

Article 1 establishes general provisions which include the short title, the purpose, the authority under which the ordinance is being proposed, its application, rules for interpretation, the procedure for future amendments and enforcement procedures. Article 2 defines terms used in the ordinance. Article 3 establishes the administrative procedures for seeking modifications and submission of applications. Article 4 establishes the processing procedures for sketch plans, preliminary plans, final plans, centerline separation plans, lot consolidation plans, revised plans, lot add-on plans and minor rural plans. Article 5 establishes the types of information and documents which must be submitted with the various types of plans. Article 6 requires the completion of public improvements before plan approval or the submission of financial assurance for the completion of such improvements and sets forth the requirements for such financial assurances. Article 7 establishes additional requirements for plan approvals including traffic impact studies, evaluation of historic and cultural resources, submission of hydro-geologic reports and provisions for aquifer studies. Article 8 establishes additional standards and guidelines for designated rural areas. Article 9 addresses mobile home parks. The draft ordinance also includes the forms for various certificates, applications and other documentation.

2. The following is the title and a summary of the second ordinance to be considered:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
THE TOWNSHIP OF CAERNARVON TO ADD DEFINITIONS OF
TERMS AND TO SPECIFY ZONING REGULATIONS
PERMITTING RECEIPT OF TRANSFERABLE DEVELOPMENT
RIGHTS**

#109
The amendatory ordinance incorporates the following proposed areas of change to the Caernarvon Township Zoning Ordinance:

1. Article II relating to definitions is amended to add a definition for "Net Density."
2. Article IV, which deals with the Agricultural District, includes a new Section 405.4

which addresses TDR receiving area qualifications, a new Section 405.5 which establishes the plan submittal process for a receiving area development and a new Section 405.6 dealing with the extinguishment of TDRs.

3. Article VII, dealing with the regulations in the R-2 Residential District, would be amended with respect to residential dimensional and density regulations under Section 703 to address TDRs.
4. Articles IX and X, dealing with the Highway Commercial/Light Industrial District and Industrial Districts, respectively, would be amended with respect to the maximum lot coverage, height and other dimensional regulations in connection with TDR allocations.
5. Article XIX, which establishes general regulations, would be amended to adjust certain dimensional requirements.
6. Article XXI, which establishes specific criteria for certain uses permitted by special exception, amends the regulations involving on-farm occupations and rural occupations.

A copy of the full text of the proposed ordinances may be examined at the Township office on weekdays between the hours of 9:00 A.M. and 4:00 P.M., Monday through Friday, inclusive. Copies may be obtained for a charge no greater than the cost thereof. However, because no person may be in the office at the time of desired examination, it is recommended that any person desiring to examine the ordinances call the Township office at (717) 445-4244 for an appointment. Persons with disabilities who require any auxiliary aid, service, or other accommodation to observe or participate should contact the Township Office at least five days before the above date to discuss how your needs may be best accommodated.

ARTICLE II

DEFINITIONS

SECTION 200. PURPOSE

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated.

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural, and words in the plural include the singular.
- C. The words "shall" and "must" are mandatory. The word "may" is permissive.
- D. The word "person" shall include a corporation, partnership, and association, as well as, the individual.
- E. Use of the masculine gender shall include the feminine gender and the neuter.
- F. The word "lot" shall include the word "plot" or "parcel."
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 201 TERMS

Access Drive: A cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit or a farm.

Adult Oriented Business: Any business offering for sale, lease, or hire products, materials, or inventory, the majority of which consists of adult oriented products, or any business that provides any adult oriented services. Any business which restricts its clientele to persons over the age of seventeen (17) in order to comply with the Pennsylvania Crimes Code shall be considered an adult oriented business.

Adult Oriented Product - Anything which depicts, describes, presents, or displays human nudity or humans engaging in sexual foreplay or intercourse and appearing to have at least a significant motivation for such depiction, presentation, or display the sexual stimulation or sexual gratification of the consumer of same. Also included within this definition is any object which is intended or may be used by the consumer for purposes of sexual stimulation or gratification. Movies having received an R or PG-13

rating, or the literary equivalent of same, shall not be considered adult oriented products.

Adult Oriented Service - Any action performed, for consideration, by one (1) or more persons to or for the benefit of another person or persons where at least one (1) motivation for such action is the sexual stimulation or gratification of either the performer or the recipient.

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

Alteration: An exterior change to a building or structure, a change or an enlargement by extending on a side or by increasing in height, the moving from one location or position to another, or any renovation to a building which would change its use classification.

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

Animal Hospital/Veterinary Clinic: An establishment offering veterinary services for all types of animals and which may include outdoor and overnight boarding of animals.

Animal Unit: An aggregate measure of livestock equal to one thousand (1000) pounds live animal weight. For the purposes of this definition, livestock shall include beef cattle, dairy cattle, horses, buffalo or similar large animals, hogs, sheep, goats, guinea pigs, rabbits, minks, or other similar smaller animals.

Area: The extent of surface contained within the boundaries or extremities of land or building, exclusive of street rights-of-way.

Automobile Filling Station: A facility which offers the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the retail sales of motor vehicle accessories. Automobile filling stations shall not include the sale or rental of motor vehicles, nor major repairing, body work, painting, or automatic car washes.

Automobile/Truck Service and Repair Facilities: Facilities which offer the retail repair, servicing, maintenance,

and reconstruction of automobiles and trucks, not including commercial automobile and truck washing facilities.

Bed and Breakfast Establishment: An owner occupied single-family detached dwelling where between one (1) and five (5) rooms are rented to overnight guests. Meals, if offered, are only to registered overnight guests

Beekeeping: The raising and/or keeping of bees within a man-made enclosure (beehive) for hobby or business uses.

Billboards: Signs for advertising purposes either printed, posted, or lettered, freestanding or attached to a building or other structure and conveying messages to advertise products, services, or businesses at a location other than the premises being advertised.

Boarding House: A dwelling, or part thereof, in which lodging is provided, for compensation, by the owner to more than three (3) boarders other than family members of the owner, and in which meals and other services may be provided to said registered boarders. In no case shall more than eight (8) rooms be available for the lodging of boarders.

Building: Any structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, or support of individuals, animals, or property, of any kind; and occupying more than ten (10) square feet of area. Patios, decks, paved terraces, porches, and carports shall be considered a part of the building.

Detached - A building which has no party wall.

Semi-Detached - A building which has only one (1) party wall.

Attached - A building which has two (2) or more party walls in common.

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

Building Height: The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof. Chimneys, spires, and other similar projections shall not be used in calculating the height of the building.

Building Length: The horizontal measurement of any continuous building wall.

Building Line: A line parallel to, and set back from, the abutting street a distance equal to the depth of the front yard requirement for the district in which the lot is located.

Building, Principal: A building which is enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed for housing, shelter, enclosure, and support of individuals, and is the main structure on a given lot.

Campground: Any parcel of land upon which two (2) or more campsites are located, intended, and maintained for temporary occupancy by individuals in recreation vehicles or tents.

Cartway: The surface of a road or street available for vehicular traffic.

Cemetery: Land used for the purpose of burial of the deceased, including crematoria and mausoleums when operated in conjunction with the cemetery and located within the boundaries of the cemetery.

Centerline: The center of the surveyed street, road, lane, alley, or alley right-of-way, or where not surveyed, the center of the traveled cart way.

Church and Related Uses: Any building, structure, or group of buildings or structures, primarily used or intended for use for public worship, including accessory uses such as rectories, parsonages, convents, and church-related educational and/or day care facilities. The term "church" shall also include temple, synagogue, mosque, and other similar places of worship.

Clubhouse (Private Club): A building for use by an organization comprised of members and their guests which involves buildings for meetings, recreation, and administrative purposes not conducted for profit. The definition of club shall include, but not be limited to, service and political organizations, labor unions, and social and athletic clubs.

Commercial Animal Breeding Operation: An operation involving the breeding of dogs or cats which involves no more than twelve (12) animals, including puppies, at any given time.

Commercial Day Care Facility: A facility, licensed by the Commonwealth of Pennsylvania, providing supervision of minors or special needs adults by individuals other than family members and operated for profit. A day care facility shall not provide overnight accommodations.

Commercial Grain Storage/Commercial Feed Mill: An operation where the principal use of the lot involves the storage and/or processing of grains and/or feedstuffs for livestock and poultry consumption.

Commercial Livestock Operation: Any livestock operation having an excess of one and one half (1-1/2) animal units or poultry units per acre.

Commercial Manure Storage Facility: A structure built, owned, and operated for profit to provide animal waste storage services to the agricultural community, including, but not limited to underground storage, inground storage, trench silos, earthen banks, stacking areas, and above ground storage.

Commercial Recreation Facility: A gainful activity or business, open to the public for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, motion picture theaters, health clubs, miniature golf courses, etc.

Custom Agricultural Services - A commercial agricultural business offering contract services including, but not limited to, the tillage, planting, spraying, and/or harvesting of agricultural products.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the MPC to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

DEED OF TRANSFERABLE DEVELOPMENT RIGHTS — A legal document duly recorded in the Office of the Recorder of Deeds of Lancaster County, Pennsylvania, which grants transfer of ownership of transferable development rights (TDRs). Adopted 11/05/2012 – Ordinance #94 TDR Sending Ordinance

Density: The number of dwelling units per acre, exclusive of all street rights-of-way.

Density, Net: See "*Net Density*" Amendment Adopted December 21, 2015

Determination: A final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The governing body;
- B. The zoning hearing board; or
- C. The planning agency, only if and to the extent the planning agency is charged with final

decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Driveway: The vehicular method of entrance or egress to a single-family dwelling unit.

Dwelling: A building or portion thereof designed for and used primarily for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations for guests or patients. Dwellings may include prefabricated units which are capable of being transported to a site in whole or in part, provided that the unit is permanently affixed to the ground by means of a hard surfaced foundation that will not heave, shift, or settle unevenly because of frost action, inadequate drainage, vibration, or other forces acting on the superstructure.

Dwelling Unit - One (1) or more sleeping or living rooms arranged for use of a family.

Dwelling Unit, Accessory- a dwelling unit that is secondary to and located upon the same lot as a principal dwelling unit, the occupancy of which is limited to blood-related (by birth or adoption) elderly, handicapped or disabled persons or an adult child serving as a caregiver.

Dwelling, Single-Family - A dwelling on a single lot designed and occupied exclusively as a residence for one (1) family.

Dwelling, Multiple-Family - A building divided into two (2) or more dwelling units, including:

Apartment: Any dwelling unit, other than those defined below, which is located within a single structure along with at least one (1) other dwelling unit, each having a separate location within such structure.

Dwelling, Duplex: A building divided horizontally into two (2) dwelling units.

Dwelling, Semi-Detached: A building consisting of two (2) dwelling units separated by a vertical party wall.

Townhouse/Row House: One (1) of three (3) or more dwelling units divided by vertical party or partition walls but with no horizontal division.

Echo Housing: An additional dwelling unit placed on a property for temporary occupancy by either an elderly, handicapped, or disabled individual related to the occupants of the principal dwelling by blood, marriage, or adoption.

Family: Any one or more of the following:

- A. A single individual occupying a dwelling unit.
- B. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- C. Not more than three (3) unrelated persons occupying a dwelling unit.
- D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate Federal or State agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

Farm: A parcel of land ten (10) acres or more, devoted to the cultivation of land or other agricultural uses.

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

Flood Elevation: The projected height reached by floods of various intensities and frequencies in the floodplain areas.

Floodplain: An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded from the base flood of any source.

Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to property, structures, and their contents.

Floodway: The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Floor Area: The gross floor space of the building, or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings. In particular, the floor area of a building, or buildings, shall include:

- A. Basement/cellar space.
- B. All spaces other than basement/cellar space with structural headroom of seven (7) feet six (6) inches or more.
- C. Interior balconies and mezzanines.
- D. Enclosed or roofed porches or terraces or other roofed spaces.
- E. Attic spaces (with or without a finished floor) providing structural headroom of seven (7) feet four (4) inches or more available over thirty (30) percent of such attic space.
- F. Accessory buildings (including carports).

However, the floor area shall not include:

- A. Elevator shafts, stairwells, bulkheads, accessory water tanks, or cooling towers.
- B. Terraces, uncovered steps, or open space.

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

Garage, Private: An accessory building used for the storage of motor vehicles which may include one (1) commercial vehicle; owned and operated by the owner or occupant of the premises, and for the storage of not more than three (3) private non-commercial vehicles owned and operated by the owner or occupants of the premises.

Hearing: An administrative proceeding conducted by a board pursuant to Section 909.1. of the MPC.

Home Occupation: A business or commercial activity other than a no-impact home-based business or rural occupation that is conducted as an accessory use to a single-family detached dwelling.

Horticulture: The growing of fruit, vegetables, flowers, ornamental plants, or trees for a profit.

Junk: Any worn, cast-off, discarded or stored material including, but not limited to, unlicensed vehicles,

machinery, and equipment ready for destruction or which has been collected for salvage, or conversion to some use.

