

CAERNARVON TOWNSHIP ZONING ORDINANCE 1991

**(With amendments through Ordinance No. 85,
adopted February 6, 2006)**

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CAERNARVON TOWNSHIP ZONING ORDINANCE

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ARTICLE I

TITLE, PURPOSE, AND INTERPRETATION

SECTION 100. TITLE

An ordinance permitting, prohibiting, regulating, restricting, and determining: uses of land, watercourses, and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, raising, removal, and use of buildings, structures, and signs; areas and dimensions of land and bodies of water to be occupied by uses and structures as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; density of population and intensity of use; creating zoning districts for said purposes and establishing the boundaries thereof; and providing for the administration, amendment, and enforcement of this Zoning Ordinance in accordance with the provisions of "The Second Class Township Code", as amended and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

SECTION 101. SHORT TITLE

This Zoning Ordinance shall be known and may be cited as "The Caernarvon Township Zoning Ordinance of 1991."

SECTION 102. PURPOSE

These zoning regulations are enacted for the following purposes:

- A. To promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds, and other public requirements.
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use, and to preserve environmentally sensitive lands.
- C. To prevent overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers. This Zoning Ordinance is made in accordance with an overall program, the community development objectives as set forth in the Comprehensive Plan, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and with the view to conserving the value thereof and encouraging the most appropriate use of land throughout the Township.

SECTION 103. INTERPRETATION

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

SECTION 104. APPLICATION

The provisions, regulations, limitations, and restrictions of this Zoning Ordinance shall apply to all structures, buildings, land uses, and signs in the Township. Nothing in this Zoning Ordinance shall require any change in plans or construction of a lawful use for which a building permit has been heretofore issued prior to the effective date of this Zoning Ordinance provided, however, that construction shall be completed within two (2) years of the effective date of

this Zoning Ordinance or of any subsequent amendment to this Zoning Ordinance. If construction is not completed within two (2) years of the effective date of this Zoning Ordinance, a new building permit must be secured from the Zoning Officer.

SECTION 105. USES NOT PROVIDED FOR

If a use is neither specifically permitted nor prohibited under this Ordinance, and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall inform the applicant that such use may be authorized by special exception if such use meets the requirements of this section. If the applicant applies to the Zoning Hearing Board for a special exception, the Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if it is of the same general character of the enumerated permitted uses in the Zoning District, in accordance with the intended purpose of the Zoning District, compatible with the permitted uses in the Zoning District, and shall comply with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the Zoning District, compatible with the permitted uses in the Zoning District, and shall comply with all performance standards applicable to such permitted uses in the Zoning District.

SECTION 106. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

In implementing the purpose stated in Section 102 of this Zoning Ordinance, the Board of Supervisors of Caernarvon Township hereby state the policy goals of the Township as listed in the following community development objectives:

- A. Promote and protect the agricultural, rural, and environmentally sensitive areas of the Township in those areas inappropriate or not designated for other types of development.
- B. Insure that the varied land uses within the Township are logically located in their relationship to one another.
- C. Promote good quality and well-designed housing of sufficient size to produce a healthful and satisfying living environment.
- D. Provide safe, quiet, and attractive residential development with ample open space for normal daily living.
- E. Encourage a variety of housing types to meet the needs of Township residents, including newly-formed households, growing families, and senior citizens.
- F. Provide for commercial growth to meet the needs of the Township residents and by promoting safe and convenient access, attractive and healthful environments, and locations compatible with surrounding land uses and community facilities.
- G. Provide for industrial growth at locations served by suitable transportation facilities and adequate utilities, having a location and arrangement so external effects will not adversely influence adjacent uses and areas, and providing a physical environment appropriate for the operation of each use.
- H. Insure the safe, efficient, and convenient movement of people and goods.
- I. Provide adequate public utilities, protection, open space, privacy, services, and facilities in the most efficient manner.
- J. Coordinate types and intensities of land uses according to regional and local comprehensive planning objectives.

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 (1,000) 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 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 cartway.

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, in-ground 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.

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

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.

Kennel: 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.

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 an 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.

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 Protection 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 Protection. 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.

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."

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.

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 III

ZONING DISTRICTS

SECTION 300. TYPES OF ZONING DISTRICTS

For the purpose of this Ordinance, Caernarvon Township is hereby divided into the following districts:

AG - Agricultural District
OS/C - Open Space/Conservation District
R-1 - Residential District
R-2 - Residential District
CV - Churchtown Village District
HCLI - Highway Commercial/Light Industrial District
I - Industrial District
MR - Mineral Recovery District
FP - Floodplain District

SECTION 301. OFFICIAL ZONING MAP

1. The boundaries of the zoning districts shall be as shown on the Zoning Map which is on file in the office of the Board of Supervisors. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Zoning Ordinance, and shall be as much a part of this Zoning Ordinance as if all were fully described herein.
2. The Zoning Map shall be so labeled, and identified by the signature of the Chairman of the Board of Supervisors and attested by the Secretary of the Board of Supervisors, and bear the seal of the Township under the following words: "This is to certify that the following __ sheet(s) comprise(s) the Official Zoning Map of Caernarvon Township, Lancaster County, Pennsylvania, adopted this __ day of ____, 200__."

SECTION 302. DISTRICT BOUNDARIES

1. The district boundary lines, with the exception of the FP - Floodplain District, shall be shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, beds of streams existing at the time of passage of this Ordinance, the corporate boundary of the Township, or as dimensioned on the Official Zoning Map. Where dimensions are shown on the Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the centerline of the street, a distance equivalent to the number of feet so indicated. Distances not specifically indicated on the Map shall be determined by the scale of the Map.
2. In the event of dispute about the location of the boundary of any district, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from the determination of the Zoning Officer shall be made to the Zoning Hearing Board.

SECTION 303. DISTRICT DIMENSIONAL REQUIREMENTS

To facilitate the use of this Zoning Ordinance, the dimensional requirements for each district are noted in the below chart. These requirements are also listed within the article of each respective zoning district. In the event of any conflict of the below provisions with any other text portion of the Zoning Ordinance, the text portion of the Zoning Ordinance shall apply.

TABLE OF DIMENSIONAL REQUIREMENTS

<u>Zoning District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width (feet)</u>	<u>Min. Front Yard (feet)</u>	<u>Min. Side Yard (feet)</u>	<u>Min. Rear Yard (feet)</u>	<u>Maximum Lot Coverage</u>	<u>Max. Building Height (feet)</u>
AG	65,000 ¹		2	25	60		
OS/C	65,000 ^{1,3}	200	2	25	60	20%	35
R-1	65,000	175	2	25	50	20%	35
R-2 ⁴	10,000 ⁵	175	2	15 ⁶	40	25%	35
	7,200 ⁷	80 ⁶	2	15 ⁸	40	35% ⁶	35
	3,000 ¹⁰	40 ⁸	2	15	40	50% ⁹	35
	10,000 ¹²	11	2	20	40	60%	35
		80				50%	35
CV	43,560 ¹³		2	15	50		
	30,000 ¹⁴	150	2	15	50	40%	35
	20,000 ¹⁵	100	2	15	50	40%	35
	10,000 ¹⁶	100	2	15	50	40%	35
		100				40%	35
HCLI	10,000 ¹⁷		2	15 ¹⁹	15 ¹⁹		
		100 ¹⁸				70%	35
I	43,560 ¹³		75 ²⁰	25 ²¹	25 ²¹		
		150				70%	40

¹ Subject to additional regulations in the respective zoning district articles.

² Subject to street classifications in Article XVII.

³ Subject to additional regulations in Section 503.1.

⁴ All uses are required to utilize public sewer and public water.

⁵ For single-family detached dwellings.

⁶ For single-family detached dwellings and duplex dwellings.

⁷ For semi-detached and duplex dwellings, per dwelling unit.

⁸ For semi-detached dwellings.

⁹ For semi-detached dwellings and apartments.

¹⁰ For townhouses.

¹¹ 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.

¹² For apartments, provided the density does not exceed twelve (12) dwelling units per acre.

¹³ If served neither by public sewer nor public water.

¹⁴ If served by public water.

¹⁵ If served by public sewer.

¹⁶ If served by both public sewer and public water.

¹⁷ Shopping centers shall contain a minimum lot area of two (2) acres.

¹⁸ Shopping centers shall contain a minimum lot width of two hundred (200) feet.

¹⁹ When a lot borders a residential lot or district, the minimum side and/or rear yard shall be fifty (50) feet.

²⁰ For all buildings except buildings intended to serve as a guardhouse, visitors information center, or similar facility. No building shall be permitted between the street right-of-way and the building line established in Article XVII.

²¹ When a lot borders a residential lot or district, the minimum side and/or rear yard shall be one hundred (100) feet.

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 9,000 acres of land are within this zoning district, of which approximately 6,600 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 (½) 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:	Boarding or Breeding Kennel (fully enclosed structure)	Boarding or Breeding Kennel (unenclosed or partially enclosed structure)
Lot lines within the same zoning district	60 FEET	100 FEET
Lot lines adjacent to R-1 & R-2 Residential Zones	200 FEET	300 FEET
Dwellings other than that of the kennel owner or operator	250 FEET	350 FEET

- (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 after 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 hours 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.

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.

ARTICLE V

OS/C - OPEN SPACE/CONSERVATION DISTRICT

SECTION 500. PURPOSE

The OS/C - Open Space/Conservation District seeks to preserve and protect open areas, essential watersheds, and woodlands from intensive development by limiting land uses to those which do not degrade the environmental quality of lands within the District. This District is characterized by sparse residential land uses and contains provisions which seek to provide additional protection of rural residences from the impacts of other non-residential uses. Larger minimum lot sizes are indicated because public sewer and water facilities are not planned for this District.

SECTION 501. PERMITTED USES

Land and buildings in the OS/C - Open Space/Conservation District shall be used only for the following purposes:

- A. Any form of agriculture, horticulture, or forestry except commercial livestock operations.
- B. 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.
- C. Cemeteries, provided that:
 - (1) A minimum lot area of five (5) acres shall be provided for a cemetery.
 - (2) All burial plots and facilities shall be located at least one hundred (100) feet from any property line or street line.
 - (3) In no case shall any use relating to a cemetery be located within the one hundred (100) year floodplain of an adjacent watercourse.
- D. 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 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 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.

E. 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:-

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

G. Public conservation areas for the conservation of open space, water, soil, forest, wildlife resources and passive recreation.

H. The display and sale of farm or nursery products as an accessory use to the principal farm use,

provided that:

- (1) At least half (½) 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 (4,000) square feet of area for each farm.
- I. Single-family detached dwellings.
- J. Municipal uses.
- K. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.
- L. 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 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.
- M. No-impact, home-based businesses.

SECTION 502. **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. Campgrounds.
- C. Church and related uses.
- D. Clubhouses (private clubs).
- E. Commercial livestock operations.
- F. Communication antennas, towers, and equipment for commercial operation.
- G. On-farm occupations.
- H. Accessory dwelling units.
- I. Custom agricultural services on parcels of land less than two (2) acres in area.
- J. Home occupations which do not conform to the criteria of Section 501.E. of the Zoning Ordinance.
- K. Rural occupations.

SECTION 503. **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. 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 the effective date of this Zoning Ordinance 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 OS/C - Open Space/Conservation District:
 - (1) For every ten (10) acres of an existing contiguous lot or fraction thereof under single ownership as of the effective date of this Zoning Ordinance, 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 ten (10) acres in lot area as of the effective date of this Zoning Ordinance, 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.
 - B. Any subdivision or land development plan 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 the effective date of this Zoning Ordinance. 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 - One hundred and seventy five (175) 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 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 504. 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.

ARTICLE VI

R-1 - RESIDENTIAL DISTRICT

SECTION 600. PURPOSE

The R-1 - Residential District seeks to promote a continuation of the rural character of the area, providing for low density single-family rural residential development where public sewer and water facilities are not likely and where prime agricultural soils are not predominant. This District is characterized by a mixture of sparsely-developed residential uses and will continue these development trends but will include additional protection for rural residences from the impacts of other non-residential uses. Because these areas are not likely to be served by public sewer or water facilities within the foreseeable future, larger lot sizes and only single-family detached dwellings are permitted residential land uses.

SECTION 601. PERMITTED USES

Land and buildings in the R-1 - Residential District shall be used only for the following purposes:

- A. Single-family detached dwellings.
- B. Any form of agriculture or horticulture, except commercial livestock operations.
- C. 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.
- D. Cemeteries, provided that:
 - (1) A minimum lot area of five (5) acres shall be provided for a cemetery.
 - (2) All burial plots and facilities shall be located at least one hundred (100) feet from any property line or street line.
 - (3) In no case shall any use relating to a cemetery be located within the one hundred (100) year floodplain of an adjacent watercourse.
- E. 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 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.

F. 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.

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

H. Public and private schools, provided that:

- (1) All height, area, setback, and coverage standards within the applicable zoning district shall apply.
 - (2) All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.
 - (3) All structures shall be setback at least one hundred (100) feet from any adjoining land within a residential zone.
 - (4) Recreational areas shall be provided for all educational facilities below the college level at a scale of one hundred (100) square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas, and such recreation areas shall not be located within the front yard and must be setback at least twenty-five (25) feet from all property lines. Outdoor recreation areas shall be screened from adjoining residentially-zoned properties by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is at issue. Any vegetative materials located within the recreation area shall be non-harmful (i.e. thorny, poisonous, allergenic, etc.). All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.
 - (5) Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.
- I. The display and sale of farm or nursery products as an accessory use to the principal farm use, provided that:
- (1) At least one-half (½) of all products sold must be produced 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 (4,000) square feet of area for each farm.
- J. Municipal uses.
- K. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.
- L. No-impact, home-based businesses.

SECTION 602. 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. Animal hospitals and veterinary facilities.
- B. Bed and breakfast establishments.
- C. Campgrounds.
- D. Churches and related uses.
- E. Clubhouses (private clubs)
- F. Cluster developments.
- G. Commercial livestock operations.
- H. Mobile home parks.
- I. Nursing, rest, or retirement homes.
- J. Retail sale of nursery and garden materials.
- K. Riding school or commercial horse boarding stables.
- L. Accessory dwelling units.
- M. Home occupations which do not conform to the criteria of Section 601.F. of the Zoning Ordinance.

SECTION 603. AREA AND HEIGHT REGULATIONS

1. MINIMUM LOT AREA (PER PRINCIPAL USE AND/OR UNIT OF OCCUPANCY) - 65,000 square feet.
2. MINIMUM LOT WIDTH - 175 feet at the building line.
3. MINIMUM LOT DEPTH - 175 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 - 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 fifty (50) feet in depth.
5. MAXIMUM LOT COVERAGE - Twenty-five (25) percent.
6. HEIGHT REGULATIONS - No building shall exceed thirty-five (35) feet in height except as provided in Article XIX of this Zoning Ordinance.

SECTION 604. 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.

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 can be provided and 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.

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 VIII

CV - CHURCHTOWN VILLAGE DISTRICT

SECTION 800. PURPOSE

The CV - Churchtown Village District seeks to promote the continuation of the rural village concept and the perpetuation of the historic character within and around the village of Churchtown by allowing land uses which are compatible with the rural village character and which protect the integrity of the historic resources of the village.

SECTION 801. PERMITTED USES

Land and buildings in the CV - Churchtown Village District shall be used only for the land following purposes:

- A. Single-family detached dwellings, provided that the architectural appearance of any proposed dwelling is consistent and compatible with the architectural character within the CV - Churchtown Village District.
- B. Cemeteries, provided that:
 - (1) A minimum lot area of five (5) acres shall be provided for a cemetery.
 - (2) All burial plots and facilities shall be located at least one hundred (100) feet from any property line or street line.
 - (3) In no case shall any use relating to a cemetery be located within the one hundred (100) year floodplain of an adjacent watercourse.
- 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. Municipal uses.
- E. Parks, recreation areas, and playgrounds not operated for private profit.
- F. Public and private schools, provided that:

- (1) All height, area, setback, and coverage standards within the applicable zoning district shall apply.
- (2) All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.
- (3) All structures shall be setback at least one hundred (100) feet from any adjoining land within a residential zone.
- (4) Recreational areas shall be provided for all educational facilities below the college level at a scale of one hundred (100) square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas, and such recreation areas shall not be located within the front yard and must be setback at least twenty-five (25) feet from all property lines. Outdoor recreation areas shall be screened from adjoining residentially-zoned properties by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is at issue. Any vegetative materials located within the recreation area shall be non-harmful (i.e. thorny, poisonous, allergenic, etc.). All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.
- (5) Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

- G. Accessory buildings and uses customarily incidental to any of the above uses.
- H. No-impact, home-based businesses.

SECTION 802. **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 and provided that the architectural appearance of any proposed structure is consistent and compatible with the architectural character within the CV - Churchtown Village District:

- A. Banks and similar financial institutions.
- B. Bed and breakfast establishments.
- C. Boarding houses.
- D. Churches and related uses.
- E. Commercial day care facilities.
- F. Medical and dental clinics.
- G. Restaurants (not including drive-through or fast food restaurants or nightclubs).
- H. Retail sale and/or rental of goods and professional offices, provided the total sales and/or display area or office area is less than eight hundred (800) square feet.
- I. Accessory dwelling units.
- J. Home occupations which do not conform to the criteria of Section 801.C. of the Zoning Ordinance.

SECTION 803. **AREA AND HEIGHT REQUIREMENTS**

1. **MINIMUM LOT AREA (PER PRINCIPAL USE AND/OR UNIT OF OCCUPANCY)**
 - A. 43,560 square feet, if served neither by public sewer nor public water.
 - B. 30,000 square feet, if served by public water facilities.
 - C. 20,000 square feet, if served by public sewer facilities.
 - D. 10,000 square feet, if served by both public sewer and public water facilities.
2. **MINIMUM LOT WIDTH**
 - A. One hundred and fifty (150) feet at the building line, if served neither by public sewer nor public water facilities.

- B. One hundred (100) feet at the building line, if served by either public sewer or public water facilities or both public sewer and water facilities.
- 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 - There shall be two (2) side yards each having a minimum width of fifteen (15) feet.
 - C. Rear Yard - The rear yard shall be a minimum of fifty (50) feet in depth.
- 5. MAXIMUM LOT COVERAGE - Forty (40) percent.
- 6. HEIGHT REGULATIONS - No building shall exceed thirty-five (35) feet in height except as provided in Article XIX of this Zoning Ordinance.

SECTION 804. LANDSCAPING REQUIREMENTS FOR NON-RESIDENTIAL USES

Where deemed necessary by the Zoning Hearing Board, 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 non-residential land use adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient density to give maximum screening. 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. Diseased, damaged, and/or dead vegetation which interrupts the landscape screening shall be promptly replaced.

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.
 - (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.
- 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.

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.
 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.

