is

greater than forty (40) feet in height, as well as the area required for the other use.

(3) Minimum setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall be equal to 100% of the height of the Tower-Based WCF or the minimum front yard setback of the underlying zoning district, whichever is greatest. Where the site on which a Tower-Based WCF is proposed to be located is contiguous to an educational use, child day-care facility, or agriculture or residential use, the minimum distance between the base of a Tower-Based WCF and any such adjoining uses shall equal two hundred fifty (250) feet, regardless of the height of the Tower-Based WCF, unless it is demonstrated to the reasonable satisfaction of the Board of Supervisors that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

2. Design Regulations.

a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.

b. To the extent permissible by law, any height extensions to an existing Tower-Based WCF shall require prior approval by the Township.

c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

d. Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

3. Surrounding Environs.

a. The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

b. The WCF Applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

4. Fence/Screen.

a. A security fence with a minimum height of six (6) feet and a maximum height of eight (8) feet, with openings no greater than nine (9) inches, shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.

b. Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.

c. An evergreen screen shall be required to surround the site. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

5. Accessory Equipment.

a. Ground-mounted Related Equipment associated to, or connected with, a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technologies, as described above.

b. All Related Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

6. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. The access road shall be a dust-free all-weather surface for its entire length. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

7. Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces.

8. Inspection. Beginning in _____ of 201_ and by _____ of each odd numbered year thereafter, the antenna support structure shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna support structures. At a minimum, this inspection shall be conducted in accordance with the tower inspection class checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures". A copy of said inspection report shall be provided to the Township. At the time said report is provided to the Township, the Applicant shall pay a fee in the amount of $25.00 or such other amount as the Board of Supervisors shall from time to time set forth by resolution with respect to this section.

The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with this Ordinance and any other provisions found within any other Township ordinance or regulation, or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

C. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Public Rights-of-Way:

1. Location and development standards.

a. Tower-Based WCF in the ROW shall not exceed forty (40) feet in height.

b. Tower-Based WCF are prohibited in areas in which utilities are located underground and shall not be located in the front façade area of any structure.

c. Tower-Based WCF are permitted by conditional use inside the public Rights-of-Way, in the following zoning districts, subject to the restrictions in Section 422.3.C.1.b.:

(1) Industrial (I) District

(2) Agricultural (A) District

(3) Rural (R) District

d. Tower-Based WCF shall be permitted along certain collector roads and arterial roads throughout the Township, regardless of the underlying zoning district, provided that they are not situated within fifty (50) feet of an area in which utilities are underground. A map of such permitted roads is kept on file at the Township Zoning Office and is adopted via resolution of the Board of Supervisors.

2. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

3. Equipment Location. Tower-Based WCF and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

   a. In no case shall ground-mounted Related Equipment, walls, or landscaping be located within 18 inches of the face of the curb.

   b. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

   c. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Township.

   d. Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner.

   e. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.

4. Design regulations.

   a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.

   b. Tower-Based WCF in the public ROW shall not exceed forty (40) feet in height.

   c. To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.

   d. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

5. Relocation or Removal of Facilities. Within sixty (60) calendar 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 Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any 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 street or road or the release of a utility easement; or

d. An emergency as determined by the Township.

6. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Tower-Based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Tower- Based 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.

SECTION 423 CONVERSION APARTMENTS

Where permitted, conversion apartments shall be subject to the following:

423.1 Minimum lot area – 10,000 square feet.

423.2 Only one apartment may be added within a single-family detached dwelling that existed on August 27, 1992.

423.3 The application shall furnish evidence that an approved system of water supply and sewage disposal will be used.

423.4 No modifications to the external appearance of the building (except fire escapes), which would alter its residential character, shall be permitted.

423.5 The site shall contain no less than four (4) off-street parking spaces.

423.6 If the conversion apartment is located on a second or third story, it shall have its own exterior means of escape to ground level.

423.7 The Applicant shall obtain all required land development approvals.

SECTION 424 DRIVE-THRU SERVICE FACILITIES

Where permitted, drive-thru service facilities, including but not limited to facilities located accessory to banks, restaurants, beverage sales, etc., shall be subject to the following criteria, where applicable:

424.1 The subject property shall front on an arterial or collector road.

424.2 Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of working plan for the cleanup of litter.

424.3 All drive-thru window-lanes shall provide sufficient space to stack vehicles waiting to transact business and shall be separated from the parking lot's interior driveways by the use of curbs and/or planting islands.

424.4 Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

424.5 All exterior seating/play areas shall be completely enclosed by a three-foot-high fence.

424.6 No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land.

SECTION 425 DRY CLEANERS, LAUNDRIES AND LAUNDROMATS

Where permitted, dry cleaners, laundries and laundromats are subject to the following criteria:

425.1 Public sewer and water shall be used.

425.2 All activities shall be conducted within a completely enclosed building.

425.3 During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential districts shall be kept closed.

425.4 Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property.

425.5 Self-service laundromats shall require one (1) off-street parking space for each two (2) washing machines. Other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area.

SECTION 426 ECHO HOUSING

Where permitted, ECHO housing is subject to the following criteria:

426.1 The ECHO housing unit shall be of portable construction and may not exceed nine hundred (900) square feet of floor area.

426.2 The total building coverage for the principal dwelling, any existing accessory structures and the ECHO housing unit together shall not exceed the maximum lot coverage requirement for the respective district.

426.3 The ECHO housing unit shall only be occupied by at least one person who is at least fifty (50) years old, handicapped, or disabled, and is related to the occupants of the principal dwelling by blood, marriage, or adoption.

426.4 The ECHO housing unit shall be occupied by a maximum of two (2) people.

426.5 Utilities

A. For sewage disposal, water supply, and all other utilities, the ECHO housing unit shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.

B. If on-site sewer or water systems are to be used, the Applicant shall submit evidence to the Zoning Officer (or to the Zoning Hearing Board in the case of a special exception) showing that the total number of occupants in both the principal dwelling and the ECHO housing unit 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.

426.6 A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the ECHO housing unit, in addition to that required for the

principal dwelling.

426.7 The ECHO housing unit shall be installed and located only in the side or rear yard, and shall adhere to all side and rear yard setback requirements for principal uses.

426.8 The ECHO housing unit shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use.

426.9 Upon the proper installation of the ECHO housing unit, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the ECHO housing unit is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each issuance and renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

426.10 The Applicant shall obtain any required land development approvals.

SECTION 427 PUBLIC FACILITIES AND PUBLIC UTILITIES STRUCTURES

Essential services buildings and structures shall be permitted by right in all zoning districts, except that major facility essential services shall not be permitted in the Conservation District (C). Such buildings and structures shall be permitted without regard to the use, lot area, setbacks and impervious area regulations; provided, however, that buildings erected for these services shall be subject to the following regulations:

427.1 Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.

427.2 Height of building or structure shall be as required by the district regulations.

427.3 Housed Equipment - When the equipment is totally enclosed within a building or cabinet, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.

427.4 Un-housed equipment shall be enclosed with a chain link fence six (6) feet in height.

427.5 Screen Planting - The required equipment shall be screened in accordance with the requirements of this Ordinance and of the Subdivision and Land Development Ordinance.

427.6 The external design of the building shall be in conformity with the buildings in the district.

427.7 Storage of Vehicles - In residential districts, newly permitted essential services facilities shall not include the exterior storage of vehicles or equipment used in the maintenance of any utility.

427.8 No equipment causing excess noise, vibration, smoke, odor, or hazardous effect shall be installed.

SECTION 428 FAMILY DAY-CARE FACILITIES

Where permitted, family-day care facilities are subject to the following criteria:

428.1 All family day-care facilities shall be conducted within a detached single-family dwelling.

428.2 A family day-care facility shall offer care and supervision to no more than six (6) different minors during any calendar day.

428.3 All family day-care facilities with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare.

428.4 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 429 FAMILY GROUP HOMES

Where permitted, family group homes are subject to the following criteria:

429.1 Not more than seven (7) handicapped persons may reside at the home. Full-time on-site supervision shall be provided at all times.

429.2 The family group home shall be licensed by the appropriate Federal or State agencies, if required. Copies of any notice of revocation of license sent by the licensing authority to the entity responsible for administration of the family group home shall be forwarded to the Township Zoning Officer for review.

429.3 The entity responsible for administration of any family group home shall comply with all requirements or standards of the Township pertaining to dimensions, buildings, housing, health, fire safety, and major vehicle parking space that generally apply to single-family residences in residential districts.

429.4 The Township shall be permitted to conduct periodic inspections of the center to ensure compliance with all applicable regulations.

429.5 Not more than one (1) person per five hundred (500) square feet of floor area shall occupy the premises.

SECTION 430 FARM OCCUPATIONS

Farm occupations provide at-home employment opportunities that are intended to supplement family income, especially during non-growing seasons. The farm occupation opportunity is a method which can enhance and preserve the agricultural viability of the farm, shall be a secondary use of part of the farm on which it is located/established, and shall not become the primary use on the parcel. Within the A and C Districts, farm occupations may be permitted by special exception if the proposed use is accessory to the principal agricultural use of the property, and subject to the following standards:

430.1 For the purposes of this Section, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use; examples of farm occupations include, but are not limited to, the following uses:

A. Facilities for the service and repair of motor vehicles, farm machinery and equipment, and small engines.

B. Arts and crafts manufacturing, with a retail sales display area not to exceed 1,000 square feet.

C. Blacksmith and tool sharpening shops.

D. Carpenters.

E. Woodworking, furniture, and cabinet making shops.

F. Metalworking shops.

G. Butcher shops.

H. Tailor and shoe shops.

I. Grain mills.

J. Processing of locally produced agricultural products.

K. Veterinary offices which primarily treat farm animals.

L. Feed supply, feed and fertilizer distribution.

430.2 The primary economic activity of the subject tract shall be agricultural and shall be at least ten (10) acres in area. For purposes of this section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tracts comprising such enterprise.

430.3 The farm occupation shall be conducted and owned by the farmer in residence on the property.

430.4 No more than two (2) nonresidents shall be employed by the farm occupation, and at least one owner of the farm occupation must reside on the site.

430.5 The land area of the proposed farm occupation shall not utilize more than one (1) acre of land area inclusive of buildings and parking facilities.

430.6 Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties.

430.7 In the case where the proposed farm occupation requires the construction of new buildings or additions to existing buildings, the Applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.

430.8 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.

430.9 All parking and loading areas shall be screened from adjoining roads and properties.

430.10 No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor within three hundred (300) feet of any land within a residential district. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line. This setback distance may be varied by the Zoning Hearing Board if natural features, terrain, or other buildings of the owners accomplish the desired purpose of the setback distance, or if existing structures are utilized by the Applicant.

430.11 Any sign used for a farm occupation shall not exceed six (6) square feet in size.

430.12 The Zoning Hearing Board shall determine if the proposed farm occupation and land use are not detrimental to the agricultural uses of the Agricultural or Conservation District and do not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. Additionally, the Zoning Hearing Board may require that impact studies be furnished which evaluate the effect of the proposed farm occupation and land use upon the subject tract of land, the abutting properties and the community in general.

430.13 The Applicant shall acknowledge as part of the special exception application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements, including but not limited to, the industrial performance standards of this Ordinance (if applicable).

430.14 The Applicant shall demonstrate that the proposed farm occupation and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements. No public roadways shall be used for loading/unloading. The length of access drive(s) shall be of sufficient length to accommodate stacking of delivery and customer vehicles.

430.15 The owner and/or occupant of the farm occupation shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the farm occupation shall be

conducted in a manner that does not allow the accumulation of trash and debris.

SECTION 431 FRATERNITIES, SORORITY HOUSES, DORMITORIES (STUDENT GROUP RESIDENCES)

Where permitted, fraternities, sorority houses, and dormitories (student group residences) are subject to the following criteria:

431.1 This provision shall only apply to a residential use that an accredited college or university certifies in writing is recognized by them as an affiliated organization.