Junkyard: The use of more than one hundred (100) square feet of the area of any lot, or four hundred (400) square feet in the case of a farm, in all zoning districts except the I-Industrial, for the storage, keeping, or abandonment of junk. The deposit or storage on any lot of one (1) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard. A disabled vehicle is one that is not operable under its own power for any reason, or a vehicle that does not have a valid current registration plate, or that has an inspection certification which is more than sixty (60) days beyond the expiration date, and which is not intended for use, restoration, or removal within one (1) year of the date upon which the vehicle was deemed disabled. Any vehicle stored in accordance with the above criteria shall not be located within the front yard area of any property.

Kenel: A structure on any lot on which animals (except livestock, horses, or poultry) are kept, boarded, raised, treated, or trained for a fee, including but not limited to dog or cat kennels. Breeding within a kennel operation shall qualify as a commercial animal breeding operation and shall not exceed twelve (12) animals, including puppies, at any given time.

Landscaping: Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs, and bushes.

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the MPC.

Line, Building Setback: The line of a structure or building existing at the effective date of the Zoning Ordinance or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line.

Line, Lot: Lines forming the front, rear, and sides of lots as described in the title ordered. Any lot line which abuts a street or other public way shall be measured from the street right-of-way.

Line, Property: A recorded boundary of a plot. Any property line which abuts a street or other public way shall be measured from the right-of-way.

Line, Rear Lot: Rear lot line shall mean that lot line which is opposite and most distant from the front line. In the case of corner lots, the owner shall, for the purpose of the Zoning Ordinance, have the privilege of selecting

any lot line; other than one of the front lot lines, to be the rear lot line; provided that such choice, in the opinion of the Zoning Officer will not be injurious to the existing or the desirable future development of adjacent property.

The rear lot line of any irregular or triangular lot shall, for the purpose of this Ordinance, be a line entirely within the lot, ten (10) feet long.

Loading Space: A space accessible from a street or right-of way, in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

Lot: A designated parcel, tract, or area of land to be used, developed, or built upon as a unit, described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of Lancaster County by deed description or by an approved subdivision plan. The area and depth of a lot shall be measured to the legal right-of-way line of the abutting public or private street.

Lot, Corner: A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

Lot Coverage: A percentage of the lot area which may be covered with an impervious surface (e.g. driveways, sidewalks, buildings, parking areas, etc.).

Lot Width: The width of the lot measured at the building setback line between side lot lines and parallel to the front lot line, but in no case shall the street frontage be less than thirty (30) feet.

Manure Storage Facility: A structure built to store manure for future use, including, but not limited to underground storage, inground storage, trench silos, earthen banks, stacking areas, and above ground storage. Commercial waste storage facilities are those which are owned and operated for profit to provide animal waste storage services to the agricultural community.

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

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

Mobile Home: A transportable, single-family dwelling, intended for permanent occupancy contained in one (1)

unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements of Article XIII and the applicable subdivision and land development ordinance.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Stand: That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

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, roadside hotel, or resort hotels.

MPC: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Municipal Use: Any use owned or operated by the Township or an authority created by the Township.

Net Density: *For purposes of determining compliance with target density requirements where applicable, net density shall refer to the density of dwelling units on the buildable areas of the tract subject to development, including building areas, yard areas, new local streets internal to the development, and access drives and parking areas serving the subject dwellings. Areas occupied by floodplains, wetlands or slopes greater than twenty-five percent (25%) and areas occupied ~~or to be occupied by other than~~ local by existing streets rights-of way shall be excluded from the area used to calculate net density, as shall portions of ~~common~~ storm water management facilities and or common open space or recreational areas, whether existing or proposed, located more than seventy-five (75) feet from residential dwellings.*
Amendment Adopted December 21, 2015

No-impact, home-based business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic,

whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

Non-Conforming Lot: A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-Tillable Land: All land not considered to be tillable land as identified later in this Section of this Zoning Ordinance.

Nursing, Rest, or Retirement Home: A licensed facility designed for the housing, boarding, and dining, of individuals associated with some level of nursing care. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. A hospital or sanitarium shall not be construed to be included in this definition.

Nutrient Management Plan: A plan for the correct management and safe disposal of agricultural waste products

or manure generated by livestock operations and approved by the Lancaster County Conservation District. Guidelines for said plan shall be in accordance with the Manure Management Manual for Environmental Protection published by the Bureau of Soil and Water Conservation within the Department of Environmental Resources. Figures used on compilation shall be the most recent printing of the Penn State University Agronomy Guide.

On-Farm Occupation: Any occupation in the AG - Agricultural District and the OS/C - Open Space/Conservation District in addition to the primary agricultural use whereby the farmer in residence engages in a occupation that is secondary to the primary agricultural use and which does not change or reduce the exterior farm character.

Parking Lot: An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking Space: An off-street space available for the parking of one (1) motor vehicle and measuring a minimum of nine (9) feet by (20) feet, exclusive of driveways, passageways, and maneuvering space appurtenant thereto.

Poultry Unit: An aggregate measure of poultry equal to five hundred (500) pounds live bird weight, including chickens, broilers, turkeys, ducks, and other fowl.

Private School: A non-profit educational institution offering a curriculum approved by the Department of Education and which is not administered by the Eastern Lancaster County School District.

Quarrying: The extraction of minerals by surface mining.

Receiving Area: — Any area which may be designated by this Ordinance, or by inter-municipal agreement, to permit development beyond that permitted in the applicable base District where transferable development rights (TDRs) are acquired and assigned to the applicable development. Adopted 11/05/2012 Ordinance #94 – TDR Sending Area

Recreational Vehicle: A transient dwelling, containing less than four hundred (400) square feet of gross floor area, including automotive drawn trailers, or motorized coaches, which are designed primarily for vehicular mobility.

Recycling Center: Any facility which is used and intended for use primarily for the separating, collecting, storing,

and eventual distribution of paper, glass, and metal products, including the collection and storage of such materials on-site following recycling.

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Reverse Frontage Lot: A lot with front and rear street frontage, where vehicular access is prohibited to and from the higher intensity street.

Right-of-Way: The total width of any land granted, reserved, or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes, such as utility installations, storm water installations, or sanitary sewer installations.

Rural Occupation: A commercial activity that is conducted as an accessory use to the primary residential use of a lot or on any farm between the area of ten (10) and thirty (30) acres, by a resident of the lot, which activity is clearly incidental and subordinate to the agricultural or residential use of the lot and which is conducted in an accessory structure on the lot.

Sewer, Private: An "on-lot" septic tank disposal system approved by the Pennsylvania Department of Environmental Resources generally providing for disposal of effluent for only one (1) building or group of buildings on a single lot.

Sewer, Public: Any municipal or privately owned sewer system in which sewage is collected from buildings or individual lots and piped to a sewage disposal plant or central septic tank disposal system approved by the Pennsylvania Department of Environmental Resources. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers when installed to Caernarvon Township specifications.

School: A non-profit public or privately-owned educational institution offering a curriculum approved by the Department of Education.

Sending Area — Any area designated by this Ordinance, or by inter-municipal agreement, from which one or more transferable development rights may be severed and conveyed in accordance with the provisions of this Ordinance, including any lot or lots meeting the sending area qualifications set forth herein. Adopted

Shopping Center: A group of stores planned and designed for the site on which they are built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

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.

Solid Waste Disposal and Processing Facilities: Any sanitary landfill, mass burn facility, or processing facility which accepts, disposes, and/or processes garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. Such wastes shall not include animal or treated human waste used on land being fertilized for agricultural or horticultural purposes nor hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

Special Exception: A land use that would not be appropriate generally or without restrictions throughout the district, but which, if controlled as to number, area, location, and/or relation to the neighborhood would be a suitable use for the district.

Street: A strip of land, serving as a public or private right-of-way, including the entire right-of-way, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, storm water management facilities, shade trees, and sidewalks.

Street, Arterial - A street designed for large volumes and high speed traffic with access to abutting properties restricted.

Street, Collector - A street designed to carry a moderate volume of fast moving traffic from local streets to arterial streets with access to abutting properties.

Street, Local - A street designed at present to provide access to abutting properties.

Street, Private - A thoroughfare including a street, road, lane, alley, court, or space which has not been offered for dedication or whose dedication was not accepted by the Township. Private streets shall not be permitted unless they meet the standards of the Caernarvon Township Road Ordinance.

Street, Public - A public thoroughfare including a street, road, lane, alley, court, or public space which has been dedicated or deeded to the public or public use and which affords principal means of access to abutting property.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The word "structure" shall be construed where the context allows, as though followed by the words "or part thereof."

TDR — A transferable development right. Adopted 11/05/2012 Ordinance #94 – TDR Sending Area

Tillable Land: All land designated by the United States Department of Agriculture, Soil Conservation Service, as being comprised of Class I, II, or III soils, excluding however, those lands shown to the satisfaction of the Board of Supervisors to be non-tillable due to (i) rock outcroppings, (ii) surface bedrock, (iii) swampy or wet land, (iv) excessive slope, or (v) undesirable configuration.

TRANSFERABLE DEVELOPMENT RIGHT (TDR) — A completely severable unit of development potential: (A) assigned pursuant to Sections 405, 406 and 505 of this Ordinance, as applicable, to lots meeting sending area qualifications set forth therein; (B) which can be severed and conveyed by a Deed of Transferable Development Rights; and (C) which may, or may not be used to increase the permitted amount of development in any area which may be designated as a receiving area. Adopted 11/05/2012 Ordinance #94 – TDR Sending Area

Use: The purpose for which land, structure, sign, or a building is arranged, designed, or intended, or which either land, structure, sign, or a building is or may be used, occupied, or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use and shall permit a maximum of one (1) permitted use per lot.

Accessory Use - A use customarily incidental and subordinate to the principal use of a building or structure or principal use of the land, or a use not the principal use.

Principal Use - The main or primary purpose for which land, a structure, building, and/or sign, or use thereof is designed, arranged, or intended, or for which they may be occupied or maintained under the

Zoning Ordinance.

Utility: Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania.

Variance: A modification granted by the Zoning Hearing Board, upon hearing, from the terms and conditions of this Ordinance, or some of them, where literal enforcement thereof would create unnecessary hardship as a result of peculiar or unique conditions or circumstances, not self-imposed, pertaining only to the lot which is the subject of the hearing.

Water Facilities, Public: Any municipally or privately owned water system in which water is secured from a common source and distributed to individual lots or buildings.

Yard: The area between a permanent structure and property lines. Overhanging eaves, gutters, and cornices shall not be considered an infringement of the yard requirements.

Front Yard - The required open space between the street right-of-way and the principal building.

Side Yard - The required open space between any side lot line and the principal building and extending from the front line to the rear of the principal building.

Rear Yard - The required open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

Zoning Officer: The agent or official designated by the Board of Supervisors to administer and enforce the Caernarvon Township Zoning Ordinance.

Zoning Map: The Caernarvon Township Zoning Map, as amended.

Zoning Ordinance: The Caernarvon Township Zoning Ordinance.

ARTICLE IV

AG - AGRICULTURAL DISTRICT

SECTION 400. PURPOSE

The AG - Agricultural District seeks to promote the continuation and preservation of agricultural activities within the area of Caernarvon Township having the most productive agricultural soils. Nearly 9000 acres of land are within this zoning district, of which approximately 6600 acres have been designated as an Agricultural Security Area in conjunction with the Lancaster County Agricultural Preserve Board Agricultural Land Preservation Program by resolution of the Caernarvon Township Board of Supervisors on September 8, 1986. This Security Area intends to protect the agricultural uses to continue the Township's viable agricultural economy by eliminating land uses not compatible with agriculture and allowing for on-farm occupations to provide supplemental income to the Township's farmers in residence. Residential uses are limited, and any future inhabitants in this zone must be willing to accept the impacts associated with daily farming practices and related businesses.

SECTION 401. PERMITTED USES

Lands and buildings in the AG - Agricultural District shall be used only for the following purposes:

- A. Agricultural, horticultural, and forestry uses.
- B. Single-family detached dwellings.
- C. Non-residential structures customarily accessory to uses on the property which are permitted in 1. above.
- D. Accessory uses incidental and secondary to residential dwellings as permitted in other residential zoning districts by this Zoning Ordinance.
- E. Commercial livestock operations, provided that:
 - (1) The applicant shall identify the number of animals comprising the operation and provide documentation of an approved nutrient management plan by the Lancaster County Conservation District for the specified number of animals.
 - (2) When a nutrient management plan shows that there is excessive manure relative to the applicant's property, a Lancaster County Conservation District approved nutrient management plan shall be provided for the off-site lands receiving the manure. Additionally, the applicant shall provide an executed agreement or contract between the applicant and the recipient of the excess manure indicating the recipient's acceptance of the manure for no less than a three (3) year time period. The contract or agreement shall include alternative arrangements for

emergency contract complications.

