

# Chapter 184

## ZONING

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**[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl 11-3-1970 as Ord. No. 24. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Planning Commission —See Ch. 34.**

**Sewers and sewage disposal-See Ch. 138.**

**Animals —See Ch. 56.**

**Stormwater management-See Ch. 149.**

**Driveways —See Ch. 85.**

**Streets and sidewalks —See Ch. 152.**

**Junk and junkyards-See Ch. 110.**

**Subdivision and land development-See Ch. 155.**

**Mobile homes and mobile home parks —See Ch. 118.**

**Water-See Ch. 173.**

**ARTICLE I**

**General Provisions**

**§ 184-1. Title.**

The title of this chapter shall be "An Ordinance Establishing Regulations and Restrictions for the Location and Use of Lots, Land, Buildings and Other Structures, the Height, Number of Stories and Size or Bulk: of Buildings and Structures, the Density of Population and Off-Street Parking and Similar Accessory Regulations in the Township of West Earl, Lancaster County, Pennsylvania, and for Said Purposes Dividing the Township into Districts and Prescribing Certain Uniform Regulations for Each Such District and Providing for Administrative Enforcement and Amendment of its Provisions in Accordance with the Pennsylvania Municipalities Planning Code, as Amended."<sup>1</sup>

**§ 184-2. Short title.**

This chapter shall be known as and may be cited as the "West Earl Township Zoning Ordinance of 1970."

<sup>1</sup> Editor's Note: See 53 P.S. § 10101 et seq.

**§ 184-3. Conformance required.**

Except as hereinafter provided, no building, structure, land or parts thereof shall be used or occupied, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this chapter.

**§ 184-4. Community development objectives. [Amended 5-14-1990 by Ord. No. 82]**

This chapter, including the regulations and districts as hereinafter set forth, is based upon and intended to give effect to the policy goals and objectives of the township set forth in the Comprehensive Plan adopted by the Board of Supervisors. This chapter is intended to promote the public health, safety and morals and the general welfare by achieving, among others, the following policy goals and objectives, which are set forth with greater detail in the Comprehensive Plan:

- A. The maintenance and preservation of existing agricultural land in the township.
- B. Maintaining and improving the existing residential neighborhoods of the township.
- C. Ensuring that the varied land uses within the township are logically located in their relationship to one another.
- D. Providing for realistic population densities as appropriate to the township's existing character, natural features and projected public schools and, at the same time, avoiding undue congestion of population.
- E. Lessening congestion on the roads and highways of the township.
- F. Providing adequate public utilities, schools, parks and other public requirements.
- G. Encouraging and promoting the provision of a wide range and variety of housing types to meet the needs of all township residents.
- H. Encouraging the harmonious, orderly development of land, which should be developed while preserving agricultural land and other natural resources.
- I. Stimulating the local economy by encouraging controlled and appropriate commercial and industrial growth.

**§ 184-5. Construal of provisions; severability. [Amended 3-14-2016 by Ord. No. 234]**

- A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and/or general welfare.
- B. In the event that any provision, section, sentence, clause or part of this chapter shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this chapter, it being the intent of the Board of Supervisors that the remainder of the chapter shall be and shall remain in full force and effect.

ARTICLE II  
**Definitions and Word Usage**

**§ 184-6. Word usage.**

For the purpose of this chapter, certain terms, phrases and words are defined as follows:

- A. Tense, gender and number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; and the singular number includes the plural, and the plural includes the singular.
- B. General terms.
- (1) The word "shall" or "must" is always mandatory; the word "may" is permissive.
  - (2) The words "used for" include "designed for," "arranged for," "intended for," "maintained for" or "occupied for."
  - (3) The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof."
  - (4) The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "unincorporated association" or other similar entities.
- C. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township of West Earl, the West Earl Sewer Authority or the West Earl Water Authority as in effect or in office from time to time, including amendments thereto or revisions or successors thereof, unless the text indicates that another reference is intended. **[Added 5-14-1990 by Ord. No. 82]**
- D. Terms, phrases and words not defined. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

**§ 184-7. Definitions.**

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

**ACCESSORY BUILDING** — A subordinate building, the use of which is customarily incidental to and located on the same lot occupied by the principal building.

**ACCESSORY USE**- A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

**ADULT BOOKSTORE**- An establishment having as a substantial and significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or sexually oriented devices, or an establishment

with a segment or section devoted to the sale or display of such publications or devices.

**[Added 12-9-1986 by Ord. No. 59]**

**ADULT ESTABLISHMENT-** An adult bookstore, adult mini motion-picture theater, adult motion-picture theater, adult theater or massage establishment. **[Added 12-9-1986 by Ord. No. 59]**

**ADULT MINI MOTION-PICTURE THEATER-** An enclosed building with a capacity for fewer than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. **[Added 12-9-1986 by Ord. No. 59]**

**ADULT MOTION-PICTURE THEATER-** An enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. **[Added 12-9-1986 by Ord. No. 59]**

**ADULT THEATER —** An establishment featuring live performances on a regular basis which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas. **[Added 12-9-1986 by Ord. No. 59]**

**ADVERTISING SIGN-** See "sign, advertising."

**AGRICULTURE —** The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry.

**ALTERATION-** Any change or rearrangement in the structural parts or in the existing facilities of a building or structure or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

**ANTENNA OR TOWER HEIGHT —** The vertical distance measured from the base of the tower or antenna support structure at grade to the highest point of the tower or antenna structure. If the support structure is on a slope grade, then the average height between the highest and lowest grades shall be used in calculating the tower or antenna height. **[Added 6-12-1995 by Ord. No. 107]**

**ANTENNA OR TOWER SITE —** A tract or parcel of land that contains the communications tower or antenna, its support structure, equipment shelter, accessory buildings and parking, and may include other uses associated with and ancillary to transmission of the communications frequency. **[Added 6-12-1995 by Ord. No. 107]**

**ANTENNA OR TOWER SUPPORT STRUCTURE —** Any pole, telescoping mast, tower, tripod, equipment shelter or any other structure which supports a device used in the transmitting or receiving of radio frequency energy or other frequency utilized in the communications industry. **[Added 6-12-1995 by Ord. No. 107]**

**APARTMENT HOUSE-** See "multifamily dwelling" under "dwelling."

ATTIC- That part of a building which is immediately below and wholly or partly within the roof framing.

BASEMENT — A story partly below the finished grade but having at least one-half (1/2) of its height (measured from the finished floor to the finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A "basement" shall be considered as one story in determining the permissible number of stories.

BED-AND-BREAKFAST — An owner-occupied single-family detached dwelling where not more than five bedrooms are rented to overnight guests on a daily basis for periods not exceeding one week. **[Added 5-14-1990 by Ord. No. 82]**

BILLBOARD- See "sign."

BLOCK — A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water or boundary lines of the township or by any combination of the above.

BLOCK OR LOT FRONTAGE- That portion of a block or lot which fronts on a single street.

BOARD or ZONING HEARING BOARD — The Zoning Hearing Board of West Earl Township.

BUILDING — Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals or property of any kind.

BUILDING, DETACHED- A building surrounded by open space on all four sides within the same lot.

BUILDING LINE or BUILDING SETBACK LINE — A line, established by this chapter, within a lot defining the minimum distance between any structure or building or portion thereof to be erected or altered and an adjacent right-of-way or street lines of any abutting streets.

BUILDING, SEMIDETACHED — A building which has one wall in common with an adjacent building.

BULK — A term used to describe the size, volume, area or shape of buildings or other structures and their physical relationship to each other, to open space, to tracts of land, to lot lines or to other buildings or structures.

CARPORT- A roofed-over structure open on two or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

CELLAR- A story partly below the finished grade, having at least one-half (1/2) of its height (measured from the finished floor to the ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A "cellar" shall not be considered a story in determining the permissible number of stories.

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

**COMMON OPEN SPACE** — A parcel or parcels of land or an area of water or a combination of land and water within a subdivision or land development designed and intended for the use or enjoyment of the residents of the development, not including streets, off-street parking areas, lots and areas set aside for public facilities. "Common open space" may contain areas for active and passive recreation. **[Added 2-24-1992 by Ord. No. 88]**

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** — An agricultural use regulated by the state or federal government agencies that are involved with the commercial keeping and handling of livestock quantities with characteristics in any of the following three categories: **[Added 11-9-2009 by Ord. No. 207]**

- A. Category 1 CAFO. The proposed agricultural operation exceeds any of the following animal type thresholds: 700 mature dairy cows; 1,000 veal calves; 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs; 2,500 swine of 55 pounds or more; 10,000 swine under 55 pounds; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 layers or broiler chickens using a liquid manure handling system; 125,000 broiler chickens not using a liquid manure handling system; 82,000 layer chickens not using a liquid manure handling system; 30,000 ducks not using a liquid manure handling system; and/or 5,000 ducks using a liquid manure handling system.
- B. Category 2 CAFO. Any agricultural operation that exceeds 1 million pounds of live weight of livestock or poultry.
- C. Category 3 CAFO. Any agricultural operation that is a Concentrated Animal Operation (CAO, as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.

**CONCENTRATED ANIMAL OPERATION (CAO)** - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262, of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2,000 pounds per acre, which are suitable for the application of manure on an annualized basis. **[Added 11-9-2009 by Ord. No. 207]**

**CONDITIONAL USE** — A use which is not 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 factors prescribed for such cases within this chapter are present. "Conditional uses" are allowed or denied by the Board of Supervisors after recommendations by the Township Planning Commission. **[Added 5-7-1985 by Ord. No. 48]**

**CONSERVATION DISTRICT-** The Lancaster County Conservation District or any agency successor thereto. **[Added 3-14-2016 by Ord. No. 234]**

**COVERAGE, IMPERVIOUS** — The ratio of the area of all portions of the lot covered in any way so as to not allow the ground beneath to absorb water at a natural rate to the total



area of the lot, excluding any portions of the lot within the street right-of-way. **[Added 2-13-1995 by Ord. No.106]**

DCED — The Pennsylvania Department of Community and Economic Development or any agency successor thereto. **[Added 3-14-2016 by Ord. No. 234]**

DEP — The Pennsylvania Department of Environmental Protection or any agency successor thereto. **[Added 3-14-2016 by Ord. No. 234]**

DISTRICT- A portion of West Earl Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this chapter.

DETACHED BUILDING- See "building, detached."

DRIVE-IN ESTABLISHMENT — Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transaction; also known as "drive-through facilities." **[Added 2-13-1995 by Ord. No.106]**

DWELLING- A building permanently erected on and attached to a foundation, having a fixed location on the ground and used as the living quarters for one or more families, which building when so erected and attached shall, in the normal frame of reference, be immobile. **[Amended 2-6-1979 by Ord. No.1-1979]**

- A. In order to qualify as a "dwelling," all of the following standards and conditions must be complied with:
- (1) The foundation for the "dwelling" shall be an entire perimeter wall, either of concrete or masonry construction or such other durable material approved by the Zoning Officer, extending from below the frost line to the underside of the dwelling house.
  - (2) The dwelling house must be attached to the foundation wall by anchor bolts or similar attachments approved by the Zoning Officer, as contrasted with the mere setting of the dwelling unit on the foundation wall system.
  - (3) In the event that the dwelling house formerly was a mobile home as defined herein, the entire running gear, as contrasted with just the wheels, must be removed.
  - (4) Any towing hitch must be removed from the dwelling house if it was formerly a mobile home.
  - (5) The term "dwelling" shall not be deemed to include a hotel, motel, rooming house or tourist home.
- B. ONE-FAMILY DWELLING — A detached building arranged, designed or intended for and occupied exclusively by one family; also known as a "single-family detached dwelling." **[Amended 2-24-1992 by Ord. No. 88]**

- C. ONE-FAMILY SEMIDETACHED DWELLING-A semidetached building arranged, designed or intended for and occupied exclusively by one family; also known as a "single-family semidetached dwelling." **[Added 2-24-1992 by Ord. No. 88]**
- D. TWO-FAMILY DWELLING- A detached building arranged, designed and intended for and occupied by two families living independently of each other and doing their own cooking therein. A "two-family dwelling" may have the dwellings arranged in a side-by-side or over-and-under configuration, but both dwellings shall be located on one lot. **[Amended 2-24-1992 by Ord. No. 88]**
- E. MULTIFAMILY DWELLING — A detached building arranged, designed and intended for occupancy by three or more families living independently of each other and doing their own cooking therein. **[Amended 2-24-1992 by Ord. No. 88]**
- F. TOWNHOUSE DWELLING-A dwelling unit in a building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls separating the dwelling units, with such party walls being a part of the lot line. **[Added 2-24-1992 by Ord. No. 88]**

DWELLING UNIT — A building or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit and having no cooking or sanitary facilities in common with any other dwelling unit.

ESSENTIAL SERVICES- The erection, construction, alteration or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems or collection, communication, supply or disposal systems.

FAMILY — One or more persons related by blood, marriage or adoption or not more than three unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

**FAMILY FARM SUPPORT BUSINESS [Added 12-9-1986 by Ord. No. 58]-**

- A. A resident farm family-owned and -operated business related to agriculture, traditional trades or arts and crafts, to include small-scale, limited-site-coverage agriculturally compatible farmstead occupations conducted commercially within the context of and/or in close proximity to farmstead buildings. A "family farm support business" may be conducted either within an existing farm residence used principally as a residence, within principally agricultural buildings of the farmstead or within additions to existing buildings or new buildings which, by farmstead location, scale and design, are incidental and secondary to the agricultural character of the property.
- B. Such farmstead occupations may include agricultural equipment repair, welding, small machine repair, painting service, fencing service, sharpening service, livestock grooming, shearing and/or trimming services, agricultural consulting service, small tools, small parts and/or specialized small agricultural equipment, family-scale food processing, preparation, canning and baking, small feed or fertilizer franchises or family dealerships, butcher shops, cold storage and miniwarehousing of foods and prepared agricultural products in existing agricultural buildings, craftsmanship shops, woodworking and

cabinetry shops, metalworking, leatherworks, blacksmith shops, carriage shops, toolmaking, handmade arts and crafts, quilts and kindred traditional arts and crafts.

- C. "Family farm support businesses" shall not include businesses requiring more than one nonfamily employee and shall not include commercial or industrial uses such as feed, fertilizer and grain mills, large agricultural equipment sales and service, canneries, rendering plants, manufacture and assembly or any other use which results in high traffic generation or attraction, noise, glare or noxious elements.

FEMA- The Federal Emergency Management Agency or any agency successor thereto.

**[Added 3-14-2016 by Ord. No. 234]**

FLOOR AREA or GROSS FLOOR AREA — The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating buildings.

- A. In particular, the "floor area" of a building or buildings shall include:
- (1) Basement space.
  - (2) All spaces other than cellar space with structural headroom of seven feet six inches or more.
  - (3) Interior balconies and mezzanines.
  - (4) Enclosed or roofed porches or terraces or other roofed spaces.
  - (5) Attic spaces (with or without a finished floor), provided that structural headroom of seven feet six inches or more is available over 50% of such attic space.
  - (6) Accessory buildings.
- B. However, the "floor area" shall not include:
- (1) Cellar space, except that cellar space used for retailing.
  - (2) Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.
  - (3) Terraces, breezeways, uncovered steps or open space.

FOOD PROCESSING FACILITY — A facility for the assembling, mixing, treating, preserving and packaging of food or beverage substances within an enclosed building for distribution to retail or wholesale establishments. A food processing facility shall not include retail sales. **[Added 2-9-2015 by Ord. No. 226]**

GARAGE, PRIVATE — An enclosed space for the storage of one or more private motor vehicles, provided that no business, occupation or service is conducted nor space therein leased to a nonresident of the premises.

GASOLINE SERVICE STATION- A structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or any other motor vehicle fuel, which may or may not include facilities for lubricating, washing, sale of accessories and otherwise servicing motor vehicles, but not including body repair or painting thereof. Any business or

industry dispensing gasoline only for its own use and vehicles will not be deemed to be a "gasoline service station."

**GOVERNING BODY-** The Township Supervisors of West Earl Township.

**GRADE -** The mean curb level; when a curb level has not been established, the "grade" shall mean the average finished ground elevation adjoining the building.

**HEIGHT OF BUILDING -** The vertical distance from the mean grade at the front of the building (or the average of the street fronts if the building faces more than one street) to the highest point of the roof beams of a flat roof or to the mean height between the eaves and ridge for gabled, hipped and pitched roofs.

**HEIGHT OF SIGN OR OTHER STRUCTURE-** The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

**HOME OCCUPATION** A business or commercial activity other than a no-impact home-based business that is conducted as an accessory use to a principal single-family detached dwelling. **[Amended 7-22-1996 by Ord. No. 118; 1-27-2003 by Ord. No. 164]**

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

**[Added 9-28-2009 by Ord. No. 206]**

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

**LIVESTOCK MARKET** — A place commonly known as a “livestock market” or “stockyard,” conducted, operated or managed for profit or not for profit as a public market for livestock producers, feeders, market agencies and buyers, consisting of pens or other enclosures and their appurtenances in which live cattle, sheep, swine, horses, mules or goats are received, held or kept for sale or shipment in commerce on a temporary basis. **[Added 10-4-1988 by Ord. No. 76]**

**LOT** — A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required?

**LOT AREA (GROSS) or LOT AREA** — An area of land which is determined by the limits of the property lines bounding that area and expressed in square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating “lot area.” **[Added 11-9-2009 by Ord. No. 207]**

**LOT AREA (NET)** — The total space contained within the lot lines, excluding the following areas: 100% of all areas exclusively contained within the existing, future and ultimate limits of street rights-of-way; 100% of all areas exclusively designated as common open space; 100% of all areas exclusively designated as an easement to accommodate utilities, vehicular access, municipal uses and/or stormwater improvements. **[Added 11-9-2009 by Ord. No. 207]**

- A. Pursuant to the terms of this definition, the following formula for calculating the net lot area is hereby specified:  

$$GLA - 100\% \text{ of ROW} - 100\% \text{ of COS} - 100\% \text{ of ESM} = NLA$$

$$GLA = \text{Gross Lot Area}$$

2. **Editor’s Note: The former definition of “lot area,” which immediately followed this definition, was repealed 11-9-2009 by Ord. No. 207; see now the definitions of “lot area (gross) or lot area” and “lot area (net).”**

- ROW = Total area exclusively within the limits of the existing, future and ultimate street right-of-way
- COS = Total area exclusively designated as common open space
- ESM = Total area exclusively designated as an easement for utilities, vehicular access, municipal uses and/or stormwater improvements
- NLA = Net Lot Area

B. The net lot area for all proposed lots shall be no smaller than the required minimum lot size for the zoning district in which the lot is located. The net lot area calculations shall utilize the order or hierarchy of features specified by the formula; whereas, land and water areas shall not be calculated or classified in more than one category.

LOT, CORNER — A lot at the point of intersection of and abutting on two or more intersecting streets and which has an interior angle of less than 135° at the intersection of two street lines.

LOT COVERAGE — A percentage of lot area which may be covered by buildings and structures.

LOT, INTERIOR A lot other than a corner lot, the sides of which do not abut a street. LOT LINE — Any line dividing one lot from another.

LOT, THROUGH — An interior lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH — The mean width measured between side lot lines and parallel to the front lot line, measured at the building setback line, but in no case shall the street frontage be less than one-half (1/2) of the required “lot width” in the particular district.

MASSAGE The manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping by hand or mechanical device. **[Added 12-9-1986 by Ord. No. 59]**

MASSAGE ESTABLISHMENT — An establishment which provides the services of massage, 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. **[Added 12-9-1986 by Ord. No. 59]**

MEDICAL, DENTAL, VISION AND COUNSELING CENTER — A building or group of buildings occupied by medical or licensed practitioners and related services for the purpose of providing health and related services to people on an outpatient basis. **[Added 9-28-2009 by Ord. No. 206]**

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.

**[Amended 5-14-1990 by Ord. No. 82]**

**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. **[Amended 5-14-1990 by Ord. No. 82]**

**MOBILE HOME PARK** — A parcel or contiguous parcels of land which have been so designed and improved that they contain two or more mobile home lots for the placement thereon of mobile homes. **[Amended 5-14-1990 by Ord. No. 82]**

**MOTEL** — A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term “motel” includes but is not limited to auto courts, motor courts, motor inns, motor lodges or roadside hotels.

**MUNICIPALITIES PLANNING CODE** — The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. § 10101 et seq. **[Added 1-27-2003 by Ord. No. 164]**

**MUNICIPALITY** — West Earl Township, Lancaster County, Pennsylvania.

**NO-IMPACT HOME-BASED BUSINESS** A business of 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. The business or commercial activity must satisfy all of the following requirements: **[Added 1-27-2003 by Ord. No. 164]**

- 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 activities.

**NONCONFORMING LOT** — A lot, the area or dimension of which was lawful prior to the adoption of this chapter or any amendment heretofore or hereinafter enacted but which fails to conform to the requirements of the zoning district in which it is located by reason of the enactment of this chapter or an amendment. **[Added 5-14-1990 by Ord. No. 82]**

**NONCONFORMING STRUCTURE OR BUILDING** — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter or an amendment heretofore or hereinafter enacted, where such structure lawfully existed prior to the enactment of this chapter or an amendment. Such “nonconforming structures” include but are not limited to nonconforming signs. **[Amended 5-14-1990 by Ord. No. 82]**

**NONCONFORMING USE** — A use, whether of land or of a structure, which does not comply with the applicable use provisions of this chapter or an amendment heretofore or hereinafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or an amendment. **[Amended 5-14-1990 by Ord. No. 82]**

**OPEN SPACE** — Unoccupied space open to the sky and on the same lot with the principal use.

**PARKING LOT** — An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

**PARKING, OFF-STREET OR OFF-ROAD** — A parking space off of the township or state right-of-way.

**PARKING SPACE** — An off-street space measuring ten by twenty (10 x 20) feet, exclusive of driveways, passageways and maneuvering space.

**PLANNING COMMISSION** — The West Earl Township Planning Commission.

**RECREATION CLUB** — A type of commercial use that provides principally indoor facilities for recreation, health and/or fitness and may include accessory uses such as storage areas, locker and shower facilities, first-aid stations, and offices and meeting rooms for the administration of the facility. Although the emphasis of this use is the provision of indoor facilities, this definition shall not be interpreted to prohibit the provision of outdoor recreational facilities. The sale of sports equipment and clothing related to the club activities, the sale of food and drink, and child-care facilities may also be conducted as accessory uses, provided that patrons of these uses are limited to the club members and their guests. **[Added 9-28-2009 by Ord. No. 206]**

**RECREATIONAL FACILITIES AND PLAYGROUNDS** — An area of land that is specifically improved for recreational use that may include playing fields for baseball, football, lacrosse, rugby, soccer, or similar activities; outdoor courts for basketball, tennis, volleyball, or similar activities; skating rinks; skateboarding areas; swimming pools; playground areas suitable for children; or any combination of these uses. For the purpose of this chapter, golf courses, executive golf courses, driving ranges, and miniature golf courses are specifically excluded from this term. “Recreational facilities” may include ancillary improvements such as off-street parking areas, signage, and lighting, but enclosed structures



shall be limited to those accommodating uses clearly accessory to the outdoor recreational function, such as concession stands, storage sheds, locker rooms and shower facilities, first-aid stations, and offices and meeting rooms for the administration of the facility. **[Added 9-28-2009 by Ord. No. 206]**

**REGIONAL IMPACT DEVELOPMENT** — A type or scale of land development that has the potential to have a significant impact on adjacent lands over a given time period and/or through cumulative phases of development, which are further regulated by this Zoning Ordinance. The parameters that define “regional impact development” include but are not necessarily limited to size, types of use(s) proposed, anticipated vehicular and/or pedestrian traffic, and demand for water supply and/or sanitary sewage disposal capacity. For the purposes of this Zoning Ordinance, the following development types are hereby classified and defined as “regional impact development”: **[Added 9-28-2009 by Ord. No. 206]**

- A. **COMMERCIAL REGIONAL IMPACT DEVELOPMENT** — Any of the following individually or in combination: a development that will provide for more than 100,000 gross square feet of floor area devoted to retail sales; shopping centers with more than 100,000 gross square feet of floor area; a development that will provide for more than 200,000 gross square feet of floor area for administrative, business, medical and/or professional offices; an entertainment or recreational use that generates more than 500 or more vehicle trips during its peak hour of operation; any other commercial use that will generate 500 or more vehicle trips during its peak hour of operation. Commercial regional impact developments may include business parks, office parks and medical research parks.
- B. **INSTITUTIONAL REGIONAL IMPACT DEVELOPMENT** — Any of the following individually or in combination: a hospital with 200,000 or more gross square feet of floor area; educational institutions or campuses capable of accommodating 2,000 or more students at a single time; any other institutional use that will generate 500 or more vehicle trips during its peak hour of operation. Institutional regional impact developments may include educational parks and medical research parks.

**SATELLITE COMMUNICATION CENTER** An accessory facility contained within a permitted use, which is capable of transmitting or receiving communication signals to serve the principal use. This use shall not be construed as a “communication tower and antenna,” which are further regulated under § 184-43.1 of this Zoning Ordinance. **[Added 9-28-2009 by Ord. No. 206]**

**SEXUALLY ORIENTED DEVICES** — Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed, in whole or part, for specified sexual activities. **[Added 12-9-1986 by Ord. No. 59]**

**SHOPPING CENTER** — A planned, integrated development consisting of two or more establishments for retail sales, personal services, eating and drinking, business, professional or banking offices and/or similar uses together with shared off-street parking, access, stormwater management facilities and similar improvements. **[Added 7-22-1996 by Ord. No. 118]**

**SIGN** — Any structure, building, wall or other outdoor surface or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction or advertisement. The word “sign”

includes the word “billboard” but does not include the flag, pennant or insignia of any nation, state, city or other political unit nor public traffic or directional signs.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

**SIGN, BUSINESS** — A sign which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development or advertising the services of professional or building trades during construction or alteration shall be deemed “business signs.”

**SPECIAL EXCEPTION** — A use permitted in a particular district by the Zoning Hearing Board, to occupy or use land for a specific purpose in accordance with this chapter, when such use is not permitted by right.

**SPECIFIED ANATOMICAL AREAS** — [Added 12-9-1986 by Ord. No. 59]

- A. Less than completely and opaquely covered human genitals, pubic regions, buttocks or female breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** [Added 12-9-1986 by Ord. No. 59] —

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a “story.”

**STORY, HALF** — Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than 75% of such space has structural headroom of seven feet six inches or more. Any space which has more than 75% of its area having such headroom shall be deemed to be a full story.

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

**STRUCTURE** — Any material or a combination of materials which is conducted or erected, the use of which requires location on the ground or attachment to something located on the ground.

**THIS CHAPTER** — The West Earl Township Zoning Ordinance of 1970 codified as Chapter 184 of the Code of the Township of West Earl.

**TRADITIONAL RESIDENTIAL DEVELOPMENT OPTION (TRDO)** — A planned unified residential development option providing a unique and innovative approach for housing and community development in accordance with the provisions specified under § 184-43.3 of this Zoning Ordinance. **[Added 11-9-2009 by Ord. No. 207]**

**TRDO OPEN SPACE** — An integral component of a Traditional Residential Development Option (TRDO). TRDO open space may consist of TRDO common open space which shall be designed and maintained for the use and enjoyment of all residents of the TRDO, and TRDO general open space which shall be restricted as to use but not open for the use of the residents of the TRDO. TRDO open space shall follow the design standards and specifications of § 184-43.31. of this Zoning Ordinance. **[Added 11-9-2009 by Ord. No. 207]**

**USE** — The specific purpose for which land, a sign, a structure or a building is designed, arranged or intended or for which it may be occupied or maintained or any activity, occupation, business or operation which may be carried on. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**VARIANCE** — A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this chapter where literal enforcement would create practical difficulty or unnecessary hardship and when granting of the waiver would not be contrary to the public interest.

**YARD, FRONT** — An open, unoccupied space, open to the sky, between the front yard line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district and extending for the full width of the lot.

**YARD, REAR** — An open, unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district and extending for the full width of the lot.