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
above - 4,800	33	28

- 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 cause 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 particular 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 Industrial District	A	B
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 Umbrascope 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 ABOVE GROUND</u>		<u>GASES ABOVE GROUND</u>
Flash Point < 70°F	7,500 gal.	
70 - 200°F	30,000 gal.	225,000 SCF*
<u>BELOW GROUND</u>		<u>BELOW GROUND</u>
Flash Point < 70°F	15,000 gal.	
70 - 200°F	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 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 XI

MR - MINERAL RECOVERY DISTRICT

SECTION 1100. PURPOSE

The MR - Mineral Recovery District is intended to provide suitable areas for mineral recovery activities. This district is also suited for many of the uses which are permitted in the OS/C - Open Space/Conservation District

SECTION 1101. PERMITTED USES

Land and buildings in the MR - Mineral Recovery District shall be used only for the following purposes:

- A. Any use listed in the OS/C - Open Space/Conservation District with the exception of single-family detached dwellings. Such uses shall be subject to all applicable conditions and requirements contained in this Ordinance.
- B. Mineral recovery operations, including extractive industries and quarries, provided that:
 - (1) The permit application for a mineral recovery operation shall be accompanied by a copy of the mining permit application as approved by the Pennsylvania Department of Environmental Protection (DEP).
 - (2) All mineral recovery operations shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its Rules and Regulations and/or any other applicable state laws, rules, and regulations as presently existing or as may be hereafter enacted or promulgated, which Rules and Regulations are incorporated herein by reference. Any violation of any such statute, rule or regulation shall constitute a violation of this Zoning Ordinance.
 - (3) Where the subject lot or parcel of land is adjacent to a residential zoning district that exists as of the date of the enactment of this amendment, no stockpiles, waste piles or processing equipment shall be closer than one thousand (1,000) feet to the residential zone boundary. In addition, no part of the quarry pit, internal private access drive, truck parking area, scales or operational equipment or truck parking area shall be closer than five hundred (500) feet to the residential zone boundary. For the purpose of this section of the ordinance, the applicable residential zoning districts are the R-1 and R-2 - Residential Districts.
 - (4) No part of the quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment or truck parking area shall be closer than one hundred (100) feet to a dedicated public street line that exists as of the date of the enactment of this amendment.
 - (5) Except for the setbacks defined in paragraphs "c" and "d" above, no part of a quarry pit, stockpiles, waste piles, processing equipment, truck parking area, scales or operational equipment shall be closer than one hundred (100) feet to a property line. This setback may be reduced to twenty-five (25) feet to accomplish site reclamation in accordance with DEP Mining and Reclamation regulations. These setbacks shall not apply to berms of material used for site screening.
 - (6) All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
 - (7) A substantial fence of at least six (6) feet in height or earthen barrier meeting Mine Safety & Health Administration and DEP regulations must be placed around the area of actual quarrying to prevent unauthorized persons from entering the area.
 - (8) In order to retain as much woodland cover as possible, when an area having substantial woodland cover is to be excavated or is adjacent to an area of excavation, the substantial woodland cover shall not be removed further than fifty (50) feet from the quarry wall or quarry pit.
 - (9) When there is no access driveway abutting the perimeter of the subject property, a visual screen shall be provided along any adjoining lands with an existing residence and/or where single-family detached dwellings would be permitted on an abutting property, regardless of

whether or not the adjoining parcels are developed. This screen shall either be a substantial continuous woodland barrier of at least fifty (50) feet in width or a screen 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.

- (10) Where a maintenance access driveway abuts the perimeter of the subject property, screening and topsoil storage berms shall be at least twenty-five (25) feet from the adjacent property line.

SECTION 1102. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following use is permitted when a special exception is granted by the Zoning Hearing Board in conformance with Article XXI and other provisions of this Zoning Ordinance: Communication antennas, towers, and equipment for commercial operation.

SECTION 1103. HEIGHT, DIMENSIONAL, IMPERVIOUS COVERAGE, AND SETBACK REQUIREMENTS

All uses shall be subject to the height, dimensional, impervious coverage, and setback regulations of the OS/C – Open Space/Conservation District, with the exception that communication antennas, towers, and equipment for commercial operation shall be subject to the general criteria and the specific use criteria in Article XXI of this Ordinance. In addition, impervious cover requirements shall not be applied to any surface rock exposed during normal quarrying operations.

SECTION 1104. OFF-STREET PARKING/ACCESS AND LOADING/UNLOADING

Off-street parking/access and loading/unloading shall be provided in accordance with Article XVI of this Ordinance and the applicable subdivision and land development ordinance.

ARTICLE XII

FP - FLOODPLAIN DISTRICT

SECTION 1200. PURPOSE

The FP - Floodplain District seeks the following purposes:

- A. To protect individuals from investing in lands and structures which are unsuitable for use because of flood hazards.
- B. To regulate development which will cause unacceptable increases in flood heights, velocities, and frequencies.
- C. To restrict or prohibit certain uses susceptible to flood damage.
- D. To require all uses which do occur in floodplains to be protected against flooding and to be provided with all necessary access and utilities, which shall also be protected from flood damage.

SECTION 1201. LANDS IN DISTRICT DEFINED

The FP - Floodplain District shall include all of the following lands within Caernarvon Township:

- A. The identified floodplain area shall be those areas of Caernarvon Township, Lancaster County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated April 19, 2005, and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent version thereof.
- B. One hundred (100) year flood boundaries identified by the United States Geological Survey or the United States Army Corps of Engineers.
- C. Five hundred (500) year flood boundaries as identified in the above mentioned FEMA studies.
- D. Land identified in the 1982 release of the Soil Survey of Lancaster County, Pennsylvania, including the following soils:
 - (1) Bowmansville (Bo) (4) Holly (Hg) (7) Newark (Nc, Nd)
 - (2) Comus (Cm) (5) Linden (Lg) (8) Nolin (Ne)
 - (3) Fluvaquents and Udifluvents (Ff) (6) Lindside (Ln) (9) Rowland (Rd)
- E. All land which has been flooded by floods of record.
- F. All additional land delineated where the Zoning Officer may require an on-site study or survey which determines the precise boundaries of the FP - Floodplain District. This may be required when complete and definitive information necessary to delineate the boundary of the FP - Floodplain District is not available to the Zoning Officer in his consideration of an application for a permit. The Zoning Officer shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the floodplain as defined above.

SECTION 1202. BOUNDARY DISPUTES

- 1. Should a dispute concerning any boundary of the FP - Floodplain District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The applicant shall bear the burden of proof and be responsible for all fees as may be set forth in Section 2403 of this Zoning Ordinance.
- 2. Any changes to the boundaries of the FP - Floodplain District are subject to the review and approval of FEMA for compliance with the rules and regulations of the National Flood Insurance Program.

SECTION 1203. RELATIONSHIP TO OTHER ARTICLES AND ORDINANCES

The provisions of the FP - Floodplain District create an overlay district which is applicable within all other zoning district established by this Zoning Ordinance. To the extent the provisions of this article are applicable and more restrictive, they shall supersede conflicting provisions within all other articles of this Zoning Ordinance and all other ordinances of Caernarvon Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other

ordinances of Caernarvon Township shall remain in full force.

SECTION 1204. PERMITTED USES

The following uses are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the rules and regulations of the Pennsylvania Department of Environmental Protection, and all other applicable provisions of this Chapter.

- A. Agricultural, horticultural, and forestry uses, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency. A filter strip is required between a watercourse and any cultivated land in the FP - Floodplain District. Such strip shall be a minimum of fifteen (15) feet in width, measured from the bank of the watercourse channel, and shall be protected by a permanent planted groundcover. Additionally, agricultural lands within the FP - Floodplain District shall be provided with a cover crop, such as annual rye grass, whenever the land is not being tilled for major crops.
- B. Public and private parks and recreation areas, excluding swimming pools, campsites, and any structures. Picnic tables, park benches, fireplaces, grills and playground equipment shall be permitted; if anchored to prevent flotation.
- C. Activities related to the preservation and conservation of natural resources and amenities, excluding any structures.
- D. Stream improvements, fish and farm ponds, dams, or stream relocations, as approved by the Pennsylvania Department of Environmental Protection.
- E. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
- F. Yards and open space areas.
- G. One (1) and two (2) strand fences.
- H. Grading and filling which would not increase the base flood elevation.

SECTION 1205. SPECIAL EXCEPTIONS

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. Water-oriented uses and structures, fish hatcheries, and water-monitoring devices.
- B. Culverts, bridges, and the approaches to such culverts and bridges, as approved by the Pennsylvania Department of Environmental Protection.
- C. Parking lots, loading areas, driveways, and any other paved at-grade surfaces.
- D. Flood-proofing and flood hazard reduction structures for non-conforming uses and structures.
- E. Improvements and/or additions to existing structures within the FP - Floodplain District.

SECTION 1206. PROHIBITED USES

The following uses are prohibited in the FP - Floodplain District:

- A. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
- B. All structures, with the exception of those specifically allowed in Sections 1204. and 1205. of this Article.
- C. Sanitary landfills and junkyards.
- D. The placing or stripping of topsoil or fill material of any kind, exclusive of grading or filling necessary for the construction of structures for which a zoning permit has been issued.
- E. Private on-site sewage disposal systems.
- F. Swimming pools.
- G. Cemeteries.
- H. Feedlots.
- I. Wild, domestic, or farm animal enclosures which will not allow all animals to escape flood waters without human assistance.

J. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article.

- (1) Endanger human life.
- (2) Obstruct, impede, retard, change, or increase the velocity, direction, or flow of flood waters.
- (3) Increase the surface elevation of floods, or the frequency of floods.
- (4) Catch or collect debris carried by flood waters.
- (5) Be placed where the natural flow of the stream or flood waters would carry it downstream to the damage or detriment of property within or adjacent to the FP - Floodplain District.
- (6) Degrade the water carrying capacity of any watercourse, channel, or floodplain.
- (7) Increase the rate of local runoff, erosion, or sedimentation.
- (8) Degrade the quality of surface water or the quality or quantity of ground water.
- (9) Be susceptible to flotation and subsequent movement which would cause damage to other property.
- (10) Create unhealthful ponding or other unsanitary condition.

K. Fully and partially enclosed space below the lowest floor (including basement) is prohibited.

L. The commencement of any of the following activities; or the construction enlargement, in accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- (1) will be used for the production or storage of any of the following dangerous materials or substances; or
- (2) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, or any of the following dangerous materials or substances on the premises; or
- (3) will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life.

- (a) Acetone
- (b) Ammonia
- (c) Benzene
- (d) Calcium carbide
- (e) Carbon disulfide
- (f) Celluloid
- (g) Chlorine
- (h) Hydrochloric acid
- (i) Hydrocyanic acid
- (j) Magnesium
- (k) Nitric acid and oxides of nitrogen
- (l) Petroleum products (gasoline, fuel oil, etc.)
- (m) Phosphorus
- (n) Potassium
- (o) Sodium
- (p) Sulphur and sulphur products
- (q) Pesticides (including insecticides, fungicides, and rodenticides)
- (r) Radioactive substances, insofar as such substances are not otherwise regulated

or expansion of any structure used, or intended to be used, for any of the following activities:

- (i) Hospitals
- (ii) Nursing homes
- (iii) Jails or prisons

SECTION 1207. **NON-CONFORMING USES AND STRUCTURES**

1. CONTINUATION - All uses or structures lawfully existing in the FP - Floodplain District on the effective date of this Zoning Ordinance which are not in conformity with the provisions of this Article shall be deemed non-conforming uses or structures. Such non-conforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise provided for in this Article. However, such non-conforming uses or structures may at any time be improved to comply with existing Pennsylvania or Caernarvon Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions.
2. ABANDONMENT - Non-conforming uses or structures within the FP - Floodplain District shall be subject to Article XX of this Zoning Ordinance. Additionally, the Board of Supervisors may require the removal of any abandoned non-conforming use or structure upon proper notice to the owner of the property on which an abandoned non-conforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Board of Supervisors shall have the authority to itself cause the removal to be accomplished, with the costs of such removal to be paid by the property owner.
3. EXPANSION AND MODIFICATION - A non-conforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Article. No non-conforming use or structure shall be expanded, enlarged, or altered in any way which increases its non-conformity with respect to height, area, yard, and other requirements established in this Zoning Ordinance, nor in any way which causes it to occupy more space within the FP - Floodplain District than was occupied by it on the effective date of this Zoning Ordinance.
4. REPLACEMENT AND REBUILDING
 - A. A non-conforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the non-conformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article.
 - B. A non-conforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Article, all other provisions of this Zoning Ordinance, and all other Ordinances of Caernarvon Township. The Zoning Hearing Board may, as a special exception, waive the requirements of this paragraph where it is demonstrated that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary and the least modification possible of the provisions of this Article.
 - C. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call upon experts or authorities as he may deem necessary to assist in determining a fair and impartial determination. Such costs accrued in this determination shall be paid by the appellant.
5. HISTORIC STRUCTURES - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this section for any structure listed on or determined eligible for the National Register of Historic Places and the Pennsylvania Register of Historic Sites and Landmarks, or for any historic resource identified on a Historic Resources Map of Caernarvon Township comprising a part of duly adopted historic preservation standards provided that the criteria of Sections 2103 and 2104.W. of this Zoning Ordinance are met.

SECTION 1208. **DESIGN AND PERFORMANCE STANDARDS**

Design and performance standards for all structures and uses within the FP - Floodplain District shall follow the criteria established in Sections 2103 and 2104.W. of this Zoning Ordinance.

SECTION 1209. **ZONING PERMITS**

1. In addition to complying with Section 2204 of this Zoning Ordinance, the applicant shall provide the following information with any permit application for all structures within the FP - Floodplain District.
 - A. The elevation (in relation to mean sea level) of the lowest floor, including basement.
 - B. Whether or not the structure includes a basement.
 - C. If the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood-proofed.
 - D. A document certified by a professional engineer or architect, registered in the Commonwealth of Pennsylvania, certifying that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the determined flood height, and indicating the specific elevation (in relation to mean sea level) to which such structure is flood-proofed.
2. The Zoning Officer may submit a copy of all plans and applications for proposed construction or other improvements within the FP - Floodplain District to any other appropriate agencies and/or individuals for review and comment.

SECTION 1210. **MUNICIPAL LIABILITY**

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

SECTION 1211. **ABROGATION AND GREATER RESTRICTIONS**

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent those provisions are more restrictive. If there is any conflict between any of the provisions and this Ordinance, the more restrictive shall apply.

SECTION 1212. **UNIFORM CONSTRUCTION CODE COORDINATION**

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

- A. International Building Code (IBC) 2003 or the latest edition thereof: Sections 801., 1202., 1403., 1603., 1612., 3402., and Appendix J.
- B. International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104., R105., R109., R323., Appendix AE101., Appendix E., and Appendix J.

SECTION 1213. **SPECIFIC DEFINITIONS**

Accessory Use or Structure. A structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

Basement. Any area of the building having its floor below ground level on all sides.

Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all

manufactured homes and trailers to be used for human habitation.

Completely Dry Space. A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

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

Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood. A temporary inundation of normally dry land areas.

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

Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Historic Structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) by an approved state program as determined by the Secretary of the Interior, or
 - (b) directly by the Secretary of the Interior in states without approved programs.

Identified Floodplain Area. The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Land Development. Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park. A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other works affecting the public health or general safety.

New Construction. Structures for which the start of construction commenced on or after May 19, 1981, and includes any subsequent improvement thereto.

One Hundred Year Flood. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.

Person. The term shall be construed to include an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, government unit, public utility, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Recreational Vehicle. A vehicle which is (i) built on a chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation. The one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1½) feet.

Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damages occurred.

Special Permit. A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Structure. Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having as ascertainable stationary location on or in land or water whether or not affixed to land.

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

Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to

its before-damaged condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss regardless of the actual repair work performed. This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

ARTICLE XIII

MOBILE HOME PARKS

SECTION 1300. GENERAL DESCRIPTION

Mobile homes have become an increasingly popular form of housing, and the design and appearance of mobile homes are now more varied. However, because of their limited size, relative mobility, and type of construction, this type of housing requires the availability of supporting installations and services to provide the occupants with a healthful, safe, convenient, and attractive residential environment. The following restrictions and regulations are adopted as part of this Zoning Ordinance establishing the circumstances and conditions under which mobile home parks may be established.

SECTION 1301. AREA AND HEIGHT REGULATIONS

1. **MINIMUM SIZE.** The minimum size of a mobile home park for which a building permit or certificate of use and occupancy may be issued shall be five (5) acres.
2. **DENSITY.** The maximum density for any mobile home park shall not exceed three (3) dwelling units per acre.
3. **MOBILE HOME PARK SETBACK.** The minimum setback from a public road to any mobile home, to any service or accessory building, and to any off-street parking facility shall conform to the setback prescribed in Article XVII of this Zoning Ordinance. The minimum setback between any other mobile home park boundary line and a mobile home, off-street parking facility, and service or accessory building shall be fifty (50) feet.
4. **MOBILE HOME UNIT YARD REQUIREMENTS.**
 - A. **Yard Setback from Access Drives** - All mobile homes shall be setback a minimum of twenty-five (25) feet from any access drive within a mobile home park.
 - B. **Rear Yard** - Whenever the front of a mobile home is located parallel to, or in the case of a curve, along the chord of the abutting access drive, a rear yard of a minimum twenty-five (25) feet shall be provided.
 - C. **Front Yard/Rear Yard** - Whenever the front and rear of a mobile home is not located parallel to, or in the case of a curve, along the chord of the abutting access drive, a minimum front yard and rear yard of forty (40) feet each, measured parallel to the front and rear of the mobile home, shall be provided.
 - D. **Side Yard** - Whenever the front of a mobile home is located parallel to, or in the case of a curve, along the chord of the abutting access drive, two (2) side yards of a minimum fifteen (15) feet shall be provided. Additionally, when the front of the unit is not located parallel to or along the chord of the access drive, a side yard of fifteen (15) feet shall be provided for the side of the unit opposite the abutting access drive.

SECTION 1302. REQUIRED MOBILE HOME LOT SIZE AND MOBILE HOME STAND

1. **MOBILE HOME LOT SIZE.** The minimum area of any mobile home lot shall be six thousand (6000) square feet. Depths and widths of each mobile home space will be based upon the dimensions of the individual mobile home unit and the setback and yard requirements of Section 1301. of this Ordinance. There shall be a maximum of one (1) mobile home per space.
2. **MOBILE HOME STAND**
 - A. **Foundation** - All mobile homes shall be on a suitable masonry block or concrete foundation adequate to prevent heaving, shifting or settling unevenly under the weight of the mobile home due to frost, drainage, vibration, or other forces. Foundations shall be at least thirty-six (36) inches below grade.
 - B. **Anchoring** - All mobile homes shall be anchored on a concrete foundation or runway with anchors or tie-downs such as deadmen eyelets or other devices to secure the stability of the mobile home.

- C. A concrete patio measuring at least six (6) feet by ten (10) feet shall be provided for each mobile home space.

SECTION 1303. **MOBILE HOME REQUIREMENTS**

1. **MINIMUM FLOOR AREA.** All mobile homes located in a mobile home park shall have a minimum of eight hundred (800) square feet of floor area.
2. **LOCATION OF MOBILE HOMES.** All mobile homes located within a mobile home park shall be properly affixed to an approved water, sewer and electrical outlet.

SECTION 1304. **SERVICE AND ACCESSORY BUILDINGS**

1. **CONSTRUCTION.** All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas, shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites, and other destructive elements from causing deterioration.
2. **ACCESSORY BUILDINGS.** Service and accessory buildings shown on an approved plan may be erected in a mobile home park. Individual mobile home owners may install accessory or storage shed, extensions and additions to mobile homes and exterior patio areas. Any such facilities so installed shall not encroach into any required front, side, or rear yard and, in every case, shall substantially conform in style, quality, and color to the existing mobile homes.
3. **MOBILE HOME PARK OFFICE.** Every mobile home park shall have a structure designed and clearly identified as the office of the mobile home park manager.
4. **VEHICLE AND PERSONAL STORAGE SPACE.** A parking area for recreational vehicles, boats, and other resident-owned accessory vehicles shall be provided. The parking area shall be paved, fenced, and shall be adequately lighted. Occupants of each mobile home park shall also be provided with at least one hundred and fifty (150) cubic feet of enclosed storage space which shall be provided in a common storage building located in the mobile home park.
5. **USE OF SERVICE AND ACCESSORY BUILDINGS.** Service and accessory buildings located in a mobile home park shall be used only by the occupants of the mobile home park or their guests.