- (3) The applicant shall demonstrate that the commercial livestock operation allows for the safe and efficient movement of all vehicles associated with the operation.
- (4) All proposed entrances and exits to the commercial livestock operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulated on or along abutting public streets.
- (5) When determined by the Zoning Officer, suitable buffering shall be provided when any structure, access drive, and parking, loading or unloading areas are located within one hundred and fifty (150) feet of adjacent residential structures.

F. Manure storage facilities, except commercial manure storage facilities, provided that:

- (1) The use shall operate under a nutrient management plan approved by the Lancaster County Conservation District.
- (2) Manure storage facilities shall be designed in compliance with the engineering standards and specifications of the Soil Conservation Service and provided in the Pennsylvania Department of Environmental Protection publication Manure Management for Environmental Protection, including its supplements and subsequent amendments.
- (3) Manure storage facilities shall be either designed by the Soil Conservation Service, or shall be designed and certified by a professional engineer, and shall also be reviewed by the Soil Conservation Service. Copies of the engineering plan shall be submitted with the permit application to the Zoning Officer.
- (4) The construction of the manure storage facility shall be in accordance with the permit, the approved design, and the approved nutrient management plan. Any design changes required during construction or subsequent operation must be approved in writing by the Soil Conservation Service.
- (5) Manure storage facilities shall not be located within:
 - (a) Five hundred (500) feet from any dwelling unit other than the existing farm dwelling.
 - (b) One hundred and fifty (150) feet of any property line, street right-of-way line, or water supply facility.
 - (c) A slope having a grade greater than fifteen (15) percent.
 - (d) On floodplain lands as classified in Section 1201 of this Zoning Ordinance. All manure storage facilities adjacent to a floodplain shall have a minimum floor elevation of two (2) feet above the one hundred (100) year floodplain elevation.

G. The display and sale of farm or nursery products as an accessory use to the principal farm use, provided that:

- (1) At least half ($\frac{1}{2}$) of all farm and nursery products sold must be grown, raised, or harvested on the premises.
- (2) Any permanent structure used to display and sell such goods shall be located at least fifty (50) feet from any property line and the legal right-of-way line of any street. The sale of farm products from a portable stand shall be located a minimum of twenty-five (25) feet from the street right-of-way and shall be removed at the end of the growing season. Mobile stands (i.e. farm wagons, pick-up trucks, etc.) shall be located outside the street right-of-way.
- (3) The structure and necessary parking area shall together not occupy more than four-thousand (4000) square feet of area for each farm.

H. Echo housing, provided that:

- (1) The total building coverage for the principal dwelling, the accessory structures, and the proposed dwelling together shall not exceed the maximum requirement of the prevailing zoning district.
- (2) The proposed dwelling shall be occupied by either an elderly, handicapped, or disabled individual related to the occupants of the principal dwelling by blood, marriage, or adoption, or by the caregiver for any of the above mentioned individuals.
- (3) The proposed dwelling shall not be occupied by more than two (2) people.
- (4) The applicant shall provide evidence that the proposed method of sewage disposal and water supply comply with Department of Environmental Protection requirements.
- (5) One (1) off-street parking space shall be required for the proposed dwelling unit.
- (6) The proposed dwelling shall be located to the side or rear of the principal dwelling and shall be subject to all side and rear yard requirements of the prevailing zoning district.
- (7) If the proposed dwelling is a mobile home, it shall be placed on the lot in accordance with the foundation and anchoring requirements of the Caernarvon Township Building Code.
- (8) The proposed dwelling unit shall be provided with properly designed utility connections.
- (9) The applicant shall furnish proof of the filing of either a land development plan or an agreement with the applicable governing agency for the proposed dwelling unit.
- (10) The proposed dwelling unit shall be removed within ninety (90) days after it is no longer occupied by the individual who qualifies for the use.
- (11) Upon the proper installation of the proposed dwelling, the Zoning Officer shall issue a temporary zoning permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed. A fee, in an amount established by the Board of

Supervisors, shall be paid by the landowner upon each renewal of the temporary building permit.

I. Home occupations, provided that:

- (1) Only single-family, detached dwellings may contain a home occupation.
- (2) No more than two (2) non-resident employees shall be permitted.
- (3) Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
- (4) The applicant shall demonstrate that adequate off-street parking will be provided for both the home occupation and the dwelling unit, but in no event shall the parking spaces provided be less than two (2) for the home, one (1) for each non-resident employee, and such other parking spaces as required in Section 1602 of the Zoning Ordinance. Such parking spaces shall be screened from adjoining properties.
- (5) No goods shall be visible from the outside of the building.
- (6) The area used for the practice of a home occupation shall occupy no more than twenty-five (25) percent of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less. All home occupation activities shall be conducted within the dwelling unit.
- (7) 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.
- (8) 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.
- (9) The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling.
- (10) The only retail sales permitted shall be of those products produced by or used in the home occupation.
- (11) One non-illuminated sign, not to exceed two (2) square feet in display area, shall be permitted.

J. Non-commercial manure storage facilities provided that the requirements of the Caernarvon Township Animal Waste Ordinance (Ordinance No. 44) are met.

K. Parks, recreation areas, and playgrounds not operated for private profit.

L. Temporary farm employee housing, provided that:

- (1) One (1) dwelling is permitted to be located on each farm as living quarters for farm workers and their families. The farm worker must be employed full time by the owner of the farm, and the

worker may occupy the dwelling for as long as he is employed by the owner of the farm.

- (2) All dwellings shall be setback a distance that is at least equal to the front yard setback of the existing farm dwelling and be no further than three hundred (300) feet from said dwelling, provided that the dwelling is no closer than one hundred (100) feet to adjoining property lines.
- (3) The applicant shall provide evidence that the proposed method of sewage disposal and water supply comply with Department of Environmental Protection requirements.
- (4) Two (2) off-street parking spaces shall be required for the proposed dwelling unit.
- (5) If the proposed dwelling is a mobile home, it shall be placed on the lot in accordance with the foundation and anchoring requirements of Section 1302.2 of the Zoning Ordinance.
- (6) The proposed dwelling unit shall be provided with properly designed utility connections.
- (7) The applicant shall furnish proof of the recording of either a land development plan or an agreement with the Lancaster County Planning Commission for the proposed dwelling unit as long as the Lancaster County Subdivision and Land Development Ordinance is in effect in the Township.
- (8) The dwelling shall be occupied at least thirty (30) days a year by at least one person who is employed on the farm where the dwelling is located. If this condition is not satisfied, then the mobile home shall be removed within ninety (90) days.
- (9) Upon the proper installation of the dwelling, the Zoning Officer shall issue a zoning and use permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed. A fee, in an amount established by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary building permit.

M. Kennels, including commercial animal breeding operations, provided that the following are met:

- (1) The applicant shall demonstrate that the proposal complies with the regulatory controls of the Pennsylvania Department of Agriculture under the Pennsylvania Dog Law and any other laws which are applicable from time to time and which are administered in whole or in part by the Pennsylvania Department of Agriculture.
- (2) Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.
- (3) Kennel operations shall comply with the following setback requirements:

Setback From...

Lot lines within the same zoning district.	Lot lines adjacent to R-1 and R-2 Residential Zones.
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Dwellings other than that of the kennel owner or operator.	Boarding or Breeding Kennel (fully enclosed structure).	Board or Breeding Kennel (unenclosed or partially enclosed <u>structure.</u>
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60 feet	100 feet
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200 feet	300 feet
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250 feet	350 feet
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- (4) Outdoor running areas shall be fenced in a manner which restricts access and provides for a full enclosure.
- (5) All animal wastes shall be regularly removed and disposed of in accordance with State law.
- (6) The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.
- (7) As to new kennel operations or kennel operations which are expanded afeter the effective date of this amendment to this Part, all animals in the new or expanded facility shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m. each night. All such new or expanded facilities shall require a building permit.
- (8) All new kennel facilities shall be operated so as to prevent the barking of dogs between the house of 8:00 p.m. and 7:00 a.m. each night at such levels as to be unreasonably annoying to the residents of neighboring properties. If complaints are received by the Zoning Officer or other Township official or staff and such complaints are determined to be founded, the Zoning Officer may require that the kennel facility be modified to provide an enclosed all-weather protective structure and that such animals be housed in such structure between the hours of 8:00 p.m. and 7:00 a.m. each night or to provide such other appropriate physical improvements reasonably designed to solve the barking problem. Any determination of the Zoning Officer under this provision may be appealed to the Zoning Hearing Board in the same manner as any other zoning enforcement notice.

N. Custom agricultural services, provided that:

- (1) The business shall be located on a parcel of land of two (2) acres or more.

- (2) Vehicles, equipment, and supplies associated with the service shall either be stored in a fully enclosed building or be screened from abutting properties.
 - (3) There shall be a minimum seventy-five (75) foot long gravel or paved access apron extending into the property to prevent tracking of mud onto the public road.
 - (4) A turnaround area shall be provided to prohibit the backing out of vehicles onto the abutting roadway.
- O. No-impact, home-based businesses.
 - P. Severance and transfer of development rights (TDRs) in accordance with Sections 405 and 406.
- Adopted 11/5/2012 Ordinance #94 TDR Sending Area

SECTION 402. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article XXI and other provisions of this Zoning Ordinance.

- A. Bed and breakfast establishments (conversion of existing residential structures only).
- B. Commercial day care facilities.
- C. Commercial grain or commercial feed mills.
- D. Commercial manure storage facilities.
- E. Facilities for the sales, repair, and service of agricultural equipment, vehicles, feed, or supplies.
- F. Mushroom culture.
- G. On-farm occupations.
- H. Retail sale of nursery and garden materials.
- I. Riding school or commercial horse boarding stable.
- J. Wholesale agricultural produce sales, stockyards, and buying stations.
- K. Accessory dwelling units.
- L. Custom agricultural services on parcels of land less than two (2) acres in area.
- M. Home occupations which do not conform to the criteria of Section 401.I. of the Zoning Ordinance.
- N. Rural occupations.

SECTION 403. AREA AND HEIGHT REGULATIONS

- 1. MINIMUM LOT AREA - A minimum lot area of sixty-five thousand (65,000) square feet shall be required for each permitted principal use and special exception use, unless otherwise specified in the

criteria for uses permitted by special exception. The maximum area shall be as dictated by the Department of Environmental Protection as the maximum necessary for approval of sewage disposal facilities, with the exception that commercial farming operations shall be located on parcels containing a minimum of ten (10) acres. The limitation on subdivision shall not apply to the alteration of existing lot lines which will not result in the creation of additional separate parcels or which will not render the agricultural use of the tracts less efficient. This number shall not be increased by the subdivision of any such parent tract. Any subsequent owner of a lot after September 8, 1986, the effective date of the Caernarvon Township Zoning Ordinance which established this provision, shall be bound by the actions of his predecessor.

2. DENSITY REQUIREMENTS.

A. The following provisions shall apply for new lots and/or land uses in the AG - Agricultural District:

- (1) For every twenty-five (25) acres of an existing contiguous lot or fraction thereof under single ownership as of September 8, 1986, there may be only one (1) use permitted in addition to the existing uses on said existing lot, or one (1) new lot subdivided from said existing lot, provided the remaining portion of the existing lot is in conformance with all lot, yard, and height requirements of this District as listed below.
- (2) On an existing lot under single ownership that has a lot area of four (4) acres or more, but is less than twenty-five (25) acres in lot area as of September 8, 1986, there may be only one (1) use permitted in addition to the existing uses on said existing lot, or one (1) new lot subdivided from said existing lot, provided the remaining portion of the existing lot is in conformance with all lot, yard, and height requirements of this District as listed below.
- (3) An additional two (2) permitted uses or lots shall be permitted in addition to the number of uses or lots permitted by paragraphs a. and b. above where said permitted uses or lots are developed totally on non-tillable land, provided,
 - (a) Said uses and lots meet all other requirements of this Zoning Ordinance.
 - (b) The application for development shall show the areal extent of non-tillable land. Where the application indicates the areal extent of non-tillable land as being different from that designated by the Soil Conservation Service, the applicant shall be required to submit a field survey of the area in question. Said field survey shall be sealed by a professional qualified to perform such a survey and shall have adequate detail to justify the area being designated as

non-tillable land.

- (B) Any subdivision or land development hereinafter filed with the applicable approving body for subdivision or land development of a lot in this District shall specify which lot or lots shall carry with it a right of further subdivision or erection of single-family dwellings, if any such right remains from the quota allocated to the parent tract as of September 8, 1986. This right of further subdivision or erection of single-family dwellings, or an indication that no further subdivision or erection of single-family dwellings is permissible, shall also be included in the deed to the newly-created lot.
 - (C) In the event that a lot which was not classified as part of this District on the effective date of this Zoning Ordinance is hereafter classified as a part of this District, the size and ownership of any such lot on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided from or the number of single-family dwellings which may be erected on such lot.
- 3. MINIMUM LOT WIDTH - Two hundred (200) feet at the building line.
 - 4. MINIMUM LOT DEPTH - Two hundred (200) feet.
 - 5. YARD REQUIREMENTS - All principal buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:
 - A. Front Yard - The minimum front yard required shall be that distance between the right-of-way line of a public or private road and the building line as established in Article XVII of this Zoning Ordinance.
 - B. Side Yard - There shall be two (2) side yards each having a minimum width of twenty-five (25) feet.
 - C. Rear Yard - The rear yard shall be a minimum of sixty (60) feet in depth.
 - 6. MAXIMUM LOT COVERAGE - Twenty (20) percent.
 - 7. HEIGHT REGULATIONS - No building shall exceed thirty-five (35) feet in height except as provided in Article XIX of this Zoning Ordinance.