**YARD, SIDE** — An open, unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district and extending the full length of the lot.

**ZONING MAP** — West Earl Township’s Zoning Map.

**ZONING OFFICER** — The agent or official designated by the governing body to administrate and enforce this chapter.

### ARTICLE III **Zoning Map; Zoning Districts**

#### **§ 184-8. Official Zoning Map.**

West Earl Township is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter therefrom, is hereby adopted by

reference and declared to be part of this chapter, together with all future notations, references and amendments.

- A. Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the governing body and attested to by the Secretary of that body, together with the date of the adoption of this chapter.
- B. Changing the Official Zoning Map. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, as amended,<sup>3</sup> changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the governing body. 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 chapter. All changes shall be noted by date with a brief description of the nature of the change.
- C. Location of Official Zoning Map. The Official Zoning Map shall be located in a place as designated by the Township Supervisors and shall be the final authority as to the current zoning status of land and water areas in the municipality, regardless of unofficial copies which may have been made or published from time to time.
- D. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the governing body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the governing body, attested by the Secretary of that body, and bear the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted November 23, 1970, as part of Ordinance No. 23 of West Earl Township, Lancaster County, Pennsylvania." Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

**§ 184-9. Districts established. [Amended 9-28-2009 by Ord. No. 206]**

For the purpose of this chapter, the township is hereby divided into classes of districts which shall be designated as follows:

- A     Agricultural
- R-1   Low-Density Residential
- R-2   Medium-Density Residential
- C-1   Neighborhood Commercial

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3. Editor's Note: See 53 P.S. § 10101 et seq.

- C-2 General Commercial
- I Industrial
- PE Professional Enterprise District

**§ 184-10. Interpretation of district boundaries.**

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

- A. Designation of district boundaries. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad rights-of-way, streams, rivers, existing lot lines or municipal boundary lines shall be construed to follow such features indicated. Where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated and running parallel to said line.
- B. Determination of location of boundaries. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

ARTICLE IV  
**District Regulations**

**§ 184-11. An Agricultural District. [Amended 2-6-1979 by Ord. No. 1-1979; 5-7-1985 by Ord. No. 48; 12-9-1986 by Ord. No. 58]**

- A. Intended purpose. The primary purposes of this district are to protect and stabilize agriculture in areas of productive soils as an ongoing, viable, major component of the economy of the township and of Lancaster County, to permit with limited exceptions only those land uses and activities which are agricultural in nature, to encourage the preservation of the most productive farmland within the township as a valuable resource which is lost and not reclaimable once it is developed for building purposes and to prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development with agricultural uses. The preservation of land for agricultural purposes is a legitimate zoning objective under the Pennsylvania Municipalities Planning Code<sup>3</sup> which the township desires to implement by the regulations set forth in this section.
- B. Permitted uses shall be as follows:
- (1) All forms of agriculture, horticulture and animal husbandry, except as noted in Subsection D(4) and (5) of this section, subject to the provisions of Article V, § 184-27, and Article VIII, § 184-65E(3) of this chapter.
  - (2) Nurseries and greenhouses.
  - (3) Roadside stands for the sale of farm products grown on the premises, provided that off-road parking space is provided for customers.
  - (4) Lodges or clubs for hunting, fishing, gunning or other similar recreational purposes.

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3. Editor's Note: See 53 P.S. § 10101 et seq.

- (5) Public and nonprofit private outdoor recreation areas and facilities, parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, camps, golf courses or country clubs (except driving ranges and miniature golf courses).
- (6) Cemeteries and necessary incidental structures.
- (7) Single-family detached dwellings.
- (8) Public structures owned or operated by the township or a municipal authority created by the township.

C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

- (1) Private garages or private parking areas.
- (2) Signs pursuant to § 184-35.
- (3) Family farm support business meeting all of the following criteria: **[Amended 5-14-1990 by Ord. No. 82; 5-27-2003 by Ord. No. 168]**
  - (a) The primary activity of the subject tract shall be agricultural and the tract shall be at least 25 acres in area.
  - (b) The family farm support business shall be secondary to the primary agricultural use and shall not change or reduce the exterior farm character.
  - (c) The family farm support business shall be located within existing conforming accessory buildings on the farm and shall not utilize a land area (including all buildings, parking and storage areas) in excess of one acre. No new buildings or additions to existing buildings shall be permitted, and the maximum building area of any family farm support business shall not exceed 4,000 square feet.
  - (d) When the farm containing a family farm support business is located adjacent to lands within a residential zoning district, no part of the family farm support business activity shall be located within 100 feet of the adjacent zoning boundary.
  - (e) The family farm support business shall be conducted and owned by the farmer in residence on the property, and only family members living on the farm shall be employed in the family farm support business.
  - (f) There shall be no outside storage of materials associated with a family farm support business located between the building and the street. Exterior storage of goods and materials shall be permitted only within a completely enclosed and screened area which shall not be visible from any adjoining residential lot.
  - (g) A family farm support business shall have a minimum fifty-foot long gravel or paved access apron extending into the farm parcel to prevent tracking of mud and manure onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery and customer vehicles.

- (h) The owner of the family farm support business shall not allow a nuisance condition to be created in terms of excessive noise, light, dirt or odor. The family farm support business shall be conducted in a manner which does not allow the accumulation of trash and debris.
- (i) Only one family farm support business shall be permitted per farm. This includes a family farm support business in accordance with this subsection or a family farm support business which requires a special exception approval by the Zoning Hearing Board. For the purposes of this subsection, a “farm” shall be defined as an area of land employed by the farmer as a single economic agricultural enterprise, regardless of the number of contiguous parcels, plots or tracts comprising such enterprise.
- (j) The applicant shall obtain a zoning permit for a family farm support business in accordance with § 184-51 of this chapter.

(4) No-impact home-based business. **[Added 1-27-2003 by Ord. No. 164]**

D. Uses permitted with Zoning Hearing Board approval (special exception) shall be as follows:

- (1) Churches or similar places of worship, parish houses, convents and other housing for religious personnel.
- (2) Public or private schools, but not including correctional institutions.
- (3) An accessory use not located on the same lot with the permitted principal use.
- (4) Poultry houses for housing more than 500 birds.
- (5) Structures for housing more than 300 head of livestock.
- (6) Home occupations in accordance with § 184-29. **[Added 5-14-1990 by Ord. No. 82]**
- (7) Bed-and-breakfast establishments in accordance with § 184-39. **[Added 5-14-1990 by Ord. No. 82]**
- (8) Communications towers and antennas for the purpose of facilitating communications services and attendant support structures in accordance with § 184-43. 1. **[Added 6-12- 1995 by Ord. No. 107]**
- (9) Family farm support businesses which do not meet the criteria set forth in § 184-11C(3). Such family farm support businesses shall meet all of the following criteria: **[Added 5-27-2003 by Ord. No. 168]**
  - (a) The family farm support business shall be secondary to the primary agricultural use which does not change or reduce the exterior farm character.



- (b) The land area of the proposed family farm support business shall not utilize more than one acre, including all buildings, parking and storage areas. Exterior storage of goods and materials shall be permitted only within a completely enclosed and screened area which shall not be visible from any adjoining residential lot.
- (c) The family farm support business shall be conducted and owned by the farmer in residence on the property.
- (d) No more than two full-time and two part-time nonfamily members shall be employed in a family farm support business.
- (e) The applicant shall demonstrate to the Zoning Hearing Board that the proposed family farm support business will not be detrimental to the agricultural uses of the Agricultural District and will not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety and welfare of the community. The Zoning Hearing Board may require that impact studies be furnished which evaluate the effect of the proposed family farm support business upon the subject tract of land, the abutting properties and the community in general.
- (f) 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 the applicant's responsibility to comply with all additional requirements.
- (g) If the proposed family farm support business 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 agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.
- (h) The land area of the family farm support business shall not, at any time, be permitted to be subdivided from the farm.
- (i) A family farm support business shall have a minimum fifty-foot-long gravel or paved access apron extending into the farm parcel to prevent tracking of mud and manure onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery and customer vehicles.
- (j) The applicant shall demonstrate that the proposed family farm support business provides for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements. Any structure used for the family farm support business shall be located at least 100 feet from any property line and the legal right-of way line.
- (k) If required by the Zoning Hearing Board, suitable buffering shall be provided when the family farm support business is located within 100 feet of an adjacent residential structure.

- (l) The owner of the family farm support business shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor. The family farm support business shall be conducted in a manner which does not allow the accumulation of trash and debris.
  - (m) When there is a change in the ownership or occupancy of the farm where there exists a family farm support business, or when there is a change in the management of the family farm support business, the continuation of the family farm support business shall be subject to a new special exception use approval for such continuation.
  - (n) Only one family farm support business shall be permitted per farm. For purposes of this subsection, 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 tract comprising such enterprise.
  - (o) The applicant shall obtain a zoning permit for a family farm support business in accordance with Section § 184-51 of this chapter
- (10) Food processing facility in accordance with the following criteria: **[Added 2-9-2015 by Ord. No. 226]**
- (a) The food processing facility shall be located on a separate lot which shall not exceed 10 acres. Any lot to be developed with a food processing facility which is subdivided from a parent tract after November 1, 2014, shall not contain prime agricultural soils.
  - (b) The applicant shall provide evidence of the types of vehicles delivering raw materials to and taking processed foods from the food processing facility. The applicant shall demonstrate that the proposed food processing facility provides for the safe and efficient movement of traffic.
  - (c) The applicant shall demonstrate that the food processing facility will not be detrimental to the agricultural uses of the Agricultural District and will not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety and welfare of the community.
  - (d) The applicant shall demonstrate a plan for proper disposal of all waste materials generated at the food processing facility.
  - (e) The applicant shall demonstrate that public sewer service and public water service were available to serve the lot on which the proposed food processing facility will be located on the effective date of this section. The applicant for a food processing facility shall not extend public sewer service or public water service into areas of the Agricultural District where such utilities do not exist on the effective date of this section.
  - (f) The maximum building coverage for a food processing facility shall be 25% and the maximum impervious surface coverage for a food processing facility shall be 55%.

(g) No retail sales shall be permitted at any food processing facility.

E. Maximum number of dwellings or lots permitted.

- (1) For each 50 acres of contiguous land (the "parent tract") under single ownership existing on December 14, 1986, one dwelling unit may be constructed on the parent tract, or one lot may be subdivided from the parent tract, provided that the parent tract and the lot shall comply with all of the lot size and yard regulations of this district and with any applicable subdivision and land development regulations. This provision shall not be deemed to apply to the transfer of land as a lot add-on for the sole purpose of increasing the size of an adjoining tract of land which is used and will continue to be used for agricultural purposes. **[Amended 4-21-1987 by Ord. No. 64]**
- (2) A single-family detached dwelling may be erected on any single lot of record as of the effective date of this chapter, notwithstanding the limitations imposed by Subsection E(1) of this section. Such lot must be in single ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for minimum size or width, or both, that are applicable to this district, provided that yard dimensions and requirements other than those applying to minimum size or width, or both, of the lot shall conform to the regulations for this district.
- (3) The provisions of this Subsection E shall apply to all parcels of land legally existing on December 14, 1986. Regardless of size, no lot subsequently subdivided from its parent tract shall qualify for additional single-family detached dwellings pursuant to this Subsection E. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this chapter shall be bound by the acts 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 Subsection E. In the event that a tract of land which was not classified as part of the A Agricultural District on the effective date of this chapter is hereafter classified as part of the A Agricultural 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. **[Amended 8-9-1993 by Ord. No. 100]**
- (4) Any single-family detached dwelling located in the A Agricultural District which was in existence on the effective date of this chapter or which is in existence on the effective date of any zoning amendment hereafter enacted changing the zoning classification of a tract of land to the A Agricultural District shall not be included in determining the number of single-family detached dwellings permitted in accordance with the provisions of this Subsection E.
- (5) Any subdivision or land development plan hereafter filed with the applicable approving body for a tract of land in the A Agricultural 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 Subsection E. In the event that any lot shown on a subdivision or land development plan on which a single-family dwelling is to be erected or placed

exceeds the maximum lot size for a single-family detached dwelling as provided in Subsection E(2) of this section, the portion of such lot to be used in conjunction with the single-family dwelling, not to exceed one acre, shall be delineated on the plan, and the remainder of said lot shall not be used for residential purposes. Any divisions or redivisions of land which are not considered subdivisions within the meaning of Chapter 155, Subdivision and Land Development, shall nevertheless be approved by the Zoning Officer prior to the lease, conveyance, sale or transfer of a lot or lots resulting from such division or redivision. A sketch plan which shows the existing tract boundaries, the proposed lots and the information which is required by this Subsection E to be shown on subdivision and land development plans shall be sufficient for this purpose. The Zoning Officer's review shall be limited to a determination of compliance with the requirements of this chapter. In no event shall any tract of land which is divided or redivided after the same becomes subject to the provisions of this section, nor any of the lots which are created by such division or redivision, result in an increase in the quota of single-family detached dwellings permitted by this Subsection E.

- (6) Notwithstanding the foregoing limitations on the maximum number of lots permitted to be subdivided contained in this Subsection E, if a lot is subdivided and transferred to the township, a municipal authority incorporated by the township or the commonwealth, the subdivision of such lot shall not be counted against the maximum number of lots permitted to be subdivided from the tract. The property owner shall be entitled to subdivide the number of lots based upon the number of acres contained in the tract prior to the transfer of the lot to the township, the Authority or another governmental body. **[Added 5-14-1990 by Ord. No. 82]**

F. Minimum and maximum lot size shall be as follows:

- (1) The minimum lot area per dwelling unit or other principal use shall be 30,000 square feet.
- (2) The maximum lot area per dwelling unit shall be one acre.
- (3) The minimum lot width shall be 90 feet.

G. Minimum yard dimensions shall be as follows:

- (1) Front yard: 40 feet.
- (2) Each side yard: 15 feet.
- (3) Rear yard: 30 feet.

H. Maximum building coverage, impervious coverage and height shall be as follows:

**[Amended 2-9-2015 by Ord. No. 226]**

- (1) Maximum building coverage:
  - (a) Lots five acres or greater: 10%.
  - (b) Lots less than five acres: 25%.

- (2) Maximum impervious surface coverage:
  - (a) Lots five acres or greater: 15%.
  - (b) Lots less than five acres: 30%.
- (3) Maximum height:
  - (a) In feet: 50 (excluding silos).
  - (b) In stories: 2 1/2.

**§ 184-12. R-1 Low-Density Residential District.**

A. Permitted uses shall be as follows:

- (1) Single-family detached dwellings, except that mobile homes, as defined in this chapter, whether or not attached to a foundation, are prohibited. **[Amended 10-1-1983 by Ord. No. 43]**
- (2) Nurseries and greenhouses, with no retail sales permitted on the premises.
- (3) Public schools, parochial schools and private schools which do not provide corrective, rehabilitative or remedial care or instruction.
- (4) Public parks and playgrounds.
- (5) Churches or similar places of worship.
- (6) Public structures owned or operated by the township or a municipal authority organized by the township.

B. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

- (1) Private garages or private parking areas.
- (2) Signs pursuant to § 184-35.
- (3) Other customary accessory uses and buildings, provided that such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.
- (4) The keeping of riding horses and ponies, provided that: **[Amended 2-6-1979 by Ord. No. 1-1979]**
  - (a) No more than two riding horses or ponies, in the aggregate, are permitted on less than two acres.
  - (b) For each additional riding horse or pony in excess of two riding horses or ponies, in the aggregate, one additional acre of land shall be required besides the two acres referred to in Subsection B(4)(a) of this section.

- (c) All fences for enclosing the riding horses and ponies shall be located a minimum distance of 10 feet from all lot lines.
  - (d) No emission of unpleasant odors shall be permitted so as to be offensive outside the lot lines of the tract.
  - (5) Domestic pets; provided, however, that there shall be no breeding or raising of animals as a commercial venture.
  - (6) No-impact home-based business. **[Added 1-27-2003 by Ord. No. 164]**
- C. Uses permitted with Zoning Hearing Board approval (special exception) shall be as follows:
- (1) Public or nonprofit private outdoor recreation areas and facilities, parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, camps and golf courses (except driving ranges and miniature golf courses).
  - (2) Home occupations in accordance with § 184-29.
  - (3) Accessory uses not located on the same lot as the principal use.
  - (4) Bed-and-breakfast establishments in accordance with § 184-39. **[Amended 5-14-1990 by Ord. No. 82]**
- D. Minimum lot size. **[Amended 2-24-1992 by Ord. No. 88]**
- (1) The minimum lot area for all principal uses shall be as follows:
    - (a) With public water and public sanitary sewer service: 10,000 square feet.
    - (b) With on-lot water and public sanitary sewer service: 30,000 square feet.
    - (c) With on-lot sanitary sewage disposal: one acre.
  - (2) The minimum lot width for all principal uses shall be 90 feet.
- E. Minimum yard dimensions shall be as follows:
- (1) Front yard: 40 feet.
  - (2) Each side yard: 15 feet.
  - (3) Rear yard: 30 feet.
- F. Maximum building coverage and height shall be as follows:

- (1) Maximum building coverage: 20%.
- (2) Maximum height:
  - (a) In feet: thirty-five (35.)
  - (b) In stories: two and one-half (21/2).

**§ 184-13. R-2 Medium-Density Residential District.**

A. Permitted uses shall be as follows: **[Amended 2-24-1992 by Ord. No. 88]**

- (1) Single-family detached dwellings.
- (2) Single-family semidetached dwellings.
- (3) Two-family detached dwellings.
- (4) Public schools, parochial schools or private schools; provided, however, that such schools do not provide correctional, rehabilitative or remedial care or instruction.
- (5) Churches or similar places of worship.
- (6) Public structures and uses owned or operated by the township or a municipal authority organized by the township.

B. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

- (1) Private garages or private parking areas.
- (2) Signs pursuant to § 184-35.
- (3) Customary accessory uses and buildings, provided that such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

C. Uses permitted with Zoning Hearing Board approval (special exception) shall be as follows: **[Amended 5-14-1990 by Ord. No. 82; 2-24-1992 by Ord. No. 88]**

- (1) Multifamily dwellings in accordance with § 184-31.
- (2) Townhouse dwellings in accordance with § 184-43.
- (3) Mobile home parks in accordance with § 184-34.
- (4) Home occupations in accordance with § 184-29.
- (5) Bed-and-breakfast establishments in accordance with § 184-39.
- (6) Retirement homes in accordance with § 184-42.
- (7) Customary accessory uses to the above-listed uses.

- D. Uses permitted by conditional use shall be as follows: **[Added 11-9-2009 by Ord. No. 207<sup>5</sup>]**
- (1) Traditional Residential Development Option, subject to provisions of §§ 184-43.3. and 184-70.1.
- E. Minimum lot size. **[Amended 2-24-1992 by Ord. No. 88]**
- (1) The minimum lot width shall be as follows:
- (a) Detached buildings: 80 feet.
- (b) Semidetached dwellings: 40 feet.
- (2) The minimum lot area for detached dwellings and other principal detached buildings shall be as follows:
- (a) Lots with both public water and public sewer service: 8,000 square feet.
- (b) Lots with on-lot sewage disposal: one acre.
- (3) The minimum lot area for semidetached dwellings shall be as follows:
- (a) Lots with both public water and public sewer service: 4,000 square feet.
- (b) Lots with on-lot sewage disposal: one acre.
- (4) No-impact home-based business. **[Added 1-27-2003 by Ord. No. 164]**
- F. Minimum yard dimensions. **[Amended 2-24-1992 by Ord. No. 88]**
- (1) The minimum yard dimensions for detached dwellings and other principal detached buildings shall be as follows:
- (a) Front yard: 20 feet.
- (b) Each side yard: 15 feet.
- (c) Rear yard: 25 feet.
- (2) The minimum yard dimensions for semidetached dwellings shall be as follows:
- (a) Front yard: 20 feet.
- (b) One side yard: 15 feet.
- (c) Rear yard: 25 feet.
- G. Maximum building coverage and height shall be as follows:

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5. Editor's Note: This ordinance also re-designated former Subsections D through F as Subsections E through G, respectively.



- (1) Maximum building coverage, including accessory structures: 25%.
- (2) Maximum building height:
  - (a) In feet: 35.
  - (b) In stories: two and one-half (2 1/2).

**§ 184-14. C-1 Neighborhood Commercial District.**

A. Permitted uses shall be as follows:

- (1) Retail business establishments selling food, beverages, drugs, cigars, candy, newspapers, books and stationery, dry goods, hardware, paint, variety goods, household goods and appliances, flowers, liquor, garden supplies and specialty and gift items, but excluding drive-in establishments and excluding stores in excess of 10,000 square feet of floor area and excluding shopping centers. **[Amended 2- 13-1995 by Ord. No. 106]**
  - (2) Service establishments, including barber- and beauty shops, tailor shops, eating and drinking establishments (provided that no mechanical or live entertainment is supplied on the premises), banks and financial institutions and establishments for laundering and dry cleaning of clothes, provided that dry cleaning is provided by self-service machines or done off the premises, but excluding automobile service or car washing establishments.
- B. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:
- (1) Private garages or private parking areas and off-street parking areas pursuant to the provisions of §184-36.
  - (2) Signs pursuant to the provisions of § 184-35.
  - (3) Customary accessory uses and buildings, provided that such are clearly incidental to the principal use.
- C. Uses permitted with Zoning Hearing Board approval (special exception) shall be as follows: **[Amended 12-9-1986 by Ord. No. 59]**
- (1) Accessory parking not located on the same lot with the principal use.
  - (2) Adult establishments in accordance with the standards and criteria set forth in § 184-38.
  - (3) Any other use as determined by the Board to be of the same general character as the permitted uses.
  - (4) Bed-and-breakfast establishments in accordance with § 184-39. **[Amended 5- 14-1990 by Ord. No. 82]**
  - (5) Retail business establishments selling food, beverages, drugs, cigars, candy, newspapers, books and stationery, dry goods, hardware, paint, variety goods, household goods and appliances, flowers, liquor, garden supplies and specialty and gift items, in excess of 10,000 square feet of floor area, subject to the requirements of §184-32, but excluding drive-in establishments and excluding shopping centers. **[Added 2- 13-1995 by Ord. No.106]**
  - (6) Communications towers and antennas for the purpose of facilitating communications services and attendant support structures in accordance with § 184-43.1. **[Added 6-12- 1995 by Ord. No. 107]**
- D. Minimum lot size. **[Amended 2-24-1992 by Ord. No. 88]**

- (1) The minimum lot area and lot width for all principal uses shall be as follows:
  - (a) With public water and public sanitary sewer service: 12,000 square feet.
  - (b) With on-lot water and public sanitary sewer service: 20,000 square feet.
  - (c) With on-lot sanitary sewage disposal: one acre.
- (2) The minimum lot width for all principal uses shall be 100 feet.

E. Minimum yard dimensions shall be as follows:

- (1) Front yard: 30 feet
- (2) Each side yard: none required.
- (3) Rear yard: none required; however, no building shall extend nearer to any residential district boundary in the rear than the rear yard required in that zone nor nearer on the side than the side yards required in the residential district. All property lines abutting residential districts along the side or rear shall be appropriately screened, fenced, walled, planted year round or enclosed with other suitable enclosure of a minimum height of four feet and a maximum height of seven feet.

F. Maximum building coverage and height shall be as follows:

- (1) Maximum building coverage: 35%.
- (2) Maximum paved area: 50%.
- (3) Maximum height: 20 feet.
- (4) Maximum stories: one.

**§ 184-15. C-2 General Commercial District.**

A. Permitted uses shall be as follows:

- (1) Retail stores or shops for the conducting of any retail business, excluding stores square feet of floor area and excluding shopping centers. **[Amended 2-13-1995 by Ord. No.106]**
- (2) Business, professional or government offices and office buildings.
- (3) Banks and savings and loan associations.
- (4) Bowling alleys.
- (5) Restaurants, cafes, taverns or other places serving food and beverages, except drive-ins.
- (6) Theaters or motion-picture theaters, except drive-ins.

- (7) Automobile or mobile home sales with accessory service facilities.
  - (8) Hotels and motels.<sup>4</sup>
- B. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows: **[Amended 3-1-1983 by Ord. No. 39]**
- (1) A dwelling for a watchman or caretaker.
  - (2) Off-street parking areas pursuant to the provisions of § 184-36.
  - (3) Signs pursuant to § 184-35.
  - (4) Customary accessory uses and buildings, provided that such are clearly incidental to the principal use.
- C. Uses permitted with Zoning Hearing Board approval (special exception) shall be as follows: **[Amended 12-9-1986 by Ord. No. 59]**
- (1) Gasoline service stations.
  - (2) Drive-in restaurants
  - (3) Car washes.
  - (4) Wholesale businesses.
  - (5) Accessory uses not located on the same lot with the permitted principal use.
  - (6) Adult establishments in accordance with the standards and criteria set forth in § 184-38.
  - (7) Any other uses as determined by the Board to be of the same general character as the permitted uses.
  - (8) Retail stores or shops for the conducting of any retail business in excess of 10,000 square feet of floor area, subject to the provisions of § 184-32. **[Added 2-13-1995 by Ord. No. 106]**
  - (9) Shopping centers, subject to the provisions of § 184-32. **[Added 2-13-1995 by Ord. No. 106]**
  - (10) Communications towers and antennas for the purpose of facilitating communications services and attendant support structures in accordance with § 184-43. 1. **[Added 6-12-1995 by Ord. No. 107]**
- D. Minimum lot size. The minimum lot area and lot width for all principal uses shall be as follows: **[Amended 2-6-1979 by Ord. No. 1-1979; 2-24-1992 by Ord. No. 88]**

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4. Editor's Note: Former Subsection A(9), shopping centers pursuant to §184-32, which immediately followed this subsection, was repealed 7-22-1996 by Ord. No. 118.

- (1) Area. The minimum lot area shall be 35,000 square feet for each principal use.
  - (2) Width. The minimum lot width shall be 100 feet.
- E. Minimum yard dimensions shall be as follows:
- (1) Front yard: 35 feet
  - (2) Each side yard: 25 feet.
  - (3) Rear yard: 25 feet.
  - (4) Distance between buildings: 30 feet.
- F. Maximum lot coverage and height shall be as follows: **[Amended 7-1-1980 by Ord. No. 36; 1-26-1998 by Ord. No. 134]**
- (1) Maximum lot coverage: 80%.
  - (2) Minimum ground cover: 20%. (Ground cover shall consist of vegetative growth sufficient to prevent soil erosion.)
  - (3) Maximum building height: 25 feet.
- G. Sanitary sewage disposal. All uses within the C-2 General Commercial District shall be provided with public sanitary sewage disposal service. **[Added 2-24-1992 by Ord. No. 88]**

#### **§ 184-16. I Industrial District.**

- A. Permitted uses shall be as follows:
- (1) Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale businesses, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicle equipment and repair establishments, dry-cleaning and dyeing plants and livestock markets. All livestock markets shall comply with the requirements for livestock markets set forth in this chapter. **[Amended 10-4-1988 by Ord. No. 76]**
  - (2) Heavy commercial uses which do not require complete enclosure in a building include building materials, new and used machinery storage and sales, vehicle and trailer sales and storage, farm equipment and construction machinery establishments.
  - (3) General industrial uses, which shall be carried on in a completely enclosed building and which include the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity, provided that:

- (a) Odor. No emission of unpleasant gases or other odorous mailer shall be permitted in such quantities as to be offensive outside the lot lines of the tract.
- (b) Toxic gases. The emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation, beyond the lot lines occupied by the use, is prohibited.
- (c) Glare and heat. Process shall be performed so as not to produce glare which is visible or heat which is objectionable beyond the property line of the lot on which the operation is located. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.
- (d) Liquid waste or sewage. No discharge is permitted into a reservoir, sewage or storm disposal system, stream or open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances oils, grease, acids, alkalines and other chemicals are in accordance with the standards as approved by the Water Pollution Control Board, appropriate agencies of the Department of Environmental Resources, other township regulations or other agencies having jurisdiction.
- (e) Vibration. Vibration perceptible beyond the lot line shall not be permitted.
- (f) Noise. No noise shall be audible beyond the lot line exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
- (g) Smoke, soot or dust. The emission of gray smoke at a density greater than No. 1 on a Ringelmann Chart, published by the United States Bureau of Mines, shall not be permitted, except that gray smoke of a shade not darker than No. 2 may be emitted for not more than four minutes in any thirty-minute period.
- (h) Electric or electronic interference. Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.

B. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

- (1) A dwelling for a watchman or caretaker.
- (2) Off-street parking facilities.
- (3) Signs pursuant to § 184-35.
- (4) Restaurants, cafeterias or recreational facilities used for employees only.
- (5) Accessory uses and structures to the manufacturing uses permitted.

- C. Uses permitted with Zoning Hearing Board approval (special exception) shall be as follows:
- (1) Junkyards, subject to § 184-33.
  - (2) Accessory uses not located on the same lot as the principal use.
  - (3) Communications towers and antennas for the purpose of facilitating communications services and attendant support structures in accordance with § 184-43. 1. **[Added 6-12- 1995 by Ord. No. 107]**
- D. Prohibited uses shall be as follows:
- (1) Residential development or the construction of dwellings on existing lots or portions of lots zoned industrial.
  - (2) Public buildings.
  - (3) Any building for retail business or service, except where incidental to the principal permitted use.
- E. Minimum lot size. The minimum lot area and lot width for all principal uses shall be as follows: **[Amended 2-24-1992 by Ord. No. 88]**
- (1) Area. The minimum lot area shall be 50,000 square feet for each principal use.
  - (2) Width. The minimum lot width shall be 100 feet.
- F. Minimum yard dimensions shall be as follows: **[Amended 2-6-1979 by Ord. No. 1-1979]**
- (1) Front yard: 40 feet.
  - (2) Each side yard: 20 feet.
  - (3) Rear yard: 20 feet.
- G. Maximum building coverage and height shall be as follows: **[Amended 7-1- 1980 by Ord. No. 36]**
- (1) Maximum building coverage, including accessory structures: 40%.
  - (2) Maximum paved area: 40%.
  - (3) Minimum ground cover: 20%. (Ground cover shall consist of vegetative growth sufficient to prevent soil erosion.)
  - (4) Maximum building height: 45 feet.
- H. Livestock market regulations. **[Added 10-4-1988 by Ord. No. 76]**

- (1) Minimum lot size shall be as follows:
  - (a) Ten acres.
  - (b) Five hundred feet.
- (2) Minimum yard dimensions shall be as follows:
  - (a) Front yard: 100 feet.
  - (b) Each side yard: 100 feet.
  - (c) Rear yard: 100 feet.
- (3) Maximum building coverage and height. The maximum building coverage and height shall be the same as that which is provided for in the I Industrial District.
- (4) Storage of manure. All manure generated by the livestock market shall be stored under a roof. No on-lot outside storage of manure shall be permitted. All manure generated by the livestock market shall be disposed of in accordance with the rules and regulations of the appropriate agencies of the Department of Environmental Resources.
- (5) Parking. There shall be at least one parking space for automobiles provided for every 1,500 square feet of gross floor area. There shall be at least one parking space for trucks provided for every 10,000 square feet of gross floor area.
- (6) Loading. Loading spaces and docks shall be provided at the ratio of at least one space or dock for every 20,000 square feet of gross floor area.
- (7) Screening abutting residences.
  - (a) A completely planted visual barrier or landscape screen shall be provided between any livestock market and any abutting residential district except where natural or physical man-made barriers exist.
  - (b) The screen shall be composed of evergreen trees arranged to form a high-level screen on a strip of land of a minimum width of 20 feet. The high-level screen shall consist of evergreen trees planted with specimens no younger than three years in age planted at intervals of not more than 10 feet. The evergreen trees shall be of a strain and type capable of growing to a width of 20 feet within 10 years of the date of planting. All plants not surviving three years after planting must be replaced.
- (8) Screening public streets. A planted partial visual barrier or partial landscape screen shall be provided on the boundary of the lot of any livestock market along all public streets. The screen shall be composed of evergreen trees or large and small deciduous trees.
- (9) Odor. No emission of unpleasant odors shall be permitted on a regular basis in such quantities as to be offensive outside the lot lines of the tract.



- (10) Glare. A direct glare from incandescent, fluorescent, mercury vapor or quartz halogen exposed lights shall not be visible from adjoining streets or properties.
  - (11) Noise. No noise shall be audible beyond the lot line exceeding the average intensity of street traffic in the general vicinity of the lot.
  - (12) Liquid animal waste or animal sewage. No discharge shall be permitted into a reservoir, sewage or storm disposal system, stream or open body of water or into the ground of any liquid animal waste or animal sewage in such a way or of such a nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements unless treated in accordance with the standards as approved by the Water Pollution Control Board, appropriate agencies of the Department of Environmental Resources, other township regulations or other agencies having jurisdiction.
  - (13) Distance. No structure used for a livestock market shall be located closer than 400 feet to any existing residential structure which is being occupied for residential purposes on the date the application for a zoning permit for a livestock market is filed with the township. **[Amended 8-9-1993 by Ord. No. 100]**
- I. Sanitary sewage disposal. All uses within the I Industrial District shall be provided with public sanitary sewage disposal service. **[Added 2-24-1992 by Ord. No. 88]**

**§ 184-16.1. Professional Enterprise (PE) District. [Added 9-28-2009 by Ord. No. 206]**

A. Purpose.

- (1) To accommodate and to promote the development of employment centers in a well-planned and aesthetically pleasing manner that will enhance the well-being of those who work there as well as the nearby residents and the community.
- (2) To accommodate land uses and developments, which are generally compatible with or supportive of the development and operation of a Professional Enterprise District.
- (3) To accommodate other economically productive uses of land that will not preclude future development of the Professional Enterprise District.
- (4) To maintain and implement growth boundary policies, which have been established as part of the Conestoga Valley Region Strategic Comprehensive Plan.

B. Principal uses permitted by right. Unless otherwise specified by this Zoning Ordinance, the following principal uses and their accessory uses are permitted by right within the PE Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified by West Earl Township.

- (1) Agricultural operations, excluding concentrated animal feeding operations and/or concentrated animal operations.

- (2) Business, professional, and governmental offices with a building footprint consisting of 50,000 square feet or less of gross floor area. The maximum height shall be limited to three floors and 150,000 cumulative square feet of gross floor area.
  - (3) Emergency service facilities.
  - (4) Forestry.
  - (5) Medical, dental, vision care and counseling clinics with a building footprint consisting of 50,000 square feet or less of gross floor area and subject to the provisions of § 184-31.2. The maximum height shall be limited to three floors and 150,000 cumulative square feet of gross floor area.
  - (6) Municipal uses.
  - (7) Post Office.
  - (8) Public utilities.
  - (9) Recreation clubs, subject to the provisions of § 184-31.3 of this Zoning Ordinance.
  - (10) Recreation facilities and playgrounds, subject to the provisions of § 184-31.4 of this Zoning Ordinance.
- C. Accessory uses permitted by right. All uses and structures customarily and clearly accessory to any permitted use are permitted by right within the PE Zoning District, subject to the dimensional requirements and utility provisions specified by this Zoning Ordinance, when located on the same lot as the principal use.
- D. Principal uses permitted by conditional use. Unless otherwise specified by this Zoning Ordinance, the following principal uses and their accessory uses are permitted by conditional use within the PE Zoning District, provided that a conditional use is granted by the Board of Supervisors; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified by West Earl Township.
- (1) Business, professional, and governmental offices with a building footprint of more than 50,000 square feet of gross floor area. The maximum height shall be limited to three floors above the ground surface.
  - (2) Hospitals or medical centers, subject to the provisions of § 184-31.1 of this Zoning Ordinance.
  - (3) Laboratories and similar facilities for research and development.
  - (4) Medical, dental, vision care and counseling clinics with a building footprint of more than 50,000 square feet of gross floor area and subject to the provisions of § 184-3 1.2. The maximum height shall be limited to three floors above the ground surface.

- (5) Commercial regional impact development containing permitted commercial uses of the PE Zoning District, which are initially or cumulatively developed as a regional impact development, subject to the provisions specified under § 184-31.5 of this Zoning Ordinance.
  - (6) Institutional regional impact development containing permitted institutional uses of the PE Zoning District, which are initially or cumulatively developed as a regional impact development, subject to the provisions specified under § 184-31.5 of this Zoning Ordinance.
  - (7) Satellite communication center, subject to the provisions of § 184-31.6 of this Zoning Ordinance.
  - (8) Schools and educational uses, subject to the provisions of § 184-31.7 of this Zoning Ordinance.
  - (9) Secondary use and/or pad sites, subject to the use complying with the lot area and dimensional provisions of the PE Zoning District.
  - (10) Commercial or institutional support operations and/or subordinate uses, which are included within a planned development and are primarily intended for the convenience of those who work or otherwise conduct business within the planned development. The following types of use are deemed to be commercial or institutional support operations: educational uses; financial institutions; recreation facilities; restaurants; retail sales of goods and services; commercial day-care facilities; and other similar uses considered appropriate by the Board of Supervisors as part of the conditional use application.
  - (11) A combination of permitted uses by right or conditional use may be permitted on the same lot, provided that such uses are contained within a common building or separate buildings, which may be owned by more than one person, partnership, corporation, or other legal entity, as a form of condominium ownership. The building or buildings, along with internal vertical or horizontal division of space, common facilities, utility provisions and supplemental maintenance agreements shall be subject to the review and approval of the Board of Supervisors as part of the conditional use application.
- E. Lot and dimensional regulations. Unless otherwise specified by this Zoning Ordinance, the minimum lot area and dimensional requirements shall be required for each principal use within the PE Zoning District:
- (1) The lot area for each use shall be subject to the following utility provisions:
    - (a) A minimum of three acres of land shall be required for lots occupied by uses with on-lot sewage disposal facilities and on-lot water supply facilities.
    - (b) A minimum of two acres of land shall be required for lots occupied by uses with public sewage disposal facilities and on-lot water supply facilities.

- (c) A minimum of 40,000 square feet of land shall be required for lots occupied by uses with public sewage disposal facilities and public water supply facilities.
  - (2) The minimum lot width for each use shall be 100 feet.
  - (3) The minimum front yard setback shall be 50 feet.
  - (4) The minimum side yard shall be 30 feet for each side yard.
  - (5) The minimum rear yard shall be 30 feet.
  - (6) The minimum distance between buildings shall be 30 feet.
  - (7) The maximum building coverage shall be 40%.
  - (8) The maximum impervious coverage shall be 60%.
  - (9) The maximum height of a principal building, other than an inpatient hospital building, shall be 50 feet.
  - (10) The maximum height of an inpatient hospital building shall be 50 feet at the front yard, side yard and rear yard building setback lines. For each one foot of additional building height over 50 feet, the minimum building setback lines shall increase by six feet for the front yard building setback line and three feet for the side and rear building setback lines. The maximum building height for an inpatient hospital building shall be 120 feet.
- F. Unless otherwise specified by this Zoning Ordinance, the following minimum and maximum dimensional requirements shall apply to accessory buildings and structures within the PE Zoning District:
- (1) The minimum front yard setback shall be 50 feet.
  - (2) The minimum side yard shall be 20 feet for each side yard.
  - (3) The minimum rear yard shall be 20 feet.
  - (4) Solid waste disposal containers, dumpsters and disposal sites shall be located at least 20 feet from the property line.
  - (5) The maximum height of an accessory building shall be 35 feet.
  - (6) Accessory building and structures larger than 200 square feet shall comply with the minimum setback requirements, as specified under § 184-16.1E of this Zoning Ordinance.
  - (7) The total floor area or building footprint of accessory buildings and structures devoted to each use shall not exceed 2,000 cumulative square feet.
- G. The front facade of all buildings containing commercial or institutional uses shall have a minimum four-foot architectural variation at least every 200 feet. The architectural

variation along the first floor elevations or the rooflines should accompany architectural variation for the building facade.

H. Utility provisions.

- (1) All permitted uses within the PE Zoning District shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent update to the West Earl Township Sewage Facilities Plan, as adopted to comply with the Pennsylvania Sewage Facilities Act (PA Act 537, as amended)<sup>7</sup>, as well as any ordinances adopted by West Earl Township.
- (2) All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Sewer Authority and the Pennsylvania Department of Environmental Protection.
- (3) All permitted uses within the PE Zoning District shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by West Earl Township.
- (4) All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Water Authority and the Pennsylvania Department of Environmental Protection.
- (5) All other utility provisions serving permitted uses within the PE Zoning District shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.

I. General and supplemental provisions for compliance.

- (1) Where appropriate, the provisions contained under Article V, Supplementary Regulations, of this Zoning Ordinance shall apply to certain permitted land uses of the PE Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by West Earl Township.
- (2) Where required to comply with the Subdivision and Land Development Provisions of West Earl Township,<sup>8</sup> a subdivision plan and/or land development plan shall be submitted for review and consideration, prior to the issuance of a building or zoning permit for any permitted use within the PE Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by West Earl Township.
- (3) A conceptual master site plan shall be developed for all proposed subdivision and land development plan applications within the PE Zoning District, which shall show the general lot layout, buildings, land uses, utilities, transportation facilities,

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7. Editor's Note: See 35 P.S. § 750.1.

8. Editor's Note: See Ch. 155, Subdivision and Land Development.

and other features required by West Earl Township. The conceptual master site plan shall be prepared considering a conceptual development sequence over a ten-year build-out. Should the conceptual master plan be substantially revised considering the land use composition and/or land development intensity, a conditional use application shall be refiled by the applicant and considered by West Earl Township.

- (4) The provisions for regional impact development shall be considered as part of a single development application or multiple development applications within the PE Zoning District; whereas, the cumulative impact factors over time shall be considered in accordance with the provisions of § 184-31.5 of this Zoning Ordinance.

#### ARTICLE V Supplementary Regulations

##### **§ 184-17. Visibility at intersections in residential districts. [Amended 8-6-1974]**

On a corner lot in any residential district, nothing shall be erected (except street or traffic signs and utility poles), placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (21/2) and 10 feet above the center-line grades of the intersecting streets in the area bound by the street center lines of such corner lots and a line joining points along said street center lines 100 feet from the point of intersection. If the intersection involves a major thoroughfare, the clear site line joining points along the street center lines shall be 150 feet from said points of the line to the point of intersection.

##### **§ 184-18. Fences, walls and hedges. [Amended 6-8-2015 by Ord. No. 228]**

Notwithstanding any other provision of this chapter, fences, walls, steps, mailboxes, streetlights, and hedges may be permitted in any required yard, provided that any fence, wall, mailbox, streetlight or hedge shall meet the requirements of § 184-17 concerning visibility at intersections and provided further that no fence or wall within the front yard setback shall exceed three feet in height along the street of address or six feet in height along any other street frontage.

##### **§ 184-19. Erection of more than one principal structure on a lot. [Amended 8-6-1974]**

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot, and a plan has been recorded in compliance with Chapter 155, Subdivision and Land Development, as amended.

**§ 184-20. Height regulations. [Amended 3-3-1987 by Ord. No. 61; 5-14-1990 by Ord. No. 82; 6-12-1995 by Ord. No. 107]**

All buildings and structures shall be subject to the maximum height regulations specified within each zoning district, except chimneys, church spires, belfries, cupolas and domes not intended for human occupancy, monuments, public utility lines, smokestacks, poles, antennas, towers, water storage tanks, signs, elevators, penthouses, flagpoles, silos, windmills and farm accessory buildings; provided, however, that no penthouse, roof structure or any space above the height limit specified for each zoning district shall be used for the purpose of providing additional floor space for residential or commercial use; provided, further, that the height of any such structure or protection shall not exceed 85 feet or such lesser limit as provided by § 184-41, Airport safety zones. However, communications towers and antennas for the purpose of facilitating communications services and attendant support structures shall not be subject to the height restriction of 85 feet but shall be subject to the requirements of § 184-43.1, Communications towers and antennas.

**§ 184-21. Structures to have access.**

Every building hereafter erected or removed shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

**§ 184-22. Corner lots. [Amended 5- 14-1990 by Ord. No. 82]**

On every corner lot there shall be provided on each street frontage a front yard in accordance with the required front yard setback in the applicable zoning district. The remaining two yards shall be side yards.

**§ 184-23. Lots in two districts.**

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.

**§ 184-24. Lot area and lot width for lots not served with public water and/or sanitary sewers.**

Where a lot is not served by a public water supply and/or sanitary sewerage system and Chapter 155, Subdivision and Land Development, or other state or local ordinance in force requires a higher standard for lot area or lot width than this chapter, the more restrictive regulations of such other ordinance or regulation shall apply.

**§ 184-25. Front yard exceptions.**

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two adjoining lots.

**§ 184-26. Projections into yards.**

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

- A. Terraces, patios or open porches, provided that such terraces, patios or open porches are unroofed or otherwise enclosed and are not closer than five feet to any adjacent property line.
- B. Projecting architectural features bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features provided that any single feature does not exceed five square feet in external area.
- C. Uncovered stairs and landings, provided that such stairs or landings do not exceed three feet six inches in height.
- D. Open balconies or fire escapes, provided that such balconies or fire escapes are not supported on the ground and do not project more than five feet into any yard nor closer than three feet to any adjacent property line.

**§ 184-27. Agricultural uses. [Added 2-6-1979 by Ord. No. 1-1979; amended 10-1-1983 by Ord. No. 43]**

- A. Poultry houses for housing more than 500 birds shall not be located closer than 75 feet to all property lines and street right-of-way lines; provided, however, that such poultry houses shall not be located closer than 200 feet to all existing dwelling units other than the dwelling unit owned by the person constructing the poultry house. A properly designed turnaround facility shall be provided in order that vehicles leaving the property can enter onto the roadway front first.
- B. All pools containing liquid manure, "liquid manure" being defined as manure with sizable quantities of liquid added (less than 8% solids), shall be subject to the permit requirements of this chapter prior to the commencement, continuation or use of said pool for liquid manure storage; provided, further, that the entire pool shall be entirely enclosed with a permanent fence not less than four feet in height, except that pools containing liquid manure being less than 30 feet in diameter shall be excluded from this requirement.

**§ 184-28. Utility sheds. [Added 2-6-1979 by Ord. No. 1-1979; amended 9-20-1988 by Ord. No. 75; 722-1996 by Ord. No. 118]**

Notwithstanding anything to the contrary in this chapter, the minimum side yard and minimum rear yard requirements for utility sheds, when permitted as an accessory use, shall



be four feet, provided that the maximum dimensions of such utility sheds shall be twelve by twenty-four (12 x 24) feet and eight feet in height.

**§ 184-29. Home occupations. [Amended 2-6-1979 by Ord. No. 1-1979; 7-22-1996 by Ord. No. 118]**

Dwelling units with direct access to a public street may be used for a home occupation, provided that such home occupation is clearly incidental and secondary to the use of the property as a residence and further provided that the home occupation does not change the residential character of the property. If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the permit application for the home occupation. All home occupations shall also meet the following specific criteria:

- A. The home occupation shall be conducted entirely within the dwelling unit, and the area of the home occupation shall not be greater than 25% of the floor area of the dwelling unit or 500 square feet, whichever is less.
- B. There shall be one home occupation per dwelling unit.
- C. No more than two nonresident employees shall be permitted. However, in the case of a home occupation of an office in the building trades and similar fields, the business may have additional employees for off-site activities, provided that they are not employed on-site, they do not park on or near the property and they do not visit the property during the course of business.
- D. Home occupations shall be limited to those occupations customarily conducted within a dwelling unit. These uses shall include:
  - (1) Artists and artisans.
  - (2) Authors and composers.
  - (3) Beauticians and barbers.
  - (4) Office facilities, excluding medical offices and dental offices.
  - (5) Individual tutoring.
  - (6) Preparation of food or food products to be sold or served off-site.
  - (7) Individual musical instrument instruction, provided that no instrument shall be amplified to be audible at the property line.
  - (8) Telephone solicitation.
  - (9) Family child day-care involving no more than six children unrelated to the operator and provided that the following criteria are met:
    - (a) The minimum size of the lot containing the day-care facility shall be 10,000 square feet.

- (b) 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.
    - (c) There shall be a suitable outside activity/recreation area which shall be buffered from all adjoining properties with screening of evergreens, walls, fencing or other materials acceptable to the Zoning Officer. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass or woven chain link or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six feet. Landscape screens shall achieve this visual blockage within two years following installation.
  - (10) Dressmaking, sewing and tailoring.
  - (11) Uses not listed that, in the determination of the Zoning Hearing Board, are considered to be of the same general character as the home occupations listed herein.
- E. The exterior appearance of the dwelling is maintained as a residential dwelling.
- F. The applicant shall demonstrate that adequate off-street parking shall be provided for both the home occupation and the dwelling unit. In no event shall the parking spaces provided be less than two for the dwelling unit, one for each nonresident employee and such other parking spaces as required under § 184-36 of this chapter. Such parking spaces shall be screened from adjoining properties.
- G. Retail sale of merchandise, supplies or products shall not be conducted on the property, except for the following:
- (1) The sale of items subordinate to the conducting of the home occupation or items used in the home occupation, such as the sale of beauty supplies used by the proprietor, is permitted, provided that there are no direct sales of products from display shelves or racks.
  - (2) Orders previously made by telephone, by appointment or at a sales party may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or racks, but a person may pick up an order placed earlier as described above. Parties for the purpose of selling merchandise or taking orders shall not be held more than one time each month at the site of the home occupation.
- H. No storage or display of goods shall be visible from the outside of the building.
- I. No external storage of materials or products shall be permitted. No storage of materials or products in accessory structures or attached garages shall be permitted.
- J. Manufacturing, repairing or other mechanical work shall be performed in such a way that noise, odor, vibration, electromagnetic interference or smoke shall not affect neighboring properties or be noticeable at or beyond the property line. No explosive or highly combustible materials shall be used or stored on the premises.

- K. The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks.
- L. A home occupation shall not generate waste products or material of a quality or quantity not normally associated with a residential use.
- M. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the home occupation. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the existing on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the home occupation.
- N. One sign, which shall comply with § 184-35B(2)(a), shall be permitted.

**§ 184-30. Accessory uses or structures.**

- A. Private noncommercial swimming pools (whether above or below ground) which are designed to contain a water depth of 24 inches or more must be located in a rear or side yard only, shall be entirely enclosed with a permanent fence not less than six feet in height and shall have a self-locking-type gate. Such pools shall not be less than 15 feet from side and rear property lines nor occupy more than 25% of the minimum required rear yard. **[Amended 10-1-1983 by Ord. No. 43; 514-1990 by Ord. No. 82]**
- B. No nonresidential activities shall be permitted in any residential zone except those permitted by home occupation regulations, § 184-29 of this chapter.
- C. No agricultural use or individual gardens for home consumption shall occupy more than one-half (1/2) of the minimum open area required by the applicable zoning district.
- D. Carriage horses or other animals maintained for the sole purpose of providing the primary means of transportation via a carriage or buggy are permitted as an accessory use to a residential dwelling in accordance with the following standards: **[Added 7-22-1996 by Ord. No. 118<sup>5</sup>]**
  - (1) The maximum number of horses or other animals which may be maintained shall not exceed four.
  - (2) The carriage horses shall be maintained within a fully enclosed building. The fully enclosed building may also be used for the sheltering of additional carriage horses of visitors and guests.
  - (3) If a grazing area is provided, it shall be enclosed by a fence designed for containment of the animals. The fence shall be located at least 10 feet from all property lines.

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5. **Editor's Note: This ordinance also provided for the relettering of former Subsection D as Subsection E.**

- (4) The owner shall submit a plan to the Zoning Officer for the suitable disposal of animal waste.
  - (5) No building shall be closer than 50 feet to the nearest dwelling other than that of the property owner.
  - (6) The owner of the carriage houses 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.
- E. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

**§ 184-31. Multifamily conversion. [Amended 7-22-1996 by Ord. No. 118]**

The conversion of a single-family detached dwelling existing on the effective date of this section to a dwelling containing two, three or four dwelling units shall be permitted in any district in accordance with the following standards:

- A. Dwelling units within a multifamily conversion structure shall have a minimum of 600 square feet per dwelling unit.
- B. Where on-lot sewage disposal is utilized, the lot shall contain one acre of land for each proposed dwelling unit. Where public sewer is available, the lot area per dwelling unit shall be 10,000 square feet.
- C. The applicant shall demonstrate that sufficient water and sewage disposal service is available for each dwelling unit proposed to be created. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the public water and/or sewage service provider that capacity is available for each additional proposed dwelling unit. If the property is served by on-lot sewage disposal, the applicant shall present substantial evidence that the existing on-lot sewage disposal system is adequate to dispose of the sewage flows from each additional dwelling unit or that the applicant has obtained a permit from the sewage enforcement officer to modify the existing on-lot sewage disposal system to handle such additional sewage flows.
- D. Structural additions of 25% of the floor area of the original structure are permitted for a conversion which shall create a two-dwelling-unit structure. No structural additions are permitted for multifamily conversions into three- or four-dwelling units. No modifications to the external appearance of the building which would alter the residential appearance of the building shall be permitted, except modifications to comply with applicable statutes and regulations concerning accessibility and fire safety.
- E. Two off-street parking spaces shall be provided on the property for each dwelling unit. Off-street parking spaces shall comply with all of the requirements of this chapter.
- F. All dwelling units located on floors above grade shall have direct means of escape to ground level. Any dwelling unit located below grade shall have two means of egress to ground level.

- G. The applicant shall acknowledge as part of the building permit application that additional township, county, Commonwealth and federal requirements may exist and that it is his responsibility to comply with any additional requirements.

**§ 184-31.1. Hospitals and medical centers. [Added 9-28-2009 by Ord. No. 206]**

- A. Hospitals and medical centers, as further defined under Article H of this Zoning Ordinance, shall be permitted by conditional use within the PE Zoning District.
- B. Hospitals and medical centers shall comply with the following minimum and maximum dimensional requirements:
- (1) A minimum of five acres of contiguous net land area shall be required to accommodate the hospital or medical center.
  - (2) The minimum lot width shall be 200 feet.
  - (3) All principal buildings shall be located at least 50 feet from all property lines and street right-of-ways.
  - (4) The minimum distance between principal buildings shall be 50 feet.
  - (5) The maximum building coverage shall be 40% of the lot.
  - (6) The maximum impervious coverage shall be 60% of the lot.
  - (7) The maximum height of a principal building, other than an inpatient hospital building, shall be 50 feet.
  - (8) The maximum height of an inpatient hospital building shall be 50 feet at the front yard, side yard and rear yard building setback lines. For each one foot of additional building height over 50 feet, the minimum building setback lines shall increase by six feet for the front yard building setback line and three feet for the side and rear building setback lines. The maximum building height for an inpatient hospital building shall be 120 feet.
- C. Hospitals and medical centers shall be subject to the following standards and specifications:
- (1) The uses contained within the hospital or medical center shall be served by public sanitary sewer facilities, which shall be planned in accordance with the West Earl Township Sewage Facilities Plan, as adopted to comply with the Pennsylvania Sewage Facilities Act (PA Act 537, as amended)IO as well as any ordinances adopted by West Earl Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Sewer Authority and the Pennsylvania Department of Environmental Protection.

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10. Editor's Note: See 35 P.S. § 750.1.