SECTION 1305. **WATER SUPPLY**

1. **APPROVED SOURCE.** All mobile home parks shall be connected to a public water supply when available. Mobile home parks unable to connect to a public water supply shall have an adequate supply of potable water from a source approved by the Pennsylvania Department of Environmental Resources and shall be subject to the Department's operating regulations.
2. **CONNECTION REQUIRED.** All mobile homes and service buildings shall be connected to an approved water supply system. Individual water-riser pipes having an inside diameter of no less than three-fourths (3/4) inch shall be provided on each mobile home stand and shall terminate no less than four (4) inches above the ground.
3. **PROTECTION OF LINES.** Adequate provisions shall be made to protect water service lines from damage including a shut-off valve on each mobile home space below the frost line.
4. **FIRE HYDRANTS.** Where a public water supply is available, fire hydrants shall be installed in accordance with specifications of the water company.

SECTION 1306. **SEWAGE DISPOSAL**

1. **APPROVED SYSTEM.** All mobile home parks shall be connected to a public sewage system when available. When a mobile home park is not connected to a public sewage system, sewage shall be collected and disposed of by a method approved by the Pennsylvania Department of Environmental Resources.
2. **CONNECTION REQUIRED.** All mobile homes and service buildings shall be connected to an approved sewage system. Individual sewer-riser pipes having at least a four (4) inch diameter shall be located on each mobile home stand and shall extend at least one (1) inch above ground level. Provisions shall be made for sealing the sewer-riser pipe with a securely fastened plug or cap when the mobile home site is unoccupied.

3. **PROTECTION OF SYSTEM.** Adequate provision shall be made to protect sanitary sewers from storm water infiltration and breakage. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Resources and/or municipal sewer authority.

SECTION 1307. STORM WATER MANAGEMENT REGULATIONS

Storm water management plans for a mobile home park shall be designed in accordance with the requirements of the applicable subdivision and land development ordinance and/or local municipal storm water management ordinance.

SECTION 1308. MOBILE HOME PARK STREETS

1. **CONSTRUCTION STANDARDS.** All access driveways in a mobile home park shall be private driveways, shall be a minimum of twenty-four (24) feet wide, paved with a bituminous or concrete surface, and shall have concrete curb.
2. **CLEAR SIGHT TRIANGLE.** Measured along the centerlines of the intersecting streets, a clear sight triangle of seventy-five (75) feet from the point of intersections shall be kept free of all obstructions except at the intersection of a mobile home park road with a public road where the clear sight triangle shall be one hundred (100) feet.
3. **GRADES.** There shall be a minimum grade of 0.75 percent and a maximum grade of ten (10) percent on all mobile home park streets.
4. **LIGHTING.** Lighting shall be provide along all access drives and in front of each mobile home unit where a pedestal-type or similar lighting fixture shall be provided. The location and type of lighting shall be indicated on the land development plan.

SECTION 1309. OFF-STREET PARKING REQUIREMENTS

Off-street parking spaces shall be provided in all mobile home parks in accordance with the requirements in Article XVI of this Zoning Ordinance.

- A. **NUMBER OF SPACES.** Two (2) spaces per dwelling unit shall be provided either on the mobile home site or in common areas within two hundred (200) feet of the mobile home served.
- B. **ACCESS TO MOBILE HOME SPACES.** Mobile home spaces shall have access for ingress and egress only to private access drives and shall not exit onto public streets.
- C. **VISITOR/OVERFLOW PARKING.** Additional parking shall be provided for visitors and for overflow situations at a rate of four (4) parking spaces for every ten (10) mobile home units.

SECTION 1310. OPEN SPACE REQUIREMENTS AND PEDESTRIAN WALKS

1. **OPEN SPACE REQUIREMENTS.** There shall be a minimum of twenty (20) percent of the gross acreage of the mobile home park devoted to active and/or passive common recreation facilities. Such facilities shall be maintained by the landowner and/or the mobile home park operator. Should the landowner and/or operator fail to adequately maintain the designated recreation areas as depicted on the land development plan, the Township may maintain such areas and assess the landowner and/or operator any costs incurred in the maintenance.
2. **REQUIRED.** All mobile home parks shall provide pedestrian walks on both sides of the street which allow pedestrian access between individual mobile homes, service and accessory buildings, and public rights-of-way.
3. **WIDTH.** All pedestrian walks shall have a minimum width of four (4) feet except where a walk will provide access only to a group of mobile homes not exceeding four (4) in number, where they need be no more than three (3) feet in width.
4. **CONSTRUCTION.** All pedestrian walks shall be constructed of hard surfaced material and shall be maintained in their original condition at all times.
5. **LIGHTING.** All pedestrian walks not located along access drives shall be provided with lighting units so spaced, equipped, and installed that will allow safe movement of pedestrians at night.

SECTION 1311. GROUND COVER, SCREENING, AND STREET TREES

1. **SURFACE VEGETATION.** Ground surfaces in all parts of every park shall be paved, covered with

- other solid material,, or protected with vegetative growth that is capable of preventing soil erosion and emanation of dust during dry weather.
2. **HARMFUL VEGETATION.** Park grounds shall be maintained free of vegetative growth which is poisonous, or which may harbor rodents, insects, or other pests harmful to man.
 3. **SCREENING.** Screening, such as fences or natural growth, shall be provided along the property boundary line separating the mobile home park from adjacent properties.
 4. One (1) street tree, containing a minimum trunk caliper of two (2) inches measured three (3) feet above the finished grade, shall be planted on each mobile home space.

SECTION 1312. ELECTRICAL DISTRIBUTION

Every mobile home park shall contain an electrical wiring system consisting of wiring fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with local electric power companies specifications regulating such systems. Each mobile home shall be connected to this electrical distribution system.

SECTION 1313. SOLID WASTE AND VECTOR CONTROL

Solid waste disposal and vector control shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the Pennsylvania Department of Environmental Resources and Caernarvon Township.

SECTION 1314. PERMITS

A permit to construct or make alterations to a mobile home park shall be issued only after a plan has been approved by all applicable governing agencies.

SECTION 1315. INSPECTION AND CERTIFICATE OF USE AND OCCUPANCY

1. **ORIGINAL ISSUANCE.** A Certificate of Use and Occupancy for an approved mobile home park shall be issued by the Zoning Officer upon presentation of a Certificate of Registration issued by the Pennsylvania Department of Environmental Resources and after inspection by the Zoning Officer as provided in Article XXII of this Zoning Ordinance. A Certificate of Use and Occupancy shall be issued only for that portion of the mobile home park for which all improvements shown on the approved plan have been installed. Additional Certificates of Use and Occupancy shall be issued for each further portion improved and ready for occupancy.
2. **RENEWAL.** The Certificate of Use and Occupancy shall be issued for a period of one (1) year. Renewal of Certificate of Use and Occupancy shall be performed in the same manner as described for issuance of the original Certificate of Use and Occupancy.
3. **PERIODIC INSPECTION.** A representative of Caernarvon Township may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Zoning Ordinance.

ARTICLE XIV

FARM STANDARDS FOR NON-AGRICULTURAL DISTRICTS

SECTION 1400. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that farms in non-agricultural districts be regulated for the purpose of protecting the public health, safety, and welfare. The following restrictions shall apply on all lots of ten (10) or more acres in all other zoning districts.

SECTION 1401. FARM STANDARDS

The minimum size of a farm shall be ten (10) acres. Any lot in a residential district less than this size shall be subject to Residential Accessory Use Regulations, Article XVIII of this Ordinance.

- A. The raising of poultry and small animals is permitted provided such activity constitutes no more than one thousand (1,000) birds or small animals for every ten (10) acres of land under agricultural practices. For the purposes of this section, poultry and small animals shall include fowl raised as poultry, including but not limited to chickens, turkeys, ducks, and geese, and small animals such as, but not limited to, guinea pigs, rabbits, and minks.
- B. The ownership of livestock shall not exceed one and one-half (1-1/2) animals for every one (1) acre of land under agricultural practices. For the purposes of this section, livestock shall include beef cattle, dairy cattle, horses, hogs, sheep, goats, or other similar larger animals.
- C. All grazing or pasture areas utilized for the above purposes shall be fenced.
- D. Pasture areas shall be established no closer than one hundred (100) feet to any existing dwelling other than that of the property owner. Animal waste storage facilities shall be located no closer than one hundred and fifty (150) feet from any property line, street right-of-way line, and water supply facility.
- E. No structure other than a dwelling or residential accessory use shall be constructed closer than fifty (50) feet to any property line.

ARTICLE XV

SIGN REGULATIONS

SECTION 1500. AREA AND COMPOSITION OF A SIGN

All signs shall conform to the following:

- A. The area of a sign shall be construed to include all lettering, working and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- B. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- D. In computing square foot area of a double-face sign, only one (1) side shall be considered, provided both faces are identical.

SECTION 1501. PERMIT REQUIREMENTS FOR SIGNS

All signs shall require the issuance of a zoning permit before erection or replacement (except as noted). All signs must comply with all of the regulations contained herein.

SECTION 1502. **SIGNS PERMITTED IN THE AG - AGRICULTURAL DISTRICT, OS/C - OPEN SPACE/CONSERVATION DISTRICT, CV - CHURCHTOWN VILLAGE DISTRICT, AND THE R-1 AND R-2 RESIDENTIAL DISTRICTS**

No sign or other advertising device shall be permitted except as listed below or as provided for in the criteria for specific land uses permitted by special exception in Section 2104 of this Zoning Ordinance.

A. TYPES OF SIGNS PERMITTED

- (1) Official traffic signs and other official federal, state, county, or township government signs (no permit required).
- (2) Signs displaying the name and address of the occupant or historic significance of the dwelling, provided that the area of any such sign shall not exceed two (2) square feet and not more than one (1) such sign shall be erected for each dwelling unit, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. Signs shall not be erected closer than ten (10) feet of the street right-of-way (no permit required).
- (3) Signs of a temporary nature advertising seasonal services or seasonal products and/or seasonal events shall not exceed six (6) square feet for each type of service or general product category involved and not more than one (1) such sign shall be placed on the property front held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage (no permit required).
- (4) Permanent non-illuminated signs advertising the name of farm products, nursery products, or livestock produced or raised on the premises, signs denoting membership in agricultural associations, cooperative, or indicating specialization in a particular breed of cattle, hogs, etc., provided that such signs are limited to six (6) square feet for one (1) sign and not exceeding ten (10) square feet when advertising more than one (1) category, and not more than one (1) such sign shall be erected unless property fronts on more than one (1) street (no permit required).
- (5) Bulletin or announcement board or identification signs for schools, churches, hospitals, recreation areas, and other principal uses and buildings other than dwellings, provided that

the area of any such sign shall not exceed fifteen (15) square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage

- (6) Signs advertising the sale or rental of property, provided that the area of any such sign shall not exceed six (6) square feet. Such signs shall be removed immediately upon final settlement or renting a property (no permit required).
- (7) Temporary signs of contractors, developers, architects, or builders, provided that such signs in a multi-lot subdivision or land development be located on a single sign board not exceeding thirty-two (32) square feet in area. Signs located on a lot where a single-family dwelling is under construction shall not exceed sixteen (16) square feet in area. Such signs shall be removed immediately upon completion of the work. Signs in excess of the minimum requirements are permitted by special exception only after application to and approval by the Zoning Hearing Board (no permit required).
- (8) Trespassing signs, signs indicating the private nature of a road, driveway, or premises, and signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed two (2) square feet (no permit required).
- (9) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization located on the property where the activity which is the subject of the sign is located. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed within seventy-two (72) hours after completion of the campaign, drive, or event.
- (10) Memorial signs or tablets shall not exceed six (6) square feet in area. Items in excess of six (6) square feet may be erected only after application to and approval from the Board of Supervisors (no permit required).
- (11) Special temporary promotional devices, signs, or displays, including banners, pennants, and portable signs located on the property where the activity which is the subject of the sign is located. Such signs shall not exceed six (6) square feet in area and not more than one (1) such sign shall be placed on a property held in single and separate ownership. Signs shall not be displayed for a period greater than twenty-one (21) consecutive days. Such signs shall remain off display for a period of thirty (30) days prior to being redisplayed (no permit required).
- (12) Signs directing patrons, members, or audience to temporary exhibits, shows, or events and signs erected in conjunction with a political election, subject to the following requirements (no permit required):
 - (a) No such sign shall exceed six (6) square feet in area.
 - (b) Signs shall be removed within seventy-two (72) hours after the date of the exhibit, show, event, or election. The Township may remove such signs if they remain after the time allowable and may assess the costs of such removal to the individuals or organizations who initially located the sign.
 - (c) No such sign shall be posted earlier than thirty (30) days before the occurrence of the event, show, exhibition, or election.
- (13) Off-premise signs which are used for directing patrons, members, or audience to service clubs, churches, or other nonprofit organizations may be erected subject to the following requirements (no permit required, unless the sign is composed of permanent materials):
 - (a) A sign shall indicate only the name of the organization and the direction to the facility.
 - (b) Only one (1) such sign shall be erected prior to each intersection turning movement necessary to reach such facility.
 - (c) No more than four (4) such signs shall be erected for each facility.
 - (d) Signs shall not exceed six (6) square feet in area.

B. ADDITIONAL REQUIREMENTS FOR SIGNS IN THE CV - CHURCHTOWN VILLAGE DISTRICT

- (1) The design and appearance of any sign in the CV - Churchtown Village District shall be consistent and compatible with the architectural character within the CV - Churchtown Village District.
- (2) Planned center signs - Signs advertising the name of an integrated development such as a professional office complex or a multi-unit retail facility shall be permitted subject to the following:
 - (a) These signs shall devote no less than fifty (50) percent of the total sign area to the advertisement of the planned center's name.
 - (b) Individual uses within the center may be identified provided that no more than one (1) sign per entrance is proposed and the size of such sign for the individual use shall not exceed four (4) square feet.
 - (c) In no case shall a planned center sign exceed a maximum size of thirty-two (32) square feet.
 - (d) Planned centers having covered sidewalks abutting the frontage of each unit may provide one (1) sign per unit of occupancy attached or suspended from the underside of the sidewalk covering provided that the sign does not extend more than one (1) foot from the underside of the sidewalk covering.
 - (e) Each commercial unit of occupancy in a planned center may be provided with a window sign or flat wall sign affixed to the front wall having a size which does not exceed one-half (1/2) square foot per foot of storefront.
 - (f) Each unit of occupancy in a professional office complex may be provided with a window or flat wall sign affixed to the front wall having a size which does not exceed two (2) square feet.
- (3) Signs are also permitted on individual lots not containing a planned center which direct attention to a business or profession conducted on the premises, or to products sold on the premises. The size of such sign shall not exceed four (4) square feet for each one hundred (100) feet of road frontage of the subject lot.

SECTION 1503. SIGNS PERMITTED IN THE HCLI - HIGHWAY COMMERCIAL/LIGHT INDUSTRIAL DISTRICT AND THE I - INDUSTRIAL DISTRICT

No sign or other advertising device shall be permitted except as listed below or as provided for in the criteria for specific land uses permitted by special exception in Section 2104 of this Zoning Ordinance.

- A. **SIZE OF SIGNS.** The size of signs permitted shall be calculated as follows. Each lot is entitled to one (1) square foot of sign for each linear foot of frontage with the following restrictions:
 - (1) Every property held in single and separate ownership is entitled to a minimum of thirty-two (32) square feet of sign.
 - (2) No property shall be entitled to more than one hundred and twenty (120) square feet of sign.
 - (3) Any one sign may not exceed sixty-four (64) square feet in size.
 - (4) With the exception of the planned center signs as specified in Section 1503.B.4., size restriction on signs shall apply to all types of signs, including permanent or temporary signs, except those signs which are purely for the purpose of traffic control. This restriction applies to individual sign size as well as the total amount of sign area permitted per lot.
- B. **TYPES OF SIGNS PERMITTED**
 - (1) Signs which are permitted and identified in Sections 1502.A.(1), (6), (7), (8), (12), and (13) of this Ordinance.
 - (2) Special temporary promotional devices, signs, or displays including banners, pennants, and portable signs, provided that the size does not exceed thirty-two (32) square feet. Where such signs are outside of a building, they may remain on display for a period not to exceed twenty-one (21) consecutive days. Such signs shall remain off display for a period of thirty (30) days prior to being redisplayed.
 - (3) All signs which direct attention to a business, profession, or industry conducted on the

- premises, or to products sold, manufactured, or assembled on the same premises.
- (4) Planned center signs - Planned center signs advertising the name of an integrated multi-unit development such as a planned shopping center, office, or industrial park shall be permitted subject to the following:
- (a) These signs shall devote no less than fifty (50) percent of the total sign area to the advertisement of the planned center's name.
 - (b) Individual uses within the center may be identified provided that no more than one (1) such sign per entrance is proposed and the size of such sign for the individual use shall not exceed one (1) square foot for each four (4) feet of lot frontage contained within the planned center.
 - (c) In no case shall a planned center sign exceed a maximum size of one hundred (100) square feet, nor an overall height of twenty (20) feet.
 - (d) Planned centers having covered sidewalks abutting the frontage of each unit may provide one (1) sign per unit of occupancy attached or suspended from the underside of the sidewalk covering provided that the sign does not extend more than one (1) foot from the underside of the sidewalk covering.
 - (e) Each unit of occupancy in a planned center may be provided with a window sign or flat wall sign affixed to the front wall having a size which does not exceed one (1) square foot per foot of storefront.

SECTION 1504. SUPPLEMENTAL SIGN REGULATIONS

1. **BILLBOARDS.** Billboards are permitted by special exception in the AG - Agricultural District along arterial roads and in the I - Industrial District and are subject to the criteria identified in Sections 2103 and 2104.H. of this Zoning Ordinance.
2. **PROJECTION.** No sign shall project more than twelve (12) inches from the building facade to which it is attached. No free-standing sign may project beyond the lot line or within the street right-of-way.
3. **HEIGHT.** No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Free-standing signs shall not extend higher than twenty (20) feet above the pre-development grade.
4. **SIGNS WITHIN CLEAR SIGHT TRIANGLES.** No signs may be located within the clear sight triangle of any public street intersection or driveway and/or access drive intersection with a public street except official traffic signs and other official federal, state, county, or township government signs.
5. **ILLUMINATION.** Signs may be lighted with non-glaring lights, or may be illuminated by shielded flood lights provided, however, that no red, green, or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, animated, or rotating types shall be permitted. In no case shall lighting shine onto adjoining properties.
6. **PLACEMENT.** No signs shall be permitted which are posted, stapled, nailed, or otherwise mechanically attached to public utility poles or trees within a street right-of-way. No portion of any free-standing sign shall be located within ten (10) feet of any side lot line.
7. **CONSTRUCTION.** All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
8. **MAINTENANCE.** Signs not in proper repair shall be repaired within ninety (90) days of notice by the Zoning Officer. If the sign is not repaired, the sign shall be removed.