SECTION 404. PRESERVATION OF EXISTING WOODLANDS

- 1. Existing wooded areas shall be protected for all residential uses and other land uses as deemed appropriate by the Zoning Officer, with the exception that existing wooded areas may be cleared for cultivation, pasture land, or nursery use provided that prior to such clearing, the landowner shall have an approved erosion and sedimentation control plan and/or a conservation plan.

2. For all other earth moving activities, at least seventy-five (75) percent of the number of trees (minimum trunk caliper of five (5) inches measured three (3) feet above ground) that exist prior to any earth moving activities requiring a permit pursuant to this Zoning Ordinance shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches measured three (3) feet above finished grade.

SECTION 405. TRANSFERABLE DEVELOPMENT RIGHTS (TDR)

1. **PURPOSE** - The primary purpose of establishing a program for transferable development rights is to permanently preserve prime farmland, sensitive natural areas, and rural community character that would be lost if the land were developed, by permitting landowners in the sending area defined below to transfer their right to develop to other individuals or entities, in lieu of developing the sending area lands. These rights to develop are referred to for convenience as TDRs.
2. **BASIC CONCEPT AND AUTHORIZATION**
 - A. The provisions of this Zoning Ordinance which permit TDRs allow landowners in areas of Caernarvon Township proposed for conservation, called "sending areas," to voluntarily sever and sell or otherwise convey the right to develop their land to other public or private entities or individuals who may hold ("bank") such rights, retire them or ultimately, pursuant to this Ordinance as may be amended, use them or convey them for use for additional development in areas which are designated as eligible "receiving areas." The creation of TDRs and the ability to sell and purchase them as described below are specifically authorized under Sections 603 (c)(2.2) and 619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a sending area to a receiving area.
 - B. When landowners in the sending area sever their right to develop their land, they must restrict that land from which TDRs are severed against any future development as provided in this Ordinance, although the land may still be used for purposes that do not involve residential, commercial, industrial or institutional development, such as agriculture or forestry and uses customarily accessory thereto. When landowners in any designated receiving area acquire TDRs which have been severed by landowners in the sending area, they receive the right to increase the density or extent of development as provided below.

- C. Deed restrictions imposed on any lands in the sending area upon severance of TDRs shall not prohibit the landowner's sale of such lands after the TDRs have been severed, subject to the recorded restrictions. Restrictive covenant(s) or conservation easement(s) established on the lands from which TDRs have been severed shall benefit or run in favor of Caernarvon Township and/or another governmental entity and/or a conservation organization approved by the Township.
 - D. The owner of the lands in the sending area from which TDRs are severed, or any subsequent party to whom TDRs may be conveyed, may declare the TDRs for sale, may hold the TDRs or may convey the TDRs to any other party. The only use which may be made of the TDRs is the ultimate transfer to development in a designated receiving area. Notwithstanding anything to the contrary, Caernarvon Township shall have no obligation of any kind to hold, to purchase or to own any TDRs which have been severed from any lands in the sending area.
3. **SEVERANCE AND SALE OR CONVEYANCE OF TDRS** – Owners of any lot or lots which meet the requirements set forth in Sections 406 or 505, as applicable, may sever and sell or convey their TDRs in accordance with this section.
- A. When choosing to sever TDRs as provided for herein, a landowner shall sever all TDRs allocated to his or her tract at one time. No other development rights allocated through these TDR provisions shall remain after the initial TDR severance, except as provided for in Section 406.2.B, or Section 505.2.C, as applicable.
 - B. Severance of TDRs shall be effected by duly recording a Deed of Transferable Development Rights in the Office of the Lancaster County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the lot or lots from which TDRs have been severed and the party(ies) who own the TDRs upon their severance, whether retained by the owner(s) of the lands from which the rights have been severed, or conveyed to any other party.
 - C. Prior to recordation of a Deed of Transferable Development Rights, the owner(s) of the TDRs being severed shall obtain the signed endorsement of the Township. Such endorsement shall not unreasonably be withheld upon submission of the following information to ascertain the availability of the TDRs for severance as proposed:
 - (1) The deed of record for the sending tract from which the TDRs will be severed or a metes and bounds description of the tract, or a plot plan or survey thereof, adequately

indicating the total acreage of the sending tract; areas of the sending tract subject to easements in favor of governmental agencies, utilities, and non-profit corporations; and areas of the sending tract restricted against development by covenant, easement or deed restriction.

- (2) A title search of the sending tract from which the TDRs will be severed sufficient to determine all owners of the sending tract and all lienholders prepared by a title insurance company licensed in the Commonwealth of Pennsylvania, together with a commitment to insure title to the TDRs to be severed and recorded in a separate Deed of Transferable Development Rights.
 - (3) A copy of the proposed deed of transferable development rights and a copy of the proposed declaration of restriction of development, as regulated by this Section.
- D. Simultaneously with the recording of any Deed of Transferable Development Rights, or prior thereto, restrictive covenant(s) or conservation easement(s), which shall permanently restrict development of the sending area lands as provided in Section 405.3.E below, also shall be recorded in the Office of the Lancaster County Recorder of Deeds. Subsequent sale or conveyance of any recorded Deed of Transferable Development Rights shall clearly indicate the deed record of the original Deed of Transferable Development Rights effecting the severance of the TDRs, any intervening sale or conveyance, and the pertinent restrictive covenant(s) or conservation easement(s).
- E. Sending Area Restrictive Covenant(s) - Any sending area lands from which TDRs have been severed must be permanently restricted from future development by restrictive covenant(s) or conservation easement(s) which meet the following requirements:
- (1) The restrictive covenant(s) or conservation easement(s) shall permanently restrict the lands from future development for any purpose other than principal or accessory agricultural uses, forestry, public park land, conservation areas and similar uses. Structural development for such permitted uses shall be permitted subject to compliance with the regulations set forth in the base zoning district and, if applicable, conformance with any pre-existing restrictive covenant(s) or easement(s). Where not precluded by any pre-existing restrictive covenant(s) or easement(s), mineral extraction may be permitted subject to limitations on temporary and permanent surface disturbance acceptable to the Township and,

where applicable, any agency or organization participating with the Township in the purchase of the TDRs.

- (2) The restrictive covenant(s) or conservation easement(s) shall be approved by Caernarvon Township, in consultation with the Township Solicitor.
- (3) The restrictive covenant(s) or conservation easement(s) shall designate Caernarvon Township, and/or a bona fide conservation organization or governmental agency acceptable to Caernarvon Township at its sole discretion, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights:
 - a. All future owners of any portion of the original sending area lands, and
 - b. All future owners of any portion of any lot to which the TDRs shall be permanently attached.
- (4) The restrictive covenant(s) or conservation easement(s) shall apply to the lot or lots from which TDRs are severed (sending area lands) and the acreage which is restricted.
- (5) All owners of any legal or beneficial interest in the lands from which TDRs are severed shall execute the restrictive covenant(s) or conservation easement(s). All lienholders of the lands from which TDRs are severed shall execute a joinder and/or consent to the restrictive covenant(s) or conservation easement(s).

F. The proposed deed of transferable development rights and the proposed restrictive covenants or conservation easements shall be reviewed and must be approved by the township solicitor or other consultants, the reasonable costs of which shall be paid by the party seeking to sever the TDRs, unless waived by the Township.

4. RECEIVING AREA QUALIFICATIONS AND CALCULATIONS

Reserved

5. PLAN SUBMITTAL PROCESS FOR RECEIVING DEVELOPMENT

Reserved

6. **EXTINGUISHMENT OF RECEIVED TDRS**

As a condition of final plan approval of any plan using TDRs, the Deed or Deeds of Transferable Development Rights for the TDRs which have been used will be extinguished where all TDRs have been utilized or, where less than the entirety of TDRs have been utilized, the Deed of Transferable Development Rights shall be amended and re-recorded to specify the number of TDRs which have been extinguished and any number of TDRs which remain available for future use. Amendment Adopted December 21, 2015

7. **PUBLIC ACQUISITION OF TDRS** – Caernarvon Township may purchase TDRs and may accept Ownership of TDRs through conveyance by gift. All such TDRs may be held, resold, or extinguished by Caernarvon Township. Any such purchase or gift shall be accompanied by restrictive covenant(s) or conservation easement(s) as specified in Section 405.3.E.

8. **CONVEYANCE OF TDRS TO CONSERVATION ORGANIZATIONS** - TDRs may be conveyed to an organization which possesses a tax exempt status under Section 501(c)(3) of the Internal Revenue Code [26 U.S.C. Section 501(c)(3)] and which has as its primary purpose the conservation of land for historic, scenic, agricultural or open space purposes, or to the Lancaster County Agricultural Preserve Board. If such organization purchases or acquires TDRs by gift or otherwise, the organization shall be entitled to resell TDRs originating in Caernarvon Township only if the proceeds from the sale of the TDRs are used to purchase TDRs from other lands in Caernarvon Township *or are deposited into the Caernarvon Land Preservation Fund. Amendment Adopted December 21, 2015*

9. **AMENDMENT AND/OR TERMINATION** – Caernarvon Township reserves the right to modify, amend, and/or repeal any of the provisions of this Ordinance regarding TDRs at any time in the future. The Township expressly reserves the right to modify the manner in which the number of TDRs shall be calculated in the sending area and the manner in which TDRs may be conveyed and used in designated receiving area(s). Caernarvon Township further expressly reserves the right to terminate its TDR program at any time. No owner of the land or owner of TDRs shall have any claim against Caernarvon Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, conveyance and use of TDRs or the termination of the TDR program.

SECTION 406 TDR SENDING IN THE AG – AGRICUTURAL DISTRICT

1. **Sending Area Qualifications**

- A. The sending area lot or lots from which TDRs are to be severed within the AG – Agricultural District shall comprise a minimum of ten (10) acres;
- B. The sending area lot or lots shall be restricted from future development in accordance with Section 405.3.E.

2. Calculation of TDRs

- A. The total number of TDRs available for severance from a sending lot within the AG – Agricultural District shall be determined by multiplying the lot area, measured in acres, by 0.2.
- B. Where any lot severs TDRs pursuant to this section, one (1) available TDR shall be retained and extinguished for each habitable structure located on the lot, excluding structures devoted principally to agricultural or agricultural accessory use. Future construction of additional habitable structures shall require the original retention or the purchase of one (1) TDR per structure and shall not be subdivided on to individual lots. Lots less than twenty (20) acres in area shall not be permitted to retain TDRs for future construction.
- C. Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for calculation of TDRs unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.
- D. Where calculation of available TDRs results in fractional numbers, a fraction of 0.5 or higher shall be rounded up to the next whole number and a fraction of less than 0.5 shall be rounded down to the next lowest whole number. Adopted 11/5/2012 Ordinance #94 TDR Sending Area

ARTICLE VII

R-2 - RESIDENTIAL DISTRICT

SECTION 700. PURPOSE

The R-2 - Residential District seeks to provide for all types and densities of residential development where public sewer and water facilities are necessary for development.

SECTION 701. PERMITTED USES

Land and buildings in the R-2 - Residential District shall be used only for the land uses listed below, and whereby the applicant shall provide public sewer and public water facilities for all land uses.

- A. Single-family detached dwellings.
- B. Echo housing, provided that:
 - (1) The total building coverage for the principal dwelling, the accessory structures, and the proposed dwelling together shall not exceed the maximum requirement of the prevailing zoning district.
 - (2) The proposed dwelling shall be occupied by either an elderly, handicapped, or disabled individual related to the occupants of the principal dwelling by blood, marriage, or adoption, or by the caregiver for any of the above mentioned individuals.
 - (3) The proposed dwelling shall not be occupied by more than two (2) people, exclusive of resident caregivers..
 - (4) The applicant shall provide evidence that the proposed method of sewage disposal and water supply comply with Department of Environmental Protection requirements.
 - (5) One (1) off-street parking space shall be required for the proposed dwelling unit.
 - (6) The proposed dwelling shall be located to the side or rear of the principal dwelling and shall be subject to all side and rear yard requirements of the prevailing zoning district.
 - (7) If the proposed dwelling is a mobile home, it shall be placed on the lot in accordance with the foundation and anchoring requirements of Section 1302.2 of the Zoning Ordinance.
 - (8) The proposed dwelling unit shall be provided with properly designed utility connections.
 - (9) The applicant shall furnish proof of the filing of either a land development plan or an agreement with the Lancaster County Planning Commission for the proposed dwelling unit as long as the Lancaster County Subdivision and Land Development Ordinance is in effect in the Township.