431.2 A Student Group Residence shall only house students enrolled in studies equal to at least one-half full-time schedule staff of an accredited college or university, and family members of staff-members.

431.3 A Student Group Residence is not required to be owned by a college or university. One organization may occupy more than one building.

431.4 At least one competent adult age 22 years or older shall live on-site and serve in a supervisory role.

431.5 A Student Group Residence building shall be setback a minimum of:

A. 100 feet from the boundary of an VC or LC District, and

B. 200 feet from any dwelling that is not owned by a college or university (other than another Student Group Residence).

431.6 Noise abatement measures shall be used to avoid conflicts with nearby dwellings.

431.7 Landscaping shall be used as a buffer between a Student Group Residence and any nearby dwellings.

SECTION 432 FUNERAL HOMES AND MORTUARIES

Where permitted, funeral homes and mortuaries are subject to the following criteria:

432.1 If the facility is not connected to public sewer, documentation of approval of the on-lot sewage disposal system by the Township Sewage Enforcement Officer is required.

432.2 The Applicant shall submit a plan to demonstrate that sufficient off-street parking will be provided to prevent traffic back-ups onto adjoining roads.

432.3 The Township may require screening.

SECTION 433 GOLF COURSES

Where permitted, golf courses including accessory uses (e.g., club house, parking lots, storage sheds, pro shop, snack bar, restaurant, swimming pools, etc.) are subject to the following criteria:

433.1 No golf hole shall be arranged to require a golf ball to be driven across any building, road, or parking lot.

433.2 Any points where the golf course crosses a road(s) shall be signed warning motorists and pedestrians, and any private road shall contain speed bumps in accordance with Section 311.16 of this Ordinance.

433.3 All accessory uses of the golf course shall be set back at least one-hundred (100) feet from all lot lines.

433.4 No outdoor storage of maintenance equipment or golf carts shall be permitted.

433.5 All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining parcels.

433.5 All off-street parking requirements for the principal and accessory uses shall be in accordance with Section 311 of this Ordinance.

SECTION 434 GROUP FACILITIES

Where permitted, group facilities are subject to the following criteria:

434.1 Group facilities include Community Rehabilitation Facility/Halfway Houses, Emergency Shelters for Homeless, Group Care Facilities, Shelters for Abused Persons, Temporary Shelters and Transitional Housing Facilities.

434.2 The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed the minimum space requirements contained in the Pennsylvania Uniform Construction Codes, as amended, as adopted by the Township.

434.3 The Applicant shall provide letters from appropriate Township officials, including, at a minimum, the Zoning Officer and the Fire Chief, that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use.

434.4 Additional Requirements for Community Rehabilitation Facility/Halfway Houses:

A. The Applicant shall indicate the nature of the clients to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.

B. The Applicant shall provide evidence that the facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The facility shall notify the Township in writing within 14 days if there is a change in the type of clients, the sponsoring agency or maximum number of residents or if the license/registration/certification expires or is suspended or withdrawn.

C. The facility shall have twenty-four-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.

D. If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.

E. The facility shall not be permitted to be located within five hundred (500) feet of any of the following:

1. Any building or other structure used for residential purposes.

2. The geographical boundary line of the zoning district in which the use is located.

3. The geographical boundary line of the Township.

F. The facility shall not be permitted to be located within one thousand (1,000) feet of any of the following:

1. Any other such facility.

2. Any public or private school, public park or playground, or any church or other house of worship.

434.5 Additional Requirements for Group Care Facilities

A. The Applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.

B. The Applicant shall provide evidence that the group care facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The group care facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license/registration/certification expires or is suspended or withdrawn.

434.6 Additional Requirements for Shelter Facilities

A. The shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

B. Applicants for approval of a shelter for abused persons shall prove to the satisfaction of the Township that there will be sufficient security measures to provide adequate protection to the residents.

C. A temporary shelter shall be approved for a maximum time period of two years and shall require another conditional use approval every two years. Upon applying for renewal, the Applicant shall provide evidence of need for the continuation of the use.

D. Upon approval of the use, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the use is removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each issuance and renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

434.7 Additional Requirements for Transitional Housing Facilities

A. The facility shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

B. The Applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided.

C. The operators of the facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license, registration or certification (if applicable) expires or is suspended or withdrawn.

SECTION 435 HEALTH AND RECREATION CLUBS

Where permitted, health and recreation clubs are subject to the following criteria:

435.1 Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.

435.2 All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially-zoned properties.

435.3 Any accessory eating or retail use, shall not be directly accessible without passing through the main club house building.

435.4 All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining

properties and streets.

SECTION 436 FARM IMPLEMENT AND HEAVY EQUIPMENT SALES, SERVICE AND/OR REPAIR FACILITIES

Where permitted, farm implement and heavy equipment sales, service and/or repair service facilities are subject to the following criteria:

436.1 All service and/or repair activities shall be conducted within a wholly-enclosed building.

436.2 All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

436.3 All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface.

436.4 The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited.

436.5 Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property.

436.6 All vehicles shall be repaired and removed promptly from the premises.

SECTION 437 HEAVY INDUSTRIAL USES

Where permitted, heavy industrial uses are subject to the following criteria:

437.1 The Applicant shall provide a detailed description of the proposed use in each of the following topics:

A. 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 by-products. In addition the Applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

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

D. A traffic impact study shall be prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

SECTION 438 HOME OCCUPATIONS

Where permitted, home occupations are subject to the following criteria:

438.1 The operator shall be a resident of the dwelling.

438.2 No more than two (2) nonresident employees shall be permitted.

438.3 Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit. Only one home occupation per dwelling is permitted.

438.4 Two (2) off-street parking spaces in addition to those required for the dwelling unit shall be required. Such parking spaces shall be screened from adjoining properties.

438.5 No goods shall be visible from the outside of the dwelling.

438.6 The area used for the practice of a home occupation shall occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less. Within the R-1, R-2, LC and VC Districts all home occupation activities shall be conducted within the dwelling building.

438.7 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.

438.8 No external storage of materials or products shall be permitted. Within the R-1, R-2, LC and VC Districts, no storage in accessory structures or attached garages shall be permitted.

438.9 The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling.

438.10 One non-illuminated sign, not to exceed two (2) square feet in display area, shall be permitted.

SECTION 439 HOSPITALS AND RELATED USES

Where permitted, hospitals are subject to the following criteria:

439.1 Minimum lot area – Five (5) acres.

439.2 Public sewer and water shall be utilized.

439.3 The subject property shall have frontage along an arterial or collector road.

439.4 All buildings and structures shall be set back a minimum of fifty (50) feet from all property lines.

439.5 Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned and/or used properties.

439.6 The application shall demonstrate proof of an approved means of disposal of all solid, medical, and hazardous wastes.

SECTION 440 HOTELS AND MOTELS

Where permitted, hotels, motels, and related dining facilities are subject to the following criteria:

440.1 Both public sewer and public water shall be utilized.

440.2 The following accessory uses may be approved as part of the application:

A. Auditorium.

B. Barber and beauty shops.

C. Tavern or night club.

D. Gift shop.

E. Meeting facilities.

F. Recreational uses and swimming pools.

G. Restaurants.

H. Sauna, spa or steam room.

I. Solarium.

J. Valet shop.

K. Other similar retail sales and personal services.

440.3 The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building, except as provided in subsection 4).

440.4 One freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel subject to the following:

A. The proposed restaurant, tavern, or nightclub shall offer the preparation and serving food and drink to be consumed on the premises; no drive-thru or take out services shall be permitted.

B. No additional freestanding signs other than those permitted for the principal hotel use shall be permitted.

C. If a nightclub is proposed, the Applicant shall furnish evidence as to what means will be utilized to assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering, and hours of operation.

D. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern and/or nightclub, without interfering with required off-street parking associated with the hotel use.

SECTION 441 INDUSTRIAL/BUSINESS PARKS

Where permitted, industrial/business parks are subject to the following criteria:

441.1 The minimum lot size shall be not less than ten (10) acres.

441.2 The plan and location is consistent with the Comprehensive Plan for the orderly development of the Township.

441.3 All height and bulk regulations of the applicable zoning district shall be complied with, including the requirement of effective screening.

441.4 The appropriate use of property adjacent to the Industrial/Business Park shall be safeguarded.

441.5 The development shall consist of a harmonious grouping of buildings, service and parking areas planned as an integral unit, in such manner as to constitute a safe, efficient and convenient Industrial/Business Park.

441.6 The Industrial/Business Park shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including all common areas.

441.7 There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within one hundred twenty-five feet (125') of intersecting streets, unless

such points are located directly at an intersection.

441.8 Traffic circulation within an Industrial/Business Park project shall be designed (1) to direct driveway access from individual lots onto interior service roads and (2) to minimize pedestrian and vehicular mixing and congestion.

441.9 Off-street parking shall be provided in accordance with Section 310 of this Ordinance.

441.10 All buildings within the site shall be served with public sewerage and public water.

441.11 Signs shall be permitted in accordance with the applicable provisions of Section 314 of this Ordinance.

441.12 If the development is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this Ordinance shall be fully complied with at the completion of any stage.

441.13 Development Plan. For each Industrial/Business Park Development, a Land Development Plan shall be prepared, submitted and approved in accordance with the requirements of the Subdivision and Land Development Ordinance.

SECTION 442 INTENSIVE COMMERCIAL USES

Where permitted, intensive commercial uses ~~(~~as defined herein~~)~~ are subject to the following criteria:

442.1 Applicant shall provide information as to why the proposed use needs to involve those characteristics of intensive commercial uses (as defined herein) and could not be accomplished in a manner without those characteristics.

442.2 Applicant shall submit market study information that documents the need for the proposed use within the Township and the region.

442.3 Any outdoor storage area shall be maintained in an all-weather, dust-free paved surface that will be included in the use's permitted lot coverage.

SECTION 443 JAILS/DETENTION FACILITIES

Where permitted, in addition to all other applicable standards, jails/detention facilities shall be in strict conformity with the following specific requirements and regulations:

443.1 Parcel Size - In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres.

443.2 Site Design Standards - The site shall be improved in accordance with the following minimum requirements:

A. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and not less than five hundred (500) feet from any:

1. Residence.

2. Group care facility.

3. Commercial enterprises catering primarily to persons less than eighteen (18) years of age.

4. Public or semi-public building.

5. Public park or public recreation facility.

6. Health facility.

7. Church or synagogue.

8. Public or private school.

B. A perimeter security fence, of a height and type determined by the Township-may be required.

443.3 Security - All applications for institutions shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with special care given to the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

443.4 Accessory Uses and Ancillary Activities - Accessory uses permitted in conjunction with an institution shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities, and other accessory uses ordinarily provided in conjunction with such institutions

SECTION 444 JUNK YARDS

Where permitted, junk yards are subject to the following criteria:

444.1 Minimum lot area – Ten (10) acres.

444.2 The outdoor area devoted to the storage of junk shall be completely enclosed by an eight-foot-high, sight-tight fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially-zoned properties.

444.3 The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.

444.4 All wholly-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.

444.5 No material may be stored or stacked so that it is visible from adjoining properties and roads.

444.6 All additional Federal and State laws shall be satisfied.

444.7 All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.

444.8 No material shall be burned at any time.

444.9 Any junk yard shall be maintained in such a manner so as not to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, or the breeding or harboring of rats, flies, or other vectors.

444.10 No junk yard shall be located on land with a slope in excess of five percent (5%).

444.11 All junk yards shall comply with the Township's Junk Yard Ordinance.

SECTION 445 KENNELS

Where permitted, kennels are subject to the following criteria:

445.1 Breeding kennels shall not be permitted on tracts of less than ten (10) acres. Boarding kennels may be located on tracts of two (2) acres or greater provided that such facilities are limited to not more than twenty-five (25) adult dogs. The minimum lot size for boarding kennels housing more than twenty-five (25) adult dogs must be increased by one (1) additional acre for every twenty-five (25) adult dogs or portion thereof.