SECTION 1505. EXPANSION, CONTINUITY, AND DAMAGE TO NON-CONFORMING SIGNS

1. **EXPANSION OF NON-CONFORMING SIGNS.** Notwithstanding any of the provisions of this Ordinance to the contrary, no expansion of a non-conforming sign shall be permitted; provided however, that the utilization of both front and back surfaces of a sign is permitted.
2. **CONTINUITY OF NON-CONFORMING SIGNS.** No non-conforming sign may be reestablished after it has been discontinued for ninety (90) days.
3. **DAMAGE TO NON-CONFORMING SIGNS.** A non-conforming sign which is partially or entirely damaged or destroyed may be rebuilt, provided that the reconstructed sign shall not be larger than the prior sign and that the reconstruction shall begin within ninety (90) days from the time of damage to the sign.

SECTION 1506. **SIGNS FOR NON-CONFORMING BUILDINGS AND USES**

1. A sign may be erected to advertise a non-conforming building or use, provided a special exception is granted by the Zoning Hearing Board after a hearing, and provided the following conditions and requirements, the provisions of Section 1500 of this Ordinance, and any other conditions or requirements imposed by the Zoning Hearing Board are complied with.
 - A. The number of signs and the size of the sign shall not be greater than the permitted number of signs and the area of signs in the district in which the non-conforming building or use is located or the permitted number of signs and area of signs in the district in which such building or use is a permitted use, whichever is the more restrictive.
 - B. The sign must be erected on the premises upon which the non-conforming building or use is erected or upon a private right-of-way leading to the premises, and shall not be used to advertise a product sold off of the premises.
 - C. The sign shall not be located within the side yard setback required for the district in which the non-conforming building or use is located, but the same may be erected within the limits of a private right-of-way servicing the subject premises.

ARTICLE XVI

OFF-STREET VEHICLE PARKING AND LOADING

SECTION 1600. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided off the public and private roads of Caernarvon Township for each use of land within Caernarvon Township. Requirements are intended to be based on the demand created for each use. These requirements shall apply to all uses in all districts.

SECTION 1601. DESIGN REQUIREMENTS FOR PARKING FACILITIES

1. **SIZE.** The size of a parking space for one (1) vehicle shall not be less than one hundred and eighty (180) square feet. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred and eighty (180) square feet per space shall be used. Only the area actually used for parking, not access or driving lanes, shall be considered. The provisions of this sentence shall not apply to single-family detached, semi-detached, and row house dwellings.
2. **SLOPE.** No parking facility shall be designed to contain a slope of greater than five (5) percent.
3. **ACCESS AND EGRESS.** Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. Additionally, driveways and parking areas for non-residential uses shall include, within the property lines, turning areas so constructed and surfaced that a vehicle entering or leaving the property is not required to back onto the street.
4. **SURFACE.** The parking facilities shall be provided and maintained with a dust-free, "all-weather" surface.
5. **JOINT USE.** The required parking space for two (2) or more uses may be provided in a common parking facility, provided that the number of spaces is not less than the sum of spaces required for each individual use. However, a variance may be requested to allow a reduction in the number of spaces required for separate uses when the various activities or uses are conducted at substantially different times.
6. **LOCATION.** All parking spaces shall be provided on the premises, or in common parking facilities located adjacent to the premises except that after Zoning Hearing Board approval, all or part of the required number of spaces may be provided on a separate lot or lots within two hundred (200) feet from such premises. For residential uses, all off-street parking spaces shall be located behind the street right-of-way line. For all other uses, off-street parking spaces shall not be located within the area of required landscaping, and all turning areas shall be so constructed that a vehicle entering or leaving the property is not required to back onto the abutting street.
7. **LIGHTING.** All illumination on parking facilities shall be shielded so as not to produce light upon abutting properties, or impair the vision for vehicular circulation within and adjacent to the parking facilities.

SECTION 1602. MINIMUM PARKING REQUIREMENTS

The following parking requirements shall apply for the below listed land uses unless more specific requirements are identified in the criteria for the land uses permitted by special exception in Section 2104 of this Zoning Ordinance. Additionally, if parking computations result in fractions, any fraction below 1/2 may be disregarded, and any fraction over 1/2 shall be construed to require a full space.

- A. **DWELLING.** Two (2) spaces for each dwelling unit.
- B. **MOTEL, MOTOR INN, HOTEL.** One (1) space for each rental unit, plus one (1) additional space for each full-time employee on the premises at one time.
- C. **THEATER, AUDITORIUM, CHURCH, STADIUM, MEMBERSHIP CLUB, LODGE HALL, AND FUNERAL HOME.** One (1) space for each five (5) permanent seats; and for establishments without permanent seats, one (1) space for every fifty (50) square feet of floor area used for assembly purposes.
- D. **EATING OR DRINKING ESTABLISHMENTS.** One (1) off-street parking space for each fifty (50)

- square feet of floor area devoted to customer uses, plus one (1) additional space for each full-time employee on the premises at one time.
- E. MEDICAL/DENTAL CLINICS. Four (4) spaces for each doctor engaged at the clinic or office.
 - F. RETAIL USES. One (1) off-street parking space for each two hundred (200) square feet of gross floor area devoted to display and/or sales..
 - G. OFFICE USES. One (1) off-street parking space for each four hundred (400) square feet of gross floor area.
 - H. INDUSTRIAL AND RESEARCH USES. One (1) space for every two (2) employees.
 - I. AUTOMOBILE/TRUCK SERVICE AND REPAIR FACILITIES. One (1) space for every employee and one (1) space for each service bay.
 - J. INSTITUTIONS. One (1) off-street parking space for each patient or resident bed (excluding bassinets), plus one (1) space for each full-time employee on the premises at one time. However, hospitals, sanitariums, or convalescent homes primarily providing long-term custodial care for patients need not provide more than one (1) space for each four (4) patient beds.
 - K. For other uses which do not fit in one of the above categories, determination of the adequate off-street parking space requirement shall be made by the Zoning Officer. The Zoning Officer shall take into consideration the projected number of employees and the extent of anticipated public activity for the proposed land use. It is the intent of those requirements that adequate off-street parking and loading facilities be provided for each use of land.

SECTION 1603. **OFF-STREET LOADING REQUIREMENTS**

Adequate off-street loading and unloading space sufficient to accommodate the maximum demand generated by the use of the lot shall be provided on the same premises with every building or part thereof hereafter erected, altered, or occupied for any use which involves large volume receipt or distribution of materials or merchandise by motor vehicle. All off-street loading and unloading spaces shall have an all-weather surface to provide safe and convenient access and use during all seasons. This space shall be so placed and arranged as to not interfere with the free movement of vehicles and pedestrians over a public or private road.

- A. REQUIRED LOADING SPACES. Every building or structure, lot, or land hereafter put to a business or industrial use or existing building or structure enlarged shall provide one (1) off-street truck loading space for the first ten thousand (10,000) square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck loading area for each additional forty thousand (40,000) square feet of gross floor area.
- B. SIZE OF TRUCK LOADING SPACE. An off-street truck loading space shall have a minimum of twelve (12) feet in width, a minimum of thirty-five (35) feet in length, and a minimum clear height of fourteen (14) feet.
- C. DESIGN OF LOADING AREA. Loading areas shall be designed so that a vehicle entering or leaving the property is not required use the abutting street for backing into or out of the property.
- D. LIGHTING. All illumination in loading areas shall be shielded so as not to produce light upon abutting properties.

SECTION 1604. **PARKING, STORAGE, AND MAINTENANCE OF VEHICLES**

- 1. PARKING AND STORAGE. Automotive vehicles or recreational vehicles, including boats and trailers of any kind or type, without current license plates shall not be parked or stored on any public street or on any residentially zoned property other than in completely enclosed accessory buildings or rear yard areas.
- 2. SERVICES. No repair to or maintenance of vehicles of any kind, except for emergency repair, shall be permitted in any accessory parking facility.

ARTICLE XVII

BUILDING LINES

SECTION 1700. BUILDING LINES ESTABLISHED

Building lines are hereby established on all existing and proposed public roads within Caernarvon Township. Except as provided in other sections of this Zoning Ordinance, no buildings or structures shall be placed between the building line and the right-of-way line of a public road. In the case of a proposed public street, the building line and the street classification shall be shown on the subdivision plan.

SECTION 1701. BUILDING LINES ON ARTERIAL ROADS

1. DISTANCE. The building line on all arterial roads shall be established as the greater of:
 - A. One hundred and twenty (120) feet from the centerline of the existing or proposed road; or
 - B. Eighty (80) feet from the edge of the existing or proposed right-of-way.
2. ARTERIAL ROADS NAMED. For the purposes of applying the standards in this Zoning Ordinance, the only public road classified as an arterial road shall be the Pennsylvania Turnpike.

SECTION 1702. BUILDING LINES ON COLLECTOR ROADS

1. DISTANCE. The building line on all collector roads shall be established as the greater of:
 - A. Two hundred (200) feet in the AG -Agricultural District and ninety (90) feet in all other Districts, measured from the centerline of the existing or proposed road; or
 - B. One hundred and seventy (170) feet in the AG - Agricultural District and sixty (60) feet in all other Districts, measured from the edge of the existing or proposed right-of-way.
2. COLLECTOR ROADS NAMED. For the purposes of applying the standards in this Zoning Ordinance, the public roads classified as collector roads shall be PA Route 23, PA Route 10, U.S. Route 322, and Pool Forge Road between PA Route 23 and U.S. Route 322.

SECTION 1703. BUILDING LINES ON LOCAL ACCESS ROADS

1. DISTANCE. The building line on all local access roads shall be established as the greater of:
 - A. Sixty-five (65) feet from the centerline of the existing or proposed road; or
 - B. Forty (40) feet from the edge of the existing or proposed right-of-way.
2. LOCAL ACCESS ROADS NAMED. For the purposes of applying the standard in this Zoning Ordinance, all public and private roads not specified in Sections 1701 or 1702 shall be considered local access roads.

SECTION 1704. SETBACK MODIFICATIONS

1. FRONT YARD REQUIREMENTS ALONG DEVELOPED ROAD FRONTAGES. If the alignment of two (2) or more existing buildings on adjacent lots within a distance of one hundred (100) feet of a proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the average of the existing front yards within that distance shall be the required front yard.
2. STRUCTURES EXEMPTED FROM SETBACK REQUIREMENTS.
 - A. The setback regulations do not apply to:

- (1) School bus shelters, telephone booths, cornices, eaves, chimneys, steps, canopies, and similar extensions, but do apply to covered and uncovered porches and patios.
- (2) Open fire escapes.
- (3) Minor utility structures, articles of ornamentation, or decoration.
- (4) Fences, hedges, and retaining walls.
- (5) Within the AG - Agricultural District, residential accessory storage sheds on lots abutting collector roads, subject to the requirements of Section 1801.3.D. of the Zoning Ordinance.

B. The above exemptions shall not block motorist view of vehicles at public or private street intersections and driveway entrances.

ARTICLE XVIII

RESIDENTIAL ACCESSORY USE REGULATIONS

SECTION 1800. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that certain residential accessory uses be regulated for the purpose of protecting the public health, safety, and welfare. Any lot of ten (10) or more acres in a residential district shall be subject to Farm Standards for Non-Agricultural Districts, Article XIV of this Ordinance.

SECTION 1801. DETACHED PRIVATE GARAGES AND OTHER ACCESSORY BUILDINGS

1. GENERAL. When an existing or proposed dwelling in a non-agricultural zoning district is located within one hundred (100) feet or less from the street right-of-way line, no accessory building other than a detached private garage shall be permitted between the minimum building setback line as prescribed in Article XVII and the front wall of the dwelling.
2. DETACHED PRIVATE GARAGES. Detached private garages accessory to a dwelling shall be permitted in any zoning district provided the following requirements are met:
 - A. One (1) detached private garage may be constructed on any residential lot. Said garage shall have a maximum capacity of three (3) cars and shall not exceed one thousand, two hundred (1,200) square feet of floor area.
 - B. Maximum height - eighteen (18) feet. However, the height may be increased to no greater than twenty-four (24) feet provided that the required footage for the front, side, and rear yard setback is increased one (1) foot for each one (1) foot of additional building height.
 - C. No temporary structure shall be permitted.
 - D. No structure shall be permitted between the building setback line and the street right-of-way line.
 - E. No structure shall be located within the minimum side yard of the prevailing district.
 - F. No structure shall be located within ten (10) feet of the rear property line.
3. OTHER RESIDENTIAL ACCESSORY BUILDINGS - In addition to the construction of detached private garages as indicated above, other residential accessory buildings shall be permitted in any zoning district on any residential lot. The total square footage for all accessory buildings not used exclusively as a detached private garage shall not exceed one thousand, two hundred (1,200) square feet of floor area provided that the lot coverage requirement of the underlying zoning district is met. The following additional requirements shall apply:
 - A. Maximum height - eighteen (18) feet. However, the height may be increased to no greater than twenty-four (24) feet provided that the required footage for the front, side, and rear yard setback is increased one (1) foot for each one (1) foot of additional building height.
 - B. No structure shall be within fifteen feet of any property line.
 - C. No structure shall be permitted between the building setback line and the street right-of-way.
 - D. Accessory storage sheds - the following regulations apply to unattached accessory storage sheds, provided that the shed does not exceed twelve feet by twenty-four feet (12' X 24') or not exceed two hundred and eighty-eight (288) square feet, and a height of eight (8) feet to the square.
 - (1) No accessory storage shed shall be located between the front wall of the principal building and the building setback line of the subject parcel.
 - (2) Minimum Side and Rear Yard Setbacks - four (4) feet.
 - (3) A residential lot of ten thousand (10,000) square feet or less may have one (1) shed in accordance with the above size and area requirements. No more than two (2) such sheds shall be permitted on any other residential lot. In addition, the total square footage of sheds on any lot shall not exceed six hundred (600) square feet, and the lot coverage requirements shall be maintained at all times.

- E. Detached residential accessory buildings having a maximum gross floor area of one hundred (100) square feet or less are permitted on lots containing multi-family dwellings provided that:
 - (1) they are located no closer to the front lot line than the rear wall of the principal building,
 - (2) they are located a minimum of three (3) feet from any side property line formed by a building party wall, and
 - (3) they conform with all other applicable setbacks.
- 4. AGRICULTURAL ACCESSORY BUILDINGS. Agricultural accessory buildings located on a farm of ten (10) or more acres shall be subject to the setback and height requirements of the respective underlying zoning district.
- 5. DETACHED ACCESSORY BUILDINGS ON NONCONFORMING LOTS. On existing lots of record where the existing lot width is less than the minimum lot width required in the prevailing zoning district, the minimum distance between a detached accessory building and the side property line may be reduced by the same ratio as the existing lot width is to the minimum required lot width. (Example: on an existing fifty (50) foot wide lot located in a zoning district with an one hundred (100) foot minimum width, the minimum side setback would be 50/100, or fifty (50) percent of the normal minimum side yard.) In no case, however, shall this minimum distance be less than five (5) feet, unless otherwise provided for in this section.

SECTION 1802. **ANIMALS AND ANIMAL SHELTERS**

The following standards shall apply within all zoning districts for the keeping of animals on parcels of land containing less than ten (10) acres. However, these standards shall not be interpreted as applying to animal hospitals and veterinary clinics.

- A. It is permitted to maintain up to three (3) each of dogs and cats and litters of puppies or kittens up to six (6) months in age as domestic animals provided the following conditions are met:
 - (1) Maintaining dogs and cats shall be on a non-commercial basis.
 - (2) The area within which a shelter and/or exercise pen is maintained must be suitably enclosed and located in the rear yard at least fifteen (15) feet from any lot line, and is not closer than fifty (50) feet to the nearest dwelling other than that of the owner.
 - (3) The area within which a shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.
 - (4) The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.
- B. It is permitted to maintain small domestic animals up to a total of twelve (12). For every parcel greater than two (2) acres in area, this number may be increased in increments of four (4) animals per acre provided the following conditions are met:
 - (1) Maintaining small domestic animals shall be within the rear yard area.
 - (2) Maintaining small domestic animals shall be on a non-commercial basis and be strictly as an incidental use.
 - (3) The area around which small domestic animals are kept shall be enclosed by a fence designed for containment.
 - (4) Such fence shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
 - (5) The area within which small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.
 - (6) The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

For the purposes of this sub-section, small domestic animals shall include animals such as rabbits, and guinea pigs, and fowl such as chickens, turkeys, geese, ducks, and pigeons.

- C. The ownership of large domestic animals, with the exception of carriage horses, shall not exceed one and one half (1-1/2) animals per acre provided the following conditions are met:
- (1) Maintaining large domestic animals shall be within the rear yard area.
 - (2) Maintaining large domestic animals shall be on a non-commercial basis and be strictly as an incidental use.
 - (3) The area within which large domestic animals are kept shall be enclosed by a fence designed for containment.
 - (4) No building, corral, fence, or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
 - (5) The area within which large domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.
 - (6) The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

For the purposes of this sub-section, large domestic animals shall include animals of the bovine, equine, swine, goat, and sheep families.

- D. Carriage horses are animals that are kept for the sole purpose of providing primary transportation for its owners via a carriage or "buggy". When the owner of carriage horses cannot comply with the requirements of Section 1802.2 above, the owner shall comply with the following:
- (1) The number of carriage horses permanently maintained shall not exceed two (2) per carriage.
 - (2) Maintaining carriage horses shall be within a fully enclosed building located within the rear yard area of the lot. The fully enclosed building may be utilized for the sheltering of additional carriage horses of visitors and guests, provided that the total floor area of the proposed building not exceed one thousand, two hundred (1,200) square feet.
 - (3) When a grazing area is provided, it shall be fully enclosed by a fence.
 - (4) The owner shall provide a suitable plan for the disposal of animal waste.
 - (5) No building, corral, fence, or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
 - (6) The owner of the carriage horse(s) shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

SECTION 1803.FENCES AND WALLS

No permanent fence or wall shall be erected which is over six (6) feet in height, and no closed fence or wall exceeding three (3) feet in height shall be erected between the front wall of any building and the abutting street unless higher screening or fencing is required by other provisions of this Zoning Ordinance. No fence or wall shall block motorist view of vehicles entering or exiting the property. No above-ground electrified or barbed wire fencing shall be permitted between two (2) non-farm properties.

SECTION 1804. PATIOS, DECKS, PAVED TERRACES, AND PORCHES

No patio, deck, paved terrace, or porch shall be located within five (5) feet of any property line or between the building setback line and the street line. In the case of attached or semi-detached dwellings, this distance may be reduced to not less than three (3) feet from a side property line formed by a building wall.

SECTION 1805.PARKING AREA RESERVATION

1. All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling, or servicing of any kind on residential dwelling lots in the OS/C - Open Space/Conservation District, the R-1 - Residential District, the R-2 - Residential District, and the CV - Churchtown Village District.
2. The parking of one (1) commercial vehicle is permitted by the property owner/operator for his livelihood for a business not conducted on the premises. This vehicle shall not be parked within any Township right-of-way. The commercial vehicle shall not be operable in any manner which creates noise, odor, dust, dirt, or glare perceptible at the property line.

3. One (1) recreational vehicle is permitted for storage purposes only and is not to be used for sleeping, recreational, or living purposes at any time or in any way, shape, or form.
4. No boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles (except personal pickup trucks) shall be stored within any front yard area.