- (2) The uses contained within the hospital or medical center shall be served by public water supply facilities, which shall be consistent with any plans and ordinances adopted by West Earl Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Water Authority and the Pennsylvania Department of Environmental Protection.
- (3) All other utility provisions serving the hospital or medical center shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (4) Subordinate uses within the hospital or medical center shall be limited to restaurants or cafeterias; administrative and professional offices; retail sales establishments; banks or financial institutions; personal care or service establishments; conference or convention centers; commercial day-care facilities; recreational uses; educational uses; religious uses; and other similar uses that are determined appropriate by West Earl Township as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40% of the cumulative gross floor area of all uses within the hospital or medical center. All subordinate uses shall be located at least 50 feet from all property lines and street right-of-ways.
- (5) All heliport or helistop facilities shall be located at least 500 feet from all property lines. All such uses shall be approved by the appropriate local, state and federal authorities.
- (6) The primary points of ingress and egress to the medical research park shall be located along a collector or arterial street. As part of the land development application, the applicant shall mitigate all potential traffic impacts that will be created by the hospital or medical center.
- (7) All means of ingress and/or egress shall be located at least 300 feet from any existing public street intersection and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of the traffic site improvements, as may be required by the Pennsylvania Department of Transportation or West Earl Township.
- (8) All designated points of ingress and egress for emergency management vehicles shall be located at least 500 feet from a residential zoning district and designed to consider traffic volumes on existing streets and adjacent uses.
- (9) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
- (10) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.

- (11) The off-street parking and loading spaces shall be designed to comply with the provisions specified under § 184-36 of this Zoning Ordinance. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (12) All proposed signs for the hospital or medical center shall comply with the provisions specified under § 184-35 of this Zoning Ordinance.
  - (13) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 50 feet from any lot line of a nonresidential use and 100 feet from any lot line of a residential use.
  - (14) All medical waste, biohazardous materials, equipment, Red Bag waste, and other similar items, which because of their potential health risks, shall be discarded in a manner specified by local, state and federal laws.
  - (15) The disposal of all materials and wastes shall be accomplished in a manner that complies with state and federal laws. The applicant shall provide documentation to West Earl Township that licensed waste haulers have been contracted to dispose of the discarded materials and wastes from the site. Should the nature of the use change in the future, such that the materials used or wastes generated change significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with these requirements.
- D. As part of the conditional use application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by West Earl Township. This may include the submission of a grading plan, utility plan, landscaping plan, traffic impact study and/or environmental assessment report. Prior to the submission of the conditional use application, the applicant shall consult with the West Earl Township Engineer and Zoning Officer to initially discuss the documentation that may be required as part of the application.
- E. As part of the conditional use application~ the Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.
- F. If the Board of Supervisors approves the conditional use application~ a complete land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by West Earl Township.

**§ 184-31.2. Medical, dental, vision, counseling and health care services in PE District. [Added 9-28-2009 by Ord. No. 206]**

- A. Medical, dental, vision, counseling and similar health care providers, as further defined under Article II of this Zoning Ordinance, shall be permitted in the PE Zoning District as follows within West Earl Township:
- (1) By right within the PE Zoning District if the building footprint is 50,000 square feet or less of gross floor area.
  - (2) By conditional use within the PE Zoning District if the building footprint is more than 50,000 square feet of gross floor area.
- B. The use shall be located on an improved lot or development, which shall comply with the minimum and maximum dimensional requirements that are specified by the zoning district in which it is located and subject to the land development provisions of West Earl Township.
- C. The following design standards and specifications shall apply to medical, dental, vision, counseling and similar health care uses:
- (1) The use shall be served by public sanitary sewer facilities, which shall be planned in accordance with the West Earl Township Sewage Facilities Plan, as adopted to comply with the Pennsylvania Sewage Facilities Act (PA Act 537, as amended)<sup>11</sup> as well as any ordinances adopted by West Earl Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Sewer Authority and the Pennsylvania Department of Environmental Protection.
  - (2) The use shall be served by public water supply facilities, which shall be consistent with any plans and ordinances adopted by West Earl Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Water Authority and the Pennsylvania Department of Environmental Protection.
  - (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (4) All proposed uses providing health care or treatment to patients shall be conducted on an outpatient basis.
  - (5) All means of ingress and/or egress shall be located at least 100 feet from any existing public street intersection and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of the traffic site improvements, as may be required by the Pennsylvania Department of Transportation or West Earl Township.

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11. Editor's Note: See 35 P.S. § 750.1.



- (6) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks, emergency vehicles and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (7) The off-street parking and loading spaces shall be designed to comply with the provisions specified under § 184-36 of this Zoning Ordinance.
  - (8) All signs shall comply with the provisions specified under § 184-35 of this Zoning Ordinance.
  - (9) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 20 feet from any property line or street right-of-way line.
  - (10) All medical waste, biohazardous materials, equipment, Red Bag waste, and other similar items, which because of their potential health risks, shall be discarded in a manner specified by local, state and federal laws.
  - (11) The disposal of all materials and wastes shall be accomplished in a manner that complies with state and federal regulations. The applicant shall provide documentation to West Earl Township that licensed waste haulers have been contracted to dispose of the discarded materials and wastes from the site. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with these requirements.
- D. As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by West Earl Township. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental assessment report. Prior to the submission of the land development plan, the applicant shall consult with the West Earl Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- E. As part of the conditional use application or land development plan, West Earl Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

**§ 184-31.3. Recreation clubs in PE District. [Added 9-28-2009 by Ord. No 206]**

- A. Recreation clubs, as further defined under Article II of this Zoning Ordinance, shall be permitted by right within the PE Zoning District upon the following terms:

- B. All recreation clubs shall be located on approved lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the recreation club is located or by the appropriate development requirements specified by this Zoning Ordinance.
- C. The following standards and specifications shall be required for clubs, lodges and social quarters:
- (1) The use shall be serviced by public sanitary sewage disposal facilities and public water supply facilities.
  - (2) All buildings and structures shall be set back at least 50 feet from all street right-of-way lines and property lines.
  - (3) Provisions for recreation facilities and uses shall comply with provisions specified under § 184-31.4 of this Zoning Ordinance.
  - (4) The provisions for landscaping, lighting and other supplemental requirements shall be considered and designed to comply with the applicable provisions of this Zoning Ordinance.
  - (5) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under § 184-36 of this Zoning Ordinance.
  - (6) All signs shall comply with the provisions specified under § 184-35 of this Zoning Ordinance.
- D. Where required to comply with the provisions specified by this Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to West Earl Township for review and consideration in accordance with the prevailing standards of West Earl Township.

**§ 184-3 1.4. Recreational facilities and playgrounds in PE District. [Added 9-28-2009 by Ord. No. 206]**

- A. Recreational facilities and playgrounds, as further defined under Article II of this Zoning Ordinance, shall be permitted by right within the PE Zoning District upon the following terms:
- B. The following design standards and specifications shall apply to recreation facilities and playgrounds:
- (1) A minimum of one acre of contiguous land area shall be required to accommodate a recreational uses.
  - (2) All active or passive recreational areas shall be located at least 20 feet from all property lines and street fight-of-ways.
  - (3) All buildings associated with the recreation use shall be located at least 50 feet from all external property lines and street right-of-ways.

- (4) The recreational use shall be serviced by sanitary sewer facilities and water supply facilities with sufficient capacities in accordance with the most recent update to the West Earl Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended)<sup>12</sup> as well as any ordinances adopted by West Earl Township.
  - (5) All means of ingress and/or egress shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or West Earl Township.
  - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under § 184-36 of this Zoning Ordinance.
  - (7) Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free and shall not create a traffic hazard.
  - (8) All signs shall comply with the provisions specified under § 184-35 of this Zoning Ordinance.
  - (9) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 50 feet from any property line or street right-of-way line.
- C. As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by West Earl Township. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental assessment report. Prior to the submission of the land development plan, the applicant shall consult with the West Earl Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- D. As part of the land development plan, West Earl Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

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12. Editor's Note: See 35 P.S. § 750.1.

**§ 184-31.5. Regional impact development in PE District. [Added 9-28-2009 by Ord. No. 206]**

- A. Regional impact development, as defined under Article II of this Zoning Ordinance, shall be permitted as follows within West Earl Township:
- (1) Commercial or institutional regional impact developments may be permitted by conditional use within the PE Zoning District:
    - (a) Hospitals or medical centers, subject to the provisions of § § 184-31.1 and 184-31.2 of this Zoning Ordinance.
    - (b) Business and office parks.
    - (c) Medical research park.
    - (d) Other commercial uses permitted within the PE Zoning District that meet the qualifications for a “commercial regional impact development,” as defined by this Zoning Ordinance.
    - (e) Other institutional uses permitted within the PE Zoning District that meet the qualifications for an “institutional regional impact development,” as defined by this Zoning Ordinance.
- B. Where a development meets the definition of “regional impact development” as provided in Article II, such development shall be permitted subject to the following requirements.
- (1) Where a regional impact development is an extension, expansion, or revision of a development existing prior to the adoption of these regulations, only that part of the regional impact development being extended, expanded, or revised shall be subject to the requirements of this section.
  - (2) Where a regional impact development is to be constructed in phases, the conditional use application shall include the entire project area to be developed in all phases. In such case, the applicant shall provide a conceptual master site plan and/or a detailed construction schedule for each phase of the development, which shall specify the timing and sequence of construction for all infrastructure and site improvements to be completed as part of the regional impact development.
  - (3) The regional impact development shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the West Earl Township Sewage Facilities Plan, as adopted to comply with the Pennsylvania Sewage Facilities Act (PA Act 537, as amended)<sup>13</sup> as well as any ordinances adopted by West Earl Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Sewer Authority and the Pennsylvania Department of Environmental Protection.

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13. Editor’s Note: See 35 P.S. § 750.1.

- (4) The regional impact development shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by West Earl Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Water Authority and the Pennsylvania Department of Environmental Protection.
- (5) All other utility provisions serving the regional impact development shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all uses within the regional impact development shall have individual utility connections and services that shall be installed underground.
- (6) All means of ingress and/or egress shall be located at least 300 feet from any existing public street intersection and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or West Earl Township.
- (7) The regional impact development shall have not less than two primary points of access onto an arterial or collector street. All such vehicular access points shall be designed and improved to accommodate all anticipated traffic in a safe and efficient manner.
- (8) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (9) Where a regional mass or public transit system provides service along a street adjacent to the development, or where such a system is proposed as part of an adopted municipal or regional transportation plan to serve the development, appropriate drop off and shelter facilities shall be strategically located within the development.
- (10) The development shall include a clearly defined internal pedestrian circulation system. Sidewalks shall be provided along all public streets and along any private streets within the development unless the applicant demonstrates that the internal pedestrian circulation eliminates the need for such sidewalks. Sidewalks shall also be provided from the development to nearby regional mass transit facilities, to any adjacent developments from which pedestrians would reasonably be expected to walk, to any adjacent undeveloped lands zoned for development from which pedestrians would reasonably be expected to walk in the future, and to adjacent community facilities.
- (11) Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facilities within the development; however, all such lighting

shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

- (12) No use shall emit any obnoxious noise, glare, dust, odor, vibration, electrical disturbance, smoke, toxic gas, radiation, heat or any other objectionable impact beyond the lot line of the facility.
- (13) A landscaped screen shall be provided for outdoor storage, parking, and loading areas where they abut a residential zoning district, regardless of whether such property is developed for residential use at the time that the regional impact development is proposed. This landscaping screen shall be designed by a registered landscape architect; shall be comprised of trees, shrubs and other plantings; and shall provide a substantially complete visual barrier within five years of the initial planting.
- (14) The applicant shall be responsible for providing landscaping throughout the entire development in accordance with a landscape plan designed by a registered landscape architect. Said plan shall provide a uniform, cohesive, and visually attractive landscape for the development that de-emphasizes the size and bulk of the development so that it is visually compatible with the surrounding neighborhood.
- (15) The architectural features and building facade for the uses contained within the regional impact development shall be harmoniously planned as an integrated community considering the following:
  - (a) The applicant or developer shall identify the nonresidential uses and demonstrate how these uses can be amicably planned considering their architectural appearance.
  - (b) Buildings, structures, landscaping and streetscape improvements shall be designed in an effort to and integrate, reflect and/or enhance the character of the regional impact development.
  - (c) Buildings shall include architectural design features such as recesses, openings, windows, details and/or variable materials in order to avoid creating massive or monotonous building facades.
  - (d) Buildings shall be designed with at least two different building aspects and architectural features, which may include concrete or masonry plinth at the base of the walls; belt courses of different texture or color; projecting or decorative cornices; quoins; decorative tile work; trellis containing seasonal plantings; medallions; opaque or translucent glass; bay windows, artwork; vertical articulation; stylized lighting fixtures; porticos; building extensions; stonework and/or other similar architectural elements.
  - (e) Rooflines shall be pitched and not appear flat when viewed from public streets or adjoining properties. All roof-mounted equipment including HVAC, electrical, venting or other mechanical equipment shall be contained or concealed as part of the architectural design.

- (16) Drive-through establishments shall be prohibited use within the regional impact development.
  - (17) Office or nonresidential condominiums may be permitted as part of the regional impact development, provided that each use is a permitted use as described in this Zoning Ordinance. The permitted uses shall be designed as self-contained structures without common facilities, which comply with all pertinent requirements of West Earl Township. In addition to these requirements, the following provisions shall apply to office or nonresidential condominiums:
    - (a) The ownership of office condominiums shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The office condominiums must have at least one on-site manager or a designated individual whose office is located within 100 miles of West Earl Township.
    - (b) The owner shall provide West Earl Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of all uses within the office or nonresidential condominiums.
    - (c) The owner or manager shall provide West Earl Township with a complete list of tenants located within the office or nonresidential condominium on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
  - (18) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under § 184-36 of this Zoning Ordinance.
  - (19) All signs shall comply with the provisions specified under § 184-35 of this Zoning Ordinance.
  - (20) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 50 feet from any property line or street right-of-way line.
- C. As part of the conditional use application, the applicant shall provide evidence that the regional impact development shall comply with the provisions established by West Earl Township. This may include the submission of a grading plan, utility plan, landscaping plan, conceptual architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the application, the applicant shall consult with the West Earl Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- D. As part of the conditional use application, West Earl Township may consider optional design and site development alternatives if the standard requirements are determined to

be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.

- E. If the conditional use application is approved by West Earl Township, a complete land development plan shall be submitted to West Earl Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of conditional use application, as well as all other provisions specified by the Zoning Ordinance.

**§ 184-31.6. Satellite communication centers in PE District. [Added 9-28-2009 by Ord. No. 206]**

- A. Satellite communication centers utilized to transmit and/or receive audio, video and/or other communication, shall be permitted by conditional use within the PE Zoning District.
- B. The following design standards and specifications shall apply:
- (1) The use shall be located on an approved lot containing a principal building that utilizes the satellite communication center as part of its functional use.
  - (2) The satellite communication center facilities and all support apparatus shall comply with the height requirements specified under §§ 184-16.1E, 184-20 and 184-41 of this Zoning Ordinance.
  - (3) The satellite communication center facilities and all support apparatus shall be located at least 50 feet from any property line or street right-of-way line.
  - (4) The satellite communication center facilities and all support apparatus shall be enclosed by an eight-foot high fence. Such fence shall include warning signs that are appropriate for the use.
  - (5) The allowance of a satellite communication center shall not place liability upon West Earl Township for the disruption, obstruction or interruption of the transmission or reception as a result of permitted uses on adjoining or nearby properties.
  - (6) The satellite communication center shall comply with all pertinent state and federal laws regulating the transmission and/or reception of audio, video and/or other communications.
- C. As part of the conditional use application, West Earl Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.
- D. If the Board of Supervisors approves the conditional use application, a complete land development plan shall be submitted to West Earl Township for review and



consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the West Earl Township Code.

**§ 184-31.7. Schools and educational uses in PE District. [Added 9-28-2009 by Ord. No. 206]**

- A. Schools and educational uses shall be permitted by conditional use within the PE Zoning District.
- B. The following standards and specifications shall be required for schools and educational uses:
- (1) The school or educational use shall be located on an approved lot, which complies with the lot area requirements, as specified by the zoning district in which the school or educational use is located.
  - (2) The school or educational use shall be serviced by public or private sanitary sewage disposal facilities, which shall comply with the West Earl Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act<sup>4</sup> as well as any ordinances adopted by West Earl Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Sewer Authority and the Pennsylvania Department of Environmental Protection.
  - (3) The school or educational use shall be serviced by public or private water supply facilities, which shall be consistent with any plans and ordinances adopted by West Earl Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Water Authority and the Pennsylvania Department of Environmental Protection.
  - (4) All other utility provisions serving the educational use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (5) All principal and accessory buildings utilized for the school or educational use shall be located at least 50 feet from any property line or street right-of-way line.
  - (6) Subordinate uses within the educational use shall be limited to cafeterias; administrative and professional offices; recreational uses; day-care facilities; religious uses; and other similar uses that are determined appropriate by the Zoning Hearing Board as part of the special exception application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40% of the cumulative gross floor area of all uses within the school or educational facility. The accessory uses shall be considered subordinate uses that directly benefit the

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14. Editor's Note: See 35 P.S. § 750.1.

educational use. All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.

- (7) Recreation facilities and uses shall comply with the appropriate dimensional setback provisions that are contained under § 184-31.4 of this Zoning Ordinance.
  - (8) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
  - (9) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or West Earl Township.
  - (10) The off-street parking and loading spaces shall comply with the provisions specified under § 184-36 of this Zoning Ordinance. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All designated areas for the loading or unloading of school buses, emergency response vehicles and/or other commercial vehicles shall be arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (11) All signs for the use shall comply with the provisions of § 184-35 of this Zoning Ordinance.
  - (12) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 50 feet from any property lines or street right-of-way lines.
- C. As part of the special exception application or conditional use application, the applicant shall provide evidence that the educational use or activities shall comply with the provisions established by West Earl Township. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental assessment report. Prior to the submission of the special exception application or conditional use application, the applicant shall consult with the West Earl Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- C. As part of the special exception application or conditional use application, West Earl Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.

- E. If the special exception application or conditional use application is approved by West Earl Township, a complete land development plan shall be submitted to West Earl Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application or conditional use application as well as all other provisions specified by West Earl Township.

**§ 184-32. Retail stores in excess of 10,000 square feet and shopping centers. [Amended 2-13-1995 by Ord. No. 106]**

- A. General requirements. Single stores in excess of 10,000 square feet of floor area and shopping centers present regional impacts and must be carefully evaluated to ensure that transportation systems, utilities and other public services are available to serve the proposed use. Design of such facilities must ensure safe and convenient access and must minimize impact upon surrounding uses. Single stores in excess of 10,000 square feet of floor area shall comply with these regulations. Shopping centers shall be in a single ownership or under a guaranteed unified management control and shall also comply with these requirements.
- B. Permitted principal and accessory uses shall be as follows:
- (1) Stores for retail sale of goods otherwise permitted within the applicable zoning district.
  - (2) Stores for the performance of customary personal services otherwise permitted within the applicable zoning district.
  - (3) Business, professional or banking offices.
  - (4) Restaurants, cafes or similar places serving food and/or beverages as otherwise permitted within the applicable zoning district.
  - (5) Parking areas for motor vehicles, including vehicles of customers and park-and-ride facilities for persons using public transportation but excluding the storage or sale of new and/or used vehicles.
  - (6) Customary accessory uses associated with permitted principal uses, provided that such uses are clearly incidental and further provided that they shall be limited to the same lot upon which the principal use is conducted.
- C. Prohibited principal and accessory uses shall be as follows:
- (1) Any residential use.
  - (2) Any industrial use.
  - (3) Any drive-in or drive-through establishment.
- D. Area and bulk regulations shall be as follows:
- (1) Minimum lot size: five acres for shopping centers; three acres for single stores in excess of 10,000 square feet of floor area.

- (2) Maximum lot coverage: 20%.
- (3) Maximum impervious surface coverage: 60%.
- (4) Maximum building height: two stories or 35 feet.
- (5) Minimum front yard: 200 feet for all shopping centers and stores in excess of 50,000 square feet of floor area; 100 feet for all stores between 10,001 and 50,000 square feet of floor area.
- (6) Minimum side yard: 100 feet for all shopping centers and stores in excess of 50,000 square feet of floor area; 75 feet for all stores between 10,001 and 50,000 square feet of floor area.
- (7) Minimum rear yard: 100 feet for all shopping centers and stores in excess of 50,000 square feet of floor area; 75 feet for all stores between 10,001 and 50,000 square feet of floor area.

E. A landscape buffer yard shall be provided along all property lines (except for necessary access drives) which shall be at least 80 feet in depth for shopping centers and stores in excess of 50,000 square feet in area and at least 50 feet in depth for stores between 10,001 and 50,000 square feet in area. The buffer yard shall be planted in ground cover, trees and shrubs and shall contain a landscape screen. The landscape screen shall consist of one row, staggered, of mixed evergreen and deciduous trees which shall be at least eight feet in height when planted and shall be spaced not more than 10 feet apart on center and two rows, staggered, of mixed broadleaf and needle evergreen shrubs which shall be at least three feet in height when planted and shall be spaced not more than five feet apart on center. The trees shall be of such species so as to attain a height at maturity of not less than 20 feet. The shrubs shall be of such species as to provide continuous screening from the ground to a height of six feet at maturity. Deciduous plant materials shall comprise no more than 30% of the number of plants in the buffer. Trees shall be planted so that at maturity they shall not be closer than 10 feet to any property line. Drainage swales or easements shall not be placed in the buffer areas unless there is no alternative available. If the drainage swales or easements or basins interfere with the buffer or screening areas, the buffers or screens shall be placed further toward the interior of the lot to provide for the intent of this section.

- (1) All buffer areas and landscape screens shall be maintained and kept free of all structures, rubbish and debris. Required plant material located in these areas which become diseased or die shall be replaced by the property owner in order to maintain the requirements of this section.
- (2) Any plant material which does not live shall be replaced within one year of installation with plant material of the same or similar character and equal or higher point value. Grass or ground cover shall achieve 100% coverage within one year.
- (3) All portions of lots or sites which are not occupied by buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with trees, shrubs and an all-season ground cover.

- F. Off-street parking. Off-street parking shall be provided at the rate of one off-street parking space per 200 square feet of floor area devoted to customer sales or service, plus

one space for each employee on the largest shift. Off-street parking spaces shall not be located closer than 80 feet to any property line or right-of-way line.

G. Screening and landscaping of parking compounds. The following landscaping and screening requirements shall apply to all parking lots:

- (1) When a parking compound is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. This strip shall be measured from the street right-of-way line. The strip may be located within any other landscaped or buffer strip required to be located along a street.
- (2) Five percent of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every 10 parking spaces and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside the parking lot, such as peripheral area and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided. At least one shade tree shall be provided for each 300 square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet above finished grade level.
- (3) Interior landscaping shall be protected by the installation of vertical curbs which shall be a minimum of six inches in height and which shall be in accordance with the construction standards of Chapter 155, Subdivision and Land Development. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 1/2) feet. Where necessary, wheel stops or curbing shall be provided to ensure no greater overhang.

H. Interior circulation. Interior accessways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops or for trash or recyclables collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with internal circulation.

I. Traffic impact study. The applicant shall present a traffic study prepared by a professional engineer with experience in traffic analysis which meets the following minimum requirement:

- (1) A description of the traffic impact area (TIA), including such area's major roads and potential trip generation rates to be determined by current land use planning references. At a minimum, the TIA shall include all streets and major intersections within the area contained in a one-half-mile concentric circle drawn around each entrance to the proposed development and, if a street abutting the proposed development does not contain an intersection with another street within that area, the first intersection with such abutting street. If the proposed development will generate in excess of 100 trips per peak hour, the TIA shall include all streets and

major intersections contained in a one-mile concentric circle drawn around each entrance to the proposed development. The determination of whether an intersection shall be considered a major intersection shall be made in accordance with accepted engineering practices. In the event of a dispute, the determination of the Township Engineer shall be final. Trip generation rates shall be determined through the use of the current edition of the Trip Generation Report, published by the Institute of Transportation Engineers.

- (2) Existing twenty-four-hour and peak-hour traffic volume data, including weekdays, Saturdays and Sundays, for all streets which provide direct access to the proposed development and for the arterial streets and collector streets which will serve the proposed development, as well as any major intersection within the TIA.
- (3) Twenty-four-hour and peak-hour traffic volume data, including weekdays, Saturdays and Sundays, for all streets which provide direct access to the proposed development and for the arterial streets and collector streets which will serve the proposed development, as well as any major intersection within the TIA projected for the design year without the impacts of the proposed development. The design year shall be considered the point in time when the development is completed and shall be determined in accordance with accepted engineering practices. In the event of a dispute as to the design year, the determination of the Township Engineer shall be final.
- (4) Estimates of the total number of vehicle trips to be generated by the proposed development for typical twenty-four-hour periods, including weekdays, Saturdays and Sundays, and the typical a.m. and p.m. peak periods for weekdays, Saturdays and Sundays.
- (5) Assignments of post development twenty-four-hour and peak-hour volumes to the arterial streets and collector streets and other streets that will serve the proposed development based upon the projections of increased traffic volumes within the TIA. In making these estimated assignments, consideration shall be given to other developments approved but not yet constructed and to development trends.
- (6) Projected twenty-four-hour and peak-hour turning movement data for all access points proposed for the development.
- (7) Existing levels of service and levels of service projected for the design year without the impacts of the proposed development on all abutting streets and all major intersections within the TIA. Level of service shall be computed in accordance with 1985 Highway Capacity Manual, Special Report 209, published by the Transportation Research Board, or any subsequent revision of such manual.
- (8) Capacity and level of service analysis on all abutting streets and all major intersections which will be impacted by the additional volumes generated by the development, including post development capacity and level of service and degradation of capacity and level of service.
- (9) Accident levels within the past five years at the above intersections categorized by accident type for each intersection.

- (10) Projected twenty-four-hour and peak-hour turning movement data for all access points for the proposed development.
- (11) Descriptions of all improvements that will be required in order to avoid problems of traffic congestion and traffic safety. These improvements shall provide safe and efficient movement of traffic to and from and within and past the proposed use, while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, not allowed to deteriorate to worse than C if they are currently A or B and improved to D if they are E or F.
- (12) Cost estimates of any proposed improvements that will be required.
- (13) The time period within which the improvements will be made (particularly if the improvements are associated with various phases of development construction) and any monitoring of operating conditions and improvements that may be required.
- (14) Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed use on the transportation network.
- (15) Descriptions of existing and planned public transportation services in the township and the potential to serve the proposed development.
- (16) The source of the standards used and the data presented.
- (17) Data shall be presented in tables, graphs, maps and diagrams whenever possible for clarity and ease of review.
- (18) To facilitate examination, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, recommendations and proposed improvements.

J. Traffic control and access requirements.

- (1) Applicant shall demonstrate that the road network providing access to the site can accommodate the volume of traffic reasonably expected to be generated by the proposed use in a safe and convenient manner or that applicant will make all improvements necessary to the road network to provide for safe and convenient access to the site.
- (2) Applicant shall demonstrate that the horizontal and vertical alignments of the existing road network and the proposed accessways to the site permit safe and convenient access to the site or that applicant will make all modifications to the horizontal or vertical alignment to eliminate any unsafe condition.
- (3) Applicant shall demonstrate that the proposed use will not create unusual traffic patterns or movements which will jeopardize the traveling public.
- (4) Applicant shall demonstrate that the proposed use will not materially increase traffic congestion on the streets abutting the site or at any of the intersections required to be studied by § 184321.



- (5) Applicant shall demonstrate that the location and design of the proposed accessways to the site are designed in a manner that will provide the least detrimental impact upon traffic capacity, level of service and safety upon abutting roads. Applicant shall install all traffic control devices necessary to mitigate detrimental impact.
  - (6) If reduction of the speed limit, installation of traffic control devices or similar measures are required to mitigate traffic impacts upon township or state highways, applicant shall present traffic studies performed in accordance with Pennsylvania Department of Transportation (PennDOT) regulations to support the imposition of such traffic regulations or installation of such traffic control device. If the enactment of an ordinance is necessary to effectuate the traffic regulation, applicant shall reimburse the township for all expenses in the preparation and enactment of the necessary ordinance.
  - (7) The applicant shall make all improvements necessary to maintain an adequate level of service and to eliminate any unsafe conditions on all abutting intersections and streets and shall make all improvements required by the applicable subdivision and land development ordinance, road ordinance, any other municipal ordinance and the regulations of the Pennsylvania Department of Transportation.
- K. Public sewer and water service shall be provided.
- L. Lighting. Lighting facilities for buildings, signs, accessways and parking areas shall be provided and arranged in a manner which shall protect the highway and neighboring properties from glare or hazardous interference of any kind.
- M. Shopping cart storage. Establishments furnishing shopping carts or mobile baskets shall provide definite area on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts. If such spaces are located within the parking areas, they shall not be counted toward the required minimum off-street parking.