445.2 All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines.

445.3 All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.

445.4 The Applicant shall furnish evidence of an effective means of disposal of animal wastes which shall be continuously implemented. No waste shall be stored within one hundred (100) feet of a property line.

445.5 All floor surfaces of outdoor pens and exercise areas shall be constructed of an impervious material and shall be located within the rear yard areas of the property.

445.6 All dogs shall be located indoors at night (sunset to sunrise).

445.7 Off-street parking shall be provided pursuant to Article 3.

445.8 The Applicant shall furnish copies of applicable State and /or Federal licenses, including renewals, to the Township.

445.9 All facilities, including buildings, floors, cages, exercise runs, and all operations of the kennel, shall be in accordance with applicable State and Federal regulations, including but not limited to the Pennsylvania Dog Law, Act 225 of 1982, as amended.

445.10 The Applicant shall furnish plans of the facilities to the Township, which demonstrate compliance with the above regulations.

445.11 The Applicant shall allow the Township Zoning Officer and/or other authorized Township representative to inspect the kennel(s) during normal business hours on at least an annual basis. Inspections of the interior of the kennel(s) shall not occur without the authorization of the kennel owner/operator.

445.12 The Applicant shall allow the Township Zoning Officer and/or other authorized Township representative access to examine any and all records pertaining to the kennel operation.

445.13 Where permitted only by special exception, the Zoning Hearing Board may attach other conditions it feels are necessary to protect the inhabitants of the surrounding neighborhood.

445.14 The Applicant shall meet provisions of all other applicable Township Ordinances.

SECTION 446 MEDICAL OR DENTAL CLINICS

Where permitted, medical and dental clinics are subject to the following criteria:

446.1 The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

446.2 The Applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.

446.3 Biohazard waste must be disposed of in accordance with federal and state law.

SECTION 447 MINI-WAREHOUSES

Where permitted, mini-warehouses are subject to the following criteria:

447.1 Off-street parking spaces shall be provided according to the schedule listed in Section 311.19 of this Ordinance.

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

447.3 Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage areas may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage areas are 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.

447.4 All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.

447.5 An on-site manager shall be required to be on the site whenever the facility is open and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. Any dwelling for a resident manager shall comply with all of those requirements listed within the R-2 District, and shall be entitled to all residential accessory uses provided in this Ordinance.

447.6 Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture on the site is prohibited.

447.7 No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned property.

447.8 Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:

A. Auctions, commercial wholesale or retail sales, or garage sales.

B. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

C. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

D. The establishment of a transfer and storage business.

E. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The Applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit these uses.

SECTION 448 MOBILE HOME PARKS

Where permitted, mobile home parks are subject to the following criteria:

448.1 A mobile home park shall contain a minimum of five (5) acres.

448.2 All mobile home parks shall be served by public water and public sanitary sewer facilities.

448.3 Maximum density in a mobile home park shall be five (5) units per acre.

448.4 All mobile home lots or areas shall contain at least 4,250 square feet.

448.5 Each mobile home lot in a mobile home park shall have a minimum front yard of thirty (30) feet, rear yard of twenty-five (25) feet, and two side yards of ten (10) feet each. In no case shallthe distance between any two mobile homes be less than twenty-five (25) feet (these setbacks shall also apply to mobile home park office, service, utility, or other buildings).

448.6 All mobile home parks shall be provided with a perimeter landscape buffer strip that is at least fifty (50) feet wide. Such width shall be measured from adjoining property and rights-of-way lines.

448.7 Each mobile home in a mobile home park shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the mobile home it is to support. Each pad shall include properly designed utility connections. Protective skirting shall be placed around the area between the pad and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, to allow the creation of a fire hazard, or to expose unsightly conditions.

448.8 Each mobile home in a mobile home park shall be provided with a minimum of two (2) paved parking spaces containing at least one hundred eighty (180) square feet of bituminous or concrete surface, which shall be located on the mobile home lot. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served. Access to all parking spaces shall be limited to interior roads of the mobile home park; in no case shall access to such parking spaces be provided directly from adjoining public roads.

448.9 Interior mobile home park roads with no on-street parking shall be paved with an all-weather, dust-free surface at least twenty-four (24) feet wide. An additional width of ten (10) feet shall be provided for each lane of on-street parking.

448.10 Individual mobile home owners may install accessory or storage sheds, extensions and additions to mobile homes, and exterior patio areas. Any such facilities so installed shall not intrude into any required front, side, or rear yard, and, in every case, shall substantially conform in style, quality, and color to the existing mobile homes.

448.11 There shall be a minimum of twenty-five percent (25%) of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or the operator. Should the landowner and/or the operator neglect to maintain the designated recreational areas, as depicted on the plan, the Township may then maintain said areas and assess the landowner for any costs incurred.

448.12 A visual screen shall be placed along the mobile home park boundaries that adjoin other residentially-zoned properties. Such screen can consist of sight-tight fencing, vegetative materials, or earthen berms that are so arranged to effectively block the views from ground level on adjoining properties. Screening shall be provided between ground level and a height of at least six (6) feet. If sight-tight fencing is used, it shall not encompass more than fifty percent (50%) of the total surface area of the required screen.

SECTION 449 NIGHTCLUBS

Where permitted, nightclubs are subject to the following criteria:

449.1 No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land.

449.2 The Applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.

449.3 The Applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building and how it complies with all other state and Federal laws.

449.4 A working plan for the cleanup of litter shall be furnished and implemented by the Applicant.

SECTION 450 NONCOMMERCIAL KEEPING OF HORSES

The following standards shall apply for the keeping of horses and related equine animals, where permitted. However, these standards shall not be interpreted as applying to animal hospitals, veterinary clinics, kennels, riding clubs or stables, or normal farming operations.

450.1 The minimum lot area required for the keeping of one (1) horse shall be two (2) acres. This minimum lot area shall be increased by one (1) additional acre for each additional horse kept.

450.2 Maintaining horses shall be on a non-commercial basis and be strictly as an incidental or accessory use.

450.3 The area within which horses are kept shall be enclosed by a fence designed for containment.

450.4 No building, corral, or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner, nor within fifty (50) feet of any property line. Any pasture fence shall be located a minimum distance of ten (10) feet from a property in the R-1 or R-2 Zoning District or the property line of an adjacent parcel in residential use.

450.5 The owner of the horse(s) shall provide suitable shelter for the animal(s), shall exercise suitable control over the animal(s), and shall not allow a nuisance condition to be created in terms of excessive noise, odor or soil erosion.

450.6 The minimum lot area requirements of Section 450.1. may be modified only by a special exception granted by the Zoning Hearing Board.

450.7 Within the R-1 and R-2 Districts, the noncommercial keeping of horses is permitted by special exception as an accessory use to a single-family detached residence.

SECTION 451 NONCOMMERCIAL KEEPING OF LIVESTOCK

Where permitted, noncommercial keeping of livestock is subject to the following criteria:

451.1 Minimum lot area – Two (2) acres.

451.2 The following lists minimum setbacks imposed upon the placement of any structure used to house noncommercial livestock:

A. Fifty (50) feet from all property lines.

B. One hundred (100) feet from the nearest dwelling other than that of the owner or occupant of the property on which the livestock is kept.

451.3 All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.

451.4 All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; such fencing must be set back at least ten (10) feet from all property lines.

451.5 All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

451.7 The noncommercial keeping of livestock in the R-1 and R-2 Districts may be approved only by a special exception granted by the Zoning Hearing Board, subject to the following:

A. Minimum lot area – One-half (½) acre.

B. Any structure used to house noncommercial livestock shall be setback:

1. Twenty-five (25) feet from all property lines.

2. Fifty (50) feet from the nearest dwelling other than that of the owner or occupant of the property on which the livestock is kept.

C. The requirements of Sections 451.3, 451.4 and 451.5 shall also apply.

SECTION 452 NO-IMPACT HOME-BASED BUSINESSES

452.1 No-Impact Home-Based Businesses are permitted as a use by right in all districts.

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

452.3 The business or commercial activity must satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

E. 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.

F. 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.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

SECTION 453 NURSING, REST OR RETIREMENT HOMES

Where permitted, nursing, rest, or retirement homes are subject to the following criteria:

453.1 Minimum lot area – Two (2) acres.

453.2 The Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.

453.3 Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned

lands.

453.4 At least twenty percent (20%) of required parking space shall be designed for handicapped persons as prescribed in Section 311.8 of this Ordinance.

SECTION 454 OFFICE CONVERSIONS

Where permitted, office conversions of detached dwellings that existed on August 27, 1992 are subject to the following:

454.1 No exterior modification to the building (except for fire escapes) shall be permitted.

454.2 Off-street parking shall be provided as required by Section 311 in the rear or side yards and shall be screened from adjoining roads and properties.

454.3 One sign shall be permitted not exceeding six (6) square feet in total sign area.

454.4 All activities must be conducted within a wholly-enclosed building.

SECTION 455 PETTING ZOOS

Where permitted, petting zoos are subject to the following criteria:

455.1 A minimum parcel size of 5 acres shall be required.

455.2 All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.

455.3 The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any means.

455.4 Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.

455.5 The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.

455.6 The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.

455.7 Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from the premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.

455.8 The operation shall conform to all applicable local, state and federal laws and regulations.

455.9 Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within 125 feet of any adjoining property line and 100 feet from any public or private road right-of-way.

455.10 The Applicant shall provide for adequate disposal of any waste materials generated on the premises and a detailed plan for the same shall be included with the zoning application.

SECTION 456 PRODUCTION, PROCESSING, STORAGE, AND DISTRIBUTION OF NATURAL RESOURCE BASED RENEWABLE FUELS AND ASSOCIATED PRODUCTS

Where permitted, production, processing, storage and distribution of natural resource based renewable

fuels and associated products including, but not limited to ethanol, distillers grain, and carbon dioxide, and accessory uses customarily incidental to these uses shall be subject to the Applicant's establishing by evidence provided or supported by certified professionals, in compliance with the following criteria:

456.1 The Applicant shall provide a detailed description of the nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods of disposal of any by-products. In addition, the Applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with all State and Federal regulations.

456.2 No external (open air) processing of natural resource based renewable fuels and associated products shall be conducted.

456.3 The Applicant shall identify and quantify, to the extent the impact is quantifiable, all environmental impacts that may potentially be generated by the proposed use, including, by way of example, but not limited to, noise, vibrations, dust and particulate emissions, sulfur and nitrogen oxide emissions, volatile organic compound emissions, hazardous air pollutants, smoke, odor, toxic matter, flammable and detonable materials, fire hazards, glare, heat, radioactive materials, liquid or solid wastes and electromagnetic radiation. The Applicant shall also identify and quantify, to the extent the impact is quantifiable, all of such environmental impacts that may migrate onto adjoining and neighboring properties.

456.4 The Applicant shall identify specific measures that it will employ to mitigate or eliminate noise, vibrations, dust and particulate emissions, sulfur and nitrogen oxide emissions, volatile organic compound emissions, hazardous air pollutants, smoke, odor, toxic matter, flammable and detonable materials, fire hazards, glare, heat, radioactive materials, liquid or solid wastes, and electromagnetic radiation that may occur on site.

456.5 The Applicant shall identify specific measures that it will employ to mitigate or eliminate noise, vibrations, dust and particulate emissions, sulfur and nitrogen oxide emissions, volatile organic compound emissions, hazardous air pollutants, smoke, odor, toxic matter, flammable and detonable materials, fire hazards, glare, heat, radioactive materials, liquid or solid wastes and electromagnetic radiation that may migrate onto adjoining and neighboring properties such that the proposed use will occasion no hazard or nuisance or otherwise materially affect the use and enjoyment of adjoining or nearby properties.

456.6 The Applicant shall identify and quantify all potential ground and surface water pollutants that may be stored, produced, or generated by the proposed use.