SECTION 1806. LIGHTING REQUIREMENTS

All illumination on any residential lot or farm, including yard lighting and security lighting, shall be shielded so as not to produce light upon abutting properties.

SECTION 1807. SITE IMPROVEMENTS AND SURFACE WATER RUNOFF

Site improvements on any residential lot or farm, including accessory structures, driveways and off-street parking facilities, patios, paved terraces, open porches, and landscaping, shall be constructed and installed in a manner which does not obstruct, redirect, or intensify surface water runoff onto abutting properties.

SECTION 1808. SWIMMING POOLS - IN-GROUND AND ABOVE-GROUND

1. No swimming pool shall be permitted without a filtering system.
2. No swimming pool shall be permitted unless it is enclosed by a permanent fence containing no vertical interspace of more than two (2) inches and having a self-closing gate which is at least four (4) feet in height and conforms to other requirements listed in Section 1803. This requirement shall not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder.
3. No swimming pool, including filters and other mechanical equipment, shall be within fifteen (15) feet of any property line.
4. No water from a pool shall be discharged onto any public street or alley.
5. Any lights used in conjunction with the pool shall be shielded in such a manner to prevent glare on adjoining properties.
6. All pool electricity shall have a ground fault receptacle.

SECTION 1809. TENNIS COURTS

1. A permanent open mesh fence ten (10) feet in height shall be provided behind each baseline. This fence shall be parallel to the baseline and at least ten (10) feet beyond the playing surface unless the entire court is enclosed.
2. Lighting fixtures, if provided, shall not create objectionable glare on abutting properties.

SECTION 1810. SATELLITE DISH ANTENNAS

1. Satellite dish antennas are subject to all accessory use standards.
2. Satellite dish antennas shall be used only for receiving video format data.

SECTION 1811. ALTERNATIVE ENERGY SOURCES

1. Wind assisted energy conversion facilities shall not be permitted in the front yard area of any property. Height regulations do not apply to these facilities provided the height of the structure is not greater than the shortest horizontal distance to any lot line or adjacent building.
2. Solar energy units shall be permitted on any residential lot and are subject to the requirements of the respective zoning district.

SECTION 1812. GARAGE/YARD AND PRIVATE VEHICLE SALES

Within any zone, an owner and/or occupant of any dwelling may conduct no more than two (2) garage/yard sales within a twelve (12) month period subject to the below conditions.

- A. No garage or yard sale shall be conducted for a period longer than two (2) consecutive days.

- B. Garage/yard sales may offer for sale only personal possessions. No import or stocking of inventory shall be permitted.
- C. Signs for garage/yard sales shall be limited to a four (4) square foot sign advertising such sale. The sign must be located upon the premises where the sale occurs and shall be removed promptly upon the completion of the sale.
- D. In no case shall any aspect of the garage/yard sale be conducted within any street right-of-way. Additionally, vehicular parking at any garage/yard sale shall not occur in a manner which obstructs or hinders vehicles passing the garage/yard sale site.
- E. Private vehicle sales shall include the sale of any vehicle requiring licensing by the Commonwealth of Pennsylvania. No more than one (1) private vehicle may be displayed at any given time on a residential lot and be offered for sale, and such vehicle offered for sale shall be owned by a resident of the residential lot.

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.

- A. PERMITTED USES - Cluster housing developments may consist of any residential use permitted in the respective R-1 and R-2 -Residential Districts.
- B. DENSITY AND LOT REQUIREMENTS.
 1. Minimum Development Size - The minimum area for a cluster development shall be five (5) acres and shall be provided with public sewer and water.
 2. 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.

3. 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.
4. Lot and Yard Requirements - Specific lot and yard requirements may be reduced in accordance with the chart provided below:

R-1 RESIDENTIAL DISTRICT						
		LOT REQUIREMENTS			YARD REQUIREMENTS	
DWELLING TYPE	MIN AREA	MIN WIDTH @ STREET LINE	MIN WIDTH @ SETBACK LINE	MIN DEPTH	SIDE YARD WIDTH	REAR YARD WIDTH
Single Family Detached	10,000 sq. ft.	55 FT	85 FT	100 FT	10 FT	25 FT

R-2 RESIDENTIAL DISTRICT						
		LOT REQUIREMENTS			YARD REQUIREMENTS	
DWELLING TYPE	MIN AREA (SQ. FT./D.U.)	MIN WIDTH @ STREET LINE	MIN WIDTH @ SETBACK LINE	MIN DEPTH	SIDE YARD WIDTH	REAR YARD WIDTH
Single Family Detached	7,500	45 FT	75 FT	100 FT	8 FT	25 FT
Duplex	4,000	45 FT	75 FT	100 FT	8 FT	25 FT
Semi-detached	4,000	30 FT	45 FT	85 FT	8 FT	25 FT
Townhouses	2,000	16 FT	20 FT	85 FT	8 FT	25 FT
Apartments	3,000	60 FT	60 FT	100 FT	20 FT	35 FT

5. 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.

C. COMMON OPEN SPACE REQUIREMENTS.

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

D. SUPPLEMENTAL REQUIREMENTS.

1. 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 recreation 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.

2. 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:

- (a) **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.
- (b) **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.
- (c) **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.
- (d) **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.
- (e) **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.

3. 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

E. **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.

ARTICLE XX

NON-CONFORMING USES, BUILDINGS, STRUCTURES, AND LOTS

SECTION 2000. CONTINUANCE OF A NON-CONFORMITY

From the effective date of this Zoning Ordinance, a non-conforming use, structure, or structure may be continued, maintained, and repaired, except as otherwise provided for in this Zoning Ordinance.

SECTION 2001. NON-CONFORMING USES OF BUILDINGS AND LAND

1. **ALTERATION, EXTENSION, AND EXPANSION OF NON-CONFORMING USES.** A non-conforming use shall not be altered, extended, or expanded unless an appeal has been filed with the Zoning Hearing Board and approved as a special exception. The Board shall apply the following criteria:
 - A. Such alteration, extension, or expansion shall be permitted only upon the same lot as in existence at the date the use became non-conforming.
 - B. Such alteration, extension, or expansion shall comply with all provisions of this Zoning Ordinance with respect to height, area, width, yard, and coverage requirements.
 - C. The proposed expansion shall not exceed fifty (50) percent of the square foot area of the usable floor space of any building or any unenclosed area or fifty percent of the cubic footage of any building or any unenclosed area in use at the time the lot, building, or use became non-conforming.
 - D. The expansion of a non-conforming use of open land shall be limited to a distance of two hundred fifty (250) feet in any direction from the existing non-conforming use.
 - E. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.
2. **CONTINUANCE OF NON-CONFORMING USE.** The lawful use of any building, structure or land existing at the effective date of this Zoning Ordinance may be continued, although such use does not conform with the provisions of the Zoning Ordinance except as otherwise provided in this Article. To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and on which actual building construction has been diligently carried on. No non-conforming use may be re-established after it has been discontinued for twelve (12) months. Vacation of land or buildings or the non-operative status of the use normally carried on upon the property shall be evidence of discontinuance.
3. **SUBSTITUTION OF NON-CONFORMING USE.** No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board grants a special exception. In granting such a special exception, the applicant shall demonstrate the following:
 - A. The applicant shall show that the non-conforming use cannot reasonably be changed to a use permitted in the district where such non-conforming use is located.
 - B. The proposed substitution will be less objectionable in external effects than the existing non-conforming uses with respect to (1) traffic generation and congestion, including truck, passenger car, and pedestrian traffic, (2) noise, smoke dust, noxious matter, heat, glare, and vibration, (3) storage and waste disposal, and (4) appearance.
 - C. The proposed use shall not have longer hours of operation than the existing non-conforming use.
 - D. The proposed use shall be permitted in a zoning district in which the existing non-conforming use would be permitted or in a more restrictive zoning district.
 - E. The proposed use cannot increase the number of existing non-conforming uses.
 - F. The proposed substitution does not increase any dimensional non-conformities.
 - G. The proposed substitution shall comply with all off-street parking design and performance requirements.

4. **DISPLACEMENT.** No non-conforming use shall be enlarged or extended to displace a conforming use.

SECTION 2002. NON-CONFORMING BUILDINGS AND STRUCTURES

1. **CONTINUATION.** Any lawful non-conforming building or structure may remain as it existed prior to the effective date of this Zoning Ordinance or any amendment thereto by which such building or structure became non-conforming, provided, however, that any such building or structure shall otherwise be and remain in compliance with any other applicable laws or regulations.
2. **NON-CONFORMING BUILDING OR STRUCTURE CHANGED TO BECOME CONFORMING.** Whenever any non-conforming building or structure shall have been changed or altered to conform to the provisions of this Zoning Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Zoning Ordinance shall make such building or structure conforming with the provisions of this Zoning Ordinance or its amendments, then thereafter such building shall remain in conformance with the applicable provisions of this Zoning Ordinance or its amendments.
3. **REPAIRS, RENOVATION, AND MODERNIZATION OF NON-CONFORMING BUILDINGS AND STRUCTURES.** Repairs, renovation, and modernization of non-conforming buildings or structures such as renewal or replacement of outer surfaces or windows, or addition of soundproofing or fireproofing materials, air conditioning, and repair or replacement of structural parts or members of the building or structure, shall be permitted notwithstanding other provisions of this Zoning Ordinance. Such repairs, renovations or modernization shall not change or alter substantially the physical configuration of the non-conforming building or structure or change its position on the ground, provided that no increase in the size of or area covered by the said non-conforming building or structure, nor any extension or expansion of the non-conforming use or area of such use within the building or structure in or on the lot where such non-conforming use is located shall be permitted or authorized by this section. Areas of non-conforming use within a building or structure may be rearranged in connection with such repairs, renovation or modernization if there is not an enlargement or expansion of the non-conforming use within said building or structure.
4. **REBUILDING OF A NON-CONFORMING BUILDING WHEN THE BUILDING IS DESTROYED.** A non-conforming building may be rebuilt if said building is damaged or destroyed by any means, provided that the reconstruction shall be diligently carried on and completed within one (1) year. However, the new building shall conform as closely as is possible with the provisions of this Zoning Ordinance and the non-conformity of the new building with respect to height, area, and yard requirements as established by other provisions of this Zoning Ordinance shall not exceed that of the original building.

SECTION 2003. NON-CONFORMING LOTS

Any lot represented on the effective date of this Zoning Ordinance by an existing recorded deed which does not meet the minimum area requirements of the zoning district in which it is located shall be regarded as non-conforming and may be used for any use permitted in that district. In the event that any person as of the effective date of this Zoning Ordinance owned two (2) or more adjacent lots which would otherwise be non-conforming as aforesaid, such lots will be deemed to merge so as to create a conforming lot or lots, if possible. Non-conforming adjacent lots as aforesaid acquired after the effective date of this Zoning Ordinance shall not be deemed merged. However, all yard, height, and open space requirements for that district shall be met unless a variance is granted by the Zoning Hearing Board.

SECTION 2004. INCREASE OF NON-CONFORMITY

1. A non-conforming building or structure may not be enlarged or altered in a way which increases its non-conformity with respect to height, area, and yard requirements as established by other provisions of this Zoning Ordinance with the exception of the following:
 - A. Expansion of dimensionally non-conforming residential and agricultural buildings and structures - front yard. A building or structure which is located within the required front yard setback area of the district in which it is located is permitted to expand, provided that the

expanded part of the building or structure will not extend nearer to the street than that part of the existing building or structure which is nearest to the street, the minimum side yard and rear yard setbacks areas of the district are complied with, there is no driveway access between the front of the proposed addition and the abutting street, and the use of the building or structure is a permitted use in the district in which it is located.

- B. Expansion of dimensionally non-conforming residential and agricultural buildings and structures - side yard. A building or structure which is located within the required side yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the building or structure is limited to one (1) story and having a maximum height of sixteen (16) feet, the square footage of said expansion shall be no greater than twenty-five percent (25%) of the first floor area of said original building or structure, said expansion shall not extend nearer to the side yard property line, and the required rear yard setback shall be maintained.

SECTION 2005. UNSAFE OR UNLAWFUL STRUCTURES OR BUILDINGS

If a non-conforming structure or building, or portions thereof, containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall no thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located, and with any building or construction ordinance in effect in the Township.

SECTION 2006. DISTRICT CHANGE

Whenever the boundaries of a district shall be changed so as to transfer a structure, building, or lot from one district to another district of a different classification creating a non-conforming use, the foregoing provisions shall apply to it and to any other non-conforming uses or structures existing therein.

SECTION 2007. USES UNDER SPECIAL EXCEPTION PROVISIONS - NOT NON-CONFORMING USES

Any use which is permitted as a special exception in a zoning district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one non-conforming use to another non-conforming use) shall not be deemed a non-conforming use in such zoning district, but shall without further action be considered a conforming use.

SECTION 2008. REGISTRATION OF NON-CONFORMING USES AND STRUCTURES

To facilitate the administration of this Zoning Ordinance, the Zoning Officer may prepare and maintain an accurate listing of uses and structures in all districts not permitted by right in that district, and for which no special exception or variance has been issued, and which does not otherwise comply with all sections of this Zoning Ordinance. Such a listing shall be a matter of public record and shall constitute sufficient notice of the non-conforming status of said use and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property. The Zoning Officer shall establish and make available at the Township office a form for such registration which shall require such information as deemed necessary to identify such non-conforming buildings, structures, lots, and uses.

ARTICLE XXI

SPECIAL EXCEPTIONS

SECTION 2100. GENERAL DESCRIPTION

Special exceptions are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Zoning Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Board may grant approval of a special exception provided that the applicant complies with the standards for special exceptions set forth in this Article and demonstrates that the proposed special exception shall not be detrimental to the health, safety, and welfare of the neighborhood. The burden of proof shall rest with the applicant. In granting a special exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of this Zoning Ordinance.

SECTION 2101. PROCEDURE

The procedure for consideration of a special exception shall follow the procedure for hearings as stated in Section 2402 of this Zoning Ordinance.

SECTION 2102. PLAN REQUIREMENTS

In addition to any plan informational requirements for a specific land use identified in Section 2104, the special exception application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Zoning Ordinance and shall include the following:

- A. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
- B. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
- C. Ground floor plans and elevations of proposed structures.
- D. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

SECTION 2103. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION APPLICATIONS

In order to receive a special exception, the applicant shall establish by credible evidence that:

- A. The proposed use is consistent with the purpose and intent of the Zoning Ordinance.
- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed in Section 2104.
- D. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
- E. The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Article XVI of this Zoning Ordinance.
- G. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic.
- H. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.

- J. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- K. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).
- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. Operations in connection with a special exception use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.

SECTION 2104. **LAND USES PERMITTED BY SPECIAL EXCEPTION: ADDITIONAL CRITERIA**

Each of the following land uses contains criteria which shall be addressed by the applicant and reviewed by the Zoning Hearing Board in addition to those items required by Sections 2102 and 2103.

A. **ADULT ORIENTED BUSINESSES**

- (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) An adult oriented business shall not be permitted within one thousand (1,000) feet of any other adult oriented business.
- (3) An adult oriented business shall not be permitted within one thousand (1,000) feet of any public or private school, day care facility, public recreation facility, commercial recreation or entertainment facility, library, museum, or church. No adult oriented business may be established within two hundred (200) feet of any residentially-zoned land.
- (4) No materials, merchandise, or film offered for sale, rent, lease, loan or for view within the premises shall be exhibited or displayed outside of a building or be visible from outside the building or structure.
- (5) Any building or structure used and occupied as an adult oriented business shall be windowless, or have an opaque covering over all windows and doors where materials, merchandise, or film are exhibited or displayed.
- (6) No sign shall be located upon the premises which depict a visual representation of the type of materials, merchandise, or film being offered therein.
- (7) All entrances to the premises shall be posted with notices that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended by the materials, merchandise, or film exhibited or displayed therein.
- (8) No adult oriented business may change to another adult oriented business except upon approval by an additional special exception.
- (9) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (10) No unlawful sexual activity or conduct shall be permitted.
- (11) No more than one (1) adult oriented business may be located within one building.

B. **AMUSEMENT ARCADES**

- (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) All activities shall be located within wholly enclosed buildings.
- (3) The applicant shall produce evidence that the proposed land use will not create a nuisance due to noise or loitering on the premises.
- (4) One parking space per employee plus one space for each eighty (80) square feet of gross

- leasable floor area shall be provided.
- (5) The site shall be kept free of litter at all times in accordance with a plan for the clean-up of litter to be provided by the applicant.

C. ANIMAL HOSPITALS AND VETERINARY CLINICS

- (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) Boarding areas shall be within wholly-enclosed buildings, and any outdoor animal pens, stalls, or runways shall be located within the rear yard area.
- (3) All pasture and outdoor recreation areas shall be fenced to prevent the escape of animals, with such fencing having a setback of at least twenty-five (25) feet from all property lines.
- (4) Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.

D. AUTOMOBILE FILLING STATIONS

- (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 subject property shall have a minimum lot width of one hundred and twenty-five (125) feet.
- (3) The subject property shall be at least three hundred (300) feet from the property line of any parcel containing a school, day care facility, playground, library, or nursing, rest, or retirement home.
- (4) Any vehicle not receiving repair work within the preceding seven (7) days shall be removed.
- (5) Gasoline pump islands shall be at least thirty (30) feet from the street right-of-way line.
- (6) Entrances and exits shall be a minimum of thirty (30) feet in width.
- (7) All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from any adjoining residential property or residentially-zoned property.
- (8) All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

E. AUTOMOBILE, TRUCK, BOAT, AND OTHER MOTOR VEHICLE SALES, SERVICE AND REPAIR FACILITIES

- (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) All sales, service and/or repair activities shall be conducted within a single, wholly-enclosed building.
- (3) All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- (4) No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly-enclosed dumpster equipment.
- (5) All exterior vehicle storage areas shall be screened from adjoining residential and residentially-zoned property.
- (6) The storage of unlicensed vehicles on the property is prohibited.
- (7) All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet and oriented away from any adjoining residential property or residentially-zoned property.
- (8) All vehicles shall be repaired and removed from the premises as promptly as possible. Any

- vehicle not receiving repair work within the preceding seven (7) days shall be removed.
- (9) The demolition or storage of junked vehicles is prohibited.

F. BANKS AND SIMILAR FINANCIAL INSTITUTIONS (see SECTION 2104.MM)

G. BED AND BREAKFAST ESTABLISHMENTS

- (1) No external modifications which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
- (2) All floors above ground level shall have an emergency escape access to ground level.
- (3) One off-street parking space shall be provided for each proposed rental unit, in addition to the required spaces for the existing dwelling.
- (4) All parking areas shall be at least twenty-five (25) feet from all property lines.
- (5) One (1) sign may be erected which shall be no larger than twelve (12) square feet in size and which shall be no less than ten (10) feet from all property lines.
- (6) A bed and breakfast shall not include more than five (5) rooms for rent; and meals, if offered, shall be available only for registered overnight guests.
- (7) In the absence of public sewer facilities, the applicant shall provide written notice from the Township Sewage Enforcement Officer that the existing sanitary sewage facilities are adequate to treat the anticipated sewage or a permit for a new or modified sub-surface sewage disposal system.

H. BILLBOARDS

- (1) No more than one (1) billboard is permitted per lot.
- (2) No billboard shall be located within two hundred (200) feet of another billboard.
- (3) All billboards shall be at least thirty-five (35) feet from all street right-of-way lines.
- (4) All billboards shall be at least one hundred (100) feet from any residentially-zoned land.
- (5) Billboards shall not obstruct the view of any motorist on an adjoining road or the view of adjoining commercial or industrial uses which depend upon such visibility for identification.
- (6) No billboard may exceed three hundred (300) square feet in area or be greater than twenty-five (25) feet in height.