**§ 184-33. Junkyards.**

- A. All junkyards shall be enclosed with a fence a minimum of six feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.
- B. All junk shall be stored and set back at least 25 feet from any adjoining premises and at least 50 feet from the right-of-way of any public road or highway.
- C. Burning or melting of any junk, rubbish or refuse is prohibited.
- D. All junk shall be stored and arranged so as to permit access by fire-fighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than 10 feet from the ground.

- E. All gasoline shall be drained from any junk or scrapped automobile into containers and removed from the premises within 12 hours of the arrival of the junked automobile on the premises.
- F. No garbage or organic waste shall be permitted to be stored in any junkyard.
- G. All other requirements and provisions of Chapter 110, Junk and Junkyards, and subsequent amendments shall be complied with.

**§ 184-34. Mobile home parks. [Amended 8-6- 1974]**

When authorized by the Board of Supervisors, mobile home parks shall be permitted. All such facilities shall conform to all requirements of Chapter 155, Subdivision and Land Development, as amended.<sup>6</sup>

**§ 184-35. Signs.**

- A. Area of sign. 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, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols. Both faces of double-face signs shall be used to calculate sign area.
- B. Permitted signs. In zoning districts, the maximum permitted size of signs and the types of signs shall be in accordance with the following regulations:
  - (1) All districts:
    - (a) Official traffic or directional signs and other official federal, state, county or township government signs.
    - (b) A temporary sign announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided that such sign shall not exceed 12 square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.
    - (c) A business sign offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six square feet and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one sign may be erected on each street frontage.
    - (d) Temporary signs of contractors, developers, architects, engineers, builders and artisans erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed 12 square feet and provided that such sign shall be removed upon completion of the work.

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6. Editor's Note: See now Chapter 118, Mobile Homes and Mobile Home Parks

- (e) Trespassing signs, signs indicating the private nature of a road, driveway or premises and signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four square feet.
- (2) Residential or agricultural districts:
- (a) A home occupation or name sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, provided that not more than one sign shall be erected for each permitted use or dwelling and further provided that the area of each side of such sign shall not exceed two square feet. The home occupation or name sign shall be fixed flat on the main wall of the building or may be erected in the front yard, but not within 10 feet of a street line. Such sign may be interior lighted in the case of the office of a physician or dentist only. **[Amended 2-6-1979 by Ord. No. 11979; 7-22-1996 by Ord. No. 118]**
  - (b) A sign, bulletin, announcement board or identification sign for a school, church, hospital, sanitarium, club or multi residence or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage.
  - (c) A sign offering the sale of farm products, nursery products or livestock produced or raised on the premises, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage.
  - (d) A sign denoting membership in agricultural associations or cooperatives or indicating specialization in a particular breed of cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six square feet and not more than one sign on any one street frontage.
- (3) Signs for multifamily dwellings. The following signs and no others shall be permitted:
- (a) A freestanding temporary real estate sign for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of any one side of the sign does not exceed 50 square feet, that there shall be no more than one such sign on any one property on the same street frontage and that no sign shall be erected so as to stand higher than any of the buildings it advertises. For the purpose of this chapter, multifamily dwelling premises shall not be advertised by temporary real estate signs for more than 12 months after building construction is completed.
  - (b) Directional signs, not to exceed two square feet each, erected within the project itself to direct persons to a rental office or sample apartment.

- (c) Permanent identifying signs for the purpose of indicating the name of the multifamily project and for the purpose of identifying the individual buildings within the project. Not more than one sign for each entrance to the project from a public street to identify the name of the project shall be permitted, and no such sign shall exceed 10 square feet in size. Signs to identify the individual buildings within the project shall not exceed three square feet in size.
- (4) Neighborhood Commercial Districts. The following signs shall be permitted:
- (a) A business or commercial sign attached or displayed on the surface of a building to which it relates, provided that such sign is limited to 30 square feet and not more than one sign on any one street frontage.
- (5) General Commercial, Industrial and Professional Enterprise Districts. The following signs shall be permitted: **[Amended 6-7-1977 by Ord. No. 33; 9-28-2009 by Ord. No. 206]**
- (a) Signs directing patrons, members or audiences to temporary exhibits, shows or events and signs erected in conjunction with a political election, provided that such sign shall not exceed six square feet, shall be removed within two weeks after the date of the exhibit, show, event or election and shall not be posted earlier than two weeks before the date of the exhibit, show or event and that political signs shall not be posted earlier than one month prior to an election.
- (b) A business or commercial sign on the same lot as the use to which it relates, provided that such sign shall be limited to two square feet for each linear foot of horizontal building facade length, but not to exceed an aggregate area of 160 square feet.
- (c) Special temporary promotional devices, signs or displays, such as banners or pennants, for a period not to exceed 15 days in any one calendar year.
- (d) Panel-type signs (billboards). Signs which advertise products or services other than those which are sold on the premises where the signs are located shall be permitted to be erected only in the General Commercial and Industrial Districts under the following restrictions and controls, as well as all other applicable requirements:
- [1] No advertising signs shall be permitted to be erected upon the roof of any building.
- [2] Advertising signs shall be required to conform to the minimum yard dimensions for the district in which they are proposed to be erected.
- [3] No billboards or advertising signboards shall exceed 300 square feet in area, nor shall any billboards or advertising signboards exceed 12 feet in vertical measurement or 25 feet in length.

- [4] No advertising signs shall be erected within 1,000 feet of a designated residential district.
- [5] No more than one panel (two sides) shall be permitted at one location.
- [6] A minimum of 1,320 feet of distance shall be maintained between a proposed advertising sign and any other proposed or existing advertising sign. This minimum distance shall be measured radially from the furthest extension of any proposed or existing advertising sign.
- [7] No advertising sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view, but in no event shall an advertising sign be located within 500 feet of any intersection.
- [8] Section 184-35C of this chapter, entitled “Supplemental sign regulations,” shall apply to the extent that any provisions thereof are more restrictive than the provisions heretofore set forth for panel-type signs (billboards).
- [9] Nothing contained herein shall be construed to abrogate or affect the provisions of any lawful state or federal statute or regulation controlling outdoor advertising which are more restrictive than the provisions of this chapter.

C. Supplemental sign regulations.

- (1) Projection. No sign shall project more than 12 inches from the building facade to which it is attached. No freestanding sign may project beyond the property line.
- (2) Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. A freestanding sign shall meet the height requirements of the particular district in which it is located.
- (3) Clearance. No sign structure erected directly upon the ground shall have less than three feet of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- (4) Street intersections. No sign shall be erected, attached or displayed within 25 feet of the point of intersection, measured at the street line, at a street corner.
- (5) Illumination. Signs may be lighted with non-glaring lights or may be illuminated by shielded floodlights; provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.
- (6) Placement. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within the street line. No sign shall be located within 10 feet of any side property line.
- (7) Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

- (8) Nonconforming signs. Nonconforming signs, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be repainted or

repaired, provided that such repainting or repairing does not exceed the dimensions of the existing sign.

- (9) A separate zoning permit shall be required prior to the erection or re-erection, construction or reconstruction, alteration, razing, change or removal of any sign pursuant to § 184-51A. [Added 2-6-1979 by Ord. No. 1-1979]

**§ 184-36. Off-street parking and loading.**

A. Off-street parking.

(1) Minimum parking requirements.

- (a) Any building or other structure erected, enlarged, altered or used and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth herewith:
- [1] Residential dwellings: two parking spaces for each dwelling unit.
  - [2] Churches, schools and public auditoriums: one parking space for every five seats provided.
  - [3] Hotels and motels: one parking space for each rental unit.
  - [4] Eating establishments: one parking space for every four seats.
  - [5] Retail stores: one parking space for each 100 square feet of gross floor area. (For shopping centers see § 184-32F.)
  - [6] Wholesale establishments or warehouses: one parking space for each two employees in the maximum shift but at least one space for each 5,000 square feet of gross floor area.
  - [7] Manufacturing, industrial and general commercial uses not otherwise specified: one parking space for each two employees on the maximum shift but at least one space for each 5,000 square feet of gross floor area.
  - [8] Offices: one space for each 400 square feet of net rentable floor area.
  - [9] Bowling alleys: five spaces for each lane.
  - [10] Drive-in eating establishments: one space for each 50 square feet of gross building area.
  - [11] Other uses not specified: the same requirement as for the most similar use listed.
- (b) Minimum design requirements. Each off-street parking space shall be not less than 180 unobstructed square feet of space, exclusive of all aisles and drives. Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any

other vehicle. A parking space within a garage shall be considered an off-street parking space meeting the requirements of this section if access can be provided in accordance with the requirements of this section. Off-street parking spaces shall be paved with an all-weather surface which may include stone, concrete or bituminous material. **[Amended 7-22-1996 by Ord. No. 118]**

- (2) Shared parking. One or more parking lots may be designed to service a multiple number of commercial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.
- (3) Fractional spaces. When required parking computations result in fractions, any fraction below one-half (1/2) may be disregarded, and any fraction over one-half (1/2) shall be construed to require a full space.
- (4) Reduction of existing parking. Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for the particular district.
- (5) Paving. All required parking areas and all access drives for commercial or industrial uses shall have a hard homogeneous all-weather surface.
- (6) Parking and storage of certain vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any street or on any residentially zoned property other than in completely enclosed buildings.
- (7) Services. No service of any kind shall be permitted in any accessory parking facility.

**B. Off-street truck loading.**

- (1) Required loading spaces. Every building or structure, lot or land hereafter put to a business or industrial use or existing building or structure enlarged shall provide one off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one additional off-street truck loading area for each additional 40,000 square feet of gross floor area.
- (2) Size of truck loading space. An off-street truck loading space shall have a minimum of 12 feet in width, a minimum of 35 feet in length and a minimum clear height of 14 feet.



**§ 184-37. Floodplain provisions. [Amended 5-5-1981 by Ord. No. 37; 12-6-1993 by Ord. No. 103; 4-25-2005 by Ord. No. 184; 3-14-2016 by Ord. No. 234]**

A. Purpose and authorization.

- (1) This section serves the following major purposes:
  - (a) Promote the general health, welfare, and safety of the Township.
  - (b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  - (c) Minimize danger to public health by protecting water supply and natural drainage.
  - (d) Reduce financial burdens imposed on the Township and its residents by preventing excessive development in areas subject to flooding.
  - (e) Comply with federal and state floodplain management requirements.
- (2) The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,<sup>16</sup> delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. The Board of Supervisors has enacted this section in accordance with the Flood Plain Management Act, the Second Class Township Code, and the MPC.

B. Floodplain Conservation District applicability and administration.

- (1) The regulations of the Floodplain Conservation District shall apply throughout the entire Township as overlay zoning regulations that supplement the zoning district regulations. Where the regulations of this section differ from the regulations of any other section of this chapter, the provision that is more restrictive on development shall apply.
  - (a) The inclusion of construction and floodproofing standards in this section shall not be interpreted to allow any structure or construction that is not expressly authorized by this section. If the Zoning Hearing Board grants a variance to allow a structure or construction not authorized by this section; such structure...or construction shall comply with all construction and floodproofmg standards in this section unless the Zoning Hearing Board also grants a variance from a specific construction or floodproofing standard.
- (2) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from

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16. Editor's Note: See 32 P.S. § 679.101 et seq.

flooding or flood damages. This chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

- (3) This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter and provisions of other ordinances, the more restrictive shall apply.
- (4) The Zoning Officer is hereby appointed to administer and enforce this section and for all purposes shall be considered and may sometimes be referred to as the Floodplain Administrator. The Floodplain Administrator may fulfill the duties and responsibilities set forth in these regulations, delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22. In addition to the powers and duties generally set forth in this chapter, when serving as Floodplain Administrator the Zoning Officer shall have the following powers and duties:
  - (a) The Floodplain Administrator shall issue a zoning permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
  - (b) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);<sup>17</sup> the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);<sup>18</sup> the Pennsylvania Clean Streams Act (Act 1937-394, as amended);<sup>19</sup> and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made. In the case of existing structures, prior to the issuance of any permit the Floodplain Administrator shall also review the history of repairs to the subject building so that any repetitive loss concerns can be addressed before the permit is issued.

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17. Editor's Note: See 35 P.S. § 750.1 et seq.

18. Editor's Note: See 32 P.S. § 693.1 et seq.

19. Editor's Note: See 35 P.S. § 691.1 et seq.

- (c) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
  - (d) In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this section.
  - (e) In the event that the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
  - (f) The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
  - (g) The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning Township participation in the National Flood Insurance Program.
  - (h) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated, but the ultimate responsibility lies with the Zoning Officer.
  - (i) The Floodplain Administrator shall consider the requirements of the UCC.
- (5) Enforcement. This section and all other sections of this Chapter 184, Zoning, shall be enforced in accordance with Article VII, Administration and Enforcement, including but not limited to § 184-54 and the MPC.

C. Floodplain compliance.

- (1) No structure shall be used or located, relocated, constructed, reconstructed, enlarged or structurally altered or land used except in full compliance with these floodplain regulations and other provisions of applicable Township ordinances. A Township zoning permit is required for any development within the one-hundred-year floodplain.
- (2) Any alteration to a waterway, drainage channel or the one-hundred-year floodplain, including development, redirecting drainage ways, changes in grade or filling in, shall only occur after a determination by the Zoning Officer that all Township ordinances have been complied with and after any needed state or federal permits are received.

- (3) Any municipality that will be affected by a change in an alteration or relocation of a waterway shall be given prior notice of such proposal, with copies of such notice provided to the DCED and FEMA.
- D. Permits for uses, structures and grading within the identified floodplain area. Applications for such a permit shall be made, in writing, to the Zoning Officer.
- (1) All permit applications shall include the following:
    - (a) The name and address of the applicant.
    - (b) The name and address of the owner of land on which proposed construction is to occur.
    - (c) The name and address of the contractor.
    - (d) The site location.
    - (e) A brief description of the proposed work and estimated costs.
    - (f) A site plan showing the exact size and location of the proposed construction and grading, as well as any existing buildings or structures, and also showing the one-hundred-year flood line.
    - (g) A brief description of proposed work and estimate cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  - (2) If any proposed construction or development is located entirely or partially within any identified floodplain area, permit applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
    - (a) The proposal is consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
    - (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
    - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
    - (d) Structures will be anchored to prevent flotation, collapse, or lateral movement.
    - (e) Building materials are flood-resistant.
    - (f) Appropriate practices that minimize flood damage have been used.
    - (g) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

- (3) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
- (a) A completed permit application form.
  - (b) A plan of the entire site, clearly and legibly drawn in a scale of one inch being equal to 100 feet or less, showing the following:
    - [1] North arrow, scale, and date.
    - [2] Topographic contour lines, if applicable.
    - [3] The location of all existing and proposed buildings, structures, and other improvements, including bridges, culverts, pipes and associated facilities, paving, stone areas, grading, fencing, landscaping and all other changes to the site as well as the location of any existing or proposed subdivision and development.
    - [4] The location of all existing streets, driveways and other access ways.
    - [5] The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - (c) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - [1] The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
    - [2] The BFE.
    - [3] Supplemental information as may be necessary under the UCC.
  - (d) The following data and documentation:
    - [1] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
    - [2] Detailed information concerning any proposed floodproofing measures and corresponding elevations.
    - [3] Documentation, calculations, plans and computer models, as may be necessary, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any identified floodplain area, when combined with all other existing and anticipated development, will not cause any increase in the BFE.
    - [4] A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the BFE. Such statement shall include a

description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- (e) Detailed information needed to determine compliance within § 184-370(6) Storage, and § 184-37P, Development which may endanger human life, including:

[1] The amount, location and purpose of any materials or substances referred to in § 184-370(6) and § 184-37P which are intended to be used, produced, stored or otherwise maintained on site.

[2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 184-37P during a base flood.

- (f) The appropriate component of the DEP "Planning Module for Land Development."
- (g) Where any excavation or grading is proposed, a plan meeting DEP, Conservation District, and Township requirements to implement and maintain erosion and sedimentation control.

- E. Review of permit applications by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, Conservation District, etc.) for review and comment.
- F. Changes to permits. After the issuance of a permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- G. Placards. In addition to the permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance, and be signed by the Zoning Officer.
- H. Start of construction.
- (1) Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under the proposed subsurface footings, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

- (2) Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

I. Identification of Floodplain Conservation District.

- (1) The Floodplain Conservation District is all those areas of West Earl Township, Lancaster County, Pennsylvania, classified as special flood hazard areas in the Flood Insurance Study (FIS) and the accompanying FIRM dated April 5, 2016, and issued by FEMA, or the most recent version thereof, including all digital data developed as part of the FIS and FIRM.
- (2) The above referenced FIS and FIRM, and any subsequent revisions and amendments are hereby adopted by West Earl Township and declared to be a part of this section and the Floodplain Conservation District.
- (3) The floodplain area as defined in § 184-37W.
- (4) In those areas delineated as approximated floodplain in the FIS and FIRM or identified as floodplain areas, the BFE shall be determined by using other existing sources of data, such as those provided by the United States Army Corps of Engineers, United States Geologic Survey, or the Susquehanna River Basin Commission. In lieu of this, the Zoning Officer may require the applicant to determine the BFE through hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a licensed professional engineer registered to perform such surveys and studies. Copies of the studies shall be submitted to the Township Engineer for review. When deemed appropriate by the Township, the Township may accept less information to evaluate the BFE.

J. Description and special requirements of identified floodplain areas of the Floodplain Conservation District.

- (1) Floodway area.
  - (a) Description: the area identified as floodway in the FIS and FIRM which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.
  - (b) Special requirements:
    - [1] Any encroachment that would cause any increase in flood heights shall be prohibited.
    - [2] No new construction or development shall be allowed, unless a permit is obtained from the DEP regional office and the Township.
- (2) Special flood hazard area.

- (a) Description: the areas identified as Zones AE and A1-30 in the FIS and FIRM which are subject to inundation by the one-percent-annual-chance flood event determined by detailed methods and have BFEs shown.
- (b) Special requirements:
  - [1] No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the DEP regional office and the Township.
  - [2] In special flood hazard areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE.
- (c) Permitted uses. The following uses and no others are permitted in the Floodplain Conservation District:
  - [1] Agriculture, horticulture and forestry, excluding any structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - [2] Public and private recreational areas, such as parks, swimming areas, play areas, campgrounds, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, bicycle paths and hiking and horseback riding trails, all excluding structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - [3] Open space and front, side or rear yards required by other sections of this chapter.
  - [4] Stream restoration projects where flood heights and frequency will not be increased.
  - [5] Repair of existing bridges and culverts where flood heights and frequency will not be increased and water quality will not be impacted from the resulting structure.
  - [6] Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
    - [a] Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, waterlines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations and underground communications facilities shall, together with associated structures but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade and in such a manner as will prevent



flotation, minimize or eliminate flood damage and which will not cause any increase in flood heights and frequency.

- [b] All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters.
- (d) Special exception uses. The following uses are permitted in the Floodplain Conservation District only when special exceptions are granted by the Zoning Hearing Board as provided for herein:
- [1] Water-oriented uses, such as docks, piers, wharves, marinas, boat liveries and boat launching ramps.
  - [2] Extraction of sand, gravel and other mineral resources, excluding topsoil.
  - [3] Installation of proposed bridges and culverts to cross the floodplain, which shall be minimized and only permitted when alternate viable access routes with reduced floodplain and/or environmental impact are not reasonably available, as determined by the Zoning Hearing Board. Proposed bridges and culverts shall not cause any increase in flood heights or frequency unless such increase is entirely contained on the subject property. The applicant shall demonstrate that the proposed bridge or culvert shall not increase adverse conditions that may adversely impact water quality following completion of the project.
- (e) Prohibited uses. The following uses are prohibited in the Floodplain Conservation District:
- [1] All structures, buildings and mobile homes, with the exception of those specifically allowed by this section.
  - [2] Sanitary landfills, dumps, junk- and salvage yards and outdoor storage of vehicles and/or materials.
  - [3] Damming or relocation of any watercourse, except as provided for in this section.
  - [4] Any parts of any on-site sewage disposal systems.
  - [5] The storage of buoyant, toxic or hazardous material.
  - [6] Grading or placement of fill which would cause any increase in flood height or frequency.
- (3) Approximate floodplain area.
- (a) Description: the areas identified as Zone A in the FIS which are subject to inundation by the one-percent-annual-chance flood event determined using

approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

(b) Special requirements:

- [1] No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the DEP regional office and the Township.
- [2] When available, information from other federal, state, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- [3] In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, plans, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

(c) The provisions of § 184-37J(2)(c), (d), and (e), are applicable to the approximate floodplain area.

(4) Floodplain area.

(a) Description. Areas identified in § 184-371(3).

(b) Special requirements. The provisions of § 184-37J(3)(b) are applicable to the floodplain area.

(c) The provisions of § 184-37J(2)(c), (d), and (e), are applicable to the floodplain area.

K. Changes in identified floodplain area. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. As soon as practicable, but not later than six months after the date such information becomes available, the Township shall notify FEMA of the changes by submitting technical or scientific data.

L. Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

## M. Technical provisions.

- (1) Alteration or relocation of watercourse.
  - (a) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the DEP regional office and the Township. It is the responsibility of the applicant to provide all required studies and pay all fees.
  - (b) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
  - (c) FEMA and DCED shall be notified prior to any alteration or relocation of any watercourse.
- (2) Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
- (3) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, ordinances and regulations.

## N. Elevation and floodproofing requirements. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted:

- (1) Residential structures.
  - (a) In AE, AI-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
  - (b) In A Zones, where there are no BFEs specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 184-37J(3)(b)[2] and [3].
  - (c) In floodplain areas, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 184-37J(3)(b)[2] and [3].
  - (d) The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized, where they are more restrictive.
- (2) Nonresidential structures.

- (a) In AE, AI-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
    - [1] Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
    - [2] Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - (b) In A Zones, where there are no BFEs specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 184-37J(3)(b)[2] and [3].
  - (c) In floodplain areas, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 184-37J(3)(b)[2] and [3].
  - (d) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the United States Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
  - (e) The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized, where they are more restrictive.
- (3) Space below the lowest floor.
- (a) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - (b) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - [1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

[2] The bottom of all openings shall be no higher than one foot above grade.

[3] Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

O. Design and construction standards. All new and substantially improved structures are prohibited in the identified floodplain except for those uses such as bridges and culverts permitted by § 184-37J(2)(c) and (d) unless a variance is granted. The following minimum standards shall apply for all construction and development of those uses such as bridges and culverts permitted by § 184-37J(2)(c) and (d) and uses for which a variance has been granted proposed within any identified floodplain area.

(1) Fill. If fill is used, it shall:

- (a) Extend laterally at least 15 feet beyond the building line from all points.
- (b) Consist of soil or small rock materials only; sanitary landfills shall not be permitted.
- (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
- (d) Be no steeper than one vertical to three horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer.
- (e) Be used to the extent to which it does not adversely affect adjacent properties.

(2) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(3) Water and sanitary sewer facilities and systems. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted:

- (a) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and Township regulations for such systems. If any such system is permitted, it shall be

located so as to avoid impairment to it, or contamination from it, during a flood.

- (d) The design and construction provisions of the UCC and FEMA No. 348, Protecting Building Utilities From Flood Damage, and the International Private Sewage Disposal Code shall be utilized.
- (4) Other utilities. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted. All other utilities such as gas lines and electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (5) Streets. The finished elevation of all new streets shall be above the regulatory flood elevation. When permitted by the Township, the finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- (6) Storage. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 184-37P, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.
- (7) Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have no effect upon the flow and height of floodwater.
- (8) Anchoring. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted:
  - (a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (b) All air ducts, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (9) Floors, walls and ceilings. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted:
  - (a) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

- (b) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - (c) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - (d) Windows, doors, and other components at or below the regulatory flood elevations shall be made of metal or other water-resistant material.
- (10) Paints and adhesives. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted:
- (a) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
  - (b) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - (c) All wooden components (doors, trims, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.
- (11) Electrical components. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted:
- (a) Electrical distribution panels shall be at least three feet above the BFE.
  - (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (12) Equipment. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- (13) Fuel supply systems. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- (14) Uniform Construction Code coordination. The standards and specifications of the UCC shall apply to the above and other sections and subsections of this section, to the extent that they are more restrictive and/or supplement the requirements of this section.
- P. Development which may endanger human life.

- (1) In accordance with the Pennsylvania Flood Plain Management Act,<sup>20</sup> and the regulations adopted by the DCED as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
- (a) Acetone.
  - (b) Ammonia.
  - (c) Benzene.
  - (d) Calcium carbide.
  - (e) Carbon disulfide.
  - (f) Celluloid.
  - (g) Chlorine.
  - (h) Hydrochloric acid.
  - (i) Hydrocyanic acid.
  - (j) Magnesium.
  - (k) Nitric acid and oxides of nitrogen.
  - (l) Petroleum products (gasoline, fuel, oil, etc.).
  - (m) Phosphorus.
  - (n) Potassium.
  - (o) Sodium.
  - (p) Sulphur and sulphur products.
  - (q) Pesticides (including insecticides, fungicides, and rodenticides).
  - (r) Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any floodway area, any structure of the kind described in § 184-37P(1) shall be prohibited.

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20. Editor's Note: See 32 P.S. § 679.101 et seq.



- (3) Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in § 184-37P(1) shall be:
    - (a) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above BFE.
    - (b) Designed to prevent pollution from the structure or activity during the course of a base flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.
  - (4) Within any identified floodplain area, any new or substantially improved structure of the kind described in § 184-37P(1) shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- Q. Special requirements for subdivisions. All subdivision proposals and land development proposals in flood hazard areas where BFE data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. Notwithstanding the foregoing, where a subdivision plan proposes only changes in lot lines, the applicant is not required to submit hydrologic and hydraulic engineering analyses that determine BFEs and floodway information.
- R. Special requirements for manufactured homes and recreational vehicles. All new and substantially improved structures are prohibited in the identified floodplain unless a variance is granted. The following provisions apply when a variance is granted:
- (1) Within any floodway, manufactured homes and recreational vehicles shall be prohibited.
  - (2) Within a floodplain area, approximate floodplain or special flood hazard areas, manufactured homes shall be prohibited.
  - (3) Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
    - (a) Placed on a permanent foundation.
    - (b) Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above BFE.
    - (c) Anchored to resist flotation, collapse, or lateral movement.
  - (4) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of

the International Residential Building Code adopted as part of the UCC or the United States Department of Housing and Urban Development's Permanent-Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply.

- (5) Consideration shall be given to the installation requirements of the UCC where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.
- (6) Within approximate floodplain or special flood hazard area, recreational vehicles must either:
  - (a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
  - (b) Meet all of the requirements for manufactured homes in § 184-37T(2), (3), (4) and (5).
- (7) Nothing contained in this subsection shall be construed to permit manufactured homes in the Floodplain Conservation District.

S. Prohibitions. In accordance with the administrative regulations promulgated by the DCED to implement the Pennsylvania Flood Plain Management Act,<sup>21</sup> the following activities shall be prohibited within any identified floodplain area.

- (1) The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (a) Hospitals.
  - (b) Nursing homes.
  - (c) Jails or prison.
- (2) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

T. Existing structures. The provisions of this section do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 184-37U shall apply. Historic structures as defined in this section undergoing repair or rehabilitation that would constitute a substantial improvement as also defined in this section must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places must be obtained

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21. Editor's Note: See 32 P.S. § 679.101 et seq.

from the Secretary of the Interior. An exemption from ordinance requirements will be the minimum necessary to preserve historic character and design of the structure.