456.7 The Applicant shall demonstrate that the use, occupancy, and operation of the proposed use, including all noise, vibrations, dust and particulate emissions, sulfur and nitrogen oxide emissions, volatile organic compound emissions, hazardous air pollutants, smoke, odor, toxic matter, flammable and detonable materials, fire hazards, glare, heat, radioactive materials, liquid or solid wastes and electromagnetic radiation generated by the proposed use will comply with all rules, regulations and ordinances of all governmental entities having jurisdiction.

456.8 The Applicant shall demonstrate that the proposed use will at all times comply with the PA DEP regulations governing malodors.

456.9 The Applicant shall submit an Odor Control and Response Plan that ensures that odors will not adversely impact people and properties beyond the boundaries of the proposed facility, which plan is acceptable to the Township's Engineer and/or Environmental Consultant. Applicant's plan shall address and include those procedures required to fully comply with the regulations of the PA DEP regarding Odor Emissions. The plan shall include a notification procedure available to the adjacent property owners and an action plan to ensure prompt and effective response to any reports of malodors emanating from the facility.

456.10 The Applicant shall demonstrate that all aboveground or underground fuel or ethanol storage tanks installed and operated on site shall be installed, inspected and comply with the technical

standards and requirements for storage tank regulations for operations and maintenance, design, construction and installation, corrosion and deterioration prevention, release prevention and leak detection, inspection, and closure and removal from service requirements for "hazardous substance storage tank system" as set forth in DEP regulations and guidance. All chemical storage tanks, above or below ground, shall comply with all applicable tank regulations of PA DEP. All storage tank materials and systems shall be certified by an appropriate design professional as to be safe and suitable for the intended storage material or materials.

456.11 The Applicant shall submit an Emergency Response Plan identifying the foreseeable inventory of all toxic and hazardous materials that has been approved by all first responders including fire, medical, and hazardous materials agencies. The plan shall ensure that each first responder can adequately prepare and respond to fire, explosion, weather related events, as well as any other emergency condition that may occur on or be occasioned by the proposed use. The Applicant shall not be issued a permit for use, occupancy and operation of the facility until all first responders have approved any revisions to the plan necessitated by the final construction of the facility.

456.12 The Applicant shall submit a Plan of Access to the property and buildings in the event of emergency conditions such as fire, explosions or other emergency event.

456.13 The Applicant shall submit a Spill Prevention Response Plan identifying the measures that will be employed for spill prevention, containment, protection of ground and surface waters from contaminants, and notification to potentially affected water users and municipalities.

456.14 A minimum one hundred (100) foot wide landscape strip shall be located along all non-industrial zoned property lines. No structure, storage, parking or any other related activity or operation shall be permitted within this landscape strip.

456.15 No hazardous or flammable materials shall be deposited, processed or stored, and no building, structure, or appurtenance that processes or stores hazardous or flammable materials shall be located within three hundred (300) feet of any non- industrial zoned property line or within six hundred (600) feet of any existing occupied dwelling.

456.16 All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting to be weighed or unloaded will not back onto public roads.

456.17 Access to the proposed use by vehicles or rail shall not unreasonably impede access to or within adjoining or neighboring properties or create conditions on or within adjoining or neighboring properties that would interfere with access by emergency vehicles and equipment.

456.18 All access drives, loading and unloading areas shall be paved.

456.19 The Applicant shall submit an analysis of raw water needs (ground water or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the application shall submit documentation that the public authority will supply the water needed. In addition, a water feasibility study prepared by a qualified hydrogeologist or similar professional shall be provided to enable the municipality to evaluate the impact of the proposed development on the ground water 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 facility and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed facility, considering both quantity and quality, or does not provide for adequate ground water recharge, considering the water withdrawn by the proposed development use, shall not be approved by the municipality.

A water feasibility study shall include the following information:

A. Calculations of the projected water needs.

B. A geologic map of the area with a radius of at least one mile from the site.

C. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.

D. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.

E. The location of all streams and permitted point and non-point sources of pollution within one thousand (1,000) feet of the site.

F. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

G. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the ground water table.

H. The study shall be conducted by using precipitation and recharge rates for a one(1) in ten (10) year drought.

I. A statement of the qualifications and the signatures of the persons preparing the study.

456.20 The use shall be screened from all adjoining agricultural or residentially zoned properties and from all adjacent public highways. A landscape plan shall be submitted for Township review and approval. At a minimum, the landscape plan shall meet the requirements of Section 313 of this Zoning Ordinance.

456.21 Traffic Impact - The Applicant shall furnish a traffic impact study prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

456.22 The Applicant must demonstrate compliance (written statements) and continue to comply with all applicable State and Federal standards and regulations.

456.23 Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal Laws and regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any manner inconsistent with the PA DEP regulations.

SECTION 457 PUBLIC LIBRARIES, PUBLIC MUSEUMS, AND SIMILAR FACILITIES

Where permitted, public libraries, public museums, and similar facilities are subject to the following criteria:

457.1 All lot and bulk regulations of the district in which the use is located shall apply.

457.2 No parking shall be located within ten (10) feet of any property line.

457.3 The Board of Supervisors may require the installation of landscaping.

SECTION 458 QUARRYING AND SIMILAR EXTRACTIVE USES

Where permitted, the extraction, processing, and shipping of raw materials shall be in accordance with the following conditions.

458.1 No extraction or processing shall be permitted within two hundred (200) feet of any lot line or five hundred (500) feet of any residential district.

458.2 The Applicant must demonstrate compliance, and continue to comply, with all applicable State and Federal standards and regulations.

458.3 A traffic impact study shall be prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

458.4 All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot-long gravel section of driveway shall be placed just beyond the preceding one-hundred foot paved section to dislodge any mud that may have become attached to a vehicle's wheel.

458.5 All activities, including blasting, grading, excavation, loading, processing and transfer operations shall be continuously supervised by a qualified facility operator.

458.6 Access to the site shall be controlled to prevent unauthorized activities.

458.7 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.

458.8 Feasibility studies shall be conducted to evaluate the adequacy of the water supply to meet the needs of the proposed use.

458.9 A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site shall not be located within this landscape strip.

458.10 Any processing or solid waste (including but not limited to incinerations, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.

458.11 No material shall be deposited or stored, and no building or structure shall be located within two hundred feet (200) of any property line, and five hundred (500) feet of any land within a residential zone.

458.12 The Applicant shall submit a plan demonstrating safe access to the site, control of odors, and control of blowing litter.

458.13 The Applicant shall submit a plan for closing the site upon the conclusion of the operation.

SECTION 459 RECYCLING STATIONS FOR PAPER, PLASTIC, GLASS, AND METAL PRODUCTS

Where permitted, recycling of paper, glass, and metal products is subject to the following criteria:

459.1 All operations, including collection, shall be conducted within a wholly-enclosed building.

459.2 There shall be no outdoor storage of materials used, or generated, by the operation.

459.3 The Applicant shall describe the scope of operation, and provide details as to all measures to be utilized to mitigate problems associated with noise, fumes, dust, and litter.

459.4 The Applicant will perform regular maintenance of the site to assure the immediate collection of stray debris.

SECTION 460 RESEARCH LABORATORIES

Where permitted, research laboratories are subject to the following criteria:

460.1 The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design or improvement requirements.

460.2 The Applicant shall demonstrate that the laboratory allows for the safe and efficient movement of all vehicles associated with the operation.

460.3 All front yards and all side and/or rear yards adjoining any residential lot or district shall be landscaped for a width of at least twenty-five (25) feet along the property or district line, whichever is closer to the land use. Buffer planting shall be provided along the side and rear of all structures adjoining any residential lot or district and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening.

460.4 All structures shall be located a minimum of one hundred and fifty (150) feet from any adjacent residential structure.

SECTION 461 RESORTS

Where permitted, resorts are subject to the following:

461.1 The following minimum requirements and other special conditions shall apply:

A. Minimum lot area – Ten (10) acres.

B. Minimum lot width – Four hundred (400) feet.

C. Minimum lot depth – Six hundred (600) feet.

D. Maximum lot coverage – Twenty-five (25) percent.

E. Minimum front setback – Seventy-five (75) feet.

F. Minimum side setback – One hundred (100) feet.

G. Minimum rear setback – One hundred (100) feet.

H. Maximum building height – 3 stories.

461.2 The developer of any resort activity shall provide proper and adequate installation of roads, drives, potable water, sanitary and drainage facilities, and shall meet minimum requirements of the PA DEP.

461.3 Existing natural features, drainage, and vegetation shall be maintained except where necessary to the construction and operation of such resort, or as part of a forestry management program.

461.4 No intense activity area or intense outdoor recreation facility shall be erected within fifty (50) feet of a road line or within on hundred (100) feet of a lot line. Activities which retain a natural landscape or where usage may cross a tract or lot line with permission of the adjoining owner through an easement or lease agreement are exempt.

461.5 Points of vehicular ingress or egress shall be designed to minimize congestion and hazards at entrance or exit points and allow free movement of traffic on adjacent roads. Parking areas shall be at least fifty (50) feet from all lot lines.

461.6 The use of essential exterior light facilities and/or outdoor public address systems shall be subject to the approval of the Board of Supervisors.

461.7 All resorts shall comply with applicable requirements of State and County agencies regarding health, sanitation, fire protection and other facets of operation of such resorts.

SECTION 462 RESTAURANTS AND TAVERNS

Where permitted, restaurants and taverns are subject to the following:

462.1 Such uses shall be limited to detached buildings as they existed on August 27, 1992. No additions to existing buildings nor construction of new buildings shall be used to house restaurants or taverns.

462.2 Public sewer and public water shall be used.

462.3 Fast-food and drive-thru restaurants are also subject to the requirements of Section 424 of this Ordinance.

462.4 The Applicant must furnish details of the plan as to how the use will be controlled as to not constitute a nuisance due to noise, hours of operation, and loitering.

462.5 A working plan for the cleanup of litter shall be furnished and implemented by the Applicant.

462.6 Only one flat wall, one wall projecting, or one roof sign (as described in Section 314.2.B. shall be permitted. Such sign shall not exceed six (6) square feet in total sign area.

462.7 All off-street parking and loading shall be set back at least five (5) feet and screened from any adjoining property and streets.

462.8 No tavern shall be located within three hundred (300) feet as measured between the closest property lines of any other tavern within the VC District.

SECTION 463 RETAIL CONVERSIONS, RETAIL SALES AND RETAIL SERVICES

Where permitted, the retail sales/rental of goods, and retail services are subject to the following:

463.1 Such uses shall be limited to detached buildings as they existed on August 27, 1992. No additions to existing buildings nor construction of new buildings shall be used to house such uses.

463.2 The Applicant must furnish details of the plan as to how the use will be controlled as to not constitute a nuisance due to noise, hours of operation, and loitering.

463.3 A working plan for the cleanup of litter shall be furnished and implemented by the Applicant.

463.4 Only one flat wall, one wall projecting or one roof sign (as described in Section 314.2.B.) shall be permitted. Such sign shall not exceed six (6) square feet in total sign area.

463.5 All off-street parking and loading shall be set back at least five (5) feet and screened from any adjoining property and streets.

463.6 All activities shall take place within a wholly-enclosed building.

463.7 Retail sales area shall comprise no more than one thousand (1,000) square feet.

SECTION 464 RETIREMENT COMMUNITIES

Where permitted, retirement facilities are subject to the following criteria:

464.1 The community shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the retirement community.

464.2 Uses. A retirement community may include some or all of the following uses:

A. Residential dwelling units, including:

1. Multiple family dwellings, including apartments.

2. Single family attached dwellings.

3. Two-family dwellings, including single-family semi-detached dwellings and two family detached dwellings.

B. Nursing or convalescent homes or personal care facilities.

C. Congregate facilities where the Applicant can demonstrate to the satisfaction of the Board of Supervisors that such facilities are clearly intended for use principally by residents, staff and visitors to the retirement community, including:

1. Dining facilities.

2. Medical practices serving the general public.

3. Retail and services facilities.

4. Recreational facilities.

5. Worship facilities.

6. Maintenance shops, emergency power generation facilities, and laundry and kitchen facilities solely for the use of the retirement community.