I. CAMPGROUNDS

- (1) The minimum lot area for a campground shall be ten (10) acres.
- (2) All campsites shall have a setback of fifty (50) feet from any side or rear property line and a minimum of one hundred (100) feet from any street right-of-way line.
- (3) The maximum number of campsites within each campground shall not exceed twelve (12) per acre, provided that a minimum of three thousand (3000) square feet is reserved for each site.
- (4) A minimum of one (1) automobile parking space shall be provided for each site, and such parking space shall not interfere with the vehicular movement along the internal access drives of the campground. Equivalent parking may be provided by a common parking compound. On-drive parallel parking shall not be permitted.
- (5) The internal access drive system shall have a minimum cartway width of ten (10) feet for each driving lane and shall be improved with any hard surface material acceptable to the Zoning Hearing Board. The Zoning Hearing Board may require additional cartway improvements for campgrounds proposing more than fifty (50) sites when, in the judgement of the Zoning Hearing Board, such improvements are beneficial to the vehicular circulation and safety of the campground.
- (6) All playground and recreation areas shall be at least one hundred (100) feet from adjoining residential properties with the usage of these areas being limited to registered campers and their guests.
- (7) All campgrounds shall furnish centralized sanitary and garbage collection systems which shall be located at least one hundred (100) feet from adjoining residential properties and be appropriately screened.
- (8) Any accessory commercial and/or service facilities shall be located at least one hundred

(100) feet from adjoining residential properties and shall be limited to serve only the needs of the registered campers and their guests. Direct access to these facilities from the public street is prohibited. Appropriate screening shall be provided for these facilities when they adjoin adjacent residential properties.

- (9) Campground identification signs shall not exceed 32 square feet in area and shall be at least ten (10) feet from any street right-of-way line and twenty-five (25) feet from any adjacent property lines.
- (10) Active or passive recreation areas shall comprise at least twenty (20) percent of the gross area of the campground.
- (11) All sanitary sewer and water supply facilities shall be subject to the approval of the appropriate authorities.
- (12) All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

J. CAR WASHES

- (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) Public sewer and water facilities shall be provided.
- (3) Each car wash bay shall allow for a stacking of three (3) vehicles.
- (4) All structures shall have a minimum setback of one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty-five (25) feet from any side lot line.
- (5) The site shall be kept debris and trash free with the owner or manager of the car wash responsible for site maintenance.
- (6) All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

K. CHURCHES AND RELATED USES

(1) Churches

- (a) The minimum lot area shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.
- (b) A side yard setback of fifty (50) feet shall be maintained on each side.
- (c) All off-street parking facilities shall be at least twenty-five (25) feet from the street right-of-way line.

(2) Church-Related Residences

- (a) Residences located on the same parcel as the church shall be subject to the same standards for detached single-family dwellings in the underlying district.

(3) Church-Related Educational or Day Care Facilities

- (a) If educational facilities are offered below the college level, the applicant shall provide an outdoor plan for recreation which shall be acceptable to the Zoning Hearing Board and which shall include appropriate screening and buffering from adjacent residential properties.
- (b) The application for a special exception shall be accompanied by a plan which demonstrates that adequate outdoor recreational facilities are being provided.
- (c) Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.
- (d) The applicant shall provide a parking plan which justifies that the proposed parking facilities are sufficient for the intended use.

L. CLUBHOUSES (PRIVATE CLUBS)

- (1) Off-street parking shall be provided at least twenty-five (25) feet from all street rights-of-way, and parking compounds shall be at least thirty (30) feet from any adjoining residential property.
- (2) Any outdoor recreational facilities shall be located at least fifty (50) feet from any property line.
- (3) Screening shall be provided adjacent to any residential land use.

M. CLUSTER DEVELOPMENTS

- (1) The applicant shall demonstrate that the design of the development utilizes the best principles of site design. Adjacent and surrounding land uses, especially residential uses, shall be considered when developing plans for a cluster development.
- (2) The applicant proposing the cluster development shall have the initial burden of establishing the proposed land use meets all of the expressed standards and criteria set forth in Section 1907 of this Zoning Ordinance.
- (3) The applicant shall provide a review of the proposal by the Township Planning Commission indicating its comments and recommendations as part of the application for the special exception.

N. COMMERCIAL DAY CARE FACILITIES

- (1) The application for a special exception shall be accompanied by a plan which demonstrates that adequate outdoor recreation facilities are being provided.
- (2) Enrollment shall be defined as the largest number of children under day care supervision at any one time during a seven-day period.
- (3) Child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.
- (4) One (1) off-street parking space shall be provided for each six (6) children enrolled.

O. COMMERCIAL GRAIN OR COMMERCIAL FEED MILLS

- (1) The applicant shall demonstrate that the commercial grain or commercial feed mill allows for the safe and efficient movement of all vehicles associated with the operation.
- (2) All proposed entrances and exits to the commercial grain or commercial feed mill shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
- (3) Any commercial structure in excess of thirty-five (35) feet shall be set back from all property lines a distance of two (2) times the height of the structure.
- (4) When determined by the Zoning Hearing Board, 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.

P. COMMERCIAL LIVESTOCK OPERATIONS

- (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.
- (3) The commercial livestock operation shall be compatible with the existing uses of the site, shall not be detrimental to any existing adjacent land uses, and shall be located in a manner

so as to minimize noise, smell, and any other potential adverse effects that may be generated by the proposed animals.

- (4) The commercial livestock operation shall not propose any building used for the keeping or raising of animals within one hundred and fifty (150) feet from any lot line.
- (5) The applicant shall demonstrate that the commercial livestock operation allows for the safe and efficient movement of all vehicles associated with the operation.
- (6) 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.
- (7) When determined by the Zoning Hearing Board, 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.

Q. COMMERCIAL MANURE STORAGE FACILITIES

- (1) The subject tract shall front on and gain access from either an arterial, major collector, or minor 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 use shall operate under a nutrient management plan approved by the Lancaster County Conservation District.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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 commercial 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.
- (7) New manure storage facilities shall have installed monitoring devices to prevent contamination from overflow or leakage. Storage facilities shall also include preventive measures to guard against exposure to hazardous concentrations of gases.
- (8) The application of solid or semi-solid agricultural wastes shall be in accordance with recognized conservation management techniques. The land application of agricultural wastes and nutrients shall be in full and strict compliance with the specifications of an approved nutrient management plan. Manure stockpile areas shall be located and operated to prevent runoff to other than an approved storage facility. The uncontained runoff from any intensive agricultural operation, livestock, or poultry operation, manure stockpile area, or manure storage facility shall be prohibited. Agricultural operations which do not contain and control such runoff will be in violation of this Zoning Ordinance.
- (9) The issuance of a permit for a manure storage facility shall be deemed an authorization of the Township Zoning Officer to inspect such permitted storage facilities for compliance with the provisions of this Ordinance. Facility owners/operators shall be given a forty-eight (48) hour advance notice in writing, unless there is substantial evidence that an emergency situation

exists. Failure to permit inspection may result in the Township obtaining a search warrant to inspect operations in the presence of a County or State officer of the law.

R. COMMERCIAL RECREATION FACILITIES

- (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) Uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to prevent any reasonable harm on adjoining properties.
- (3) Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Such structures shall not be used for occupancy.
- (4) Required parking shall be based upon the requirements of Article XVI of this Ordinance. When deemed necessary, the Zoning Hearing Board may require an unimproved grassed overflow parking area for peak period use, located and designed in a manner which prohibits vehicles from crossing adjoining properties and directly accessing adjoining roads.
- (5) All entrances to the commercial recreation facility shall be designed so that vehicle back-up on abutting roads does not occur.
- (6) The application for a special exception shall be accompanied by a working plan for the clean-up and disposal of litter and the prevention of loitering on the subject property.

S. COMMUNICATION ANTENNAS, TOWERS, AND EQUIPMENT FOR COMMERCIAL OPERATION

- (1) The applicant must demonstrate that the proposed location is necessary for the efficient operation of the system by identifying that the system cannot operate with equal effectiveness if the it were to co-locate with similar existing facilities and if located elsewhere in the zoning district where permitted by special exception.
- (2) The applicant shall provide engineering drawings of the proposed facility sealed by a registered professional engineer. Said drawings and accompanying material shall demonstrate that the structure is so designed to withstand excessive winds and to fall in on itself if a structural collapse should occur.
- (3) The applicant shall provide evidence of the required approvals from the Federal Aviation Administration and the Federal Communications Commission.
- (4) All structures shall contain a setback from all property lines a distance equal to the height of the facility. Additionally, the setback from any street right-of-way shall be equal to the height of the facility unless the existing building setback line is greater than the structure height.
- (5) All facilities shall be completely enclosed by an eight (8) foot high fence with self-locking gate.
- (6) When lighting is provided for towers, such light feet shall shielded so as not to produce light on abutting properties.

T. DRIVE-THROUGH AND FAST FOOD RESTAURANTS

- (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 application for a special exception shall be accompanied by a working plan for the clean-up and disposal of litter and the prevention of loitering on the subject project property.
- (3) Drive-through lanes shall be separated from the internal circulation system for the parking facilities.
- (4) The applicant shall demonstrate that any external-internal microphone system shall not operate in a manner which causes an objectionable noise impact to abutting properties.
- (5) Exterior seating and/or play areas shall be completely enclosed by a three (3) foot high fence.
- (6) No part of any structure on the subject property shall be located within two hundred (200) feet of an existing residential structure.
- (7) All lighting within the subject tract shall be designed and located so as not to produce a glare

or direct illumination onto abutting properties.

U. DRY CLEANERS, LAUNDRIES, AND LAUNDROMATS

- (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) Public sewer and water shall be utilized.
- (3) All activities shall be within completely enclosed buildings.
- (4) All windows and doors on walls facing adjoining residential properties shall be kept closed during hours of operation and occupancy.
- (5) Exhaust and ventilation equipment shall discharge away from any adjoining residential properties.

V. FACILITIES FOR THE SALES, REPAIR, AND SERVICE OF AGRICULTURAL EQUIPMENT, VEHICLES, OR SUPPLIES

- (1) Activities and services provided by the land use should address the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm rather than the distribution of goods produced on the farm.
- (2) Minimum lot areas shall be two (2) acres with the maximum lot area being five (5) acres.
- (3) Vehicular and pedestrian traffic to and from the use shall not create undue congestion or hazards within the general neighborhood.
- (4) Structures shall be located at least fifty (50) feet from all property lines.
- (5) The maximum lot coverage shall be not greater than twenty (20) percent.
- (6) Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- (7) All driveways, parking areas, and loading zones shall be surfaced and maintained in a manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.

W. FLOODPLAIN USES

- (1) General
 - (a) For any development within the FP - Floodplain District, the applicant shall demonstrate the effect of the development on flood heights, frequencies and velocities, the susceptibility of the development to flood damage, the availability of emergency access, and the necessity of the proposal to be located near or within the floodplain area.
 - (b) No construction, development, use, activity, or encroachment of any kind shall be permitted in the floodway if the proposed development will increase the floodplain elevation.
 - (c) No use or structure shall endanger human life or be placed where the natural flow of the floodwaters would carry any structure downstream to the damage or detriment of property within or adjacent to the FP - Floodplain District.
 - (d) No use shall be susceptible to flotation and subsequent movement which would cause damage to other property.
 - (e) All uses and structures shall be designed and constructed so as (a) not to increase the height or frequency of floodplain water, (b) to allow the unrestricted passage of floodwater, (c) to not create unhealthy or unsanitary conditions, and (d) to not degrade the quality of surface water or the quality of groundwater.
 - (f) Where practical, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and shall be placed approximately on the same flood flow lines as those of nearby structures.

- (g) No use or structure shall degrade the water carrying capacity of any watercourse, channel, or floodway.
 - (h) Prior to any proposed alteration or relocation of any watercourse, a permit should be obtained by the landowner from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to the Federal Insurance Administration and the Pennsylvania Department of Community Affairs.
 - (i) Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Caernarvon Township, its agencies, officials, or employees.
 - (j) Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Caernarvon Township, any approval of plans, special exceptions, variances, or permits by the Township, its agencies, officials, or employees shall be conditioned upon receiving such other required permits or written approval from the other agencies.
- (2) Agricultural Uses
- (a) A filter strip is required between any watercourse and any land. Such strip shall be a minimum of fifteen (15) feet in width, measured from the bank of the watercourse channel, and shall be protected by a permanent planted groundcover.
 - (b) Within the FP - Floodplain District, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.
- (3) Improvements to Residential Structures - All improvements or additions to existing residential structures shall be elevated to one (1) foot above the flood elevation unless the cost of the proposed improvement or addition is less than fifty (50) percent of the market value of the structure, in which case, any portion of said improvement or addition not elevated to one (1) foot above the flood elevation shall be flood-proofed.
- (4) Improvements to Non-Residential Structures
- (a) All improvements or additions to existing non-residential structures shall be elevated to one (1) foot above the flood elevation and shall be place on pilings, columns, or fill material. Pilings or columns are preferred over fill material in order to maintain the storage capacity of the floodplain and to minimize the potential negative impacts to sensitive ecological areas.
 - (b) If fill is utilized to elevate structures, it shall be in accordance with the following:
 - (i) Fill shall be extended laterally at least fifteen (15) feet beyond the limits of the proposed structure.
 - (ii) The fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - (iii) Fill shall be no steeper than one (1) vertical to two (2) horizontal unless substantiated data, justifying steeper slopes is provided and approved.
 - (iv) The fill shall be provided and installed in a manner which assures that the requirements of Section 2104.23 (1)(d) can be met.
- (5) Construction Within Floodplain
- (a) All proposed non-residential structures or improvements and additions to existing non-residential structures which are not adequately elevated shall be constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and the effect of buoyancy of the flood, and shall be flood-proofed according to the standards and provisions for flood-proofing classes W-1 and W-2 contained in the publication, Flood-Proofing Regulations, by the United States Army Corps of Engineers, June 1972, as may be amended.

- (b) Where flood-proofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document signed and sealed by a professional engineer or architect registered by the Commonwealth of Pennsylvania, certifying that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with the flood and indicating the specific elevation to which the structure is being flood-proofed.
 - (c) All structures shall be firmly anchored to prevent flotation, movement, or collapse.
 - (d) No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal, or plant life, shall be stored below the flood elevation.
 - (e) All electrical and mechanical equipment shall be permitted only at elevations above the flood elevation.
 - (f) Electrical distribution panels shall not be permitted at an elevation of less than three (3) feet above the flood elevation. Separate electrical circuits shall serve lower levels of structures and shall be dropped from above.
 - (g) All utilities, including gas, oil, electrical, or telephone systems shall be elevated where possible or shall be flood-proofed when located below the flood elevation. All such utilities shall be constructed to minimize the chance of impairment, the infiltration of floodwaters, or the discharge from the systems into floodwaters during a flood.
- (6) Utility Facilities in Floodplain - Utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission shall comply with the following conditions:
- (a) Facilities including pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities shall, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner that will prevent the flotation, minimize or eliminate flood damage, and not alter the cross-sections area of the floodplain. All new or replacement water supply facilities or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the FP - Floodplain District to allow positive control during flood emergencies.
 - (b) Electrical transmission lines and supporting structures shall be installed so as to minimize or eliminate flood damage and be installed underground below the existing natural surface within the floodplain. Above ground electrical transmission lines should be designed to meet the following standards:
 - (i) Above ground lines and supporting structures shall enter the FP - Floodplain District only to cross a watercourse, shall cross the watercourse and the District using the most direct and shortest route possible, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - (ii) Above ground lines shall be elevated so that the lowest portions are a minimum of ten (10) feet above the maximum flood elevation.
 - (iii) Supporting structures for above ground lines within the District shall be the minimum number necessary to carry the lines across the District. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 - (iv) Facilities and services in the District shall be designed so that flood damage within the District does not disrupt service outside the District.
 - (c) Utility facilities and structures (excluding buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the above standards in the interest of achieving the purpose and intent of this Zoning

Ordinance.

- (7) Streets in Floodplain - The finished elevation of proposed new streets shall be no more than one (1) foot below the flood elevation subject to the performance standards stated above.
- (8) Evacuation Plan - Where necessary, a plan which provides for alternative vehicular access and escape routes when normal routes are blocked or destroyed by flooding shall be submitted to the Lancaster County Office of Civil Defense by all owners of buildings located in the floodplain.

X. FUNERAL HOMES

- (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) Public sewer and water shall be utilized.
- (3) The applicant shall demonstrate that sufficient off-street parking is being provided so that no traffic back-ups occur onto adjoining roads.

Y. HOME IMPROVEMENT AND BUILDING SUPPLY SHOWROOMS AND/OR STORES

- (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) All inventory shall be located within a fully enclosed building.
- (3) Building material storage yards in conjunction with showrooms are not permitted.

Z. 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

- (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 compliance with all applicable industrial performance standards stated in Section 1004 of this Zoning Ordinance.

AA. JUNKYARDS

- (1) The minimum lot area requirement shall be two (2) acres.
- (2) The outdoor junk storage area shall be completely enclosed by an eight (8) foot high, sight-prohibitive fence which shall be setback at least fifty (50) feet from all property lines.
- (3) All buildings used to store junk shall be wholly-enclosed and setback at least fifty (50) feet from all property lines.
- (4) No material shall be stored or stacked in a manner that it is visible from adjoining properties and roads.
- (5) All additional Federal and State laws shall be satisfied.
- (6) The setback area between the fence and property line shall be kept free of weeds and all scrub growth.
- (7) All junk shall be stored or arranged to permit access by fire fighting equipment and to prevent the accumulation of water. Storm water shall be drained in a manner which does not result in chemical residues being discharged from the site.
- (8) No oil, grease, tires, gasoline, or other similar material shall be burned at any time.
- (9) No junkyard shall be located on lands with an average slope of greater than five (5) percent.
- (10) The applicant shall demonstrate compliance with all applicable industrial performance standards stated in Section 1004 of this Zoning Ordinance.

BB. LABORATORIES FOR SCIENTIFIC OR INDUSTRIAL RESEARCH AND DEVELOPMENT

- (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 compliance with all applicable industrial performance standards stated in Section 1004 of this Zoning Ordinance.
- (3) All animals shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m. each day.

CC. MEDICAL AND DENTAL CLINICS (see SECTION 2104.MM)

DD. MOBILE HOME PARKS

- (1) Any mobile home park proposing ten (10) or more units shall gain access from either an arterial or collector road as identified in the Zoning Ordinance.
- (2) The applicant shall prepare a sketch plan for review by the Zoning Hearing Board which shall contain the following information at a scale of not smaller than one inch equals fifty feet (1"=50').
 - (a) Name of mobile home park.
 - (b) Name of municipality.
 - (c) Date of plan preparation.
 - (d) Graphic and written scale.
 - (e) Name and address of firm that prepared the plan, if applicable, and of the owner of record.
 - (f) North point.
 - (g) Site data information including:
 - (i) Number of mobile home spaces.
 - (ii) Total acreage of the tract.
 - (iii) Zoning district.
 - (iv) Density calculated by the number of dwelling units per acre.
 - (v) Number of off-street parking spaces.
 - (h) Location map.
 - (i) Boundary of the subject tract and approximate boundaries of the mobile home spaces, numbered consecutively.
 - (j) The full plan of development, identifying the approximate layout of all streets, parking facilities, pedestrian ways, common areas, service and accessory structures, proposed landscaping, waste disposal facilities, and storm water management facilities.
 - (k) The location of any tree masses, watercourses, floodplains, and any other significant natural or man-made feature.
 - (l) Approximate street grades for all streets.
- (3) In the preparation of the sketch plan as identified above, the applicant shall follow the area, height, lot, size, stand, and home requirements of Sections 1301, 1302, and 1303 of this Zoning Ordinance.