- (10) The proposed dwelling unit shall be removed within ninety (90) days after it is no longer occupied by the individual who qualifies for the use.
- (11) Upon the proper installation of the proposed dwelling, the Zoning Officer shall issue a temporary building permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed. A fee, in an amount established by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary building permit.

C. Home occupations, provided that:

- (1) Only single-family, detached dwellings may contain a home occupation.
- (2) No more than two (2) non-resident employees shall be permitted.
- (3) Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
- (4) The applicant shall demonstrate that adequate off-street parking will be provided for both the home occupation and the dwelling unit, but in no event shall the parking spaces provided be less than two (2) for the home, one (1) for each non-resident employee, and such other parking spaces as required in Section 1602 of the Zoning Ordinance. Such parking spaces shall be screened from adjoining properties.
- (5) No goods shall be visible from the outside of the building.
- (6) The area used for the practice of a home occupation shall occupy no more than twenty-five (25) percent of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less. All home occupation activities shall be conducted within the dwelling unit.
- (7) 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.
- (8) 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.
- (9) The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling.
- (10) The only retail sales permitted shall be of those products produced by or used in the home occupation.
- (11) One non-illuminated sign, not to exceed two (2) square feet in display area, shall be permitted.

D. Multiple-family dwellings.

E. Municipal uses.

- F. Parks, recreation areas, and playgrounds not operated for private profit.
- G. Accessory buildings and uses customarily incidental to any of the above uses.
- H. No-impact, home-based businesses.

SECTION 702. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses are permitted where the applicant shall provide public sewer and public water facilities and when a special exception is granted by the Zoning Hearing Board in conformance with Article XXI and other provisions of the Zoning Ordinance.

- A. Cluster developments.
- B. Accessory dwelling units.
- C. Home occupations which do not conform to the criteria of Section 701.C. of the Zoning Ordinance.

SECTION 703. AREA AND HEIGHT REGULATIONS

1. ~~MINIMUM LOT AREA (PER PRINCIPAL USE AND/OR UNIT OF OCCUPANCY)~~

~~A. Single Family Detached Dwellings — 10,000 square feet per unit of occupancy.~~

~~B. Semi-Detached and Duplex Dwellings — 7,200 square feet per unit of occupancy.~~

~~C. Multiple Family Dwellings:~~

~~(1) Townhouses — 3,000 square feet, provided the density does not exceed eight (8) dwelling units per acre.~~

~~(2) Apartments — 10,000 square feet, provided the density does not exceed twelve (12) dwelling units per acre.~~

2. ~~MINIMUM LOT WIDTH~~

~~A. Single Family Detached and Duplex Dwellings — Eighty (80) feet at the building line.~~

~~B. Semi-Detached Dwellings — forty (40) feet at the building line.~~

~~C. Other Multiple Family Dwellings:~~

~~(1) Townhouses — Twenty (20) feet at the building line for an interior dwelling unit and forty (40) feet at the building line for an end dwelling unit.~~

~~(2) Apartments — Eighty (80) feet at the building line.~~

3. ~~MINIMUM LOT DEPTH~~ ~~The minimum lot depth for all lots and land uses shall be one hundred and twenty (120) feet.~~

4. ~~YARD REQUIREMENTS~~ ~~All principal buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements.~~

A. ~~Front yard~~ ~~The minimum front yard required shall be that distance between the right-of-way line of a public or private road and the building line as established in Article XVII of this Zoning Ordinance.~~

B. ~~Side yard~~

(1) ~~Single-Family Detached and Duplex Dwellings~~ ~~There shall be two (2) side yards each having a minimum width of fifteen (15) feet.~~

(2) ~~Semi-Detached Dwellings~~ ~~There shall be one (1) side yard having a minimum width of fifteen (15) feet.~~

(3) ~~Other Multiple-Family Dwellings:~~

(a) ~~Townhouses~~ ~~There shall be one (1) side yard on each end unit having a minimum width of fifteen (15) feet.~~

(b) ~~Apartments~~ ~~There shall be two (2) side yards each having a minimum width of twenty (20) feet.~~

C. ~~Rear yard~~ ~~The rear yard shall be a minimum of forty (40) feet in depth.~~

5. ~~MAXIMUM LOT COVERAGE~~

A. ~~Single-Family Detached and Duplex Dwellings~~ ~~Thirty-five (35) percent.~~

B. ~~Semi-Detached Dwellings and Apartments~~ ~~Fifty (50) percent.~~

C. ~~Townhouses~~ ~~Sixty (60) percent.~~

6. ~~HEIGHT REGULATIONS~~ ~~No buildings may exceed thirty-five (35) feet in height except as provided in Article XIX of this Zoning Ordinance. Amendments Adopted December 21, 2015~~

SECTION 703. AREA AND HEIGHT REGULATIONS

1. **RESIDENTIAL DENSITY REQUIREMENTS**

- A. *Target Density. A target density of between four (4) and six (6) dwelling units per net acre ("net density") shall be established for all residential development, regardless of the mix of dwelling unit types. Development at densities less than or greater than the target density shall require receipt of TDRs as provided below. TDRs received for development at densities less than or greater than the target density shall be in addition to any received TDRs utilized to provide for purposes of increasing lot coverage pursuant to Section 703.6.D or to provide for additional building height pursuant to Section 703.7.*
- B. *Density Reduction. Densities less than four (4) dwelling units per net acre shall be permitted where the incremental reduction in density is justified by receipt of the same number of TDRs as the number of dwelling units to be provided is less than the calculated density in number of dwelling units at 4 per acre. For example, if on 10 net acres, 40 dwelling units would be permitted at 4 per acre, and only 20 dwelling units are proposed, 20 TDRs must be received (40 – 20).*

The reason to require TDR receipt for density reduction is because development at less than the target density increases the consumption of land and ultimately creates demand to further extend services and potentially re-zone lands intended for conservation. The receipt of TDRs originating on sending properties in the AG and OS/C districts results in expansion of the Township land conservation program in those areas, helping to mitigate pressure from land consumption for development.

- C. *Density Increase. Densities greater than six (6) dwelling units per net acre in conformance with all other standards set forth herein shall be permitted where the incremental increase in density is justified by receipt of one (1) TDR per 1.5 additional dwelling unit.*

2. **MINIMUM LOT AREA (per principal use and/or unit of occupancy)**

- A. *Single-Family Detached Dwellings - 10,000 square feet per unit of occupancy.*
- B. *Semi-Detached and Duplex Dwellings - 7,200 square feet per unit of occupancy.*
- C. *Multiple-Family Dwellings:*

- (1) *Townhouses - 3,000 square feet, provided the density does not exceed eight (8) dwelling units per acre.*
- (2) *Apartments - 10,000 square feet per residential structure, provided the density does not exceed twelve (12) dwelling units per acre.*

3. *MINIMUM LOT WIDTH*

A. *Single-Family Detached and Duplex Dwellings - Eighty (80) feet at the building line.*

B. *Semi-Detached Dwellings - forty (40) feet at the building line.*

C. *Other Multiple-Family Dwellings:*

- (1) *Townhouses - Twenty (20) feet at the building line for an interior dwelling unit and forty (40) feet at the building line for an end dwelling unit.*
- (2) *Apartments - Eighty (80) feet at the building line.*

4. *MINIMUM LOT DEPTH - The minimum lot depth for all lots and land uses shall be one hundred and twenty (120) feet.*

5. *YARD REQUIREMENTS - All principal buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements.*

A. *Front yard - The minimum front yard required shall be that distance between the right-of-way line of a public or private road and the building line as established in Article XVII of this Zoning Ordinance.*

B. *Side yard -*

- (1) *Single-Family Detached and Duplex Dwellings - There shall be two (2) side yards each having a minimum width of fifteen (15) feet.*
- (2) *Semi-Detached Dwellings - There shall be one (1) side yard having a minimum width of fifteen (15) feet.*
- (3) *Other Multiple-Family Dwellings:*

- (a) *Townhouses - There shall be one (1) side yard on each end unit having a minimum width of fifteen (15) feet.*
- (b) *Apartments - There shall be two (2) side yards each having a minimum width of twenty (20) feet.*

C. *Rear yard - The rear yard shall be a minimum of forty (40) feet in depth.*

6. **MAXIMUM LOT COVERAGE**

- A. *Single-Family Detached and Duplex Dwellings - Thirty-five (35) percent.*
- B. *Semi-Detached Dwellings and Apartments - Forty (40) percent, except that maximum impervious coverage may be increased up to sixty (60%) percent where one (1) TDR is received for each 4,000 square feet of additional impervious coverage or fraction thereof in excess of 40%.*
- C. *Townhouses - Forty (40) percent, except that maximum impervious coverage may be increased up to sixty (60%) percent where one (1) TDR is received for each 4,000 square feet of additional impervious coverage or fraction thereof in excess of 40%.*
- D. *TDRs received for purposes of increasing lot coverage shall be in addition to any received TDRs utilized for any density reduction or density increase as provided in Section 703.1 or to provide for additional permitted height pursuant to Section 703.7.*

7. **HEIGHT REGULATIONS - No residential buildings may exceed thirty-five (35) feet in height and no non-residential building shall exceed thirty (30) feet in height, except as provided in Article XIX of this Zoning Ordinance where applicable or through receipt of TDRs as follows. The height of non-residential buildings may be increased above thirty (30) feet to a maximum of fifty (50) feet, subject to receipt of one TDR for each 4,000 square feet of building area or fraction thereof, measured to the outer walls of any portion of the building that exceeds 30 feet in height. TDRs received for purposes of increasing permitted height shall be in addition to any received TDRs utilized to provide for any density reduction or density increase as provided in Section 703.1, or to provide for additional lot coverage pursuant to Section 703.6.D. Amendment Adopted December 21, 2015**

SECTION 704. ADDITIONAL DESIGN STANDARDS FOR TOWNHOUSE DWELLINGS AND APARTMENT BUILDINGS

1. No structure containing townhouses shall contain more than eight (8) dwelling units.
2. No structure containing townhouses or apartments shall exceed an overall length of two hundred (200) feet.
3. All apartment buildings shall be separated by a horizontal distance equal to the height of the taller structure, with the exception that parallel building placements of front to front, rear to rear, and front to rear shall be separated by a horizontal distance equal to two (2) times the height of the taller structure.

ARTICLE IX

HCLI - HIGHWAY COMMERCIAL/LIGHT INDUSTRIAL DISTRICT

SECTION 900. PURPOSE

The HCLI - Highway Commercial/Light Industrial District seeks to provide reasonable standards for the orderly development of highway oriented business and commercial uses, which, due to the nature of their activities, can most appropriately be located along major highways, and for industrial uses and operations which are free from offensive noise, vibration, smoke, odors, glare, hazard of fire or other objectionable and dangerous conditions in order to protect adjacent land uses.

SECTION 901. PERMITTED USES

Land and buildings in the HCLI - Highway Commercial/Light Industrial District shall be used for land uses listed below, and whereby the applicant shall provide public sewer and public water facilities for all land uses.

- A. Administrative office activities.
- B. Banks and other similar financial institutions, medical/dental clinics, and professional offices, provided that:
 - (1) The subject tract shall front on and gain access from either an arterial or collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
 - (2) The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.
 - (3) All parking facilities shall be constructed and maintained with a paved surface of concrete or bituminous material, or other dust-free surface as approved by the Zoning Hearing Board.
 - (4) The maximum building coverage shall be no greater than twenty-five (25) percent.
 - ~~(5) The maximum lot coverage shall be no greater than seventy (70) percent.~~
 - (5) *The maximum lot coverage shall be as provided in Subsection 903.6. Amendment Adopted December 21, 2015*
 - (6) The minimum landscape area shall be no less than thirty (30) percent.

- (7) No building shall be placed closer than thirty (30) feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.
 - (8) Curbs and sidewalks shall be provided along all public rights-of-way. Sidewalks abutting the public rights-of-way shall coordinate with an internal pedestrian circulation design which allows for safe and convenient movement of pedestrians.
- C. Parks, recreation areas, and playgrounds not operated for private profit.
 - D. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot.

SECTION 902. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses are permitted where the applicant shall provide public sewer and public water facilities and when special exceptions are granted by the Zoning Hearing Board in conformance with Article XXI and other provisions of the Zoning Ordinance.

- A. Automobile filling stations.
- B. Automobile, truck, boat, and other motor vehicle sales, service and repair facilities.
- C. Car washes.
- D. Clubhouses (private clubs).
- E. Commercial day care facilities.
- F. Commercial recreation facilities.
- G. Drive-through and fast food restaurants.
- H. Dry cleaners, laundries, and laundromat.
- I. Home improvement and building supply showrooms and/or stores.
- J. Funeral homes.
- K. Industrial activities involving processing, production, repair, or testing of materials, goods, and/or products, involving those industries primarily performing conversion, assembly, or non-toxic chemical operations.
- L. Mini-warehouses.
- M. Motels, including auto courts, motor courts, motor inns, motor lodges, roadside hotels, and resort hotels.
- N. Restaurants and nightclubs.
- O. Retail sales.
- P. Shopping centers.
- Q. Any other commercial use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above.