D. Accessory uses customarily incidental to a retirement community, provided the accessory uses are restricted to a maximum of five percent (5%) of the total gross floor area of the entire retirement community facilities, units and related building amenities.

464.3 Design Requirements. All retirement communities shall meet the following minimum requirements:

A. The minimum lot size for development as a retirement community shall be ten (10) contiguous acres.

B. The site shall front on and have access to a collector or arterial road.

C. The maximum permitted building height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for that portion of building height exceeding thirty-five (35) feet.

D. Not less than thirty (30%) percent of a retirement community shall be designated as common open space. All common open space shall be designed and arrangements made for permanent maintenance.

E. Not more than sixty (60%) percent of the retirement community tract shall be covered by impervious surfaces.

F. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned land, and fifty (50) feet from all lot lines of the retirement community property, whichever distance is greater.

G. Uses within a retirement community may be, but are not required to be, located on individual lots.

H. Accessory buildings shall be located in accordance with the requirements for the principal use to which they are accessory. No accessory building shall exceed fifteen (15) feet in height.

I. Solid waste collection stations and parking areas (excepting driveways) shall not be located within any minimum yard area.

J. All uses within the retirement community shall be provided with public water and public sewer service.

K. Sufficient exterior illumination of the parking area and drop-off sites for guests or visitors shall be provided for convenience and safety. All such illumination shall be shielded to eliminate glare on adjoining properties.

L. Off-street parking areas for residents, visitors and guests shall be located conveniently throughout the retirement community. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped (see Section 311.8. for design regulations).

464.4 Standards for residential units. All residential units within a retirement community shall meet the following requirements:

A. The maximum number of dwelling units within the retirement community shall not exceed ten (10) dwelling units per acre. Personal care rooms or nursing beds in a nursing or convalescent home shall not be included within the calculation of the number of dwelling units.

B. All individual structures containing residential units shall meet the following setbacks from internal access drives and individual lot lines. The setback from an access drive shall be measured from the edge of the cartway. Where residential structures do not occupy separate lots, yard areas shall be measured such that no area meeting the yard requirements for one structure shall be counted toward the yard requirement for another structure.

1. Front yard: Twenty (20) feet.

2. Side yard: Ten (10) feet.

3. Rear yard: Thirty (30) feet.

C. The overall length of any single facade of any structure containing a residential dwelling shall not exceed one hundred fifty (150) feet. A facade extending in a single direction shall continue to be considered a single facade where not articulated or broken by a change in facade direction extending at least then (10) feet perpendicularly. For purposes of facade measurement, unenclosed porches, patios, balconies, or similar protrusions shall not be considered part of the facade.

D. The maximum building height for any structure containing residential dwelling units shall not exceed forty-five (45) feet or four (4) habitable stories. Structures containing more than two habitable stories shall not be located less than one hundred (100) feet from any tract boundary.

SECTION 465 RIDING SCHOOLS AND/OR HORSE BOARDING STABLES

Where permitted, riding schools and/or horse boarding stables are subject to the following criteria:

465.1 Minimum lot area – Ten (10) acres.

465.2 Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line.

465.3 All stables shall be maintained so to minimize odors perceptible at the property line.

465.4 All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five (25) feet from all property lines.

465.5 All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

SECTION 466 SCHOOLS (EDUCATIONAL USES)

Where permitted, educational uses are subject to the following criteria:

466.1 A non-profit public or private school (one which is not conducted as a private gainful business) and is licensed under the proper governmental authority shall be subject to the following provisions:

A. The minimum required tract size shall be two (2) acres. All height, area, setback, and coverage standards within the underlying district shall apply.

B. All off-street parking lots shall be set back at least twenty-five (25) feet and screened from adjoining property lines.

C. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential district.

D. If education is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within 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). Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven- day period.

E. Access shall be from a major or minor collector or a minor arterial.

F. 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.

466.2 One-room schools with classes only through Grade 8, with a total enrollment of no more than thirty-five (35) children, and which serve the farming community shall provide evidence of approved on-site water supply and sewage disposal facilities. All other educational uses shall be served by public sewage facilities.

466.3 Commercial and vocational-mechanical trade schools shall not be permitted in residential zoning districts. All height, area, setback, and coverage standards within the underlying district shall apply.

SECTION 467 SHOPPING CENTERS

Where permitted, shopping centers are subject to the following:

467.1 The subject property shall front on an arterial or collector road as identified in this Ordinance

and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines.

467.2 The following minimum requirements and other special conditions shall apply:

A. The minimum lot size shall be three (3) acres.

B. The minimum lot width shall be two hundred (200) feet.

C. Maximum building coverage – Twenty-five percent (25%).

D. Maximum lot coverage – Sixty-five percent (65%).

E. Minimum landscaped area – Thirty percent (30%).

467.3 A minimum of 5.5 off-street parking spaces shall be provided for each one thousand (1,000) square feet of gross leasable floor area. This parking requirement is also subject to the permitted reduction described in Section 311.17 of this Ordinance.

467.4 Both public sewer and public water shall be utilized.

467.5 A traffic impact study shall be prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

467.6 The shopping center shall be permitted to erect one planned center sign along each of the center's frontages. At least fifty percent (50%) of the total sign area shall be devoted to advertisement of the shopping center's name. The size of such sign shall not exceed one (1) square foot for each four (4) feet of frontage contained within the shopping center. In no case shall a planned center sign exceed a maximum size of two hundred (200) square feet nor an overall height of twenty (20) feet. In addition, individual uses within the shopping center may have signs; however, such signs shall be flat wall, wall projecting, or roof signs as defined in Section 314.2.B. of this Ordinance.

SECTION 468 SINGLE-FAMILY DETACHED DWELLINGS IN THE AGRICULTURAL DISTRICT

Within the A District, single-family detached dwellings on separate lots are permitted by conditional use, subject to the following criteria:

468.1 In addition to the design requirements imposed upon single-family detached dwellings in Section 201 of this Ordinance, every single-family detached dwelling unit (not farm dwellings) proposed within the Agricultural District shall be set back from the following uses on adjacent properties according to the chart below. Required setback distances shall be measured as a straight line between the closest property line of the proposed dwelling to the specified use.

Specified Use	Required Setback
Facilities or area for the storage or processing of manure, garbage, or spent mushroom compost; structures for the cultivation of mushrooms, or the raising or housing of livestock	200 feet
Beehives	100 feet
Farm-related businesses	200 feet

468.2 In reviewing an application and site plan for this conditional use, the Applicant shall demonstrate that measures have been used to:

A. Minimize the loss of valuable farmland.

B. Cluster residential lots on the subject property and, if applicable, with those lots

contained on adjoining farms.

C. Minimize the length of property lines shared by all residential lots and adjoining farms.

D. Assure adequate vehicular access to future residences not currently proposed.

E. Assure that the proposed sketch plan can comply with the Subdivision and Land Development Ordinance.

F. Make use of existing public sewer and/or public water facilities.

G. Minimize the clearing or cutting of mature trees and hedge rows.

The Applicant shall furnish evidence regarding how these objectives have been satisfied.

468.3 On any separate nonfarm parcel, no shrub or tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any land used for agricultural purposes.

SECTION 469 SEPTAGE AND/OR SOLID WASTE DISPOSAL AND PROCESSING FACILITIES

Where permitted, septage and/or solid waste disposal and processing facilities are subject to the following criteria:

469.1 Any processing of septage and/or solid waste including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc. shall be conducted within a wholly-enclosed building.

469.2 No refuse shall be deposited or stored, and no building or structure shall be located within two hundred feet (200) of any property line, and five hundred (500) feet of any land within a residential district.

469.3 Any external area used for the unloading, transfer, storage, or deposition of refuse must be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by an eight (8) foot-high fence, with no openings greater than two (2) inches in any direction.

469.4 The Applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.

469.5 The use shall be screened from all adjoining residentially-zoned properties.

469.6 All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.

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

469.8 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.

469.9 Hazardous waste as described by the PA DEP shall not be disposed of within the proposed area.

469.10 Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township with the application.

469.11 The unloading, processing, transfer, and deposition of septage and/or solid waste shall be continuously supervised by a qualified facility operator.

469.12 Any waste that cannot be used in any disposal process/or material that is to be recycled, shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent being carried by wind or water. These containers shall be stored within a completely-enclosed building.

469.13 Any storage of septage and/or solid waste shall be indoors in a manner that is leak and vector-proof. During normal operation, no more solid waste shall be stored on the property that is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.

469.14 A contingency plan for the disposal of solid waste during a facility shutdown, shall be submitted to the Township.

469.15 Leachate from the septage and/or solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, 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 PA DEP regulations.

469.16 All structures shall be set back at least a distance equal to their height.

469.17 The Applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the Applicant shall submit documentation that the public authority will supply the water needed.

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

A water system, 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:

A. Calculations of the projected water needs.

B. A geologic map of the area with a radius of at least one mile from the site.

C. 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.

D. The location of all existing on-lot sewage disposal systems within 1,000 feet of the site.

E. The location of all streams within 1,000 feet of the site and all known point sources of pollution.

F. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

G. 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.

H. A statement of qualifications and the signature(s) of the person(s) preparing the study.

469.18 The Applicant shall provide a traffic impact study prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

469.19 A minimum one-hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

469.20 Any sanitary landfill must be owned and operated by a municipality or a municipal authority.

SECTION 470 SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS AND THEIR BY-PRODUCTS WHICH ARE PRODUCED FROM THE REMAINS OF ANIMALS

Where permitted, slaughtering, processing, rendering, and packaging of food products and their by-products which are produced from the remains of animals are subject to the following criteria:

470.1 Minimum Lot Area - Five (5) acres.

470.2 The subject site shall have access to a major collector or arterial road.

470.3 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.

470.4 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.

470.5 The Applicant shall furnish a 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.

470.6 All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.

470.7 The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels.

470.8 No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any land within a residential district.

470.9 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 fifty (50) foot wide landscape strip.

470.10 If available, public sewer and public water will be utilized.

470.11 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.

470.12 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 twenty-four (24) hours.

470.13 The Applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations.

470.14 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.

470.15 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 major collector or arterial roads.

470.16 All access drives shall be designed and located in accordance with the requirements of Article 3 of this Ordinance.

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

470.18 The Applicant shall furnish a traffic impact study prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

SECTION 471 SPENT MUSHROOM COMPOST PROCESSING AND/OR COMMERCIAL MUSHROOM OPERATIONS

Where permitted, spent mushroom compost processing and/or commercial mushroom operations are subject to the following criteria:

471.1 Any processing, loading, storage, and packaging operations must be conducted within a wholly-enclosed building that is leak-and vector-proof.

471.2 The Applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.

471.3 The use shall be screened from all roads and adjoining properties.

471.4 All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads.

471.5 All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot-long gravel section of driveway shall be placed just beyond the preceding one-hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels.

471.6 The unloading, processing, and transfer, of spent mushroom compost shall be continuously supervised by a qualified facility operator.

471.7 Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations.

471.8 The Applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the Applicant shall submit documentation that the public authority will supply the water needed.

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

A water system, 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:

A. Calculations of the projected water needs.

B. A geologic map of the area with a radius of at least one mile from the site.

C. The location of all streams within 1,000 feet of the site and all known point sources of pollution.

D. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

E. 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.

F. A statement of qualifications and the signature(s) of the person(s) preparing the study.

471.9 A minimum one-hundred (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. Any fences or other screening erected on the site, must not be located within this buffer strip.

471.10 The Applicant shall provide a traffic impact study prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

471.11 Any structure used for the storage, loading, processing and/or packaging of spent mushroom compost shall be set back at least one hundred (100) feet from all property lines, and five hundred (500) feet from any residentially-zoned properties. In addition, any ventilation outlets must be oriented away from any land within an adjoining residential district.