EE. MOTELS, INCLUDING AUTO COURTS, MOTOR COURTS, MOTOR INNS, MOTOR LODGES, ROADSIDE HOTELS, AND RESORT HOTELS

- (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.

FF. MUSHROOM CULTURE

- (1) The minimum lot area for any mushroom culture operation shall be twenty-five (25) acres.
- (2) No building shall be closer than one hundred (100) feet to any lot line.
- (3) No structure used for mushroom culture shall be closer than one thousand (1,000) feet to any lot line or within two thousand (2,000) feet of an existing residence.
- (4) The total area under roof shall not be greater than fifteen (15) percent of the total lot area.
- (5) All waste or spent compost from mushroom culture houses shall be spread not more than one (1) foot deep at any location and shall not be located closer than five hundred (500) feet to any lot line. Additionally, waste or spent compost materials shall not be deposited within any floodplain area as defined in Section 1201 of this Zoning Ordinance.

GG. NURSING, REST, OR RETIREMENT HOMES

- (1) The subject tract shall contain a minimum area of two (2) acres.
- (2) The number of permitted independent residential units of occupancy shall be based upon the requirements of each respective zoning district, unless a community or public sewage facility is provided. In such case, the units of occupancy shall be based upon the density requirements for apartment-type dwellings.
- (3) Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned lands.

HH. ON-FARM OCCUPATIONS

- (1) The primary economic activity of the subject tract shall be agricultural and shall be at least thirty (30) acres in area.
- (2) The land area of the proposed on-farm occupation shall not utilize more than one (1) acre of land area inclusive of buildings and parking facilities.
- (3) The occupation shall be conducted and owned by the farmer in residence on the property.
- (4) The Zoning Hearing Board shall determine if the proposed on-farm occupation and land use are not detrimental to the agricultural uses of the AG - Agricultural District and the OS/C - Open Space/Conservation District and does not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. Additionally, the Zoning Hearing Board may require that impact studies be furnished which evaluate the effect of the proposed occupation and land use upon the subject tract of land, the abutting properties, and the community in general.
- (5) The applicant shall acknowledge as part of the special exception application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements.
- (6) In the case where the proposed on-farm occupation requires the construction of new buildings or additions to existing buildings, the applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.
- (7) The land area of the on-farm occupation shall not, at any time, be permitted to be subdivided from the farm.
- (8) No more than two (2) non-family members shall be employed in an on-farm occupation.
- (9) The applicant shall demonstrate that the proposed on-farm occupation and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements.
- (10) Any structure used for the on-farm occupation shall be located at least one hundred (100) feet from any property line and the legal right-of-way line.
- (11) Signs which advertize the on-farm occupation shall not exceed six (6) square feet in area.
- (12) If determined by the Zoning Hearing Board, suitable buffering shall be provided when the on-farm occupation is located within one-hundred (100) feet of an adjacent residential structure.
- (13) The owner and/or occupant of the on-farm occupation shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the on-farm occupation

- (14) shall be conducted in a manner which does not allow the accumulation of trash and debris. When there is a change in the ownership or occupancy of the farm where there exists an on-farm occupation, or when there is a change in the management of the on-farm occupation, the continuation of the on-farm occupation shall be subject to a new special exception use approval for such continuation.
- (15) Only one (1) on-farm occupation shall be permitted per farm. For purposes of this section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tract comprising such enterprise.
- (16) The applicant shall acknowledge the existence of the performance standards of Section 1004 of this Zoning Ordinance. The applicant shall be prepared to address these standards as they might apply to the application should any questions or concerns be raised at the hearing.
- (17) An on-farm occupation shall have a minimum seventy-five (75) foot long gravel or paved access extending into the farm parcel to prevent tracking of mud and manure onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery and customer vehicles. In addition, when the driveway access to the on-farm occupation intersects a collector street as identified in Article XVII, a vehicular turnaround shall be provided to prohibit the backing out of vehicles onto such roadways. The turnaround area shall not be utilized as an off-street parking area.
- (18) The applicant shall obtain a Certificate of Use and Occupancy for an on-farm occupation in accordance with Section 2210. of the Zoning Ordinance.

II. PROFESSIONAL OFFICES (see SECTION 2104.MM.)

JJ. QUARRIES AND OTHER EXTRACTIVE INDUSTRIES

- (1) In addition to demonstrating compliance with all applicable industrial performance standards stated in Section 1004 of this Zoning Ordinance, the initial application submitted shall also identify
 - (a) The ownership and acreage of the land which is the site of quarrying operations, including all lands held under contract or lease.
 - (b) The type of material being quarried.
 - (c) The depth of excavations.
 - (d) The probable effect of blasting and other excavation methods upon existing and permitted uses in the area surrounding the quarry site.
 - (e) A map at any scale acceptable to the Zoning Hearing Board showing
 - (i) All land owned under option, contract, or lease.
 - (ii) Lot or land quarried.
 - (iii) Internal private access drives and streets abutting the property.
 - (iv) Contour information of sufficient detail to evaluate areas beyond the site to the nearest abutting public streets.
 - (v) Location of all structures.
 - (vi) Location of stockpiles and waste piles.
 - (vii) Title, scale, north point, and date.
 - (viii) Fencing and screen planting.
- (2) The applicant shall demonstrate that the proposed quarry operation
 - (a) Does not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
 - (b) Does not adversely affect any public or private water supply source.
 - (c) Does not adversely affect the logical, efficient, and economical extensions of public services, facilities, and utilities throughout the Township.
 - (d) Does not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.
 - (e) Complies with all applicable State regulations.

- (3) A substantial fence or earthen barrier measuring at least six (6) feet in height must be placed around the area of actual quarrying to prevent unauthorized persons from entering the area.
- (4) Trees and shrubs shall be provided or earth barriers with a suitable, stabilized ground cover erected to screen the operation where it is adjacent to a residential or a public street or where the operation will substantially impair the beauty and character of the surrounding countryside.
- (5) The applicant shall demonstrate that the operation allows for the safe and efficient movement of all vehicles associated with the operation.
- (6) All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
- (7) Where the subject lot or parcel of land is adjacent to a residential zone, no stockpiles, waste piles, or processing equipment shall be closer than one thousand (1000) feet to the residential zone, and no part of the quarry pit, internal private access drive, truck parking area, scales, or operational equipment shall be closer than five hundred (500) feet to the residential zone.
- (8) No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment, or truck parking area shall be closer than one hundred (100) feet to a public street line.
- (9) Except for the setbacks specified above, no part of a quarry pit, stockpiles, waste piles, or processing equipment shall be closer than two hundred (200) feet to a property line
- (10) Except for the setbacks specified in Subsections (7) and (8) above, no private access drive, truck parking area, scales, or operational equipment shall be closer than one hundred (100) feet to a property line.
- (11) The applicant shall provide quarry rehabilitation information and include a plan which indicates that
 - (a) Within two (2) years after the termination of quarrying operations, the area of actual quarrying operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.
 - (b) The slope of earth material in any excavated pit shall not exceed the angle of slippage.
 - (c) When the filling of any portion of the pit is desirable and economically feasible, such fill material must be able to sustain a vegetative cover of grass, plants, and trees, and such must be provided.
 - (d) To prevent any silt, erosional debris, or other loose material from filling any existing drainage course or encroaching on existing public roads or private property, all surface drainage exiting or developing by or through the top soil shall be controlled by dikes, barriers, or drainage structures. All measures to control natural drainage or flood water must meet with approval of the Board of Supervisors.
 - (e) Within two (2) years after termination of operations, all plant and equipment shall be removed, except where the plant and equipment is being utilized for processing earth material from other properties. Foundations and piers from any structure may remain in the ground if substantially covered.

KK. RECYCLING CENTERS

- (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) All operations, including collection, shall be conducted within a wholly-enclosed building.
- (3) There shall be no outdoor storage of used or generated materials generated from the operation.
- (4) The applicant shall provide an explanation of the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust, litter, and vector control.
- (5) The applicant shall assure regular maintenance of the site to assure the immediate collection

of stray debris.

LL. RESTAURANTS AND NIGHTCLUBS

- (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) No part of the subject property shall be located within two hundred (200) feet of any residential property. However, this requirement shall not apply to the conversion of an existing structure to a restaurant in the CV - Churchtown Village District.
- (3) The applicant shall provide a working plan which demonstrates that the proposed land use will not create excessive light, noise, litter, and loitering with respect to abutting properties.
- (4) The applicant shall furnish evidence identifying how the use will be controlled and will not constitute a nuisance due to noise, light, or loitering outside the building.
- (5) A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

MM. RETAIL SALES AND/OR RENTAL OF GOODS, BANKS AND OTHER FINANCIAL INSTITUTIONS, MEDICAL AND DENTAL CLINICS, AND PROFESSIONAL OFFICES

- (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.
- (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.

NN. RETAIL SALE OF NURSERY AND GARDEN MATERIALS

- (1) All driveways, parking areas, and loading zones shall be surfaced and maintained in a manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.
- (2) The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five (25) percent of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
- (3) All outdoor display areas shall be setback at least twenty-five (25) feet from the street right-of-way line.
- (4) All structures and parking and loading facilities shall be screened from residentially-zoned properties.
- (5) One (1) sign may be erected on the premises permitting the identification of the business. Such sign shall not exceed twelve (12) square feet in size and must be setback at least ten (10) feet from all lot lines.

OO. RIDING SCHOOL OR COMMERCIAL HORSE BOARDING STABLE

- (1) The maximum animal density for any riding school or horse boarding stable shall be one and one half (1-1/2) animals per acre.
- (2) Any structure used for the boarding of horses shall be setback at least two hundred (200) feet from all dwellings on adjoining properties.
- (3) All stables shall be maintained in a manner which minimizes odors perceptible at the property line.
- (4) All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five (25) feet from all property lines.
- (5) All parking compounds and unimproved overflow parking areas shall be setback at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

PP. SHOPPING CENTERS

- (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 following types of commercial and commercial-related establishments shall be permitted:
 - (a) Grocery store.
 - (b) Banks and similar financial institutions.
 - (c) Drugstore.
 - (d) Retail sale of goods, provided the total sales and/or display area is less than one thousand, five hundred (1500) square feet.
 - (e) Retail services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.
 - (f) Professional offices.
 - (g) Restaurants and taverns.
 - (h) Any other establishment which in the opinion of the Board is of the same general character as any of the above identified uses.
- (3) The minimum lot area shall be two (2) acres.
- (4) The minimum lot width shall be two hundred (200) feet.
- (5) The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.
- (6) 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.
- (7) The maximum building coverage shall be no greater than twenty-five (25) percent.
- (8) The maximum impervious lot coverage shall be no greater than seventy (70) percent.
- (9) The minimum landscaped area shall be no less than thirty (30) percent.
- (10) 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.
- (11) 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.

QQ. SOLID WASTE DISPOSAL AND PROCESSING FACILITIES (LANDFILLS AND MASS BURN FACILITIES)

- (1) The solid waste disposal and processing facility must be owned and operated by Caernarvon Township or an authority created by Caernarvon Township.
- (2) Not more than one (1) active solid waste disposal and processing facility shall be permitted within the Township at any one time.

- (3) The minimum lot area shall be fifty (50) acres. Additionally, no facility shall be permitted to be located within the FP - Floodplain District, and no facility shall be permitted to be located on Class I or Class II agricultural soils or within an area designated as an essential watershed by the Township, or by any other municipal, state, or federal agency.
- (4) The maximum permitted height of any portion of the solid waste disposal and processing operation shall not exceed thirty-five (35) feet above the ground level as it existed before development of the facility.
- (5) All solid waste processing operations shall be conducted within a wholly-enclosed building.
- (6) The minimum setback for all solid waste disposal areas shall be five hundred (500) feet from all property lines and zoning lines, or one thousand, five hundred (1,500) feet from any existing dwelling unit not served by public water, whichever is greater. No building or structure shall be located within two hundred (200) feet of any property line and five hundred (500) feet of any land within a residential zone.
- (7) Any area used for the unloading, transfer, storage, processing, incineration, or deposition of refuse must be completely screened from ground-level view at the property line. The use of an earthen berm is recommended whenever possible. In addition, such areas must also be completely enclosed by an eight (8) foot-high security fence, with no openings greater than two (2) inches in any direction. Said fence shall be set back a minimum of one hundred (100) feet from all property lines and from all waste disposal areas. The security fence shall be visually hidden from view along its entire length by a planting screen of the kind and type meeting the requirements of Section 1912 pertaining to Buffer Yards.
- (8) The applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.
- (9) The developer of the proposed facility shall submit a traffic study, prepared by a registered professional engineer experienced in traffic engineering, for approval by the Township. Said study shall indicate the effect the facility and all vehicular traffic generated by the facility will have on the street system within the Township and shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use. Where either the traffic study or the Comprehensive Plan of the Township indicates that a street, bridge, underpass or other street facility is deficient in any manner to adequately provide for the intended traffic, it shall be the responsibility of the developer to provide for the upgrading of such street, bridge, underpass, or other street facility as is necessary to alleviate the deficiency.
- (10) The facility shall be provided with access drives which shall originate from a public street and shall provide vehicular access to all unloading areas, treatment facilities, and on-site lagoon areas. Sufficiently-long stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back-up onto public roads. Improvements to the existing roads shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movements on the existing road. Additionally, all access drives shall meet the following design standards:
 - (a) The drive shall have ten (10) inches of 3A Modified Aggregate Base Course, two (2) inches of ID-2 Binder Course, and one and one-half (1-1/2) inches of ID-2 Wearing Course. All materials, equipment, and construction methods shall conform to PaDOT Form 408, as amended.
 - (b) Access drives shall have a minimum width of twenty-four (24) feet unless the drives are designed for one-way traffic only, in which case the access drive shall have a minimum width of twelve (12) feet.
 - (c) Access drives shall have a maximum gradient of ten (10) percent and a minimum gradient of three-quarters (0.75) percent.
- (11) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other means to prohibit access to the area at unauthorized times or locations.
- (12) Hazardous waste as identified by the Pennsylvania Department of Environmental Protection, shall not be disposed of within the subject property.
- (13) The size of the working face of the facility shall be confined to an area no greater than can be

- easily compacted and covered daily with available equipment. The working face shall be completely compacted and covered prior to the ending of daily operations on each day.
- (14) The final soil cover shall be revegetated as soon as weather permits and seasonal conditions are suitable for establishment of the type of vegetation to be used. All disturbed areas within the facility shall be revegetated to the satisfaction of the Township. Revegetation procedures as published in the current "Agronomy Guide" of the College of Agriculture, Pennsylvania State University, may be utilized.
 - (15) The final contours and landforms of the facility shall be similar to and compatible with the contours and landforms of adjacent land areas.
 - (16) The application for a special exception shall be accompanied by a working plan to prevent the scattering of debris and litter as well as the clean-up of the same. This plan shall indicate that portable litter control fences be located in the immediate operating area, approximately fifty (50) to seventy-five (75) feet downwind from the working face of the facility. The portable fencing shall be constructed of wire mesh, snow-fencing, or other suitable material for the control of blowing litter. Excessive winds or the nature of the solid waste may require additional litter control measures which shall be provided to the satisfaction of the Township. The entire facility shall be adequately policed and litter shall be collected routinely at no greater than weekly intervals from all fences, access drives, and planting screens. Litter shall not be permitted to be blown or otherwise deposited outside the property lines of the sanitary landfill.
 - (17) The facility shall employ qualified facility operators responsible for supervising all unloading, processing, transfer, and deposition activities of solid waste.
 - (18) Leak and vector proof containers shall be provided for the storage of any waste that cannot be used in any disposal process or material that is to be recycled. Such containers shall be designed to prevent their being carried by wind and/or water and shall be stored within a wholly-enclosed building.
 - (19) No more solid waste shall be stored on the property than what is necessary to keep the facility in constant operation; but in no circumstance shall such waste be stored for greater than seventy-two (72) hours. The storage of solid waste as a result of a recycling facility administered in conjunction with a landfill operation shall be conducted in accordance with the provisions of Section 2104.KK. of this Ordinance.
 - (20) A contingency plan for the disposal of solid waste shall be submitted to the Township in the event of a facility shutdown.
 - (21) Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection regulations.
 - (22) All structures shall be setback at least a distance equal to their height.
 - (23) Except for minor water uses such as for office and administrative activities, the applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed. In addition, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.

A water feasibility study shall include the following information:

- (a) calculations of the projected water needs.
- (b) a geologic map of the area with a radius of at least one (1) mile from the site.

- (c) the location of all existing and proposed wells within one thousand (1000) feet of the site with a notation of the capacity of all high yield wells.
 - (d) the location of all existing on-lot sewage disposal systems within one thousand (1000) feet of the site.
 - (e) the location of all streams within one thousand (1000) feet of the site and all known point sources of pollution.
 - (f) based on the geologic formation(s) underlying the site, a determination of the long-term safe yield.
 - (g) a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
 - (h) a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- (24) A minimum one-hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
 - (25) Solid waste disposal and processing facilities shall be subject to all requirements of Ordinance No. 6, adopted November 2, 1970, and all amendments thereto, except such provisions as may be inconsistent with any of the requirements of this section.

RR. TRUCK OR MOTOR FREIGHT TERMINAL

- (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 compliance with all applicable industrial performance standards stated in Section 1004 of this Zoning Ordinance.

SS. WHOLESALE AGRICULTURAL PRODUCE SALES, STOCKYARDS, AND BUYING STATIONS

- (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) While the maximum lot area for the land use shall not exceed five (5) acres in area, the use shall be of appropriate size and design so that vehicular and pedestrian traffic to and from the use will not create undue congestion or hazards within the general neighborhood.
- (3) All driveways, parking areas, and loading zones shall be surfaced and maintained in a manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.
- (4) The owner and/or operator of the land use shall be responsible for removing any mud from public roads caused by vehicles traveling to and from the facility.
- (5) The Zoning Hearing Board shall establish the permissible days and hours of operation for the land use.
- (6) Soil erosion, sedimentation, and storm water runoff shall be controlled in accordance with all applicable laws and regulations.
- (7) Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- (8) The application for a special exception shall be accompanied by a working plan for the clean-up and disposal of litter on the subject property.
- (9) All outdoor loudspeaker and lighting systems shall be designed, arranged, and operated to prevent a nuisance on adjoining properties.
- (10) No building or parking facility shall be located within one hundred (100) feet of any adjacent residential property.

TT. WHOLESALE DISTRIBUTION OF INDUSTRIAL PRODUCTS, INCLUDING LUMBER AND COAL

YARDS, BUILDING MATERIAL STORAGE YARDS, CONTRACTORS' EQUIPMENT AND STORAGE YARDS, AND COMMERCIAL WAREHOUSES

- (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 compliance with all applicable industrial performance standards stated in Section 1004 of this Zoning Ordinance.