SECTION 903. AREA AND HEIGHT REGULATIONS

1. MINIMUM LOT AREA (PER PRINCIPAL USE AND/OR UNIT OF OCCUPANCY)- The minimum lot area requirement shall be 10,000 square feet with the exception that shopping centers shall contain a minimum lot area of two (2) acres.
2. MINIMUM LOT WIDTH - One hundred (100) feet, with the exception that shopping centers shall contain a minimum lot width of two hundred (200) feet.
3. MINIMUM LOT DEPTH - One hundred and twenty (120) feet.
4. YARD REQUIREMENTS - All principal buildings shall be set back from street rights-of-way and lot lines in accordance with the yard requirements listed below. However, yards may be used for the purpose of meeting off-street parking and loading requirements, except that no parking shall be permitted closer than fifteen (15) feet to any property line or street right-of-way line.
 - A. Front Yard - The minimum front yard required shall be that distance between the right-of-way line of a public or private road and the building line as established in Article XVII of this Zoning Ordinance.
 - B. Side and Rear Yards - All buildings shall be located a minimum of fifteen (15) feet from all other lot lines, with the exception that when the lot borders a residential lot or district, a minimum side and/or rear yard of fifty (50) feet shall be maintained.
5. ~~HEIGHT REGULATIONS - No buildings shall exceed thirty-five (35) feet in height except as provided in Article XIX of this Zoning Ordinance.~~

5. HEIGHT REGULATIONS

- A. *Except as provided in Article XIX of this Zoning Ordinance, no buildings shall exceed thirty (30) feet in height except that maximum height may be increased to sixty (60) feet where TDRs are received as provided below.*
- B. *Maximum building height may be increased above 30 feet subject to receipt of one TDR for each 4,000 square feet of building area or fraction thereof, based on the building footprint, that exceeds 30 feet. TDRs received for purposes of increasing permitted height shall be in addition to any received TDRs utilized to provide for additional lot coverage as provided below.*

~~6. **MAXIMUM LOT COVERAGE** *No more than seventy (70) percent of the area of the lot shall be covered by buildings, parking facilities, and pedestrian ways.*~~

6. MAXIMUM LOT COVERAGE

A. *No more than thirty-five percent (35%) of the area of the lot shall be covered by impervious surfaces including all buildings, parking facilities, and pedestrian ways, except that maximum lot coverage may be increased to seventy percent (70%) where TDRs are received as provided below.*

B. *Maximum lot coverage may be increased above 35% of the area of the lot subject to receipt of one TDR for each 4,000 square feet of additional lot coverage or fraction thereof. TDRs received for purposes of increasing lot coverage shall be in addition to any received TDRs utilized to provide for additional permitted height as provided above. Amendment Adopted December 21, 2015*

SECTION 904. LANDSCAPING

Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lots, district boundaries, and street rights-of-way exclusive of access locations. Buffer planting shall be provided along the side and rear of any commercial or industrial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening.

SECTION 905. NOISE

All commercial operations or activities are subject to the noise criteria established of Section 1004.5 of this Zoning Ordinance.

SECTION 906. GLARE

Any commercial operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candles when measured within an adjacent non-commercial or non-industrial property. Commercial operations or activities shall conform to the standards for direct and indirect glare as stated in Section 1004.15 of this Zoning Ordinance.

ARTICLE X

I - INDUSTRIAL DISTRICT

SECTION 1000. PURPOSE

The I - Industrial District seeks to address the establishment of industrial land uses that can contribute to the well-being of the Township, recognizing both light and heavy industrial uses. These land uses are subject to industrial performance standards whereby public health and safety shall be maintained through controls on noise, vibrations, dust and particulate emissions, sulfur dioxides, smoke, odor, toxic matter, detonable materials, fire hazard solids, liquids, and gases, glare, heat, radioactive and electromagnetic radiation, and liquid or solid wastes. Additional screening, landscaping, traffic, and emergency access controls exist to promote safe and attractive site design and to minimize objectionable impacts associated with industrial uses.

SECTION 1001. PERMITTED USES

Land and buildings in the I - Industrial District shall be used only for the following purposes:

- A. Administrative office activities.
- B. Home improvement and building supply showrooms and/or stores.
- C. Municipal uses.
- D. Parks, recreation areas, and playgrounds not operated for private profit.
- E. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.

SECTION 1002. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses are permitted in the I - Industrial District when special exceptions are granted by the Zoning Hearing Board as provided for in Article XXI and other provisions of this Zoning Ordinance.

- A. Adult oriented businesses.
- B. Automobile, truck, boat, and other motor vehicle sales, service and repair facilities.
- C. Billboards.
- D. Industrial activities involving processing, production, repair, or testing of materials, goods, and/or

products, involving those industries primarily performing conversion, assembly, or non-toxic chemical operations.

- E. Junkyards.
- F. Laboratories for scientific or industrial research and development.
- G. Mini-warehouses.
- H. Mushroom culture.
- I. Quarries and other extractive industries.
- J. Recycling centers.
- K. Solid waste disposal and processing facilities.
- L. Truck or motor freight terminal.
- M. Wholesale distribution of industrial products, including lumber and coal yards, building material storage yards, contractors' equipment and storage yards, and commercial warehouses.
- N. Any other industrial use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above.

SECTION 1003. AREA AND HEIGHT REGULATIONS

- 1. MINIMUM LOT AREA (PER PRINCIPAL USE AND/OR UNIT OF OCCUPANCY) - The minimum lot area requirement shall be as follows:
 - A. 43,560 square feet, if served neither by public sewer nor public water facilities.
 - B. 30,000 square feet, if served by either public sewer or public water facilities.
 - C. 20,000 square feet, if served by both public sewer and public water facilities.
- 2. MINIMUM LOT WIDTH - The minimum lot width requirement shall be one hundred and fifty (150) feet if served neither by public sewer nor public water facilities and one hundred (100) feet for all other parcels.
- 3. MINIMUM LOT DEPTH - One hundred and fifty (150) feet.
- 4. YARD REQUIREMENTS - All principal buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:
 - A. Front yard - All buildings, except buildings intended to serve as a guardhouse, visitors information center, or similar facility, shall be set back from the street right-of-way line a distance of seventy-five (75) feet. No building shall be permitted between the street right-of-way line and the building line established in Article XVII of this Zoning Ordinance.
 - B. Side and rear yards - All buildings shall be located a minimum of twenty-five (25) feet from all

other lot lines except that where the lot borders a residential lot or district, the minimum shall be one hundred (100) feet.

~~5. HEIGHT REGULATIONS - No building shall exceed forty (40) feet in height except as provided in Article XIX of this Zoning Ordinance.~~

5. HEIGHT REGULATIONS

A. *Except as provided in Article XIX of this Zoning Ordinance, no buildings shall exceed thirty (30) feet in height except that maximum height may be increased to sixty (60) feet where TDRs are received as provided below.*

B. *Maximum building height may be increased above 30 feet subject to receipt of one TDR for each 4,000 square feet of building area or fraction thereof, based on the building footprint, that exceeds 30 feet. TDRs received for purposes of increasing permitted height shall be in addition to any received TDRs utilized to provide for additional lot coverage as provided below. Adopted December 21, 2015*

~~6. MAXIMUM LOT COVERAGE - No more than seventy (70) percent of the area of the lot shall be covered by buildings, parking facilities, and pedestrian ways.~~

6. MAXIMUM LOT COVERAGE

A. *No more than thirty-five percent (35%) of the area of the lot shall be covered by impervious surfaces including all buildings, parking facilities, and pedestrian ways, except that maximum lot coverage may be increased to seventy percent (70%) where TDRs are received as provided below.*

B. *Maximum lot coverage may be increased above 35% of the area of the lot subject to receipt of one TDR for each 4,000 square feet of additional lot coverage or fraction thereof. TDRs received for purposes of increasing lot coverage shall be in addition to any received TDRs utilized to provide for additional permitted height as provided above. Adopted December 21, 2015*

SECTION 1004. INDUSTRIAL PERFORMANCE STANDARDS

1. LEGISLATIVE INTENT

- A. The Board of Supervisors desires to provide standards for the operation of industrial uses within the Township in order to protect the health, safety, and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust, and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation.
- B. The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access controls to lessen the possibility of vehicular accidents and landscaping and screening requirements to provide a buffer area to the use and to discourage trespassing.
- C. The Board of Supervisors also seeks to protect the public through the requirement of a plan of access in the event of emergency conditions to allow police, fire fighters, and rescue personnel to gain access to the premises efficiently and safely.

2. ENFORCEMENT

- A. The Industrial Performance Standards contained in this section shall be the minimum standards to be met and maintained by all industrial uses within the Township. Industrial uses shall be defined as those uses, regardless of location, which are specified as permitted uses in Section 1001 of this Zoning Ordinance or uses by special exception in Section 1002 of this Zoning Ordinance, including uses of a similar nature not specifically identified in the Zoning Ordinance but which would be permitted in the Industrial District pursuant to Section 105 herein.
- B. The owner and/or operator of any industrial use existing on the effective date of this Zoning Ordinance shall have the right to appeal to the Zoning Hearing Board a determination that the industrial use does not meet and maintain the Industrial Performance Standards contained herein in accordance with Section 2402 of this Zoning Ordinance.
- C. The owner and/or operator of any industrial use shall have the ability to apply to the Zoning Hearing Board for a variance from the Industrial Performance Standards contained in this section. The Zoning Hearing Board shall consider such requests in accordance with Section 2402 herein.

3. STORAGE

- A. With the exception of quarries, all business, servicing, manufacturing, or processing of materials,

goods, or products shall be conducted within completely enclosed buildings.

B. Storage shall be permitted outdoors, but shall not be visible from a public right-of-way. Outdoor storage within five hundred (500) feet of a residential district boundary shall be effectively screened by a solid wall, fence, or planting so that the materials shall not be visible from a residential district.

C. All organic rubbish or storage shall be in airtight, vermin-proof containers.

4. CERTIFICATION - All applications for industrial uses must be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the district. Further, the Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards.
5. NOISE - Sound from any external public address system shall not project beyond the boundary of the subject tract. Additionally, all other industrial operations, with the exception of those exempted by Section 1004.5.D. below, shall be limited by the standards listed in Table I. This table describes the maximum sound pressure level permitted from any industrial source and measured in any abutting zoning district.

TABLE I

Maximum sound pressure level in decibels - 0.002 dynes per square centimeter

Octave band

in hertz

7:00 a.m. to 7:00 p.m.

7:00 p.m. to 7:00 a.m.

0 - 75	74	69
75 - 150	59	54
150 - 300	52	47
300 - 600	46	41
600 - 1,200	42	37
1,200 - 2,400	39	34
2,400 - 4,800	36	31

- A. Noise shall be measured with a sound level meter constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.). Measurements are to be made at any point in abutting zoning districts as indicated in Table I following.
- B. Impact noise (intermittent sounds such as from a punch press or drop forge hammer) shall be measured using the fast response of the sound level meter and are to be made at any point in abutting zoning districts as indicated in Table I.
- C. Between the hours of 7:00 p.m. and 7:00 a.m. the permissible sound levels in an abutting zoning district shall be reduced by five (5) decibels for impact noises.
- D. The following sources of noise are exempt:
 - (1) Transportation vehicles not used in the ordinary course of business and not under the control of the owner, tenant, or lessor.
 - (2) Occasionally used safety signals, warning devices, and emergency pressure relief valves.
 - (3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.
- E. For any noise of an impulsive or periodic character, the permissible limits for each octave band shall be reduced by five (5) decibels.
- F. Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

6. VIBRATION

- A. Vibration shall be measured at or beyond any adjacent lot line or zoning district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
- B. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity (inches per second)

F = Vibration frequency (hertz)

D = Single amplitude displacement of the vibration (inches)

Table II designates the applicable columns of Table III that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table III. Where more than one (1) set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE II

ABUTTING ZONING DISTRICT		ADJACENT LOT LINE
HCLI - Highway Commercial/Light	A	B
Industrial District		
I - Industrial District	A	B

The maximum peak particle velocities that correspond to the above designations are as follows:

TABLE III

MAXIMUM PEAK PARTICLE VELOCITY - IN/SEC

VIBRATION	A	B
Steady State	0.02	0.10
Impact	0.04	0.20

- C. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity in inches multiplied by the frequency in cycles per second.
- D. For purposes of this Zoning Ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute.

Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

- E. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in the previous table for Column A shall be reduced to one-half (1/2) of the indicated values.

7. DUST AND PARTICULATES

- A. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set forth below. Emissions of dust and particulates shall be in accordance with the Commonwealth of Pennsylvania Rules and Regulations governing air contamination and air pollution. In case of conflict, the most restrictive shall apply.
- B. The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.
- C. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.
- D. The maximum emission rate of dust and particulate matter from all stacks shall be 2.0 pounds per hour per acre of lot area.

8. SULFUR DIOXIDES - Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes shall be limited in accordance with the standard of 1.0 pounds per hour per acre of lot area and may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

9. SMOKE

- A. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascopes readings of smoke may be used when correlated with Ringelmann's Chart.
- B. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.