- U. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
- (1) No expansion or enlargement of an existing structure shall be allowed within any floodway that would cause any increase in the elevation of the BFE.
  - (2) No expansion or enlargement of an existing structure shall be allowed within any special flood hazard area that would, together with all other existing and anticipated development, increase the BFE.
  - (3) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this section.
  - (4) The above activity shall also address the requirements of the UCC.
  - (5) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
  - (6) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this section.
- V. Variances.
- (1) If compliance with any of the requirements of this section would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
  - (2) Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Article VIII of this chapter and the following:
    - (a) No variance shall be granted for any construction, development, use or activity within any floodway that would cause any increase in the BFE.
    - (b) No variance shall be granted for any construction, development, use, or activity within the Floodplain Conservation District, including but not limited to within any special flood hazard area that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point on the subject property. No variance for any increase on property not owned by the applicant shall be granted unless the applicant presents written authorization for such increase from all owners of the property not held by the applicant.

- (c) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development which may endanger human life.
- (d) If granted, a variance shall involve only the least modification necessary to provide relief.
- (e) Whenever a variance is granted, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this section.
- (f) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - [1] The granting of the variance may result in increased premium rates for flood insurance.
  - [2] Such variance may increase the risks to life and property.
- (g) In reviewing any request for a variance, the Zoning Hearing Board shall consider at a minimum, the following:
  - [1] That there is good and sufficient cause.
  - [2] That failure to grant the variance would result in exceptional hardship to the applicant.
  - [3] That the granting of the variance will:
    - [a] Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense:
    - [b] Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (h) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.
- (i) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent-annual-chance flood.

W. Definitions. Unless specifically defined below, words and phrases used in this section shall be interpreted so as to give this section its most reasonable application.

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

**BASE FLOOD** A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood").

**BASE FLOOD DISCHARGE** — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**BASE FLOOD ELEVATION (BFE)** — The elevation shown on the FIRM for Zones AE, AH, and AI-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT** — Any area of the building having its floor below ground level on all sides.

**BUILDING** — A combination of materials forming a permanent structure and which has walls and a roof. This term shall include manufactured homes and trailers used for human habitation.

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

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction or facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Township.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.).

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

**FLOOD INSURANCE RATE MAP (FIRM)**- The official map on which the FEMA or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township.

**FLOOD INSURANCE STUDY (FIS)**- The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOODPLAIN AREA**- A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

**FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC RESOURCE** — Any building, structure, site, object or district that is included on the National Register of Historic Places, individually or as a contributing resource in a National Register Historic District.

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

**MANUFACTURED HOME** — A type of single-family detached dwelling that meets all of the following requirements:

- (1) It is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing;
- (2) It is designed for permanent occupancy;
- (3) It arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations;
- (4) It may be constructed so that it may be used without a permanent foundation.
- (5) It is not a recreation vehicle.

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile/manufactured home lots for the placement thereon of mobile/manufactured homes.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after the effective date of these floodplain regulations that were adopted by the Township, and includes any subsequent improvements thereto. Any construction started after May 19, 1981, and before the effective date of these floodplain regulations is subject to the regulations in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION**- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which

the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Township.

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

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

**RECREATIONAL VEHICLE**— A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD ELEVATION** — The BFE or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

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

**SPECIAL FLOOD HAZARD AREA (SFHA)**— An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

**START OF CONSTRUCTION**— Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**SUBDIVISION** — A subdivision as defined in the MPC.

**SUBSTANTIAL DAMAGE** — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss, regardless of the actual repair work performed. The term does not include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Township code enforcement official and which are the minimum necessary to assure safe living conditions.

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

**VIOLATION** — The failure of a structure or other development to be fully compliant with the Township's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), (e)(5) is presumed to be in violation until such time as that documentation is provided.

**§ 184-38. Adult establishments. [Added 12-9-1986 by Ord. No. 59]**

Adult establishments shall comply with the following standards and criteria:

- A. No building that contains any adult establishment shall contain any other kind of adult establishment.
- B. No more than one adult establishment shall be permitted in any one building.
- C. No adult establishment shall be located within the following distances measured in a straight line, without regard to intervening structures, from the closest point of the building within which the adult establishment is located to the closest point of the following:
  - (1) Seven hundred fifty feet of any building within which is located another adult establishment.



- (2) Seven hundred fifty feet of any A Agricultural, R-1 Low-Density Residential or R-2 Medium-Density Residential District.
  - (3) One thousand feet of the lot line of any lot upon which is located a school, church, child-care facility, public park or playground.
- D. There shall be no display of sexually oriented devices, specified anatomical areas or specified sexual activities that can be seen from the exterior of the building.
  - E. No unlawful sexual activity or conduct shall be performed or permitted.
  - F. No adult establishment may change to another type of adult establishment except upon application to and approval by the Zoning Hearing Board of such change as a special exception subject to the criteria set forth herein.

**§ 184-39. Bed-and-breakfast establishments. [Added 5-14-1990 by Ord. No. 82]**

Bed-and-breakfast establishments shall comply with the following standards and criteria:

- A. One off-street parking space shall be provided for each bedroom rented to overnight guests.
- B. Breakfast shall be the only meal offered, and meals may be offered only to registered guests.
- C. No cooking facilities shall be permitted in any of the bedrooms rented to guests.
- D. The bedrooms rented to guests shall be located within the single-family detached dwelling and shall not be located in any accessory structure.
- E. There shall be no external alteration of the single-family detached dwelling except as may be necessary for reasons of safety.
- F. Signs shall be permitted in accordance with the regulations governing signs for home occupations.
- G. Operation of the bed-and-breakfast shall comply with all applicable municipal and state regulations.

**§ 184-40. Lighting standards. [Added 5-14-1990 by Ord. No. 82]**

Lighting of all commercial or industrial establishments shall comply with the following standards:

- A. Direct glare. "Direct glare" is defined, for the purpose of this chapter, as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be 60° drawn perpendicular to the ground, with the exception that such angle may be increased to 90° if the luminary is less than four feet above the ground. Such luminaries shall be placed

not more than 16 feet above ground level, and the maximum illumination at ground level shall not be in excess of three footcandles.

- B. Indirect glare. "Indirect glare" is defined, for the purpose of this chapter, as the illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed a maximum of three-tenths (0.3) footcandle or an average of one-tenth (0.1) footcandle. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

**§ 184-41. Airport safety zones. [Added 5-14- 1990 by Ord. No. 82]**

A. Declaration of legislative intent. This section is adopted pursuant to the authority conferred by the Airport Zoning Act, 74 Pa.C.S.A. § 5911 et seq., and the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. § 10101 et seq. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Lancaster Airport and property or occupants of land in its vicinity, that an obstruction may affect existing and future instrument approach minimums of the Lancaster Airport and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Lancaster Airport. Accordingly, it is declared that:

- (1) Creation of an obstruction has the potential of being a public nuisance.
- (2) It is necessary in the interest of the public health, safety and general welfare that the establishment of obstructions that are a hazard to air navigation be prevented.
- (3) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

B. Definitions. Words and phrases in this section which are defined in the Aviation Code, 74 Pa.C.S.A. § 5102, shall have the meanings set forth therein. In addition, the following words and phrases shall have the meanings provided herein:

**AIRPORT** — The Lancaster Airport.

**AIRPORT ELEVATION** — The highest point of an airport's usable landing area, measured in feet from sea level.

**APPROACH SURFACE** — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach height limitation slope set forth in Subsection D herein. In plan, the perimeter of the "approach surface" coincides with the perimeter of the approach zone.

**CONICAL SURFACE** — A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of 4,000 feet.

**HAZARD TO AIR NAVIGATION** — An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HORIZONTAL SURFACE** — A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal zone.

**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.

**NONPRECISION INSTRUMENT RUNWAY** — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal

guidance, or area-type navigation equipment, for which a straight-in non precision instrument approach procedure has been approved or planned.

**OBSTRUCTION** — Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Subsection D herein.

**PRECISION INSTRUMENT RUNWAY** — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR) or a runway for which a precision approach system is planned and is so indicated on an approach airport layout plan or any other planning document.

**PRIMARY SURFACE** — A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the “primary surface” extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the “primary surface” ends at each end of that runway. The width of the “primary surface” is set forth in Subsection D herein. The elevation of any point on the “primary surface” is the same as the elevation of the nearest point on the runway center line.

**RUNWAY** — A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE** — Any object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines, in addition to those objects as defined in § 184-7.

**TRANSITIONAL SURFACES** — Those surfaces extending outward at angles of 90° to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. “Transitional surfaces” for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at angles of 90° to the extended runway center line.

**TREE** — Any object of natural growth.

**UTILITY RUNWAY** — A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds’ maximum gross weight and less.

**VISUAL RUNWAY** — A runway intended solely for the operation of aircraft using visual approach procedures.

- C. Airport surface zones. In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Lancaster Airport. Such airport zones are shown on the West Earl Township Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated 1989, which is attached to

this chapter and made a part hereof<sup>7</sup> An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows, recognizing that all such zones may not be located within the Township of West Earl:

- (1) Utility Runway Visual Approach Surface Zone. Established beneath the visual approach surface, the inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (2) Utility Runway Non-precision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface, the inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (3) Runway Larger Than Utility Visual Approach Surface Zone. Established beneath the visual approach surface, the inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (4) Runway Larger Than Utility with a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface, the inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (5) Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface, the inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (6) Precision Instrument Runway Approach Surface Zone. Established beneath the precision instrument approach surface, the inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

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7. Editor's Note: Said map is on file in the office of the Township Secretary.

- (7) Transitional Surface Zones. These zones are established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.<sup>8</sup>
- (8) Horizontal Surface Zone. This zone is established beneath the horizontal surface 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five-thousand-foot radii for all runways designated as utility or visual and ten-thousand-foot radii for all other runways.
- (9) Conical Surface Zone. The Conical Surface Zone is established as the area that commences at the periphery of the Horizontal Surface Zone and extends outward there from a horizontal distance of 4,000 feet.

D. Airport zone height limitations.

- (1) Except as otherwise provided in this section, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
  - (a) Utility Runway Visual Approach Surface Zone: slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
  - (b) Utility Runway Nonprecision Instrument Approach Surface Zone: slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
  - (c) Runway Larger Than Utility Visual Approach Surface Zone: slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
  - (d) Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone: slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.
  - (e) Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Nonprecision Instrument Approach Surface Zone: slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.

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8. Editor's Note: Said map is on file in the office of the Township Secretary.

- (f) Precision Instrument Runway Approach Surface Zone: slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.
  - (g) Transitional Surface Zones: slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation, which for Lancaster Airport is 403 feet above mean sea level. In addition to the foregoing, when an airport has a Precision Instrument Runway Approach Surface Zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the Precision Instrument Runway Approach Surface Zone projects beyond the Conical Surface Zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at angles of 90° to the extended runway center line.
  - (h) Horizontal Surface Zone: established at 150 feet above the airport elevation or at a height of 553 feet above mean sea level for Lancaster Airport.
  - (i) Conical Surface Zone: slopes 20 feet outward for each foot upward beginning at the periphery of the Horizontal Surface Zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (2) Excepted height limitations. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 350 feet above the surface of the land.

E. Use restrictions.

- (1) Notwithstanding any other provisions of this chapter, no use may be made of the land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
- (2) The zones established by this section represent overlay zoning districts that are concerned with permitted height and safe operation of aircraft. The underlying zoning district shall prescribe all other zoning-related standards and uses which shall be imposed upon any lands within the township. In those instances where an

airport safety zone prescribes a height restriction different than that imposed by the underlying zoning district, the more restrictive standard shall apply.

F. Nonconforming structures or uses.

- (1) Regulations not retroactive. The regulations prescribed in 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 section or otherwise interfere with the continuance of a nonconforming structure or use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and is diligently pursued.
- (2) Marking and lighting. Notwithstanding the preceding provision of this Subsection F, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner.

G. Permits.

(1) Future uses.

- (a) Except as specifically provided in Subsection G(1)(a)[1], [2] and [3] hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with Subsection G(4) herein.

[1] In the area lying within the limits of the Horizontal Surface Zone and Conical Surface Zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

[2] In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.



- [3] In the areas lying within the limits of the Transitional Surface Zones beyond the perimeter of the Horizontal Surface Zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such Transitional Surface Zones.
- (b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any height limits established by this section, except as set forth in Subsection G(4) herein.
- (2) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto or than it was when the application for a permit was made. Except as indicated, all applications for such a permit shall be granted.
- (3) Nonconforming uses abandoned or destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.
- (4) Variances. Any person desiring to erect or increase the height of any structure or permit the growth of a tree or use property not in accordance with the regulations prescribed in this section may apply to the Zoning Hearing Board for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted will not be contrary to the public interest, will be the minimum variance necessary to grant relief, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this section. Additionally, no application for a variance to the requirements of this section may be considered by the Zoning Hearing Board unless the applicant shall have furnished a copy of the application to the airport manager and to the registered owner of the real estate upon which the airport is located for advice as to the aeronautical effects of the variance. If the airport manager or the other owner of the real estate upon which the airport is located does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application. Notwithstanding any other provision of law, a municipality or board which decides to grant a permit or variance under this chapter shall notify the Department of Transportation of its decision. This notice shall be in writing and shall be sent so as to reach the Department at least 10 days before the date upon which the decision is to issue.

- (5) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit the Lancaster Airport, at its own expense, to install, operate and maintain the necessary markings and lights.
- H. Enforcement. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose. Applications required by this section to be submitted to the Zoning Officer shall be promptly considered and granted or denied. Applications for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer.

**§ 184-42. Retirement homes. [Added 5-14-1990 by Ord. No. 82]**

Retirement homes shall comply with the following standards and criteria:

- A. The minimum lot area shall be five acres. There shall be provided a front yard of 75 feet, a rear yard of 50 feet and two side yards which shall be not less than 50 feet. The minimum lot width shall be 250 feet.
- B. Residential living units shall be exclusively for persons who are 55 years of age or older or for married couples with one spouse or both spouses being 55 years of age or older. No children under the age of 18 shall be permitted to reside in the facility.
- C. All residential dwelling units shall contain no more than two bedrooms.
- D. Support and retail facilities may be provided, but such facilities shall be limited for the use of the residents and their guests only. No outside advertising shall be permitted for such facilities. Permitted retail and support facilities shall be limited to barbershops and/or beauty salons, pharmacies, commissaries, newsstands, gift shops, snack bars and/or coffee shops, thrift shops, handicraft shops, post offices, dry cleaners and chapels.
- E. Other support facilities in the retirement village may include, but shall not be limited to, lounge areas, reading rooms, craft rooms, common dining facilities for use by residents and recreational rooms.
- F. There shall be eighty-five hundredths (0.85) off-street parking space per bedroom and one off-street parking space for each employee on the largest shift.
- G. A nursing facility may be permitted which shall be designed for the temporary or long-term care of the residents of the retirement home. Care shall be limited to residents, and such care facility shall not exceed one bed per three dwelling units.

**§ 184-43. Multifamily and townhouse development. [Added 2-24-1992 by Ord. No. 88; 7-22-1996 by Ord. No. 118]**

- A. Area and bulk regulations for multifamily dwellings. All multifamily development shall conform to all of the requirements of the R-2 Residential District, except as modified by this § 184-43.
- (1) Minimum lot area: five acres.
  - (2) Maximum density: six dwelling units per acre.
  - (3) Minimum distance between buildings: the height of the highest building.
  - (4) Minimum front yard: 75 feet.
  - (5) Minimum side yard: 50 feet.
  - (6) Minimum rear yard: 100 feet.
  - (7) Maximum lot coverage: 15%.
- B. Area and bulk requirements for townhouse dwellings. All townhouse development shall conform to the requirements of the R-2 Residential District, except as modified by this § 184-43.
- (1) Requirements for a townhouse development shall be as follows:
    - (a) Minimum lot area: one acre.
    - (b) Minimum lot width: 100 feet.
    - (c) Maximum density: six dwelling units per acre.
  - (2) Requirements for individual townhouse lots shall be as follows:
    - (a) Minimum lot area: 2,000 square feet.
    - (b) Minimum lot width: 22 feet.
    - (c) Minimum front yard: 30 feet.
    - (d) Minimum rear yard: 25 feet.
    - (e) Minimum side yard for the end of the row: 15 feet.
    - (f) All townhouse lots shall be provided with a means of access to both the front and rear yards which does not require passage through the dwelling unit. Access may be provided through pedestrian alleys at least three feet in width and at least one story in height between interior townhouse lots or by means of an easement across the front and rear yards of all townhouse lots and the side yards of end of row townhouse lots for each group of townhouse dwellings.

- C. Sewer and water service. All multifamily and townhouse dwellings shall be provided with public sewer and water service.
- D. Off-street parking facilities.
- (1) Number of spaces. Three off-street parking spaces shall be provided for each dwelling unit. Each off-street parking space shall meet all requirements for the design of off-street parking spaces set forth in § 184-36 of this chapter.
  - (2) Location. Required parking spaces for multifamily dwellings and for townhouse dwellings which are not on individual lots shall be provided on the same lot as the building served. Where townhouse dwellings are located on individual lots, at least two off-street parking spaces shall be provided on each townhouse lot. The third required off-street parking space where townhouse dwellings are located on individual lots may be provided through on-street parking, if sufficient on-street parking which does not interfere with access to driveways and garages exists or may be provided for by means of parking compounds.
  - (3) Standards for parking compounds.
    - (a) All outdoor parking spaces and access drives shall be at least 15 feet from any multifamily dwelling or townhouse building on the lot and from all exterior lot lines.
    - (b) Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the parking compound.
    - (c) Entranceways and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site but shall at no time exceed 30 feet in width at the street line.
    - (d) All dead-end parking compounds shall be designed to provide sufficient backup area for the end stalls of the parking area.
    - (e) Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A plan specifying the type, size and location of existing and proposed planting material shall be submitted with the application for a special exception.
    - (f) All accessways and parking areas shall be suitably paved with a permanent hard-surface covering.
    - (g) Entranceways and exit ways and interior accessways shall be designed so as to prevent blocking of vehicles entering or leaving the site.
    - (h) Other requirements deemed necessary by the Zoning Hearing Board for the public safety shall be complied with.
    - (i) The applicant shall present a plan for the ownership and maintenance of the parking compound.

- E. Buffer yard and screening. A twenty-foot-wide buffer yard with a permanently maintained vegetative screen shall be required between any multifamily or townhouse building and any abutting existing single-family detached dwelling that is within 125 feet of the proposed multifamily or townhouse building. The vegetative screen shall be composed of plantings suitable for the area. Trees shall be at least six feet in height when planted, and shrubs shall be at least three feet in height when planted. Trees shall be planted on ten-foot centers, and shrubs shall be planted on three-foot centers. The applicant shall present a landscaping plan setting forth the amount and types of plantings proposed with his application for a special exception, and the Zoning Hearing Board shall review the landscaping plan for conformance with these requirements. The Zoning Hearing Board may impose additional landscaping requirements as conditions upon the granting of a special exception to permit development of multifamily or townhouse dwellings if the evidence presented to the Zoning Hearing Board demonstrates that such conditions are needed to protect the health, safety and welfare of the neighborhood.
- F. Common open space. For any development involving 12 or more dwelling units, a minimum of 200o of the total land area shall be permanently reserved as common open space. The common open space shall be so designated on the plans, and the plans shall contain a notation stating "Common open space shall not be separately sold and shall not be further developed or subdivided." The common open space shall comply with the following regulations:
- (1) The common open space shall be substantially contiguous and shall be interconnected with common open space on abutting parcels whenever possible. In no case shall lands which are unusable because of inaccessibility, excessive smallness or narrowness or any other factor be proposed for open space.
  - (2) The common open space shall be provided with safe and convenient access to the residentially developed area of the tract by adjoining frontage on streets or easements capable of accommodating pedestrian, bicycle and maintenance vehicle traffic. Such easements shall be a minimum of 10 feet for pedestrian and bicycle traffic and a minimum of 20 feet for maintenance vehicle traffic. Common open space areas shall be provided with perimeter area parking when the common open space is to be dedicated to the township.
  - (3) The common open space shall not include lots, streets or parking areas. No more than 50% of the common open space shall contain detention basins, retention basins or other stormwater management facilities. The common open space shall either be improved for active recreational use or, if the area contains natural features such as trees, wetlands or wildlife habitat, the common open space may be left unimproved.
  - (4) In no case shall required common open space area be less than 50 feet in width or length or have a ratio of the longest to the shortest dimension exceeding four to one, except areas of pedestrian trails and/or areas to preserve a scenic corridor. It is the express intention of this provision to prohibit common open space from being a narrow area along the perimeter of the tract unless such area is part of an existing trail system or can be connected to a trail system.

- (5) The common open space shall be owned and maintained in a manner to ensure its preservation. This shall be accomplished through one of the following:
- (a) An offer of dedication to the township or other governmental agency. The township or other governmental agency 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) If the township does not accept dedication of the common open space, 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 Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq. If such an organization is created, the developer shall prepare an appropriate declaration in language to the Township Solicitor which shall contain the following requirements:
    - [1] The 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 chapter.
    - [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 Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities.
    - [3] The organization shall establish a reserve fund to provide for maintenance of or capital improvements to the common open space. The cost of such maintenance or improvements shall be assessed against the properties within the development that have a right of enjoyment of the common open space.

- G. Storage of trash and rubbish. Exterior storage areas for trash and rubbish shall be completely screened with evergreen plantings, and all trash and rubbish shall be contained in airtight, vermin-proof containers. An accessory building not more than five feet in height and not more than 200 square feet in size may be erected outside the main or other accessory buildings for the storage of trash and rubbish containers, but such building shall be screened with evergreen plantings on at least three sides and shall

comply with all setback and other requirements of this section. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

- H. Traffic study. All multifamily and townhouse dwelling developments proposing more than 12 dwelling units shall provide a traffic study which shall meet all of the requirements of § 184-321 herein. The traffic study shall be submitted with the application for a special exception.
- I. Review of special exception application by Township Planning Commission. All applications for special exceptions to develop multifamily developments or townhouse developments shall be simultaneously filed by the applicant with the Township Planning Commission for its review and recommendation to the Zoning Hearing Board. The applicant shall provide the Township Planning Commission with a complete copy of the application, including copies of all plans and a copy of the traffic study if the proposed development will contain more than 12 dwelling units. The applicant shall present the Zoning Hearing Board with evidence that the applicant has complied with the requirements of this subsection at the hearing.

**§ 184-43.1. Communications towers and antennas. [Added 6-12-1995 by Ord. No. 107]**

- A. A communications tower or antenna that is mounted on an existing structure and which does not extend more than 10 feet higher than the structure on which it is located is permitted as of right in the A Agricultural District, C-1 Neighborhood Commercial District, C-2 General Commercial District and I Industrial District. All other uses associated with the communications tower or antenna, including but not limited to a maintenance facility, or vehicle and equipment storage shall not be located on the property unless such use is permitted within the zoning district and all appropriate permits and approvals are obtained.
- B. A communications tower or antenna that is either not mounted on an existing structure or is more than 10 feet higher than the structure on which it is mounted is permitted by special exception in the agricultural, commercial (neighborhood and general) and industrial zoning districts, subject to the following:
  - (1) The applicant shall be required to demonstrate, using technological evidence, that the communications tower or antenna is best located at the site proposed in order to satisfy the function of the communications tower or antenna within the larger communications system.
  - (2) The applicant must demonstrate that the communications tower or antenna is the minimum height required to function satisfactorily.
  - (3) If a new communications tower or antenna support structure is constructed (as opposed to not being the tower or antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
    - (a) Thirty percent of the height of the support structure;
    - (b) The minimum setback in the underlying zoning district; or

(c) Forty feet.

- (4) The applicant shall demonstrate that the proposed tower or antenna support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
- (5) A fence and screening shall be required around the tower or antenna support structure and other equipment, unless the tower or antenna is mounted on an existing structure. The fence shall have a minimum height of eight feet; screening shall be in accordance with the relevant screening provisions of the zoning district in which the tower or antenna is to be erected.
- (6) The applicant must be licensed by the Federal Communications Commission.
- (7) No tower or antenna may be artificially lighted except when required by the Federal Aviation Administration.
- (8) All other uses associated with the communications tower or antenna, such as a business office, maintenance depot or vehicle storage, shall not be located on the tower or antenna site unless the use is otherwise permitted in the zoning district in which the tower or antenna is located.

C. Prior to issuance of a building permit, the applicant shall verify for the township that the communications tower or antenna plans have been reviewed by a licensed engineer and that the communications tower or antenna is to be constructed in accordance with published industry standards.

**§ 18443.2. Uses not provided for. [Added 7-22-1996 by Ord. No. 118]**

If a use is neither specifically permitted nor prohibited under this chapter, and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall inform the applicant that such use may be authorized by special exception if such use meets the requirements of this section. If the applicant applies to the Zoning Hearing Board for a special exception, the Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained in this chapter. The use may be permitted if it is of the same general character as the enumerated permitted uses in the zoning district, is in accordance with the intended purpose of the zoning district, is compatible with the permitted uses in the zoning district and is not permitted in any other zoning district by this chapter. The use shall comply with all performance standards applicable to permitted uses in the district. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use meets all of the requirements of this section and all applicable area and bulk regulations.



**§ 184-43.3. Traditional Residential Development Option. [Added 11-9-2009 by Ord. No. 207]**

- A. This section of the Zoning Ordinance is intended to provide development and design criteria for the Traditional Residential Development Option (TRDO). The purpose and objectives of the TRDO are outlined as follows:
- (1) To provide an optional approach to community residential development with provisions to permit more efficient utilization of land and of community facilities and services;
  - (2) To encourage innovative residential land development and smart growth techniques within urban growth boundaries that will conserve open space and protect environmentally sensitive areas.
  - (3) To efficiently utilize undeveloped land by introducing traditional town and village characteristics that is generally compatible to the rural and suburban landscape of West Earl Township.
  - (4) To allow for compact and visually unified mixed-use residential developments, while integrating village greens and TRDO open space.
  - (5) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Comprehensive Plan.
- B. Traditional Residential Development Option (TRDO), as further defined under Article II of this Zoning Ordinance, shall be permitted by conditional use within the R-2 Zoning District.
- C. The following general design and eligibility standards shall apply to the TRDO:
- (1) A minimum of 20 acres of contiguous lot area shall be required to accommodate the TRDO. "Contiguous lot area" shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. West Earl Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the TRDO can be harmoniously designed as a planned unified development.
  - (2) The TRDO shall not exceed a residential density of four residential dwelling units per gross acre. A lot within other zoning districts may be included as part of the residential density calculation, provided that all residential uses shall be located within the R-2 Zoning District; the lot is owned by the applicant; and the lot is contiguous with the parcel(s) of land being developed as a TRDO. If the contiguous lot is included as part of the residential density calculation, such lot shall be depicted on the conditional use site plan and shall be considered part of the lot area of the TRDO.

- (3) The TRDO shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the West Earl Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended)<sup>18</sup> as well as any ordinances adopted by West Earl Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Sewer Authority and the Pennsylvania Department of Environmental Protection.
- (4) The TRDO shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by West Earl Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of West Earl Township, the West Earl Water Authority and the Pennsylvania Department of Environmental Protection.
- (5) TRDO Open Space shall be provided in accordance with the provisions of § 184-43.31 of the Zoning Ordinance. Thirty percent of the gross lot area of the TRDO shall be maintained as TRDO open space in accordance with the provisions of § 184-43.31 of the Zoning Ordinance. Subject to the provisions of § 184-43.31, TRDO open space may be located within other zoning districts, provided that the lot area in the other zoning district is owned by the applicant and is contiguous with the R-2 Zoning District land being developed as a TRDO under this § 184-43.3.

D. The TRDO may include the following permitted uses:

- (1) Single-family detached dwelling units.
- (2) Single-family semidetached dwelling units.
- (3) Townhouse dwelling units.
- (4) TRDO open space.
- (5) Municipal uses.

E. The TRDO shall be designed as a planned mixed-use residential community. The following chart provides the required land use composition within the TRDO:

<b>TRDO Mixed-Use Residential Requirements</b>		
<b>Permitted Residential Land Use</b>	<b>Minimum Percentage</b>	<b>Maximum Percentage</b>
Single-family detached dwelling units	30%	60%
Single-family semidetached dwelling units	10%	40%
Townhouse dwelling units	10%	40%

<sup>18</sup> Editor's Note: See 35 P.S. § 750.1.