SECTION 472 TANNERY FACILITIES

Where permitted, tannery facilities are subject to the following criteria:

472.1 The Applicant shall provide a detailed description of the proposed use, including each of the following topics:

A. 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 by-products. In addition, the Applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

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

ordinances.

472.2 The Applicant shall identify and quantify all potential ground and surface water pollutants that may be stored, produced, or generated by the proposed use.

472.3 The Applicant shall demonstrate that the use, occupancy, and operation of the proposed use, including all noise, vibrations, dust and particulate emissions, sulfur and nitrogen oxide emissions, volatile organic compound emissions, hazardous air pollutants, smoke, odor, toxic matter, flammable and detonable materials, fire hazards, glare, heat, and liquid or solid wastes generated by the proposed use will comply with all rules, regulations and ordinances of all governmental entities having jurisdiction.

472.4 The Applicant shall demonstrate that the proposed use will at all times comply with the PA DEP regulations governing malodors.

472.5 The use shall be screened from all adjoining agricultural or residentially zoned properties and from all adjacent public highways. A landscape plan shall be submitted for Township review and approval. At a minimum, the landscape plan shall meet the requirements of Section 313 of this Zoning Ordinance.

SECTION 473 TEMPORARY FARM EMPLOYEE HOUSING

Where permitted, temporary farm employee housing shall be subject to the following standards:

473.1 For each farm, one (1) mobile home is permitted for the use of farm workers (and their families) who are employed by the owner of the farm, for such time as the employee works the land of the owner. The maximum occupancy of such temporary farm employee housing shall be eight (8) persons.

473.2 All such units shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings.

473.3 Such mobile homes shall be securely anchored to a mobile home stand, a six (6) inch thick poured concrete slab over a six (6) inch stone base, the length and width of which shall be at least equal to the dimensions of the mobile home. Each mobile home pad shall include properly-designed utility connections.

473.4 The mobile home shall be occupied at least one hundred twenty (120) days a year by at least one person who is employed on the farm where the mobile home is located. If this condition is not satisfied, the mobile home shall be removed within one hundred twenty (120) days.

473.5 The Applicant shall obtain any required land development approvals.

SECTION 474 TRUCK OR MOTOR FREIGHT TERMINALS

Where permitted, truck or motor freight terminals are subject to the following criteria:

474.1 Access shall be via an arterial road.

474.2 The Applicant shall furnish a traffic impact study prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

SECTION 475 TWO-FAMILY CONVERSIONS

Where permitted, a detached single-family dwelling that existed on August 27, 1992 and contained at that time at least three thousand (3,000) square feet, may be converted into two dwelling units subject to the following:

475.1 The Applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.

475.2 No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.

475.3 All floors above grade shall have direct means of escape to ground level.

475.4 Four (4) off-street parking spaces shall be provided.

475.5 The Applicant shall obtain any required land development approvals.

SECTION 476 VEHICLE FILLING STATIONS (INCLUDING MINOR INCIDENTAL REPAIR)

Where permitted, vehicle filling stations, (including minor incidental repair) are subject to the following criteria:

476.1 The subject property shall have a minimum width of one hundred twenty-five (125) feet.

476.2 The subject property shall front on an arterial or collector road, and within the A and VC Districts, the subject property must front on PA Route 441.

476.3 The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest, or retirement home.

476.4 The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited; however, one covered car (with a car cover) may be stored in the rear yard, indefinitely.

476.5 All structures including gasoline pump islands but not permitted signs shall be set back at least thirty (30) feet from any street right-of-way line.

476.6 No outdoor storage of auto parts shall be permitted.

476.7 Access driveways shall be a minimum of thirty (30) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from interior edge to edge.

476.8 All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially-zoned properties.

SECTION 477 VEHICLE SALES/RENTAL

Where permitted, motor vehicle sales/rental uses are subject to the following criteria:

477.1 The following minimum lot area, setback requirements, height regulations, lot coverage and other specified conditions shall apply.

A. Minimum lot area - 30,000 square feet.

B. Minimum lot width - 100 feet.

C. Minimum lot depth - 200 feet.

D. Minimum front, side and rear yards:

1. Front yard minimum depth - The minimum building setback line from all streets shall be in compliance with the requirements of the district in which the use is located, provided however, that the minimum distance shall be fifty (50) feet from the centerline of the street upon which the premises front. As an exception to this regulation, in developed areas, the Zoning Hearing Board may authorize the building to be placed in line with existing structures.

2. Minimum side yards - The minimum side yard setback shall be twenty (20) feet.

3. Minimum rear yard depth - The minimum rear yard setback shall be thirty (30) feet.

4. Height - The maximum height of any building shall be forty (40) feet.

5. Maximum lot coverage - No more than sixty (60%) percent of the lot shall be covered by buildings and paved parking areas.

477.2 No land area within any of the minimum front, side and rear yard setback areas shall be paved or used for parking of motor vehicles except that:

A. The area required for ingress and egress from the premise may be paved but, in the event said means of ingress and egress extends toward the rear of the property beyond the front building line of the building, the part of the access way which extends toward the rear of the property beyond the front building line of the building shall not be situated within either the side or rear yard setback areas.

B. The portion of the minimum front yard area closest to the building, but not exceeding one-half (1/2) the distance from the front building line to the center of the street upon which the building fronts, may be paved and used for the parking of motor vehicles and display of motor vehicles for sale.

477.3 No materials or parts shall be stored within any of the required front, side or rear yard setback areas, except as permitted above by 477.2 B of this subsection.

477.4 Where the use is allowed only by special exception, the Zoning Hearing Board may require plantings within all setbacks as a condition of approval, the nature and extent of said plantings to be determined by the Board. In any event, the setback areas, except those which may be paved as set forth in subparagraph 477.2 B. above shall be kept and maintained in grass, unless the Board approves another ground cover.

477.5 All accesses shall be defined by the use of concrete curbing and shall be designed to provide safe and convenient travel without the potential for backing vehicles into the public street.

477.6 The following requirements shall be shown and noted on the site development plan:

A. There shall not be any outside storage or display of accessories when such uses are not open for business. No portable signs are allowed at any time or at any location.

B. Rubbish, oil cans, tires, discarded motor vehicle parts, and components and any other waste materials may be temporarily stored in a completely fenced-in opaque enclosure adjacent to the main building. The area of such enclosure shall not exceed two hundred (200) square feet. There shall be no storage of any of the above mentioned items outside of such enclosure.

C. All landscaped areas designated on the site development plan and/or landscaping plan shall be maintained in a neat and healthy condition at all times.

D. A public-address system or any other amplified noises are prohibited.

477.7 The parking requirements of Section 311 must be compiled with.

SECTION 478 VEHICLE SERVICE AND REPAIR FACILITIES

Where permitted, automobile service and repair facilities are subject to the following:

478.1 All service and/or repair activities shall be conducted within a wholly-enclosed building.

478.2 All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

478.3 No outdoor storage or parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service or repair operation, shall be permitted.

478.4 All exterior vehicle and machinery storage areas shall be screened from adjoining residentially-zoned properties and roads.

478.5 The storage of unlicensed vehicles for more than sixty (60) days is prohibited.

478.6 Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially-zoned property.

478.7 All vehicles shall be repaired and removed from the premises promptly.

478.8 The demolition or junking of vehicles, trailers, boats, and other machinery is prohibited.

SECTION 479 VEHICLE WASHES

Where permitted, car washes are subject to the following criteria:

479.1 Public sewer and water facilities shall be utilized.

479.2 Each washing bay shall provide a one-hundred (100) foot long on-site stacking lane.

479.3 All structures housing washing apparatuses shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any side lot line.

479.4 Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.

479.5 The subject property shall front on an arterial or collector road.

SECTION 480 WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS

Where permitted, warehousing and wholesale trade establishments are subject to the following criteria:

480.1 The Applicant shall provide a detailed description of the proposed use, including each of the following topics:

A. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the Applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

B. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.

C. Any environmental impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.)

and specific measures employed to mitigate or eliminate any negative impacts. The Applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance.

D. A traffic impact study prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.

SECTION 481 ELECTRICALLY ACTIVATED CHANGEABLE SIGNS AND ELECTRONIC READER BOARDS/MESSAGE CENTERS

Where permitted, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers are subject to the following criteria:

481.1 No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

481.2 Except as noted below, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers may not contain any flashing, pulsing, scrolling or moving lights, text or graphics, or any full-motion video.

481.3 When approved as a Conditional Use by the Board of Supervisors, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers, may also contain electrically activated, patterned illusionary movement (animation) as defined in this Ordinance. As part of its approval, the Board of Supervisors may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.

481.4 Change Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a minimum change interval of at least five (5) seconds. A "change interval" is defined as the time period in which the display of an electronic sign must remain static and during which the display may not transition to display another advertisement.

481.5 Transition Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a maximum transition interval of one (1) second. The "transition interval" is defined as the time period in which the display of an electronic sign transitions to another display.

481.6 On-premises Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 11:00 p.m., whichever is earlier, unless a Conditional Use to allow longer hours is granted by the Board of Supervisors.

481.7 The changeable portion of an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not exceed an area of thirty-two (32) square feet, unless a Conditional Use to allow a larger area is granted by the Board of Supervisors.

481.8 The display may only be used to advertise goods and services sold on-premises, time and temperature, and public service announcements.

481.9 No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be permitted on any residential land use.

481.10 Any premises with an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not be permitted to have any other freestanding sign on the property.

481.11 Streaming video is prohibited.

SECTION 482. METHANE DIGESTER SYSTEMS

482.1 Accessory methane digester systems are permitted accessory uses to farming operations in the Agricultural District, subject to the following:

A. Minimum lot area - Ten (10) acres.

B. All accessory methane digester systems also shall comply with the requirements of Section 482.3.

482.2 Regional methane digester systems are permitted by conditional use in the Agricultural and Industrial Districts, subject to the following:

A. Minimum lot area - Forty (40) acres.

B. A traffic impact study shall be prepared and provided in accordance with the requirements of the Subdivision and Land Development Ordinance.

C. All regional methane digester systems also shall comply with the requirements of Section 482.3.

D. The Board of Supervisors can attach conditions which it feels are necessary to protect nearby properties, the intent of the Zoning Ordinance and/or the general public welfare.

482.3 General requirements for all methane digester systems.

A. The Applicant shall address and document performance standards for siting to minimize impacts on neighboring properties, which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and specific hours of operation.

B. Methane digester systems shall be designed and constructed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements and successors thereto, of the Pennsylvania Department of Environmental Protection.

C. Methane digester systems shall be designed and constructed in compliance with all applicable local, State and Federal codes and regulations. Evidence of all Federal and State regulatory agencies' approvals shall be included with the application.

D. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the methane digester system.

E. The Applicant shall provide either (1) a letter from the Lancaster County Conservation District stating that the Applicant's methane digester system design has been reviewed and approved by the Lancaster County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Lancaster County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or (3) submit evidence that such a letter has been requested and the Lancaster County Conservation District has failed to respond.

F. Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management Act, no underground storage, in ground storage, trench silo, earthen bank, stacking area, or above ground storage facility related to the methane digester system shall be located within fifty (50) feet of any side property line, seventy-five (75) feet of any rear property line, one hundred and fifty (150) feet from any residential structure other than that of the property owner, and one hundred (100) feet from any public road right-of-way. There shall be no discharge of any type of run-off unto such road right-of-way.

SECTION 483. ACCESSORY APARTMENTS FOR ADDITIONAL FAMILY MEMBERS

Where permitted, Accessory Apartments for Additional Family Members are subject to the following criteria:

483.1 For purposes of this section, family members shall include and be restricted to the following: great-grandparent, grandparent, parent, children, grandchildren, siblings.