10. ODOR

- A. Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.
- B. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line measured either at ground level or habitable elevation.

11. TOXIC MATTER

- A. The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period.
- B. The release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.

12. DETONABLE MATERIALS

- A. Activities involving the storage, utilization, or manufacture of products which decomposed by detonation shall include but not be limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
- B. The storage, utilization, or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized, but not manufactured.

13. FIRE HAZARD SOLIDS - The storage, utilization, or manufacture of solid materials which are active to

intense burning shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.

14. FIRE HAZARD LIQUIDS AND GASES

- A. The storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.
- B. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in Table IV below:

TABLE IV

STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES

<u>LIQUIDS</u>		<u>GASES</u>
<u>ABOVE GROUND FLASH POINT, F</u>		<u>ABOVE GROUND</u>
Less than 70	70 - 200	
7,500 gal.	30,000 gal.	225,000 SCF*
<u>BELOW GROUND FLASH POINT, F</u>		<u>BELOW GROUND</u>
15,000 gal.	60,000 gal.	450,000 SCF*

*SCF - Standard Cubic Feet at 60° F. and 29.92 inches Hg.

- 15. GLARE - Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candles when measured within an adjacent non-industrial property.
 - A. Direct Glare - Direct glare, for the purpose of this Zoning Ordinance, is illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc

lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways maybe illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. Such luminaries shall be placed not more than sixteen (16) feet above ground level and the maximum illumination at ground level shall not be in excess of three (3) foot-candles

B. Indirect Glare - Indirect glare, for the purpose of this Zoning Ordinance, is illumination beyond property lines caused by diffuse reflecting 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 0.3 foot-candles (maximum) and 0.1 foot-candles (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

16. HEAT - Heat, for the purpose of this Zoning Ordinance, is the thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F.; whether such change being the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.
17. RADIOACTIVE RADIATION - No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line or which produces emission injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for the Protection Against Radiation, as amended, and all applicable regulations of the Commonwealth of Pennsylvania.
18. LIQUID OR SOLID WASTES - No discharge shall be permitted at any point into any sewage disposal system, watercourse, lake, or into the ground, except in accord with standards approved by the Department of Environmental Resources or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.
19. ELECTROMAGNETIC RADIATION - No activities shall be permitted which emit electromagnetic radiation at any point beyond the property line or which produces emissions injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. It shall be unlawful

to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the ten (10) current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious-radiation, harmonic content, modulation, or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

20. SCREENING

- A. A completely planted visual barrier of landscape screen shall be provided and maintained between any use in the Industrial District and contiguous zoning districts or residential properties in the Industrial District except where natural or physical man-made barriers exist. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of twenty (20) feet. The high level screen shall consist of trees planted at an initial height of not less than six (6) feet with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen shall be placed in alternating rows to produce a more effective barrier. All plants which have been dead for six (6) months shall be replaced.
- B. Any existing industrial facility shall not be required to comply with the screening requirements except in case of enlargement or major alteration of same.
- C. The screen planting shall be permanently maintained.

- D. Outdoor Activities and Equipment Screening - All outdoor industrial use operations, mechanical equipment, and other function accessories of each building, such as elevator, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units should have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

21. LANDSCAPING

- A. Any part or portion of a site which is not used for building or other structures, loading, parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all season ground cover. It shall be maintained to provide an attractive appearance and all non-surviving plants shall be promptly replaced.
- B. No less than ten (10) percent of any parking area providing more than five (5) spaces must be landscaped and continually maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification, will not be considered as part of the ten (10) percent parking area landscaping. In complying with the ten (10) percent landscaping requirements, the planting beds must be distributed throughout the parking areas as evenly as possible. For each one hundred (100) square feet of parking area, there shall be ten (10) square feet of landscaped area.

22. ACCESS AND TRAFFIC CONTROL

- A. All accessways from any industrial development to any public street or highway shall be located at least two hundred (200) feet from the centerlines of any public street intersection and shall be designed in a manner conducive to safe ingress and egress.
- B. Where possible, exits shall be located on minor rather than major streets or highways. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration or deceleration lanes required for egress or ingress.

23. INTERIOR DRIVES AND PARKING FACILITIES

- A. Interior drives within an industrial land development shall be designed to prevent blockage of vehicles entering or leaving the site.
- B. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of facilities by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the

use of accessways or automobile parking facilities.

- C. Interior drives shall be clearly marked by adequate painting markings, (curbing and signs) so that vehicular movements within parking areas and access drives do not impede the general traffic circulation.

ARTICLE XIX

GENERAL REGULATIONS

SECTION 1900. GENERAL INTENT AND APPLICATION

Unless otherwise stated, the regulations and restrictions established in this Article are intended to apply to all districts in Caernarvon Township.

SECTION 1901. HEIGHT

1. HEIGHT LIMIT EXCEPTION. The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, silos, barns, or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.
2. HEIGHT AND OPEN SPACE. In any district, any building may be erected to a height in excess of that specified for the district provided that the required footage for the front, side, and rear yard is increased one (1) foot for each one (1) foot of additional height, up to a maximum of forty-five (45) feet.

SECTION 1902. YARDS

1. PERMANENCE OF YARDS AND OTHER OPEN SPACES. Space applied or necessary under this Zoning Ordinance to satisfy the yard and area requirements in relation to any building, whether now or substantially built, shall not be counted as part of a required yard or of the required area in relation to any other building.
2. ACCESSORY BUILDING. Accessory buildings may not occupy more than twenty-five (25) percent of the rear yard.

SECTION 1903. ERECTION OF MORE THAN ONE (1) PRINCIPAL STRUCTURE ON A LOT

1. SINGLE-FAMILY DETACHED DWELLINGS. In any district where single-family detached dwellings are permitted by right or by special exception, one (1) additional single-family detached dwelling is permitted in addition to the existing principal units subject to the following provisions:
 - A. The yard and other requirements of the applicable zoning district shall be met for the additional dwelling as though it were on an individual lot, and the dwelling meets the requirements of all applicable ordinances.

- B. Water and sewage disposal facilities shall be approved by required Township and State sanitation officials and shall be completely separate from the principal dwelling facilities.
 - C. The building permit application shall be accompanied by either (1) evidence of the recording of a land development plan at the office of the Lancaster County Recorder of Deeds, or (2) notification from the applicable administrative body that a land development plan is not required for the additional principal structure.
2. NON-RESIDENTIAL STRUCTURES. In any district, more than one (1) non-residential structure having a permitted or permissible principal use may be erected on a single lot subject to the following provisions:
- A. The yard and other requirements of the applicable zoning district shall be met for the additional structure as though it were on an individual lot, and the structure meets the requirements of all applicable ordinances.
 - B. Water and sewage disposal facilities shall be approved by required Township and State sanitation officials.
 - C. The building permit application shall be accompanied by either (1) evidence of the recording of a land development plan at the office of the Lancaster County Recorder of Deeds, or (2) notification from the applicable administrative body that a land development plan is not required for the additional principal structure.

SECTION 1904. PROHIBITED USE

No building may be erected, altered, or used, and no lot or premises may be used for any activity that is noxious, injurious, or offensive by reason of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, illumination, or similar substances or conditions.

SECTION 1905. CORNER LOTS: YARD AND VISION OBSTRUCTION REQUIREMENTS

- 1. In all zoning districts, a corner lot shall be provided with front yards along each street on which the corner lot abuts in accordance with the front yard requirements of the underlying zoning district. All other yards shall be considered side yards.
- 2. On any corner lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, crops, or other growth shall be maintained which may cause danger to vehicles or pedestrians on a public road by obscuring the view. Visual obstructions shall be limited to a height of not more than three (3) feet above street level. The area to be kept free of encroachment shall form a triangle with a line of sight between points measuring one hundred (100) feet from the centerline intersection of the

adjacent streets.

SECTION 1906. ACCESS TO STRUCTURES

Every building hereafter erected or moved shall be on a lot adjacent to a public road or with guaranteed access to an improved private road. It is the purpose of the following regulations to maintain that all structures be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

A. DRIVEWAY REQUIREMENTS FOR A SINGLE-FAMILY DWELLING.

- (1) Number per lot - The number of driveways intersecting a street shall not exceed two (2) per lot frontage.
- (2) Driveway intersection separation distances - Driveways shall not intersect a street within thirty (30) feet of the right-of-way lines of any abutting street, nor within five (5) feet of a fire hydrant or adjoining lot lines.
- (3) Clear sight triangle - Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet measured along the street centerline and ten (10) feet along the driveway centerline, measured from the street right-of-way, is maintained. No permanent obstructions more than three (3) feet in height shall exist or be placed within this area other than signs permitted in accordance with Section 1504.4 of this Zoning Ordinance.
- (4) Slope - A driveway shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the street right-of-way line.
- (5) Road classification - Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved. Road classifications are identified in Article XVII of this Zoning Ordinance.
- (6) Driveway width - No driveway shall result in a curb cut which exceeds a width of twenty-four (24) feet.
- (7) PA DOT permit - Any driveway intersecting a State-owned road shall require the acquisition of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

B. ACCESS DRIVE REQUIREMENTS FOR LAND USES OTHER THAN A SINGLE FAMILY DWELLING.

- (1) Number per lot - The number of access drives intersecting a street shall not exceed two (2) per lot frontage.
- (2) Access drive width - Access drives with two (2) lanes of traffic and without on-street parking shall contain a cartway width of twenty-four (24) feet. Off-street parking lots shall be provided in accordance with Section 1601 of this Zoning Ordinance, and the prohibition of on-street

parking must be identified along the cartway. Access drives with one (1) lane of traffic and without on-street parking shall contain a cartway width of twelve (12) feet. The one-way direction of traffic must be identified along the cartway.

- (3) Access drive intersection separation distances - Distances between access drives and street intersections and between two (2) access drive intersections, measured from centerline to centerline shall be as follows:
 - (a) Intersection separation distances along arterial, major collector, and minor collector streets shall be two hundred (200) feet.
 - (b) Intersection separation distances along any other street classification shall be one hundred and twenty-five (125) feet.
- (4) Distance from side and rear property lines - Access drives shall be at least fifteen (15) feet from side and rear property lines, with the exception that the requirement can be waived when a joint parking compound is shared by abutting properties.
- (5) Clear sight triangle - Clear sight triangles shall be measured along the street centerline and the access drive centerline as follows. No permanent obstruction more than three (3) feet in height shall exist or be placed within this area other than signs permitted in accordance with Section 1504.4 of this Zoning Ordinance.
 - (a) Arterial streets - One hundred and fifty (150) feet along the street centerline and fifty (50) feet along the access drive centerline.
 - (b) Major and minor collector streets - One hundred (100) feet along the street centerline and twenty-five (25) feet along the access drive centerline.
 - (c) Local streets - Seventy-five (75) feet along the street centerline and twenty-five (25) feet along the access drive centerline.
- (6) Slope - An access drive shall not exceed a slope of four (4) percent within fifty (50) feet of the street right-of-way.
- (7) Surfacing - All access drives shall be paved with concrete or bituminous paving material or with a material suitable to the Board of Supervisors.
- (8) Access drive width - No driveway shall result in a curb cut which exceeds a width of thirty-six (36) feet.
- (9) PA DOT permit - Any driveway intersecting a State-owned road shall require the acquisition of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

SECTION 1907. CLUSTER DEVELOPMENT PROVISIONS

Cluster development regulations allow for the reduction in lot area and other bulk requirements so that dwellings may be grouped in certain areas of the development, while the remainder of the site is set aside as common open space.

Cluster development is encouraged by the Township and is permitted by special exception in the R-1 and R-2 - Residential Districts in order to promote the efficient use of undeveloped land while preserving and using open space lands for recreational and aesthetic purposes. Cluster developments shall be provided with public sewer and public water systems as defined in Section 201 of this Ordinance.

1. PERMITTED USES - Cluster housing developments may consist of any residential use permitted in the respective R-1 and R-2 -Residential Districts.
2. DENSITY AND LOT REQUIREMENTS.
 - A. Minimum Development Size - The minimum area for a cluster development shall be five (5) acres and shall be provided with public sewer and water.
 - B. Density - The overall density of a cluster development in the R-1 - Residential District shall be two (2) dwelling units per acre. The overall density of a cluster development in the R-2 - Residential District shall not be greater than the density of conventional development in the R-2 - Residential District as stated in Section 703.1 of this Zoning Ordinance. If the proposed development is to be constructed in phases, no phase shall be developed at densities greater than permitted above.
 - C. Density Bonus - If the proposed common open space area in a cluster development proposal exceeds the required minimum area requirements as stated in Section 1909.3 of this Zoning Ordinance, one (1) additional dwelling unit may be provided for each acre of open space provided in excess of the minimum required.
 - D. Lot and Yard Requirements - Specific lot and yard requirements may be reduced in accordance with the chart provided below:

R-1 - RESIDENTIAL DISTRICT

<u>LOT REQUIREMENTS</u>					<u>YARD REQUIREMENTS</u>	
<u>Dwelling Type</u>	<u>Min. Area</u>	<u>Min. Width @ Street Line</u>	<u>Min. Width @ Setback Line</u>	<u>Min. Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Width</u>
Single-family detached	10,000 s.f.	55 ft.	85 ft.	100 ft.	10 ft.	25 ft.