NOTE: The minimum and maximum percentage values identified on this chart are based upon the total number of residential units permitted within the TRDO.

F. The following minimum and maximum dimensional requirements shall apply to the permitted residential uses contained within the TRDO:

- (1) Single-family detached dwelling units shall comply with the following minimum and maximum dimensional provisions:
  - (a) The minimum lot area shall be 5,000 square feet.
  - (b) The minimum lot width shall be 50 feet.
  - (c) The minimum front yard setback required shall be 15 feet.
  - (d) The minimum side yard setback shall be five feet, as measured from each side.
  - (e) The minimum rear yard setback shall be 10 feet.
  - (f) The maximum building coverage shall be 40%.
  - (g) The maximum impervious coverage shall be 60%.
  - (h) The maximum height of the building shall be 35 feet. The maximum height may be increased to 45 feet or three floors provided that a sprinkler system or other fire suppression apparatus is installed as per code requirements and that adequate water supply and pressure is available for fire suppression and protection.
  - (i) Accessory buildings or structures shall be located within the side yard or rear yard. The minimum setback requirement shall be five feet from the side or rear property line.
  - (j) All proposed single-family detached dwelling units contained within the TRDO shall be located at least 30 feet from any property line or property, which is not owned by the applicant in predevelopment conditions.
- (2) Single-family semidetached dwelling units shall comply with the following minimum and maximum provisions:
  - (a) The minimum lot area shall be 3,000 square feet.
  - (b) The minimum lot width shall be 30 feet.
  - (c) The minimum front yard setback required shall be 15 feet.
  - (d) The minimum side yard setback shall be five feet for the side of the building that does not feature a common wall with another single-family semidetached dwelling unit.
  - (e) The minimum rear yard setback shall be 10 feet.

- (f) The maximum building coverage shall be 50%.
  - (g) The maximum impervious coverage shall be 75%.
  - (h) The maximum height of the building shall be 35 feet. The maximum height may be increased to 45 feet or three floors, provided that a sprinkler system or other fire suppression apparatus is installed as per code requirements and that adequate water supply and pressure is available for fire suppression and protection.
  - (i) Accessory buildings or structures shall be located within the side yard or rear yard. The minimum setback requirement shall be three feet from the side or rear property line. The side yard setback requirement shall not apply to the side of the building that does not feature a common wall with another single-family semidetached dwelling unit.
  - (j) All proposed single-family semidetached dwelling units contained within the TRDO shall be located at least 30 feet from any property line or property, which is not owned by the applicant in predevelopment conditions.
- (3) Townhouse dwelling units shall comply with the following minimum and maximum provisions:
- (a) Townhouse dwelling units may be included within an individual owner-occupied lot within the TRDO or as a freestanding owner-occupied dwelling unit within the TRDO.
  - (b) The minimum width of a townhouse unit shall be 20 feet.
  - (c) The minimum front yard setback required shall be 15 feet.
  - (d) The minimum building separation from other groups of townhouse units within the TRDO shall be as follows: 60 feet when townhouse unit groups are orientated front to front; 40 feet when the townhouse unit groups are orientated rear to rear; 30 feet when the townhouse unit groups are orientated side to rear; and 20 feet when the townhouse unit groups are orientated side to side.
  - (e) The number of townhouse dwelling units attached in a common row shall not exceed eight attached townhouse dwelling units.
  - (f) No more than 70% of the designated area for the townhouse dwelling units shall be covered by buildings.
  - (g) No more than 85% of the designated area for the townhouse units shall be covered by impervious surfaces.
  - (h) The maximum height of the building shall be 35 feet. The maximum height may be increased to 45 feet or three floors, provided that a sprinkler system or other fire suppression apparatus is installed as per code requirements and that adequate water supply and pressure is available for fire suppression and protection.

- (i) Accessory buildings or structures shall be located within the rear yard. The minimum setback requirement shall be three feet from the side or rear property line of the lot occupied by the townhouse unit. The side yard requirement shall not apply to the side of the building that does not feature a common wall with another townhouse dwelling unit.
- (j) All proposed townhouse dwelling units contained within the TRDO shall be located at least 30 feet from any property line or property, which is not owned by the applicant in predevelopment conditions.
- (4) Except as permitted by § 184-43.31(5), all permitted residential dwelling units shall be located within the R-2 Zoning District.
- (5) All permitted buildings and structures contained within the area designated as TRDO Open Space shall be located at least 40 feet from any property line or property, which is not owned by the applicant in predevelopment conditions.

G. The TRDO shall be designed in accordance with the following engineering and streetscape criteria:

- (1) The TRDO shall be designed with an interconnected and broadly rectangular pattern of blocks, streets and lanes defined by buildings, public open space and streetscapes. The TRDO should be designed to promote a more efficient use of the land and lower the costs of infrastructure and public services. Compact development patterns should also promote social interaction by including a diversity of uses and encouraging pedestrian movement.
- (2) The TRDO shall be designed in accordance with the design criteria specified within the West Earl Township Subdivision and Land Development Ordinance. Should any conflict exist between this section of the Zoning Ordinance and the design criteria of the Subdivision and Land Development Ordinance, the design criteria of § 184-43.3 of the Zoning Ordinance shall be utilized for the TRDO.
- (3) Clear sight triangles at proposed road intersections with roads external to the development shall comply with the provisions specified by West Earl Township. However, internal road intersections shall have clear site triangles consistent with PennDOT safe-stopping distance regulations in effect when the application for a conditional use is filed.
- (4) At least one public entrance for each permitted residential use shall be oriented towards the front lot line or street side lot line. Vehicular openings such as those for garages and carports shall not constitute a public entrance.
- (5) The following chart provides a summary of the design standards and specification for the proposed streets within the TRDO:

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19. Editor's Note: See Ch. 155, Subdivision and Land Development.

**TRDO Street Design Standards and Specifications**

<b>Street Type</b>	<b>Design Speed (mph)</b>	<b>ROW Width (feet)</b>	<b>Cartway Width (feet)</b>	<b>Travel Lanes</b>	<b>Parking (number of sides)</b>	<b>Sidewalks</b>	<b>Curbs</b>	<b>Curb Radii</b>
Boulevard	25	54	16 per side	2	2	Yes	Yes	25
Collector	25	50	30	2	2	Yes	Yes	25
Local Street	25	40	28	1	1	Yes	Yes	20
	25	50	30	2	2	Yes	Yes	20
Neighborhood	25	40	26	2	1	Yes	Yes	20
	25	40	26	2	1	Yes	Yes	20
Service Street	15	16	8	1	None	No	No	N/A

- (1) The following street types contained within the TRDO are hereby defined:  
**BOULEVARD** — A collector street provided with a landscaped median. Boulevards may also provide circulation around squares or neighborhood parks.  
**COLLECTOR** — A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and collector streets.  
**LOCAL STREET** — A minor street which, in addition to providing access to abutting properties, intercepts neighborhood streets to provide a route and gives access to community facilities and/or other collector and major streets.  
**NEIGHBORHOOD** — A minor street used primarily to provide access to abutting properties.  
**SERVICE STREET** — A minor street or lane providing secondary vehicular access to the side or rear of abutting properties.
- (2) The street design standards for right-of-way width, cartway width, travel lanes, on-street parking, curbing, sidewalks, and curb radii shall be considered as minimum requirements to accommodate the TRDO as well as any emergency management vehicles and maintenance vehicles that may need to gain access to the TRDO.
- (6) Street lighting shall be provided along all streets, which shall be designed to consider both pedestrian and vehicular safety as well as enhance the character of the TRDO. More frequently placed smaller-scale lights, as opposed to fewer, taller, high-intensity lights, shall be considered as part of a lighting plan. The scale of lighting fixtures and the illumination provided must be appropriate for both pedestrian and vehicular movements. Streetlights shall be provided in a manner consistent with the architectural guidelines of the TRDO, which shall be subject to the review and approval of West Earl Township.
- (7) Pedestrian access from the public sidewalk, street right-of-way or driveway to the front doorway of the principal residential dwelling unit shall be provided via an improved impervious surface.

- (8) In order to make the living area of a residence more visually dominant than its parking facilities, all garages or carports (whether detached, attached to or incorporated within the principal structure) shall be recessed at least 10 feet behind the front facade of the principal structure or required minimum front yard setback, whichever is greater. When a driveway or lane is present, garages shall be located in the rear yard and accessed through the driveway or lane.
- (9) Curb cuts and driveways for parking facilities shall be a maximum of 24 feet wide to permit two-way travel lanes and 12 feet to permit one-way travel drives. The curb radii shall be the minimum possible dependent upon width of road, width of driveway and location of parking.
- (10) Parking areas, driveways and access drives for residential uses within the TRDO shall comply with the following minimum setback requirements from any property line: one foot for single-family detached units; zero feet for the common property line of a single-family semidetached unit and five feet for all other property lines; zero feet for the internal common off-street parking area of townhouse units within the development and 20 feet from all exterior property lines and existing street right-of-way lines.
- (11) Except as specified below, all proposed off-street parking spaces within the TRDO shall comply with the design standards specified under § 184-36 of this Zoning Ordinance. In addition, the following provisions shall apply:
  - (a) A minimum of two off-street parking spaces shall be required for each residential use within the TRDO.
  - (b) Each parking space for a dwelling shall be designed and arranged so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle. Parking spaces shall be provided behind the street right-of-way and may take the form of garages, carports or driveways.
  - (c) When required to accommodate the parking requirements of any specific use, off-street parking lots shall be permitted only to the rear or side of the principal structure. No required parking shall be permitted in the front yard.

H. The TRDO shall be designed in accordance with the following architectural and landscaping criteria:

- (1) The TRDO shall be designed as a unified village atmosphere with unique or enhanced architectural values. As part of the conditional use application, the applicant shall submit a set of guidelines, which shall include character, style, scale, proportions, and detailing of the proposed residential dwellings within the TRDO. The proposed architectural designs shall reflect and be compatible with the traditional design of buildings in West Earl Township and the surrounding area.
- (2) The applicant shall provide a conceptual landscape plan, prepared by a registered landscape architect or qualified professional with landscape architecture experience. The landscape plan shall include the following:

- (a) Identification and location of existing vegetation to be retained.
  - (b) The type and size of proposed vegetation.
  - (c) Location and specifications of lighting proposed for all portions of the open space.
  - (d) The type, size and location of proposed street trees.
  - (e) The type, size and location of landscaping for areas to be screened or buffered.
  - (f) The type, size and location of landscaping for off-street parking areas.
- (3) The TRDO shall include two new trees per residential dwelling unit. The trees should be a minimum caliper of two inches in caliper and shall be planted either as street trees, as part of the buffer yard, as part of a riparian buffer, or within the areas designated as common open space.
  - (4) Street trees shall be incorporated within the TRDO in accordance with the following criteria:
    - (a) A minimum of one deciduous canopy tree per 50 feet of street frontage, or fraction thereof, shall be planted parallel to the street along all streets and access roads, except for alleys.
    - (b) Street trees shall not be permitted within any required clear sight triangle.
  - (5) The TRDO shall provide a twenty-foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the approval of West Earl Township. The use of existing healthy mature trees (12 inches or more in caliper) should be utilized as part of the required buffer yard.
- I. The land or water areas designated as TRDO open space shall comply with the following design standards and specifications:
- (1) TRDO open space may consist of TRDO common open space which shall be designed and maintained for the use and enjoyment of all the residents of the TRDO, and TRDO general open space which shall be restricted as to use but not open for the use of the residents of the TRDO. The conditional use plan shall identify the type and location of the TRDO open space.
  - (2) A minimum of 30% of the lot area of the TRDO shall be set aside as TRDO open space, which shall be perpetually preserved by deed or in a manner as set forth in Subsection 1(15) below, as the case may be, to restrict future development or other uses that may conflict with the purpose of the TRDO open space.
  - (3) Lot area within other zoning districts may be included as part of the TRDO open space, provided that at least 1/3 of the required TRDO open space is retained within the R-2 Zoning District as TRDO common open space; and the lot area is



contiguous with the lot area being developed as a TRDO. The land outside of the R-2 Zoning District may be either TRDO common open space or TRDO general open space.

- (4) The areas designated as TRDO common open space may include active and passive recreation uses; a village green; an open air pavilion; natural features; environmentally sensitive land areas; endangered habitats; historical resources; community gardens for residents of the TRDO; municipal uses; and similar uses or features determined appropriate by West Earl Township.
- (5) The areas designated as TRDO general open space may include no more than one single-family home, provided such home is located on a farm or on land utilized or occupied by a farm use; the only structures permitted are for the one single-family home, agricultural uses, recreational use and associated accessory structures; horse stables or barns that would not be a CAFO or CAO as defined by this ordinance; crops; vegetables; community gardens for the public or for rent; passive recreation for the owners; pasture use or woodland conservation. The following uses are specifically prohibited in TRDO general open space: a CAFO or CAO as defined by this ordinance; and any structure greater than 10,000 square feet. Lot area designated as TRDO general open space that is used as a farm or occupied by a farm use must be subject to a permanent agricultural conservation easement in a form acceptable to West Earl Township. The applicant shall submit a draft conservation easement as part of its conditional use application.
- (6) TRDO common open space must be available for use by the residents of the TRDO. TRDO general open space may not be available for use by the residents of the TRDO. The TRDO general open space must be deed restricted to remain in open space subject to the provisions of Subsection I(S). The TRDO general open space restrictions shall identify the type and manner of the access rights, if any, afforded to the residents of the TRDO.
- (7) In no event shall the applicant provide less than 1/3, i.e., 10% of the lot area of the TRDO, of the required TRDO open space as TRDO common open space.
- (8) No more than 20% of the required TRDO common open space shall be located on lands within areas that are located within the 100-year floodplain and/or areas delineated as wetlands.
- (9) No more than 20% of the required TRDO common open space shall include land areas that are burdened by utilities contained within easements and/or stormwater management facilities.
- (10) Significant natural features including floodplains, surface waters, wetlands, woodlands, rock outcroppings, and other significant natural features shall be incorporated into the overall design of the TRDO open space.
- (11) The TRDO common open space shall be planned and located as an accessible area within the TRDO. Existing and/or proposed roads may bisect the areas designated as TRDO common open space, provided a cross walk at grade is safely designed to link the TRDO common open space areas.

- (12) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails. Planned linkages to other open space areas within other adjacent residential developments shall be considered by the applicant as part of the conditional use application.
- (13) The total land area designated to comply with the minimum TRDO open space requirements shall be comprised of areas not less than 20 feet in width and shall not contain less than 5,000 square feet of land. In addition, there shall be at least one designated TRDO common area or village green that is within the TRDO containing no less than 25% of the required TRDO common open space.
- (14) For all TRDO general open spaces, satisfactory written agreements shall be executed as a declaration of covenants and restrictions in perpetuity for the preservation of the TRDO general open spaces. A separate agreement(s) shall also contain a plan for the ownership and maintenance of the TRDO common open space in accordance with Subsection 1(15) below. The written agreements shall be subject to the review and approval of West Earl Township, and shall be recorded with the approved final plan. TRDO general open space may be conveyed to a third party subject to the recorded declaration of covenants and restrictions.
- (15) The applicant shall make arrangements, provisions and/or agreements to ensure that the TRDO common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the TRDO common open space:
  - (a) Retain the ownership, management and maintenance responsibilities.
  - (b) Dedicate the land encompassing the TRDO common open space to a homeowners' association which is comprised of all the residents of the development; or
  - (c) Dedicate the land encompassing the TRDO common open space to West Earl Township, who shall have the option to accept or refuse the land offered for dedication
- (16) The provisions specified herein for TRDO open space do not relieve the applicant of other requirements for open space and recreation, as specified by West Earl Township, with which the applicant shall comply.

J. The TRDO shall be subject to the following application and plan processing procedures:

- (1) The TRDO shall be permitted by conditional use within the R-2 Zoning District. The general provisions for conditional uses are contained under § 184-70.1 of the Zoning Ordinance. Where conflicts exist between § § 184-43.3 and 184-70.1 of the West Earl Township Code, the provisions specified under § 184-43.3 shall apply to the TRDO.
- (2) As part of the conditional use application, the applicant shall be responsible for preparing and submitting a conditional use plan, which shall include the following information:

- (a) The project name or identifying title of the TRDO.
- (b) The name and address of the landowner, applicant, and firm that prepared the plan.
- (c) The file or project number assigned by the firm that prepared the plan, plan date, and dates of all plan revisions.
- (d) A North arrow, graphic scale, and written scale.
- (e) The entire tract boundary with bearings and distances, and identification of all corner markers.
- (f) A location map at a minimum scale of one inch equaling 2,000 feet, showing the relation of the tract to adjoining property and to all streets, municipal boundaries, and streams located within 1,000 feet of any part of the TRDC) tract.
- (g) To the degree that the data is available from Lancaster County GIS Mapping, existing adjacent land uses and lot lines within 200 feet of any part of the TRDO tract, including the location of all public and private streets, drives or lanes, railroads, historic sites, and other significant natural or man-made features.
- (h) Names of all immediately adjacent landowners, and names and plan book numbers of all previously-recorded plans for adjacent projects.
- (i) Contours at vertical intervals of two feet or less for land with average natural slope of 12% or less, and at vertical intervals of five feet for more steeply sloping land; location of bench mark and datum used.
- (j) Areas subject to the one-hundred-year flood, wetlands, water bodies, habitats of endangered species, caves, historic sites, archeological sites, and woodlands.
- (k) Soil types as indicated by the most recent U.S.D.A. Soil Conservation Service Soil Survey of Lancaster County.
- (l) Existing landmarks within the proposed development, including the location of all existing streets, buildings, easements, fights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.
- (m) Site data including, but not limited to, the following: total acreage of the tract; the zoning districts; the proposed use of the land; the proposed gross area of the development; the proposed gross residential density; the proposed number of lots and dwelling units; the proposed mix of residential dwelling types; the acreage and percentage of common open space; the proposed number of off-street parking spaces; the total lot coverage; the total building coverage; and other useful information as may be required by West Earl Township.

- (n) Location and surface materials of all streets' access drives, parking compounds, sidewalks, bikeways, and curbing with approximate dimensions.
  - (o) Location of all proposed lot lines with approximate dimensions.
  - (p) Size of all lots, including TRDO open space lots, lot coverage and building coverage in square feet or acreage and by percentage.
  - (q) Location, height and configuration of all buildings. Building configurations may be schematic. Each multifamily building shall identify the number of dwelling units within the building.
  - (r) Location, size, and use of all TRDO open space areas, structures, and recreation facilities.
  - (s) Landscaping, buffering, screening, walls, and fences.
  - (t) Phasing plan and development schedule, when applicable. When required, the phasing plan shall include approximate timing and sequence of construction for all infrastructure provided by the developer.
- (3) The conditional use site plan shall become an official part of the conditional use approval and decision. The conditional use site plan may be changed as part of the approval of a preliminary land development plan and/or final land development plan without the need to obtain additional conditional use approval of the conditional use site plan as changed, provided that:
- (a) Such changes do not increase the total number of residential dwelling units of the TRDO by more than 10%, provided such increases remain within the maximum density, land use composition and area limitations specified under § 184-43.3 of the Zoning Ordinance.
  - (b) Such changes do not materially increase the overall building coverage and/or impervious coverage by more than 10%, provided that such increase remains compliant with the maximum building coverage and lot coverage requirements of the TRDO.
  - (c) Such changes do not decrease the area designated as TRDO open space for the TRDO by more than 10%, provided that such decrease remains compliant with the minimum requirements for TRDO open space within the TRDO.
  - (d) Such changes do not significantly increase the number of new vehicular trips per hour during the new weekday day, weekday morning, weekday evening or weekend peak hour trips that have been projected for the TRDO.
  - (e) Such changes do not significantly alter the layout, location or design of streets, common open space, residential uses, or the architectural guidelines, which have been considered as part of the conditional use plan and application.
- (4) As part of the conditional use application, the Board of Supervisors may permit the modification of the design standards and/or other criteria specified under

§ 184-43.3, in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for the TRDO, also make application for conditional use approval under this section. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the criteria § 184-43.3 shall be subject to the following standards:

- (a) Such modification of design standards better serve the intended purposes and goals of the TRDO, as presented within this Zoning Ordinance.
  - (b) Such modifications of design standards would not result in adverse impact to adjoining properties or to future inhabitants within the TRDO.
  - (c) Such modifications will not result in an increase to the residential density and land use composition for the TRDO.
  - (d) Such modifications will not result in a decrease in the amount of land designated as common open space within the TRDO.
- (5) The provisions of § 184-43.3 of this Zoning Ordinance establish unique procedures, standards, regulations and design criteria to be applied to a TRDO. Section 184-43.3 has procedures, standards, regulations, and design criteria from those contained in this and other ordinances of West Earl Township. To the extent the procedures, standards, regulations, and design criteria within § 184-43.3 differ (are more or less restrictive) from other sections of this Zoning Ordinance, the provisions of this § 184-43.3 shall govern and control.

ARTICLE VI  
**Nonconforming Uses and Structures**  
[Amended 2-6-1979 by Ord. No. 1-1979]

**§ 184-44. Conformity with provisions required.**

From and after the effective date of this chapter, any existing or proposed structure, building, sign or land shall not be erected, constructed, placed, altered, extended, maintained, used or occupied except in conformity with this chapter.

**§ 184-45. Continuation of nonconforming uses and structures.**

From and after the effective date of this chapter, any use or structure existing at the time of the enactment of this chapter, but not in conformity with the permitted use provisions or dimensional requirements for the district in which it is located, may be continued subject to the following limitations:

A. Expansion in nonconforming uses and structures.

- (1) Expansion of nonconforming uses. No expansion of a nonconforming use shall hereafter be made unless an appeal has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception; provided, however, that the expansion of the nonconforming use shall be limited to a distance of 250 feet in any direction from the existing nonconforming use or to an area equal to 50% of the area of the existing nonconforming use, whichever is the lesser, or in the case of a building, the expansion shall be limited to an area equal to 50% of the existing total usable floor area of the building; provided, further, that any expansion of a nonconforming use shall be limited to the lot limits which existed on the property in question on the date that the use became nonconforming. Any expansion of a nonconforming use shall comply with all applicable yard, setback and maximum lot coverage requirements.
- (2) Expansion of nonconforming structures: front yard. A structure which is located within the required front yard area of the district in which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the street than that part of the existing structure which is nearest to the street, the minimum side yard and rear yard areas of the district are complied with and the use of the structure is a permitted use in the district in which it is located. [Amended 4-27-1998 by Ord. No. 137]
- (3) Expansion of dimensionally nonconforming structures: side yard. A structure which is located within the required side yard area of the district in which it is located is permitted to expand, provided that the expanded part of the structure is limited to one story and has a maximum height of 16 feet, that the square footage of said expansion shall be no greater than 25% of the first floor area of said structure, that said expansion shall not extend nearer to the side yard property line and that the required rear yard setback shall be maintained. [Added 4-27-1998 by Ord. No. 137]

- B. Continuity of nonconforming uses. No nonconforming use may be reestablished after it has been discontinued for 12 months. Vacating of premises or buildings or the non-operative status of such premises or buildings shall be conclusive evidence of discontinued use.
- C. Substitution of nonconforming uses. No nonconforming use may be changed to any other nonconforming use unless the Zoning Hearing Board shall, in granting a special exception, find that the proposed nonconforming use is not more detrimental to the district than the existing nonconforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change and the granting of such special exception.
- D. Damage to nonconforming structures. A nonconforming structure which is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed structure shall not be larger than the damaged structure and that the reconstruction shall start within six months from the time of damage to the structure.
- E. Substitution of a nonconforming use with a conforming use. If a nonconforming use is proposed to be eliminated and a conforming use substituted but certain land regulations cannot be met (such as area, yard, etc.), the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use.

**§ 184-46. Previously expanded nonconforming uses and structures.**

- A. Notwithstanding any provision of this chapter to the contrary, no provision of this chapter shall be construed to enable or permit the expansion of a building, structure, sign or use of land which existed as a nonconforming building, structure, sign or use of land pursuant to the provisions of any prior zoning regulation or ordinance, in excess of the limits of expansion for a nonconforming building, structure, sign or use of land authorized hereunder.
- B. It is the express intent and purpose of this chapter that if a building, structure, sign or use of land was expanded pursuant to a prior zoning regulation or ordinance, any further expansion of said building, structure, sign or land shall, if permitted by this chapter, only be authorized to the extent of the expansion permitted under §184-45 A which has not been previously utilized.

**§ 184-47. Unsafe or unlawful structures.**

If a nonconforming structure or building or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

**§ 184-48. Uses allowed under special exception provisions.**

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall, without further action, be considered a conforming use.

**§ 184-49. Registration of nonconforming uses and structures.**

- A. All nonconforming uses and nonconforming structures in existence on the effective date of this chapter shall be registered with the Zoning Officer within 180 days from said effective date. If by amendment a use or structure which was lawfully in existence prior to the effective date of said amendment becomes, by operation of that amendment, a nonconforming use or structure, such nonconforming use or structure shall be registered with the Zoning Officer within 180 days from the effective date of the amendment. Any nonconforming use or nonconforming structure not registered within said one-hundred-eighty-day period shall be deemed to be discontinued at the expiration of said one-hundred-eighty-day period for the purpose of this chapter. Registration shall be accompanied by a completed registration statement in such form as the Zoning Officer may prescribe. It shall contain a description of the existing use and existing structure, a designation of the zoning district and such additional information as may be required by the Zoning Officer. Before permitting registration of any nonconforming use or nonconforming structure, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs or land and portions thereof for which the proposed registration statement has been filed.
- B. No provision of this section shall be construed to enable or permit the registration of a nonconforming use or nonconforming structure which existed as a nonconforming use or nonconforming structure pursuant to the provisions of any prior zoning regulation or ordinance and which was not registered within the time and in the manner set forth therein.

**ARTICLE VII**  
**Administration and Enforcement**  
**[Amended 2-6-1979 by Ord. No. 1-1979]**

**§ 184-50. Zoning Officer.**

- A. Appointment. The provisions of this chapter shall be administered and enforced by a Zoning Officer, who shall be appointed by and be responsible to the Board of Township Supervisors. He may be provided with the assistance of such persons as the Board of Township Supervisors may direct. The compensation of all employees shall be determined by the Board of Township Supervisors. The Zoning Officer may not hold any elective office in the township.
- B. Duties and powers. The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any change of use which does not conform to this chapter, to other pertinent ordinances of the



Township of West Earl and the County of Lancaster, including Chapter 155, Subdivision and Land Development, and to the applicable statutes and regulations of the Commonwealth of Pennsylvania and the United States of America. The Zoning Officer's duties and powers shall include but are not limited to the following:

- (1) Applications and permits. He shall receive applications and issue permits and/or certificates of use and occupancy as provided by the terms of this chapter. The Zoning Officer shall also issue permits for special exception uses or for variances after the same have been approved by the Zoning Hearing Board.
- (2) Inspections.
  - (a) Before issuing any permit, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs or land and portions thereof for which an application has been filed for any erection, construction, alteration, repair, extension, replacement, relocation, conversion and/or use relating thereto.
  - (b) Thereafter he may make such inspections during the completion of work for which a permit has been issued. Upon completion of such work and before issuing a certificate of use and occupancy, a final inspection shall be made, all violations of the approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties. Should the Zoning Officer be denied entry to any property, he shall, before attempting to inspect the premises, obtain a search warrant from a District Magistrate having jurisdiction authorizing him to inspect the premises.
- (3) Complaints regarding violations. The Zoning Officer may and, when in receipt of a signed written complaint stating fully the cause and basis thereof shall investigate alleged violations of this chapter. If a signed written complaint is received, said investigation shall be completed within 15 days of said complaint. A written report of all investigations of this chapter shall be prepared and filed by the Zoning Officer and a copy sent to the Board of Township Supervisors. It after the investigation, the Zoning Officer determines that a violation has occurred, he should take action as provided by this chapter.
- (4) Official records. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning mailers in the township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this chapter and all amending ordinances, the Official Zoning Map and all other pertinent information. The records of his office shall be available for the use of the township government and for inspection by any interested party during normal office hours. The Zoning Officer shall, at least annually, submit to the Board of Township Supervisors a written statement of all permits and

certificates of use and occupancy issued and violations and stop-work orders recommended or issued.