483.2 Only one (1) accessory apartment may be permitted within an existing single family detached dwelling or within an existing detached accessory building per single family detached lot.

483.3 The accessory apartment shall be occupied only by a family member or family members.

483.4 An accessory apartment may only be permitted and may only continue in use as long as the principal dwelling is occupied by the owner of said dwelling.

483.5 The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.

483.6 The Applicant shall submit a plan and supporting documentation to establish compliance with the dimensional requirements of the district in which the lot is located and architectural compatibility with the existing structures on the lot.

483.7 The detached structure used for the accessory apartment shall not be subdivided from the lot on which is was initially established.

483.8 For sewage disposal, water supply, and all other utilities, the accessory apartment unit shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.

483.9 If on-site sewer or water systems are to be used, the Applicant shall submit evidence to the Zoning Officer (or to the Zoning Hearing Board in the case of a special exception) showing that the total number of occupants in both the principal dwelling and the accessory apartment unit 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.

483.10 A minimum of one (1) impervious off-street parking space, to be located behind the street right-of-way line with unrestricted ingress and egress to the street, shall be provided for the accessory apartment unit, in addition to that required for the principal dwelling.

483.11 Prior to the issuance of a Zoning Permit, a certificate in the form of a notarized affidavit verifying that the owner of the principal dwelling is in residence and that one of the occupants of the accessory apartment unit is a family member shall be presented to the Board of Supervisors. Thereafter, the Applicant shall submit such notarized affidavit to the Zoning Officer by January 1st of each year as a requirement for the continuance of the temporary zoning permit.

483.12 Upon the proper installation of the accessory apartment unit, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the accessory apartment / unit is required to be discontinued and/or removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each issuance and renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit. Within 30 days of the discontinuance of the accessory apartment use, the property owner(s) shall notify the Township and discontinue or dismantle all cooking facilities.

SECTION 484. EVENT/CONFERENCE CENTER

Where permitted, Event/Conference Centers are subject to the following criteria:

484.1 Events shall not be held before 7:00 a.m. or after 10:00 p.m..

484.2 Off-street parking shall be in accordance with Section 311 of this Ordinance.

484.3 Parking areas and access drives shall be adequately lit and all lighting shall include full cut off fixtures and shall not direct light onto adjacent properties or roadways.

484.4 Signage shall be governed by Section 314 of this Ordinance. The applicant shall be permitted to maintain, repair or re-erect any existing signage without increasing the square footage.

484.5 Permissible Expansion of Existing Building and Parking.

A. Buildings with vehicular access from a collector or local roadway: No extension or expansion shall be permitted to the existing building, except as may be required for access or safety which includes handicapped accessibility. Extension or expansion to increase building capacity shall not be permissible.

B. Buildings with vehicular access from an arterial legislative route: Up to 25% increase of the building footprint subject to the requirements set forth in the applicable Township Ordinances.

C. Parking lots may be expanded subject to the requirements set forth in the applicable Township Ordinances.

ARTICLE 5 – NONCONFORMITIES

SECTION 500 CONTINUATION

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

SECTION 501 ABANDONMENT

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

SECTION 502 EXTENSION OF A NONCONFORMING USE OF LAND

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot, which was in existence on August 27, 1992, or on the effective date any amendment of this Ordinance which created such lot.

SECTION 503 EXPANSION OR ALTERATION

503.1 Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 604.3:

A. Expansion of the nonconformity shall be confined to the lot on which it was located or on contiguous lots held in the same ownership on August 27, 1992, or on the effective date any amendment of this Ordinance creating the nonconformity.

B. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the actual area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The Applicant shall furnish conclusive evidence as to the extent to the nonconformity when it was created.

C. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.

D. Provision for yards, building height, and building area shall be consistent with the standards required for permitted uses in the district in which the nonconformity in question is located.

E. Appearance should be harmonious with surrounding properties; this 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.

F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties, including but not limited to fences, walls, plantings, and open spaces.

G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

H. 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 District except in conformance with the Floodplain Management Ordinance.

I. Excluding expansion, any modification, alteration, repair, reconstruction, or

improvement of any kind to a nonconforming use or structure located in the Floodplain District shall be permitted when in in conformance with the Floodplain Management Ordinance.

503.2 An existing structure which contains a permitted use and is non-conforming as to building setbacks or lot area may be expanded provided that:

A. The expanded portion of the structure will not extend nearer any street right- of-way line or other property line than the part of the existing structure which is closest to the street right-of-way line or other property line.

B. All other yard requirements of the zoning district are met.

C. No expansion shall be permitted which may cause danger to vehicle or pedestrian traffic on a street by obscuring the view.

D. No expansion shall be permitted within five (5) feet of any street right-of-way line or property line.

SECTION 504 SUBSTITUTION OR REPLACEMENT

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, subject to the following:

A. The use proposed to be substituted shall not be more detrimental to the other uses in the zoning district than the existing nonconforming use at its most active.

B. The proposed use to be substituted shall not generate more traffic than the existing nonconforming use at its most active.

C. The proposed use to be substituted, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use at its most active.

D. The proposed use to be substituted shall not generate higher levels of noise, smoke, glare or other potential nuisance conditions or safety hazards beyond the boundaries of the property than the existing nonconforming use at its most active.

E. The proposed use to be substituted shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use at its most active.

F. The existing nonconforming use shall be completely abandoned.

In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

SECTION 505 RESTORATION

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

505.1 The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities.

505.2 Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

505.3 Reconstruction shall be permitted only when it is in compliance with the requirements of the Floodplain Management Ordinance.

SECTION 506 PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES

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

SECTION 507 NONCONFORMING LOTS OF RECORD

Any nonconforming lot of record held in single and separate ownership on August 27, 1992, or on the effective date any amendment of this Ordinance which rendered such lot nonconforming and continuously held in single and separate ownership thereafter may be developed for any use permitted in the district in which the nonconforming lot is located, provided that such development complies with all setback, coverage, bulk, height and other requirements.

ARTICLE 6 - ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

SECTION 600 ZONING HEARING BOARD ESTABLISHMENT AND MEMBERSHIP

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board, which shall consist of five (5) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies, which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

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

SECTION 601 ORGANIZATION OF ZONING HEARING BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 603.

The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision 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 the alternates.

The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

SECTION 602 EXPENDITURES FOR SERVICES

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

compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 601, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

SECTION 603 HEARINGS

603.1 The Board shall provide notice, conduct hearings and render decisions in accordance with the requirements of the MPC.

603.2 Referral to Township Planning Commission. The Zoning Hearing Board shall submit each application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations.

603.3 Effect of Board's Decision. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board may, upon application in writing state the reasons therefore, extend either the six (6) months or twelve (12) months period.

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 six (6) months period, it shall be conclusively presumed that the appellant or Applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

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 twelve (12) months period, the Board may upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or Applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months period, and if the 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.

SECTION 604 ZONING HEARING BOARD'S JURISDICTION

604.1 The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.

604.2 Special Exceptions, as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:

A. Filing Requirements – In addition to the required zoning permit information (See Section 701) each special exception application shall include the following:

1. Ground floor plans and elevations of proposed structures.
2. Names and address of adjoining property owners including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

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.

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.

4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.).

5. For development within the Floodplain District, that the application complies with those requirements listed in the Floodplain Management Ordinance.

6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.

7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

C. 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 district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7.

D. Site Plan Approval. Any site plan presented in support of the special exception pursuant to Section 604.2.A. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the Applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the issuance of another special exception approval.

604.3 Variances

The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the Applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. 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;

F. That variances within the Floodplain District shall comply with the requirements of the Floodplain Management Ordinance.

G. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 7.

SECTION 605 BOARD OF SUPERVISORS' JURISDICTION

605.1 The Board of Supervisors shall have the exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.

605.2 Conditional Uses - The Board of Supervisors shall hear and decide applications for Conditional Uses specifically authorized in this Ordinance. Decisions to grant or deny the application shall be subject to the following:

A. Filing Requirements - In addition to the information required on the zoning permit application, the conditional use application must show:

1. Ground floor plans and elevations of proposed structures.

2. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.

4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

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.

2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.

3. The proposed use will not affect a change in the character of the subject property's neighborhood.

4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).

5. For development within the Floodplain District, that the application complies with those requirements listed in the Official Floodplain Management

Ordinance of Conoy Township.

6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.

7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

C. Hearing Procedures - Hearings shall be conducted in accordance with the requirements of the MPC.

D. 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 district. 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.

E. Site Plan Approval. Any site plan presented in support of the conditional use pursuant to Section 605.2.A. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the Applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the issuance of another conditional use approval.

F. Time Limitation. If a conditional use is granted, the necessary 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 twelve (12) months of said date. For good cause the Board of Supervisors may, upon application in writing, state the reasons therefore, extend either the six (6) months or twelve (12) months period.

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 six (6) months period, it shall be conclusively presumed that the appellant or Applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.

Should the appellant commence construction or alteration within said six (6) months period, but fail to complete such construction or alteration within said twelve (12) months period, the Board of Supervisors may upon ten (10) days' notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that a good cause appears for the failure to complete within such twelve (12) months period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.

SECTION 606 PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD OR THE BOARD OF SUPERVISORS

Appeals may be filed in accordance with the procedures defined in the MPC.

ARTICLE 7 – ADMINISTRATION

SECTION 700 ADMINISTRATION AND ENFORCEMENT

700.1 Administration

A. Zoning Officer. The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, -by resolution,- provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. Zoning officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment. The Zoning Officer may designate an employee of the Township as his Deputy, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.

B. Duties. The duties of the Zoning Officer shall be:

1. To receive, examine, and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses or for variances after the same have been approved.

2. To record and file all applications for zoning permits or certificates of zoning compliance, and accompanying plans and documents, and keep them for public record.

3. 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. To inspect nonconforming uses, structures, and lots, and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record, and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.

5. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.

6. To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto.

7. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain District, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development.

8. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration

concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).

9. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.

700.2 Enforcement

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

700.3 Violations

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

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

A. 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.

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

1. The name of the owner of record and any other person against whom the Township intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Ordinance.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

700.4 Enforcement Remedies

Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500.00 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.

700.5 Causes of Action

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance enacted under the Act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the 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 701 PERMITS

701.1 General Requirements for Zoning Permits

A. A zoning permit shall be required prior to a change in use of land or structure, or the erection, construction, improvement, or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in Section 314 of this Ordinance. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins. No zoning permit shall be required for repairs or maintenance of any structure or land, provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.

B. Application for zoning permits shall be made in writing to the Zoning Officer.

C. Such zoning permits shall be granted or refused within ninety (90) days from date of application.

D. 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.

E. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the Applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.

F. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner,

lessee, Applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

G. The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.

H. 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.

I. No permit shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to the resolution shall be paid to the Zoning Officer. The payment of fees under this section shall not relieve the Applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law.

J. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the Applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of zoning compliance as required herein has been applied for, he shall issue a permit therefore as soon as practical, but not later than ninety (90) days from receipt of the application.

K. Reconsideration of Application. An Applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.

L. Expiration of Permit. The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.

M. 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.

N. 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.

O. Display of Zoning Permit. All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of zoning compliance.

P. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will:

1. In no way exert a detrimental effect upon the uses of land and activities

normally permitted in the district, or

2. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

701.2 Application for All Zoning Permits

A. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land, and shall be accompanied by plans in duplicate drawn to scale and showing the following:

1. Actual dimensions and shape of lot to be developed.

2. Exact location and dimensions of any structures to be erected, constructed and altered.

3. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate.

4. Off-street parking and loading spaces.

5. Utility systems affected and proposed.

6. Alteration or development of any improved or unimproved real estate.

7. The size of structures and the number of employees anticipated.

8. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance.

B. If the proposed development, excavation, or construction is located within the Floodplain District, documentation showing compliance with the requirements of the Floodplain Management Ordinance is specifically required to accompany all applications.