R-2 - RESIDENTIAL DISTRICT

<u>LOT REQUIREMENTS</u>					<u>YARD REQUIREMENTS</u>	
<u>Dwelling Type</u>	<u>Min. Area</u>	Min. Width @ <u>Street Line</u>	Min. Width @ <u>Setback Line</u>	<u>Min. Depth</u>	Side <u>Yard Width</u>	Rear <u>Yard Width</u>
Single-family detached	7,500 s.f <i>6,500 sf</i>	45 ft.	75 ft. <i>60 Ft</i>	100 ft. <i>90 Ft</i>	8 ft.	25 ft.
Duplex	4,000 s.f. per d.u.	45 ft.	75 ft.	100 ft.	8 ft.	25 ft.
Semi-detached	4,000 s.f. per d.u.	30 ft.	45 ft.	85 ft.	8 ft.	25 ft.
Townhouses	2,000 s.f. per d.u.	16 ft.	20 ft.	85 ft.	8 ft.	25 ft.
Apartments	3,000 s.f. per d.u.	60 ft.	60 ft.	100 ft.	20 ft.	35 ft.

- E. The minimum front yard requirement shall be that distance established in Article XVII of this Zoning Ordinance between the right-of-way line of a public or private road and the building line.

3. COMMON OPEN SPACE REQUIREMENTS.

- A. The minimum area required for common open space land shall be forty (40) percent of the gross acreage of the tract in the R-1 - Residential District and thirty (30) percent in the R-2 - Residential District. In no case shall lands which are unusable because of inaccessibility, excessive smallness or narrowness, or other factors rendering such lands unacceptable for building be proposed to satisfy such requirement. The requirement of this section shall be in addition to (a) any land required to be dedicated as open space by any other applicable ordinance or resolution and (b) the greenways requirements set forth below.
- B. Unless otherwise specified by the Board of Supervisors, a minimum of thirty (30) percent of the common open space in the R-1 - Residential District shall be concentrated and used for active recreation within the site, and a minimum of sixty (60) percent of the common open space

within the R-2 - Residential Districts shall be concentrated and used for active recreation. Active recreation shall include any activity that requires some physical exertion on the part of the participant. Active recreation areas shall include, but not be limited to basketball, volleyball and tennis courts, soccer and football fields, baseball diamonds, swimming pools, tot lots, jogging trails, bicycle paths, and playgrounds. This land shall be relatively flat, dry ground not exceeding the average percent of slope of the development and be suitable to the intended purpose.

- C. Common open space shall be suitably improved for its intended use; however, natural features such as woodlands, steep slopes, rock outcrops, wetlands, and similar areas worthy of preservation shall remain in a natural state. All such features shall be shown on the plan and shall be preserved and incorporated into the common open space.
- D. In addition to the significant natural features, land in common open space may contain land surrounding historically significant structures and sites, archaeological sites, and land suitable for recreational uses.
- E. Recreation areas within the common open space are intended to serve all residents in a residential cluster development. Recreation areas shall be connected by greenways, sidewalks, or similar linkages. Open space shall be accessible to all residents without the necessity to travel on street cartways (except where necessary to cross streets) or upon private property.
- F. Greenways shall be established around and adjacent to housing clusters. These greenways may include bikeways, pedestrian paths, and other forms of linkages. All pedestrian ways within common open space areas shall be adequately lighted. Greenways shall be so designed as to be adjacent to as many lots as possible, while connecting the major recreation areas within a cluster development. The requirements of this provision shall be in addition to the open space requirements set forth above.
- G. Wetlands shall not be part of any calculated open space. In addition, no more than twenty-five (25) percent of the common open space shall consist of floodplains or storm water detention and/or retention basins.
- H. All common open space areas may be offered for dedication to and for no consideration to be paid by the Township. The Township may have the option to accept all or any portion of the common open space at any time within ten (10) years of the recording of the final subdivision plan. If the Township accepts any or all open space, such action shall be evidenced by a recorded instrument, the terms of which shall be subject to the approval of the Township. If the Township does not accept any or all of the open space as Township property, the balance of the open space shall be retained by the developer or ownership transferred to a chartered corporation or other entity acceptable to the Township created to administer the open space areas. In any event, an endorsement upon the deed and recorded in the Lancaster County Recorder of Deeds office shall indicate that all common open space land is restricted for use as

open space in perpetuity. The developer shall make adequate provision for the access to and maintenance of open space and facilities within the open space area. Said provisions shall be subject to the approval by the Board of Supervisors and the Township Solicitor and shall be contained in deed restrictions which shall be subject to the approval of the Board of Supervisors. Before the corporation or other entity acceptable to the Township that is owned by the homeowners shall receive the open space, the developer shall enter into a maintenance agreement with the Township, binding upon the corporation or other approved entity providing for the maintenance of the open space and any improvements situated thereon. This agreement shall be completed prior to approval of the final subdivision plan.

4. SUPPLEMENTAL REQUIREMENTS.

- A. Within any cluster development, two (2) off-street parking spaces per dwelling unit shall be provided. Some of this additional parking may be provided within separate parking areas. Any separate parking areas are to be located convenient to the housing clusters intended to be served by this parking. Any parking related to a recreation area within a cluster development may be located within the common open space. The developer shall provide one (1) off-street parking space for each (2) acres of open space, which parking spaces shall be adjacent to the open space area to which they are associated. Off-street parking shall also be provided adjacent to active recreations areas with the number of spaces being subject to the approval by the Zoning Hearing Board and based upon the character and intensity of the active recreation use.
- B. The applicant shall provide a landscape plan of the development and the open space which shall include, but not be limited to, street plantings, parking lot landscaping, and screening, where appropriate. Said plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania and shall follow the below listed criteria:
 - (1) Yard Groundcover. Any part of the site which is not used for buildings, other structures, parking areas or aisles, sidewalks, designated storage areas, and any natural area acceptable as open space shall be planted with an all-season groundcover approved by the Zoning Hearing Board (i.e. grass, ivy, vetch, pachysandra, etc). Said groundcover shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
 - (2) Landscaping Materials. Landscaping materials shall include, but not be limited to a combination of deciduous trees, groundcovers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may

not be used to satisfy any requirement for landscaping or screening. No less than eighty (80) percent of the required landscape area shall be vegetative in composition.

- (3) Street and Lot Plantings. Street plantings may either be shade trees or ornamental trees and shall be provided along all streets and access drives within a cluster development. Street trees shall be spaced no farther than one hundred (100) feet measured along the centerline of the street or access drive. In addition, one (1) tree per lot shall be provided for each single family detached, duplex, and semi-detached lot in a cluster development. Street plantings shall be deciduous and shall have a clear trunk at least five (5) feet above finished grade. Evergreen plantings may be utilized as lot plantings and shall have a minimum planted height of six (6) feet.
- (4) Screening Requirements. All single-family detached areas shall be protected with screening from any permitted more dense clustering, and all residential uses shall be screened from adjacent parking compounds and active recreation areas. The location of screening shall be subject to the approval of the Zoning Hearing Board. Materials which may be used for screening purposes include evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link, or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six (6) feet. Landscape screens shall achieve this visual blockage within two (2) years following installation.
- (5) Selection of Plant Materials. Trees and shrubs shall be typical of their species and variety, have normal growth habits, well-developed branches, be densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced.

- C. A mix of dwelling unit types is desirable to promote a balanced cluster development. The following standards shall be used to achieve this mix:

<u>NUMBER OF DWELLING UNIT TYPES</u>	<u>MAXIMUM PERCENT ANY ONE TYPE</u>	<u>MINIMUM PERCENT ANY ONE TYPE</u>
2	60	40
3	40	20
4	40	
5		

5. **PROCEDURAL REQUIREMENTS.** Prior to application for a special exception for a cluster development plan proposal to the Zoning Hearing Board, the applicant shall submit the proposal to the Township Planning Commission for review and comment. The Planning Commission shall prepare a report containing its comments which shall accompany the special exception application made to the Zoning Hearing Board. In addition to conforming with the provisions of this Zoning Ordinance, the cluster development proposal shall also be processed under the provisions of the applicable subdivision and land development ordinance and shall adhere to all requirements thereof. Because of the nature of cluster developments, applicants are encouraged to submit plans for a pre-application review prior to the submission of any formal application.

SECTION 1908. SLOPE REQUIREMENTS

1. Any proposed use or development, where said use or development is to be actually located on existing or proposed slopes with grades in excess of fifteen (15) percent, shall require a minimum lot size of five (5) acres. In addition, where said slopes are to be developed or used, all buildings shall be designed by a registered architect or registered engineer and all other structures and all earthmoving, erosion controls, and measures to prevent sediment loss shall be designed by a registered engineer, registered architect, or registered landscape architect. The construction of any on-lot sewage disposal system on such steep sites shall comply with all rules and regulations of the Department of Environmental Resources. Where facilities are required to be designed by an architect, engineer, or landscape architect, or are required to be approved by DER, plans for such facilities shall be submitted to the Zoning Officer as part of the application for a zoning permit for such facilities.
2. It shall be the responsibility of the developer and/or landowner to delineate all existing and proposed grades that exceed ten (10) percent within all areas being developed or proposed for use. Said slopes shall be clearly shown within the zoning permit application.

SECTION 1909. STORAGE OF EXPLOSIVES

The storage of explosives shall be prohibited in Residential Districts. Explosives may be kept in all other districts provided they are stored no closer than two-hundred (200) feet to any property line, and provided that all State standards are met.

SECTION 1910. RECYCLING COLLECTION FACILITIES

Existing commercial facilities which sell products containing recyclable materials such as aluminum, glass, and plastics may establish as an accessory use a recycling collection facility for those materials. All collected materials shall be stored in wholly-enclosed facilities, and the area shall be kept free of litter and debris. Odors shall not be perceptible at the property line. The collection facilities shall be designed and located so that the removal of collected materials does not interfere with normal traffic flows into, out of, and through the commercial facility.

SECTION 1911. UNENCLOSED STORAGE

1. OUTDOOR STOCKPILING. In all zoning districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year, is prohibited.
2. TRASH, GARBAGE, REFUSE, OR JUNK. Except as provided in Sections 2104.AA and 2104.QQ of this Zoning Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.

SECTION 1912. BUFFER YARDS

Where required by this Ordinance, the following standards shall apply:

- A. All buffer yards shall be planted with grass or ground cover and, where required, a dense evergreen screen planting. Buffer yards shall be kept free of all debris and rubbish and shall be well maintained.
- B. No building, manufacturing, or processing activity, or storage of materials shall be permitted in buffer yards. However, access drives may cross at right angles and the parking of automobiles may be permitted in a portion of the buffer yard as determined by the Zoning Officer.
- C. Where required by the Zoning Officer in a buffer yard, a dense evergreen screen planting shall be provided.
 - (1) Plant materials used in the screen planting shall at the time of planting be not less than five (5) feet in height and shall be planted not less than five (5) feet center to center. Material planted

shall produce a complete visual screen within three (3) years. Materials used in the screen planting shall also serve as a barrier to visibility, airborne particles, glare, and noise.

- (2) Screen plantings shall be required along the district boundaries of the HCLI - Highway Commercial/Light Industrial and the I - Industrial Districts to the AG - Agricultural, OS/C - Open Space/Conservation, R-1 - Residential, R-2 - Residential, and the CV - Churchtown Village Districts.
- (3) Screen plantings shall be well maintained. Screen material that has died shall be promptly replaced with comparable material.
- (4) Screen plantings shall be placed no closer than five (5) feet from a property or street right-of-way line at maturity.

D. Prior to issuing a building permit, complete planting plans for buffer yards and screen planting (if required) shall be reviewed and approved by the Zoning Officer.

E. BUFFER YARD WIDTHS

- (1) Twenty (20) foot minimum.
- (2) Fifty (50) feet between zoning districts.

F. The decision to require or not require a screen planting may be subject to the review of the Zoning Hearing Board upon appeal.

DULY ORDAINED AND ENACTED this 21st day of December, 2015 by the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania, in a lawful session duly assembled.

ATTEST:

Kathryn M. Norris
Kathryn M. Norris, Secretary

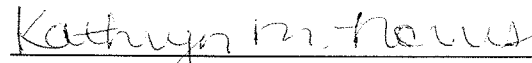
BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP

By: Gary Van Dyke
Gary Van Dyke, Chairman

By: Terry L. Hartranft
Terry L. Hartranft, Vice-Chairman

By: Terry L. Martin
Terry L. Martin, Supervisor

I, Kathryn M. Norris, Secretary of the Board of Supervisors of Caernarvon Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Caernarvon Township held on December 21, 2015, at which meeting a quorum was present and voted in favor thereof.



Kathryn M. Norris, Secretary