- (5) Registration of nonconforming uses. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures as provided in Article VI of this chapter.

**§ 184-51. Zoning permits.**

- A. Requirements. A zoning permit shall be required prior to a change in use of land or buildings or the commencement of excavation for or the erection, construction, relocation or alteration of any building, structure or sign or any portion thereof. No permit shall be required for repairs or maintenance of any building, structure or grounds, provided that such repairs do not change the use or otherwise violate the provisions of this chapter or any other applicable ordinance, statute or regulation. [**Amended 11- 17-1987 by Ord. No. 67; 5-14- 1990 by Ord. No. 82**]
- B. Form of application.
- (1) All applications shall be made in writing, shall be signed and shall be accompanied by the required fee and two sets of plans, together with supporting documentation showing at least the following information:
- (a) The actual dimensions and shape of the lot to be built upon.
  - (b) The exact size and location on the lot of buildings, structures or signs existing and/or proposed extensions thereto drawn to scale.
  - (c) The number of dwelling units, if any, to be provided.
  - (d) Parking spaces provided and/or loading facilities.
  - (e) A statement indicating the existing or proposed use.
  - (f) The height of the structure, building or sign.
  - (g) The full names and addresses of the landowner or developer and of the responsible officers or partners if the landowner or developer is a corporate body or a partnership.
  - (h) Distances of buildings and structures from lot lines and street right-of-way lines.
  - (i) All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this chapter.
- (2) One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. One copy of all such plans shall be retained by the Zoning Officer for his permanent records.

- C. Description of work. In addition to the information required in Subsection B above, the application shall contain a general description of the proposed work and/or use and occupancy of all parts of the building, structure or sign.
- D. Issuance of permit. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent laws, he shall reject such application, in writing, within 90 days after the application is filed, stating the reasons therefor and the manner, if any, in which the application can be corrected and/or modified to obtain the required approval. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event that such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this chapter and all other pertinent laws and ordinances, he shall issue a permit therefor as soon as practical but in no event more than 90 days after the application is filed.
- E. Expiration of zoning permit. The permit shall expire within six months from the date of issuance if the work described in the permit has not begun. If the work described in the permit has begun, said permit shall expire two years from the date of issuance thereof
- F. Revocation of permit. The Zoning Officer may revoke a permit or approval issued under the provisions of this chapter if he subsequently determines that the same was issued erroneously, in the 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 this chapter.
- G. Posting of permit. A true copy of the permit shall be kept on the site of operations and open to inspection by the Zoning Officer during the entire time of prosecution of the work and until the completion of the same as defined in the application.

**§ 184-52. Conditions for permit issuance.**

- A. Payment of fees. No permit shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to resolution shall be paid to the Zoning Officer.<sup>9</sup> 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 chapter or by any other ordinances or law.
- B. Compliance with chapter. 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 this chapter or any conditions which may have been imposed by the Zoning Hearing Board.
- C. Compliance with permit and plot plan. All work or use shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.

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9. Editor's Note: See Ch. A190, Fees.

**§ 184-53. Certificate of use and occupancy.**

- A. When required. It shall be unlawful to use and/or occupy any structure, building, sign or land or portion thereof for which a permit is required until a certificate of use and occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue such certificate unless he has inspected said structure, building, sign or land and has determined that all provisions of this chapter and other ordinances of the township have been satisfied.
- B. Form of application. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and shall be made when the work covered by the zoning permit has been completed.
- C. Description of use and occupancy. The application shall contain a description of the intended use and occupancy of any structure, building, sign or land or portion thereof for which a permit is required herein.
- D. Action upon application. The Zoning Officer shall inspect any structure, building or sign within 10 days after notification that the proposed work that was listed under the zoning permit has been completed. If he is satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the approved application. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the certificate of use and occupancy and, within 90 days after the application is filed, give the reasons therefor in writing and inform the permit holder of his right to appeal to the Zoning Hearing Board.
- E. Availability of certificate. The certificate of use and occupancy or a true copy thereof shall be kept available for inspection by the Zoning Officer at all times.
- F. Temporary certificate of use and occupancy. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign or land or portion thereof before the entire work covered by the zoning permit shall have been completed, provided that such portion or portions may be used or occupied safely prior to full completion of the work without endangering life or the public welfare. The Zoning Officer may also issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers and buildings on construction sites, use of land for religious or other public or semipublic purposes and similar temporary use or occupancy. Such temporary certificates shall be for a period of time not to exceed six months.
- G. Performance standards. In zones in which performance standards are imposed, no certificate of use and occupancy shall become permanent until 30 days after the facility is fully operating and when, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards.

**§ 184-54. Enforcement; violations and penalties.**

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

- A. Violations. The construction, alteration, maintenance or use of any structure, building, sign, land or landscaping; the change of use, area of use, percentage of use or displacement of use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; the use of property for a purpose different from that set forth in any zoning permit or certificate of use and occupancy without applying for and being granted a zoning permit or certificate of use and occupancy for such new or different use; the failure to comply with any other provision of this chapter; or the violation of any conditions imposed upon the grant of a variance or special exception by the Zoning Hearing Board or a conditional use by the Township Supervisors or by a court of competent jurisdiction if a variance, special exception or conditional use is granted by such court are hereby declared to be violations of this chapter. **[Amended 5-14-1990 by Ord. No. 82]**
- B. Enforcement notice. If it appears to the Zoning Officer that a violation of this chapter shall exist, the Zoning Officer shall send an enforcement notice to the owner of record of the lot on which the violation has occurred, to any person against whom enforcement action may be taken, to any person who has filed a written request to receive enforcement notices regarding that lot and to any other person requested, in writing, by the owner of record. The enforcement notice shall contain the name of the owner of record and any other persons against whom the township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter, the date before which steps for compliance must be commenced and the date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within 30 days and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, shall constitute a violation with sanctions as provided in this chapter. **[Amended 5-14-1990 by Ord. No. 82]**
- C. Prosecution of violations. If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Township Supervisors. The Township Supervisors may request the Township Solicitor to institute in the name of the township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Township Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a District Justice. **[Amended 5-14-1990 by Ord. No. 82]**
- D. Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township, pay a judgment of not more than \$500, plus all court costs, including the reasonable attorneys' fees incurred by the township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that

there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the township for the general use of the township. **[Amended 5-14- 1990 by Ord. No. 82]**

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

**§ 184-55. Schedule of fees, charges and expenses.**

- A. The governing body shall establish a schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other mailers pertaining to this chapter.
- B. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the governing body.<sup>10</sup>
- C. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**ARTICLE VIII**  
**Zoning Hearing Board**

**§ 184-56. Board created; membership. [Amended 5-14-1990 by Ord. No. 82; 4-14-2003 by Ord. No. 167]**

The Board of Supervisors hereby creates a Zoning Hearing Board, herein referred to as the "Board," consisting of five residents of the Township appointed by the Board of Supervisors pursuant to Article IX of the Pennsylvania Municipalities Planning Code who shall perform all the duties and have all the powers prescribed by the Pennsylvania Municipalities Planning Code and this chapter. The Board of Supervisors may, in its discretion, also provide for the appointment of between one and three alternate members to the Zoning Hearing Board.

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10. Editor's Note: See Ch. A190, Fees.

**§ 184-57. Appointment; terms. [Amended 5-14- 1990 by Ord. No. 82; 4-14-2003 by Ord. No. 167]**

Members and alternate members of the Board, if so appointed by the Board of Supervisors, shall be appointed by resolution. Members shall serve five-year terms which shall be so fixed that the term of office of not more than one member shall expire each year. Alternate members shall serve three-year terms. If the Board of Supervisors appoints more than one alternate member, the terms shall be so fixed so that the term of office of no more than one) alternate member shall expire each year. Members and alternate members of the Board shall hold no other office in the Township.

**§ 184-58. Removal of members.**

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held if the Board member requests one in writing.

**§ 184-59. Vacancies.**

Vacancies shall be filled by appointment by the governing body for the unexpired portion of the term.

**§ 184-60. Compensation; expenditures for services.**

- A. The members of the Board shall receive such compensation as shall be fixed by the governing body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the governing body.
- B. Within the limits of funds appropriated by the governing body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

**§ 184-61. Organization.**

- A. The Board may promulgate such rules of procedure, not inconsistent with this chapter and the Pennsylvania Municipalities Planning Code, as amended, 11 as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board.
- B. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

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11. Editor's Note: See 53 P.S. § 10101 et seq.

**§ 184-62. Meetings.**

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

**§ 184-63. Minutes and records.**

The Board shall keep a full public record of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official action, all of which shall be immediately filed with the Secretary of the governing body and shall be a public record. The Board shall submit an annual report each year to the governing body.

**§ 184-64. Hearings. [Amended 5-14-1990 by Ord. No. 82]**

For the conduct of any hearing and the taking of any action, a quorum shall be not fewer than two members. If a quorum does not exist for any particular hearing and if the governing body has appointed alternate members to the Board, the Chairman of the Board may designate as many alternate members of the Board to sit on the Board as may be required to provide a quorum in accordance with the regulations contained in Article IX of the Pennsylvania Municipalities Planning Code. 12 The Board may also 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 § 184-68B of this chapter. Alternate members, if any, of the Board shall have the right to participate in all hearings of the Board but shall be entitled to vote only as provided in Article IX of the Pennsylvania Municipalities Planning Code.

**§ 184-65. Powers and duties.**

The Zoning Hearing Board shall have the following powers:

- A. Appeals from the Zoning Officer; interpretation and review.
  - (1) The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this chapter or the Official Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.
  - (2) Nothing contained herein shall be construed to deny the appellant the right to proceed directly to court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedure Rules 1091 through 1098, relating to mandamus.
- B. Challenges to the validity of this chapter or Zoning Map. The Board shall hear challenges to the validity of this chapter or the Official Zoning Map, except as indicated in Section 1003 and Subsection (1)(b) of Section 1004 of the Pennsylvania Municipalities

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<sup>12</sup> Editor's Note: See 53 P.S. § 10901 et seq.



Planning Code, as amended. 13 In all such challenges, the Board shall take evidence and make a record thereon as provided in §§ 184-66 through 184-68 of this chapter. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

- C. All other matters authorized by the Municipalities Planning Code. In addition to the powers set forth in this section, the Zoning Hearing Board shall have all powers and jurisdiction set forth in the Municipalities Planning Code. **[Amended 1-27-2003 by Ord. No. 164]**
- D. Variances. The Board shall have the power to authorize, upon appeal in specific cases, such variance(s) from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in particular difficulty or unnecessary hardship. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter. 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 the following findings are made where relevant in a given case: **[Amended 2-6-1979 by Ord. No. 1-1979]**
- (1) That there are unique physical circumstances, including irregularity, narrowness or shallowness of lot size or of 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 circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
  - (2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (3) That said special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this chapter, whether in violation of the provisions hereof or not, and that such circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land, structure or building.
  - (4) That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or buildings and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
  - (5) That the granting of the variance under such conditions as the Board may deem necessary or desirable will be in harmony with the general purpose and intent of this chapter, will not be injurious to the neighborhood or otherwise detrimental to

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13 Editor's Note: Said sections were repealed December 21, 1988, by P.L. 1329, No. 170, § 100.

the public welfare and will not alter the essential character of the neighborhood or district in which the property is located.

- (6) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated nor substantially or permanently impair the appropriate use or development of adjacent property.
- (7) That no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the granting of a variance.
- (8) That in no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.

E. Special exceptions.

- (1) When special exceptions are provided for in this chapter, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code 14 and this chapter. The Board may grant approval of a special exception, provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant. **[Amended 5-14-1990 by Ord. No. 82; 2-13-1995 by Ord. No. 106]**
  - (a) The applicant shall establish by credible evidence compliance with all conditions, requirements and performance standards for the special exception enumerated in the section which gives the applicant the right to seek the special exception.
  - (b) The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.
  - (c) The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.

- (d) The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
  - (e) The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.
  - (f) The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Pennsylvania Municipalities Planning Code 15 and this chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.<sup>16</sup>
- (2) Each application for a special exception and any exhibits that were submitted with the application shall be submitted to the Planning Commission for its review and recommendations. If the Planning Commission does not make any recommendations within 30 days, it shall be deemed that the Planning Commission has recommended approval of the application for a special exception.
- (3) In addition to the conditions and guiding principles enumerated above, the following standards and criteria must be met for the granting of any special exception:
- (a) Churches or similar places of worship in an A District shall meet all of the parking requirements of §184-3 1D(2). No buildings or accessory buildings shall be closer than 50 feet to any lot line.
  - (b) Public or private schools in an A District shall not be located closer than 150 feet to any lot line. Minimum standards for site size, as established by the Commonwealth of Pennsylvania, for public school buildings shall be required for all schools.
  - (c) Structures housing more than 300 head of livestock in an A District shall not be located within 300 feet of another zoning district or any existing residences, other than the residence of the farmer, located within the A District. A minimum lot size of five acres shall be required, and side and rear minimum yard dimensions shall be 200 feet. **[Amended 2-6-1979 by Ord. No. 1-1979]**
  - (d) Public or private outdoor recreation areas and facilities in an R-1 District shall have a minimum lot size of two acres. All lot lines abutting residential districts along the side or rear shall be appropriately screened by fences, walls or year-round planting and/or other suitable enclosures of a minimum height of four feet and a maximum height of seven feet. Lighting shall meet the requirements of § 184-3 1G.

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15 Editor's Note: See 53 P.S. § 10101 et seq.

16 Editor's Note: Former Subsection E(1)(g), specifying time limitation requirements, which immediately followed this subsection, was repealed 7-22-1996 by Ord. No. 118.

- (e) Gas stations, drive-in restaurants or wholesale businesses in a C-2 District shall be required to submit plans showing anticipated traffic flow, points of ingress and egress and a statement as to probable effects on local traffic. Ingress and egress shall not be located closer than 50 feet to any intersection. No vehicles or parts shall be located in any required yards. Yards adjacent to residential districts shall be suitably screened in accordance with §184-32E. Main or accessory buildings shall not be located closer than 35 feet to any residential district. Lighting shall meet the requirements of § 184-3 1G. Gas stations shall be limited to sales and minor repair. Signs shall be limited to 80 square feet and shall meet all other requirements of § 184-35C.
- (f) Car washes in a C-2 District shall be limited to the service of cleaning or waxing of vehicles. The lot shall be graded in such a way that water does not run off across the lot nor onto a public street. Waiting spaces shall be provided at a rate of five vehicles for each automatic or semiautomatic car wash bay. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., so as not to inconvenience adjacent property owners.

#### **§ 184-66. Application procedures.**

- A. The Board shall act in strict accordance with the procedure specified by Article IX of the Pennsylvania Municipalities Planning Code, as amended,<sup>17</sup> and by this chapter. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of the ordinance, the use for which a special permit is sought or the details of the variance that is applied for and the grounds on which the variance should be granted, as the case may be.
- B. In the event that the procedures set forth in this chapter shall be in conflict with or contrary to the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended,<sup>18</sup> then and in such event the procedures set forth in the latter shall prevail.
- C. Applications and appeals, together with the required filing fee as established by the governing body, shall be submitted to the Secretary of the Zoning Hearing Board.

#### **§ 184-67. Appeals.**

- A. Parties appellant before the Zoning Hearing Board. Appeals under § 184-65A and proceedings to challenge this chapter under § 184-65B may be filed with the Board, in writing, by the landowner affected, by an officer or agency of the municipality or by any person aggrieved. Requests for a variance under § 184-65D and for a special exception under § 184-65E may be filed with the Board by any landowner or any tenant with the permission of such landowner.

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<sup>17</sup> Editor's Note: See 53 P.S. § 10901 et seq.

<sup>18</sup> Editor's Note: See 53 P.S. § 10101 et seq.

- B. Time limitations. No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate officer of the municipality, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.<sup>19</sup>

**§ 184-68. Hearings; notices.**

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

- A. The Zoning Hearing Board shall fix a reasonable time and place for hearings and shall give notice thereof as required by the Municipalities Planning Code. **[Amended 2-6-1979 by Ord. No. 1-1979; 5-14-1990 by Ord. No. 82; 1-27-2003 by Ord. No. 164]**
- B. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Board for that purpose.
- D. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine all adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made. In either event, the cost

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<sup>19</sup> Editor's Note: Former Subsection C, regarding the failure of anyone other than the landowner to appeal from an adverse decision, as added 2-6-1979 by Ord. No. 1-1979, which immediately followed this subsection, was repealed 1-27-2003 by Ord. No. 164.

of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof. **[Amended 5-14-1990 by Ord. No. 82]**

- H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
- I. The Zoning Hearing Board shall render decisions within the time limits and in the manner required by the Municipalities Planning Code. **[Amended 2-6-1979 by Ord. No. 1-1979; 5-14-1990 by Ord. No. 82; 1-27-2003 by Ord. No. 164]**
- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their names and addresses with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- K. Unless otherwise specified by the Zoning Hearing Board or by law, a special exception or variance shall expire if the applicant fails to obtain a zoning permit within one year from the date of authorization thereof by the Zoning Hearing Board or by the court if such special exception or variance has been granted after an appeal or if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception or variance within two years from the date of authorization thereof by the Board or by the court if such special exception or variance has been granted after an appeal. The Zoning Hearing Board, for reasonable cause shown, may extend the approval for an additional period of up to one year. **[Added 5-14-1990 by Ord. No. 82]**

#### **§ 184-69. Stay of proceedings.**

Upon filing of any proceeding referred to in § 184-67A and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question

whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

**§ 184-70. Form of application to Zoning Hearing Board. [Amended 2-6-1979 by Ord. No. 1-1979]**

In addition to any other information required by this Article, an appeal or application to the Zoning Hearing Board shall state:

- A. The name and address of the appellant or applicant.
- B. The name and address of the owner of the real estate to be affected.
- C. A brief description of the location of the real estate to be affected by such proposed change, together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof
- E. A statement of the section of this chapter under which the variance or special exception requested may be allowed and reasons why it should be granted.

**§ 184-70.1. Conditional uses. [Added 9-28-2009 by Ord. No. 206; amended 11-9-2009 by Ord. No. 207]**

- A. The Board of Supervisors shall hear requests for conditional use applications, as permitted under the provisions of this Zoning Ordinance. By so providing, the Board of Supervisors recognizes that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a conditional use fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.
- B. In granting any conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.
- C. As part of the submission requirements for a conditional use application, a preliminary subdivision plan or preliminary land development plan may be submitted by the applicant in accordance with the procedures and requirements specified by West Earl Township.
- D. All of the standards for conditional uses hereinafter set forth shall, where relevant, apply to all conditional uses within West Earl Township and are deemed definitional in character so that the failure to comply with any standards shall be deemed a failure to bring the applicant within that definitional aspect for which a conditional use may be granted; or, in the discretion of the Board of Supervisors, such failure to comply with the standards may be deemed a basis for the impositions of appropriate conditions to such grant. It is further the intention of the Board of Supervisors that the standards hereinafter

described shall be deemed additional standards and shall in no way impair any other applicable standard described elsewhere in this Zoning Ordinance. Where there is a conflict between the standards established for a conditional use application and other standards elsewhere established by this Zoning Ordinance or other applicable ordinances, it is intended that the more stringent thereof shall apply, and it is not the intent of this article to abrogate or impair any other such standards or requirements.

E. The Board of Supervisors shall consider the following general issues and site requirements prior to rendering its decision on a conditional use application:

- (1) That such use is generally consistent with the Conestoga Valley Region Strategic Comprehensive Plan.
- (2) The property is suitable for the proposed use desired and is capable of being developed in accordance with the provisions established by this Zoning Ordinance.
- (3) The minimum and maximum dimensional requirements for the proposed use within the appropriate zoning district shall be held in compliance by the applicant.
- (4) The proposed use shall not have a substantial adverse impact to the public health, safety, morals and/or public welfare of the community.
- (5) The applicant shall provide evidence with supporting documentation that the capacity of the road system providing access to the property or lot in question has sufficient capacity to accommodate the use or will have sufficient capacity to accommodate the use with improvements proposed by the applicant.
- (6) The applicant shall provide evidence with supporting documentation that the interior traffic circulation for the proposed use at the proposed location, including but not limited to acceleration and deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe and convenient circulation for the proposed use as well as all emergency management vehicles and maintenance vehicles that may require entrance thereon.
- (7) For commercial, industrial and institutional uses, the applicant shall provide evidence with supporting documentation the facility or use provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking areas.
- (8) For commercial, industrial and institutional uses, the applicant shall provide evidence with supporting documentation that adequate screening and buffering is provided between the lands in question and surrounding residential uses and residentially zoned districts to preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.
- (9) The applicant shall provide evidence with supporting documentation that the local fire departments have the abilities to provide adequate fire protection and emergency management services for the proposed use.
- (10) The applicant shall provide evidence with supporting documentation that adequate water supply and pressure is available for fire-fighting purposes without adversely



impairing the uses of the water supply for ordinary purposes and shall be in compliance with all applicable governmental regulations.

- (11) For commercial, industrial and institutional uses, where in the opinion of the Board of Supervisors, the use or facility may require supervision and protection, the applicant shall provide evidence with supporting documentation that additional security measures will be accounted for by the owner or site manager so the facility or use does not create a continuous burden on the emergency management services and providers.
- (12) The applicant shall provide evidence with supporting documentation that the existing or proposed sanitary sewage disposal facilities have sufficient capacity for the proposed use. Where on-lot sewage disposal methods are permitted, the applicant shall consult with the West Earl Township Sewage Enforcement Officer to determine if on-lot sewage disposal is a viable option, considering the proposed use, wastewater flow and site characteristics.
- (13) The applicant shall provide evidence with supporting documentation that the existing or proposed municipal water supply facilities have sufficient capacity for the proposed use. Where on-lot water supply methods are permitted, the applicant shall consult with a qualified hydrogeologist to determine if on-lot water supply is a viable option considering the proposed use, groundwater supply and site characteristics.
- (14) The applicant shall provide a statement indicating that there will be no increase in surface water runoff and erosion at the boundaries of the facility as a result of the site improvements.

F. The following provisions shall apply for the public hearing procedures and administrative requirements for all conditional use applications within West Earl Township:

- (1) The Board of Supervisors shall schedule, advertise, and conduct a public hearing or hearings on the conditional use application, and shall render a decision on the conditional use application, in accordance with the requirements of the Pennsylvania Municipalities Planning Code.<sup>31</sup> the request for a hearing shall be accompanied by a completed application on required form. The date for the scheduling of the first hearing may be extended by the applicant on the record or in writing addressed to the Board of Supervisors, in which event the date agreed upon by the applicant shall be considered timely.
- (2) As part of the conditional use hearing, the Board of Supervisors shall consider those comments issued by the West Earl Township Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and all other agencies providing comments, as may be authorized by West Earl Township and the Pennsylvania Municipalities Planning Code.
- (3) Any substantial revisions to the application or plan made by the applicant subsequent to filing of the application or plan or its review by the Planning

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31. Editor's Note: See 53 P.S. § 10101 et seq.

Commission shall be subject to review and recommendation by the Planning Commission as specified by this Zoning Ordinance. In such event, the Zoning Officer shall secure from the applicant a written extension of the date within which the Board of Supervisors must hold a public hearing pursuant to the provisions of this Zoning Ordinance. If the applicant fails to execute the extension, the Board of Supervisors shall decide the conditional use application on the basis of the plan and application as originally filed.

- G. Nothing in this section shall be construed to relieve the applicant for a conditional use approval from obtaining all other required approvals mandated by West Earl Township as well as other pertinent laws, ordinances and regulations that have been adopted by local, state and federal agencies. This may include the submission of a subdivision plan and/or land development plan to be prepared by the applicant and submitted to West Earl Township for review and consideration.
- H. Unless otherwise specified by the Board of Supervisors in its decision and order, a conditional use approval shall expire if the applicant does not secure a building permit or, if no building permit is required, then a use and occupancy permit, within 12 months from the date of the Board’s written approval of the conditional use application, unless the applicant makes written application to the Board of Supervisors for an extension of time, which shall be based upon reasonable cause shown. No formal hearing shall be required by the Board of Supervisors in the consideration of such application. An extension of time may be granted by the Board of Supervisors for a period of time considered appropriate by the Board of Supervisors.
- I. As part of the conditional use application, the Board of Supervisors may consider certain background studies, plans and/or reports that may be required as supplemental documentation to support the conditional use application. The Board of Supervisors shall reserve the right to either require, not require, or defer the submittal of certain background studies, plans and/or reports as part of the conditional use application. If not required or deferred as part of the conditional use application, the required background studies, plans and/or reports shall be appropriately considered by West Earl Township as part of the application for a subdivision plan, land development plan and/or permit.

**ARTICLE IX  
Amendments  
[Amended 2-6-1979 by Ord. No. 1-1979]**

**§ 184-71. Amendments.**

The Board of Township Supervisors may, from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this chapter, including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission or the Board of Township Supervisors or by a petition to the Board of Township Supervisors. Such amendment, supplement, change or repeal shall be submitted to the Township and County Planning Commissions for their recommendations.

**§ 184-72. Amendments initiated by Planning Commission.**

When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Township Supervisors, which shall then proceed in the same manner as with a petition to the Board of Township Supervisors which has already been reviewed by the Township Planning Commission.

**§ 184-73. Amendments initiated by Board of Supervisors.**

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

**§ 184-74. Procedure for petitions.**

The petition for an amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer, shall include an accurate legal description and surveyed plan of any land to be rezoned and shall be signed by at least one record owner of the property in question, whose signature shall be notarized, attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Township Supervisors shall be paid upon the filing of such petition for change for the purpose of defraying the costs of the proceedings prescribed herein.<sup>32</sup>

**§ 184-75. Referral to Township and County Planning Commissions.**

After receipt of the petition by the Board of Township Supervisors, said petition shall be presented to the Township and County Planning Commissions for their review and recommendations at least 30 days prior to the public hearing. A report of the Township Planning Commission's review, together with any recommendations, shall be given to the Board of Township Supervisors, in writing, within 30 days from the date of said referral. The recommendation of the Township Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of any formally adopted Township Comprehensive Plan. The recommendation of the Lancaster County Planning Commission shall be made to the Board of Township Supervisors within 45 days, and the proposed action shall not be taken until such recommendation is made. If, however, the Lancaster County Planning Commission fails to act within 45 days, the Board of Township Supervisors shall proceed without its recommendation.

**§ 184-76. Curative amendments. [Amended 1-27-2003 by Ord. No. 164]**

A landowner who desires to challenge on substantive grounds the validity of this chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which such landowner has an interest may submit a curative amendment to the Board of Supervisors with a written request that its challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code. The Board of Supervisors

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32. Editor's Note: See Ch. A190, Fees.

shall fix a reasonable time and place for the hearing and shall give notice as required by the Municipalities Planning Code. The Board of Supervisors shall conduct all hearings on the curative amendment and shall render its decision within the time limits and in the manner required by the Municipalities Planning Code.

**§ 184-77. Public hearings and enactment of ordinances. [Amended 1-27-2003 by Ord. No. 164]**

The Board of Supervisors shall fix a reasonable time and place for the public hearing on any proposed amendment to this chapter or to the Zoning Map. The Board of Supervisors shall provide notice of the public hearing and consideration for enactment of such proposed ordinance in accordance with the Municipalities Planning Code.

**§ 184-78. Authentication of Official Zoning Map.**

Whenever there has been a change in the boundary of a zoning district or a reclassification of the zoning district adopted in accordance with the above, the change on the Official Map shall be made, shall be duly certified by the Township Secretary and shall thereafter be re-filed as part of the permanent records of the township.