701.3 Application for Zoning Permits for Uses in All Commercial and Industrial Districts

A. A location plan showing the tract to be developed, district boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries.

B. A plot plan of the lot showing the location of all existing and proposed building, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features.

C. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

D. Engineering plans for treatment and disposal of sewage and industrial waste, tailings, or unusable by-products.

E. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution,

vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.

F. Designation of the manner by which sanitary sewer and storm water shall be disposed and water supply obtained.

G. The proposed number of shifts to be worked and the maximum number of employees on each shift.

H. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, floor area for each, and estimated number of employees.

701.4 Certificate of Zoning Compliance

A. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of zoning compliance for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of zoning compliance shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein.

B. The application for a certificate of zoning compliance shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a zoning permit.

C. The application shall contain the intended use and/or land or portion thereof for which a zoning permit is required herein.

D. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days following notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, ~~he~~ shall issue a certificate of zoning compliance for the intended use listed in the original application.

E. The certificate of zoning compliance or a true copy thereof shall be kept available for official inspection at all times.

F. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of zoning compliance for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of zoning compliance for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

G. A certificate of zoning compliance shall not be issued for structures and buildings located in any subdivision requiring improvement guarantees until the structure or building abuts either a roadway which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base-wearing coarse.

H. In commercial and industrial zones in which operation standards are imposed, no certificate of zoning compliance shall become permanent until thirty (30) days after the facilities are fully operational when, upon a re-inspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

701.5 Application for Historic Demolition Permit

A. General Provision.

1. Compliance. No building or structure within the Township shall hereafter be demolished, removed or relocated in whole or in part, without full compliance with the terms of this Ordinance.

2. Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

3. Historical Review Commission. The establishment, organization, functions and duties, and operating procedures of the Historical Review Commission are as may be established from time to time by resolution of the Board of Supervisors.

B. Boundaries.

1. The boundaries of the Historic Overlay District are co-terminus with the boundaries of the Township. The provisions of this Ordinance shall apply in all underlying zones of the Township.

2. Boundaries. The Historic Overlay District shall include each lot or parcel identified as containing an historic resource. Identified resources shall be shown on a map that is available for review at the municipal office. The Historic Overlay District Map shall be prepared and adopted following the same procedure for the adoption of the Official Zoning Map. Amendments to Historic Overlay District Map shall be prepared and adopted following the same procedure for the adoption of amendments to the Official Zoning Map.

   a. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the Historic Overlay District and the underlying zoning district, the provision that is most restrictive shall apply.

   b. Should the boundaries of the Historic Overlay District be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.

C. Definitions.

The definitions contained in Section 113 of this Zoning Ordinance are incorporated herein as if fully set forth. The following definitions are in addition to those found in that document. Unless otherwise stated, the following words and phrases shall be construed throughout to have these meanings. The present tense includes the future, the singular number includes the plural and the plural the singular, the masculine gender includes the feminine and neuter genders.

Accessory Structure – a structure constructed as a secondary, subordinate building on a parcel containing a principal structure.

Appurtenance – A subordinate component or structural feature attached or affixed to a principal structure or erected on the parcel.

Building –a resource created principally to shelter any form of human activity including principal and accessory buildings, including but not limited to a house, barn, privy, shed, outbuilding, carriage house, or summer kitchen.

Character Defining – Architectural design, materials, details, forms,

workmanship, or components that are important elements reflecting a distinctive design.

Demolition – The dismantling or tearing down of a building or structure, in whole or in part.

Historical Integrity - The authenticity of a property's historic identity and significance evidenced by the survival of physical characteristics that existed during the property's historic period with reference to some or all of the following qualities: location, design, setting, materials, workmanship, feeling, and association.

Maintenance – Work that does not alter the exterior fabric or features of a Building or Structure.

Principal Structure – Building that has been, is, or will be where the principal use or uses of the parcel are conducted.

Removal - To destroy to the ground, raze or demolish.

Repair – The process of rehabilitation that warrants additional work beyond maintenance.

Streetscape - The overall view of a public street, including front and side yards, its component elements, and the relationships of buildings setbacks, rhythms, height, shapes, spacing, and textures that give the street or neighborhood its distinctive visual character or appearance.

Structure – Any man-made object, including, but not limited to, buildings and appurtenances, which has a stationary location, whether or not affixed to the land or to an existing building or structure, excluding paved areas.

Structural Integrity – The state of being whole and undivided, the condition of being unified or sound in construction.

D. General Provisions

1. a. Identification. The historic resource inventory shall contain a listing of parcels within the overlay district that contain one or more historic resources for use by the Zoning Officer in determining applicability of this Ordinance. If the inventory has not been completed when this Ordinance is adopted, the historic determination shall be made on an application by application basis by the Zoning Officer with recommendations from the Historical Review Commission and then reviewed in accordance with the terms of this Ordinance.

   b. A historic resource is a building, structure, site, or object that is 50 years old or older and is: 1) A building that is a good example of a type or style and/or is associated with an person or event that has local, state or national significance; 2) A building that contributes to the character and constitutes the fabric of the community and/ or thathas local historical significance; 3) As otherwise defined in the zoning ordinance.

   c. A building that is old but has lost its historical or structural integrity or is less than 50 years old is not a historic resource.

   d. The Historic Resources Inventory data shall identify every historic resource by tax parcel number. The street address, owner's name,

type of resource and category of each resource shall also be included in the list. The data to be gathered in the inventory process represents the requirements of the Pennsylvania Historic Resource Survey Form which has been incorporated into a standardized database format used county-wide and supplied by the Lancaster County Planning Commission (LCPC).

e. All parcels identified as containing one or more historic resource(s) shall be shown on a Historic Resource Map that shall be maintained, with the corresponding Historic Resource List, at the municipal office.

2. Historic Resources shall be categorized as follows:

a. Class 1 – A building that is a good example of a type or style and/or is associated with a person or event that has local, state or national significance.

b. Class 2 – A building that contributes to the character and constitutes the fabric of the community and/ or that has local historical significance.

c. Class 3 – A building that is old but has lost its historical or structural integrity or is less than 50 years old.

3. Compliance. Demolition, removal or relocation of resources in Class 1 or 2 shall occur only when in compliance with the terms of this Ordinance and other applicable regulations. Class 3 is not regulated by the terms of this Ordinance; however, the Class 3 designation must be confirmed by the Zoning Officer and is not to be assumed by the property owner.

4. Revisions. The Historic Resource Inventory List and Map may be revised from time to time by legislative action of the Board of Supervisors following a public meeting at which time the proposed changes shall be presented. Recommendations from the Historical Review Commission will be considered.

a. Revisions are defined as additions, deletions, or changes of classification. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred to the building through the normal permitting process unless that change affects the classification.

b. The Historic Resources List and Map shall be reviewed, no less that annually, and recommendations for revisions, if any, shall be compiled by the Historical Review Commission and submitted to the Board of Supervisors for their review and action.

E. Demolition, Removal or Relocation of Historic Buildings

1. General Requirements.

a. No Class 1 or Class 2 building shall be demolished, removed or otherwise relocated without a permit obtained under the provisions of this section except for emergency demolitions.

b. Emergency demolitions to protect the health, safety and welfare of the citizens of the Township are regulated under the provisions of the Uniform Construction Code as may be in effect in the Township or its successors and the provisions of that code shall take precedence over the provisions contained herein.

c. These provisions will be administered by the Zoning Officer with input, as required by the provisions of this Ordinance, from the Historical Review Commission.

2. Application Procedures. Applications for demolition review may be obtained at the municipal building.

3. Criteria for Review. Applicants for a permit to demolish must provide, as part of their application, a written statement as to whether the following statements are correct and detailed substantiation for each statement which is believed to be correct. In each instance the burden of proof is on the property owner to demonstrate that the property owner has been deprived ***of*** any profitable use of the relevant parcel as a whole. The recommendation of the Historical Review Commission and the decision of the Zoning Officer shall be based upon a review of the information submitted by the Applicant against all criteria and not any one criterion. The goals and development objectives of the Township shall also be considered.

a. It is not feasible to continue the current use.

b. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.

c. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.

d. The building, it's permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.

e. The Applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration, or similar physical action.

f. The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.

g. A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.

h. The building is structurally unsound.

i. The denial of demolition would result in unreasonable economic hardship to the owner. The Procedure and requirements for proving unreasonable economic hardships are contained in Appendix A to this Ordinance or as may subsequently be established or modified by Resolution of the Board of Supervisors.

j Sale of the building or structure is impossible or impractical.

k. Denial of demolition will deprive the property as a whole of all beneficial use.

4. As a part of the review process the Historical Review Commission and/or the Zoning Officer may request additional information to be provided. Such materials may include but are not limited to:

a. Site plan.

b. Detailed floor plans of the building proposed for demolition.

c. Exterior elevations of the building proposed for demolition.

d. Report from a professional civil engineer registered in the Commonwealth of Pennsylvania on the structural soundness of the building proposed for demolition.

e. Photographs.

f. Historic overview of the building and/or property.

g. Written description of the proposed use of the property.

5. Review Procedure.

a. The Zoning Officer shall forward completed applications for demolition, removal or relocation of Class 1 and Class 2 historic resources to the Historical Review Commission. All information submitted in compliance with the review criteria, above, shall be taken into consideration during the deliberation process as shall the community goals and development objectives of the municipality.

b. The Applicant shall be provided an opportunity to present their proposal to the Historical Review Commission at a regularly scheduled monthly meeting.

c. The written recommendations of the Historical Review Commission shall be forwarded to the Zoning Officer for consideration. The Zoning Officer shall consider the review criteria, the written recommendations of the Historical Review Commission and the community goals and development objectives set forth in the comprehensive plan, and make his or her determination to issue or deny the permit. Challenges to the Zoning Officer's decision go to the Zoning Hearing Board.

6. Associated Land Development Plan. If the application for a permit for demolition, relocation or removal is being requested to facilitate future development, the said permit shall not be issued by the Zoning Officer until the following <u>additional</u> requirements have been satisfied.

a. Approval of the land development plan by the Board of Supervisors.

b. The recording of an approved subdivision or land development plan for the lot where the demolition, removal or relocation is proposed.

c. Issuance of any necessary zoning approvals.

6. Enforcement. In addition to the enforcement provisions found in the Zoning Ordinance and incorporated herein by reference, the Board of Supervisors may authorize action to withhold issuance of any and all zoning and building permits for a period of up to two (2) years for any property that at the time of the enactment of these provisions, was occupied by a building or structure that was subsequently demolished, removed or relocated without obtaining a permit as provided for herein.

In addition, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Article.

SECTION 702 FEES

The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

SECTION 703 AMENDMENTS

703.1 Power of Amendment

The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance, including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by the interested party.

703.2 Hearing and Enactment Procedures for Zoning Amendments - Proposed amendments to the Zoning Ordinance will be reviewed and considered in accordance with MPC requirements.

703.3 Curative Amendment by a Landowner

Proposed curative amendments proposed by landowners will be reviewed and considered in accordance with MPC requirements.

703.4 Curative Amendment by the Board of Supervisors

Proposed curative amendments proposed by the Board of Supervisors will be reviewed and considered in accordance with MPC requirements.

703.5 Authentication of Official Zoning Map

Whenever there has been a change in the boundary of a district or a reclassification of the district adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refilled as part of the permanent records of the Township.

SECTION 704 REPEALS AND CONTINUATION OF PRIOR REGULATIONS

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 zoning ordinances or parts of zoning 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 ordinance or regulation. In the event any violation has occurred under any prior zoning regulation or ordinance of Conoy Township, 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.

SECTION 705 EFFECTIVE DATE

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

This Ordinance, ordained and enacted this 9th day of May, 2024.

BOARD OF SUPERVISORS OF CONOY TOWNSHIP

By: _____
Chairman:

ATTEST: _____
Secretary

(SEAL) Conoy Township Commonwealth of Pennsylvania Supervisors Seal

ADOPTED May 9, 2024