UU. ACCESSORY DWELLING UNIT

- (1) The accessory dwelling unit shall be physically connected to the principal dwelling unit or shall be a converted existing detached building which maintains the same footprint and which conforms to the prevailing front, side, and rear yard setback requirements.
- (2) If the accessory dwelling unit is an apartment within the structure housing the principal dwelling unit on the lot, the accessory dwelling unit may be located in a single-family detached dwelling or a single-family semi-detached dwelling. Accessory dwelling units shall not be permitted when an apartment dwelling unit is the principal dwelling unit.
- (3) The accessory dwelling unit shall share the same sewage disposal and water supply systems as the principal dwelling unit.
- (4) Upon proper installation of an accessory dwelling unit, the Zoning Officer shall issue a temporary Certificate of Use and Occupancy. Such certificate shall be renewed between January 1 and January 31 of each year, until such time as the accessory dwelling unit is required to be removed. A fee, in the amount to be set by the Caernarvon Township Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary Certificate of Use and Occupancy.
- (5) A minimum of one (1) off-street parking space shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
- (6) The landowner shall submit documentation on how the accessory dwelling unit will be incorporated into the floor plan of the principal dwelling unit once the use is abandoned or document how the accessory dwelling unit will be removed from a detached building.
- (7) The accessory dwelling unit shall be removed within six (6) months after it is no longer occupied by a person who qualifies for the use or the petitioner shall provide a statement of intended future use that conforms with the Zoning Ordinance for a single-family dwelling unit.
- (8) The accessory dwelling unit shall be occupied by a maximum of two (2) people.

VV. CUSTOM AGRICULTURAL SERVICES

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

WW. HOME OCCUPATIONS

- (1) Home occupations shall be permitted subject to all applicable criteria listed in this Section and all other applicable regulations in the respective underlying zoning district. The applicant shall demonstrate to the Zoning Hearing Board that the proposed home occupation is:
 - (a) Compatible with other uses permitted in the respective zoning district.
 - (b) Incidental and secondary to the use of the property as a residential lot.
 - (c) Maintaining and preserving the residential and/or agricultural character of the neighborhood and the lot itself.
 - (d) Promoting the efficient use of public services and facilities by assuring these services

are provided to the residential population for which they are planned and constructed, rather than as commercial uses.

- (2) Only single-family detached dwelling units with direct access to a public street may be used for a home occupation. If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the permit application for the home occupation. All home occupations shall also meet the following criteria:
- (a) A home occupation conducted within a dwelling unit shall not occupy more than twenty-five (25%) of the floor area of the dwelling, excluding unimproved attics, unimproved basements, and attached garages of the dwelling. Accessory buildings may be used for a home occupation. However, if an accessory building is used, the work and storage area of that building may not exceed a total of six hundred (600) square feet.
 - (b) Home occupations shall be limited to those occupations customarily conducted within a dwelling unit.
 - (c) No more than two (2) non-resident employees shall be permitted. However, in the case of a home occupation of an office in the building trades and similar fields, the business may have additional employees for off-site activities provided they are not employed on-site, they do not park on or near the property, and they do not visit the property during the course of business.
 - (d) One (1) commercial vehicle connected with the home occupation may be maintained on the property. Said vehicle shall not exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds nor have more than two (2) axles. Any trailer associated with the home occupation shall be parked in the rear yard area.
 - (e) The exterior appearance of the dwelling shall be maintained as a residential dwelling.
 - (f) The applicant shall demonstrate that adequate off-street parking shall be provided for both the home occupation and the dwelling unit. In no event shall the parking spaces provided be less than two (2) for the dwelling unit, one (1) for each non-resident employee, and such other parking spaces as required under Section 1602 of this Ordinance. Such parking spaces shall be screened from adjoining properties.
 - (g) When the driveway access to the home occupation intersects a minor collector or major collector street as identified in Article XVIII, a vehicular turnaround shall be provided to prohibit the backing out of vehicles onto such roadways. The turnaround area shall not be utilized as an off-street parking area.
 - (h) Retail sale of merchandise, supplies, or products shall not be conducted on the property except for the following:
 - (i) The sale of items that are clearly incidental and subordinate to the conducting of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted.
 - (ii) Orders previously made by telephone, by appointment or at a sales party may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or rack, but a person may pick-up an order placed earlier as described above. "Parties" for the purpose of selling merchandise or taking orders shall not be held more than one (1) time each month at the site of the home occupation.
 - (i) No storage or display of goods shall be visible from the outside of the building.
 - (j) No external storage of materials or products shall be permitted.
 - (k) No emission of unpleasant gases or other odorous matter shall be permitted.
 - (l) No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property, or vegetation shall be permitted.
 - (m) No glare and heat from any home occupation shall be permitted.
 - (n) No discharge is permitted into a sewage or storm water management system, stream, open body of water, or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be

- detrimental to any sewage system or any sewage treatment plant, or otherwise could cause the emission of dangerous objectionable elements.
- (o) No vibrations perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.
 - (p) No noise shall be audible beyond the dwelling unit or building in which the home occupation is conducted which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
 - (q) No emission of any smoke shall be permitted.
 - (r) Electronic or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
 - (s) No manufacturing, repairing or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration or electromagnetic interference shall be noticeable at or beyond the property line.
 - (t) The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks.
 - (u) A home occupation shall not generate waste products or material of a quality or quantity not normally associated with a residential use.
 - (v) The conducting of any home occupation shall not create a traffic problem in terms of generating traffic congestion.
 - (w) The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the home occupation. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the existing on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the home occupation.
 - (x) One (1) non-illuminated sign, not to exceed two (2) square feet in display area, shall be permitted.
 - (y) Unless otherwise determined by the Zoning Hearing Board, an approved home occupation may be conducted only during the hours of 6 a.m. to 9 p.m.
 - (z) The applicant shall obtain a Certificate of Use and Occupancy for a home occupation in accordance with Section 2210. of the Zoning Ordinance.
 - (aa) The Zoning Hearing Board shall deny a home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.

XX. RURAL OCCUPATIONS

- (1) The rural occupation shall be compatible with other uses permitted in the respective zoning district.
- (2) The rural occupation shall be incidental and secondary to the use of the property as a residential lot.
- (3) The rural occupation shall maintain and preserve the residential and/or agricultural character of the neighborhood and shall not dramatically alter the character of the lot itself.
- (4) The rural occupation shall promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they are planned and constructed, rather than as commercial uses.
- (5) The rural occupation shall be conducted on the same property as the owner's principal residence. The gross floor area of the rural occupation shall follow the below scale:
 - (a) Lot area up to ten (10) acres - one thousand, two hundred (1,200) square feet.
 - (b) Lot are of ten (10) acres or greater - two thousand, five hundred (2,500) square feet.

In addition, the operator of a rural occupation is permitted to utilize no more than five hundred (500) square feet of any proposed building or one thousand (1,000) square feet of an existing building for fully enclosed storage of materials used in the rural occupation.

- (6) A rural occupation shall only be conducted within a conforming and completely enclosed accessory building, with the exception of a separate building used for the storage of materials. If a new building is constructed for the rural occupation, it shall be located to the side or rear of the principal residence.
- (7) Where a rural occupation is located adjacent to the R-1 or R-2 - Residential boundary, no part of the rural occupation shall be within one hundred (100) feet of that district boundary.
- (8) In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation, and/or other accessory uses.
- (9) All off-street parking and loading spaces shall conform to Article XVI and shall be screened from adjoining roads and properties.
- (10) Materials, products or supplies comprising any part of the rural occupation shall be contained within an enclosed building, unless by request and upon review, the Zoning Hearing Board allows outside storage for the particular application. In no case shall outside storage be permitted in the required side, front or rear yard setback area, nor shall materials be stacked to a height greater than six (6) feet. The Board shall also determine what buffering from adjoining properties is necessary when outside storage is permitted.
- (11) The use of one (1) commercial vehicle up to two (2) axles is permitted as part of the rural occupation. Any trailer associated with the rural occupation shall be parked within the rear yard area.
- (12) A rural occupation shall have a minimum seventy-five (75) foot long gravel or paved access extending into the subject parcel to prevent tracking of mud onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery and customer vehicles. In addition, when the driveway access to the rural occupation intersects a collector street as identified in Article XVII, a vehicular turnaround shall be provided to prohibit the backing out of vehicles onto such roadways. The turnaround area shall not be utilized as an off-street parking area.
- (13) One (1) non-illuminated sign not exceeding six (6) square feet shall be permitted and must be set back a distance at least equal to its height from every lot line.
- (14) The maximum number of employees that do not reside on the site shall not exceed two (2) full-time positions. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation.
- (15) Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday, unless otherwise specified by the Board.
- (16) When a rural occupation involves retail sales, the sales and display area shall not exceed twenty-five percent (25%) of the permitted area of the rural occupation as stated in sub-section "(5)" above.
- (17) No manufacturing, mechanical or industrial uses shall be permitted which causes any noise, odor, glare, fumes, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the closest property line. Excluding wastewater treatment, no use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted.
- (18) A planting screen, if required by the Zoning Hearing Board, shall initially and perpetually meet the physical performance standards of this Ordinance, even though such standards are established primarily for commercial and industrial districts within the Township.
- (19) The applicant shall acknowledge the existence of the performance standards of Section 1004 of this Zoning Ordinance. The applicant shall be prepared to address these standards as they might apply to the application should any questions or concerns be raised at the hearing.
- (20) The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principal residence.
- (21) All trash dumpsters shall be located within a side or rear yard and be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.

- (22) The applicant shall obtain a Certificate of Use and Occupancy for a rural occupation in accordance with Section 2210. of the Zoning Ordinance.

YY. MINI-WAREHOUSES

- (1) One (1) off-street parking space shall be provided for each twenty-five (25) storage units, plus one (1) space per two hundred and fifty (250) square feet of office space.
- (2) Parking shall also be provided along the driving lanes adjacent to the building(s) These lanes shall be at least twenty-six (26) feet wide when storage units open onto one (1) side of the lane only, and at least thirty (30) feet wide when storage units open onto both sides of the lane.
- (3) Additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residential and/or residentially-zoned property and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, inoperative or unlicensed/unregistered vehicles.
- (4) All storage shall be kept within an enclosed building, except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above.
- (5) The repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited.
- (6) The applicant shall demonstrate how any door openings for any mini-warehouse storage unit facing any residential and/or residentially-zoned property shall not have an adverse effect upon that property.
- (7) Mini-warehouses shall be used solely for the dead storage of property. The following are examples of uses expressly prohibited upon the site:
 - (a) Auctions, commercial wholesale or retail sales or garage sales.
 - (b) The servicing, repair or fabrication of motor vehicles boats, trailers, lawn mowers, appliances or other similar equipment.
 - (c) The operation of power tools, spray-painting equipment, table saws, lathes, compressors welding equipment, kilns or other similar equipment.
 - (d) The establishment of a transfer and storage business.
 - (e) Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (8) The applicant shall adequately demonstrate that all mini-warehouse rental and/or use contracts shall specifically prohibit these uses.

ARTICLE XXII

ADMINISTRATION AND ENFORCEMENT

SECTION 2200. INTERPRETATION AND APPLICATION

The provisions of the Zoning Ordinance, in its interpretation and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the Township. Every use, structure, building, or sign shall conform with all provisions of the Zoning Ordinance except those exempted by or under the Ordinance. Nothing in the Zoning Ordinance shall require any change in plans or construction of a building for which a building permit has been issued by the Township prior to the effective date of the Zoning Ordinance, and which is completed within one (1) year of the effective date of the Zoning Ordinance.

SECTION 2201. THE ZONING OFFICER

The provisions of the Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to waive or modify any term or condition of the Ordinance or permit any construction or any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct and may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

SECTION 2202. ZONING OFFICER - DUTIES AND POWERS

The Zoning Officer shall be charged with the duty and shall have the power to enforce literally the provisions of this Zoning Ordinance and its amendments. The Zoning Officer shall have such duties and powers as are conferred upon him by this Zoning Ordinance and as reasonably implied for the purposes of enforcement. The Zoning Officer's duties shall include but are not limited to, the following:

- A. Receive and examine all applications for zoning permits and issue permits only when the provisions of this Ordinance and with other Township ordinances, provided, however, the issuance of a zoning permit shall not be deemed a waiver of the requirements of any Township ordinance.
- B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign, and/or land shall be retained as long as they remain in existence.
- C. Receive applications for special exceptions and forward these applications to the Zoning Hearing Board for action thereon.
- D. Following refusal of a permit, when a permit is submitted and denied, to receive applications for appeals from alleged error of the Zoning Officer and variances and forward these applications to the Zoning Hearing Board for action thereon.
- E. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
- F. Issue stop, cease and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally, by general mailing, or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.
- G. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board.
- H. With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction,

reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation so as to prevent the occupancy of or use of any building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

- I. Revoke by order a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- J. Maintain a map showing the current zoning classification of all land.
- K. Upon the request of the Board of Supervisors, the Planning Commission, or the Zoning Hearing Board present to such bodies facts, records, or reports which they may request to assist them in making decisions.
- L. Identify and register non-conforming uses and non-conforming structures.

SECTION 2203. ZONING PERMITS

No building or structure shall be erected, constructed, reconstructed, structurally altered, or moved, and no land or building changed in use until a zoning permit has been secured from the Zoning Officer. Zoning permits shall be issued with a two (2) year life, provided, however, that if work is not commenced or a change in use of building or land is not commenced within ninety (90) days after issuance of the zoning permit, the permit shall automatically expire and a new permit shall be required before such work or change in use commences. Permits shall not be required for general maintenance work, painting, clearing woodlands, building ponds, tilling the soil, constructing fences, terraces, steps or similar features, landscaping, or for installation of utility buildings having a gross floor area of less than one hundred (100) square feet.

SECTION 2204. APPLICATION REQUIREMENTS FOR ZONING PERMITS

- 1. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include a completed permit application form and all applicable supportive information as may be required and stated in the permit application. In addition, the permit application shall be accompanied by the following information, as applicable:
 - A. Building construction plans as may be required for approval under the Caernarvon Township Building Code.
 - B. Documentation that a subdivision and/or land development plan has been recorded in the office of the Lancaster County Recorder of Deeds.
 - C. Documentation that the Lancaster County Conservation District has approved a sedimentation and erosion control plan or that an NPDES permit has been issued for earth disturbance activities.
 - D. Documentation that a permit has been approved for the installation or modification of an on-lot sewage disposal system.
 - E. Documentation that a permit has been approved for connection to a centralized sewer and/or water service.
 - F. Any additional plans and information reasonably necessary for the Zoning Officer to ascertain whether the proposed use, change in use, erection, alteration, or addition complies with the provisions of this Ordinance.

SECTION 2205. ISSUANCE OF ZONING PERMITS

- 1. Zoning permits shall be granted or refused within ninety (90) days after the written application has been filed with the Zoning Officer, except as provided for special exception applications. The zoning permit shall be authorization under this Ordinance to proceed with the work described in the application, provided a building permit is secured, if necessary. Upon completion of the activity authorized by any zoning permit, the holder of such permit shall notify the Zoning Officer of such completion. All applications with accompanying plans and documents shall become and be preserved as a public record, subject to the disposition by the Board of Supervisors.
 - A. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved.

- B. One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records
- C. If the request is not acceptable, the Zoning Officer shall, within ninety (90) days of receipt of a reviewable application as aforesaid, send to the applicant by regular mail a written statement explaining the reason or reasons why the permit cannot be issued. In addition, the Zoning Officer shall advise the applicant if a special exception is an available remedy, or if not, that the applicant may have the right to request a variance and that the applicant may appeal the refusal within thirty (30) days of issuance of the same.

SECTION 2206. COMPLAINTS REGARDING VIOLATIONS

The Zoning Officer may upon learning of an alleged violation, investigate said alleged violation. A written report of all investigations of alleged violations of the Zoning Ordinance shall be prepared and properly filed, and a copy sent to the Board of Supervisors. Additionally, the Zoning Officer, when in receipt of a signed written complaint stating fully the cause and basis of any alleged violation, shall complete said investigation and also submit the written report of said investigation with the individual filing the complaint. If, after the investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided by the Zoning Ordinance.

SECTION 2207. ENFORCEMENT

If it appears that a violation of any of the provisions of this Zoning Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided below:

- A. The enforcement notice shall be sent to the owner of the record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- B. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom Caernarvon Township intends to take action.
 - (2) The location of the property in question.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Zoning Ordinance.
 - (4) The date before which the steps for compliance must be commenced, and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board in accordance with the terms and procedures stated in Article XXIV of this Zoning Ordinance.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, clearly constitutes a violation, with possible sanctions clearly described.
- C. If any such person does not comply with the notice of violation and the stop, cease and desist order within the time period specified, the Zoning Officer shall notify the Board of Supervisors, that the Township Solicitor shall be asked to initiate in the name of the Township, appropriate legal action against such person in accordance with Article XXV of this Zoning Ordinance. However, in no case shall the person notified abandon the premises in such condition so as to create a hazard to the public health, safety, morals, or welfare.

SECTION 2208. OFFICIAL RECORDS

It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and all amendments, the Official Zoning Map, and all other pertinent information. The records of his office, including the written statement of all permits issued and violations and stop work orders recommended or promulgated, shall be available for the use of the Township government and inspection by any interested party during normal office hours.

SECTION 2209. TEMPORARY ZONING AND USE PERMIT

1. **ISSUANCE OF TEMPORARY ZONING AND USE PERMITS.** The Zoning Officer shall also issue a temporary Zoning and Use permit for such temporary uses as tents, trailers, and temporary buildings on construction sites, and the use of land for religious or other public or semi-public purposes, or other such temporary uses, if the request is permitted by the Zoning Ordinance or upon order of the Zoning Hearing Board. Such temporary permit shall be for a time determined by the Zoning Hearing Board, or if the Board is not involved, as deemed necessary and proper by the Zoning Officer, but in no event for a period of time in excess of six (6) months.
2. **CERTIFICATE OF USE AND OCCUPANCY FOR MOBILE HOME PARKS.** A Certificate of Use and Occupancy for mobile home parks shall be issued for a period of one (1) year only and shall be annually renewed as provided for in Article XIII of this Zoning Ordinance.

SECTION 2210. ZONING AND USE PERMIT FOR NO-IMPACT, HOME-BASED BUSINESSES, HOME OCCUPATIONS, RURAL OCCUPATIONS, AND ON-FARM OCCUPATIONS

1. **APPLICATION REQUIREMENTS.**
 - A. The application for a no-impact, home-based business, home occupation, rural occupation, and on-farm occupation shall be submitted in such a form as the Zoning Officer may prescribe and shall be accompanied by the required filing fee as adopted by resolution of the Board of Supervisors. The form shall include, but not be limited to, the following information:
 - (1) Name, mailing address and phone number of applicant.
 - (2) Street address of the property.
 - (3) Description of all activities involved in the proposed business activity and how the activity will operate.
 - B. The Zoning Officer shall review the permit application for compliance with the Zoning Ordinance, and visit the dwelling or farm if deemed necessary to determine compliance with all provisions of the Zoning Ordinance and any conditions attached to the approval by the Zoning Hearing Board, when applicable. Upon approval, the Zoning Officer shall issue the Zoning and Use Permit. If the application does not conform to the provisions of this Part, the Zoning Officer shall so notify the applicant in writing. Such notification shall include findings in support of the decision and the applicant's right of appeal to the Zoning Hearing Board.
2. **NO-IMPACT, HOME-BASED BUSINESS, HOME OCCUPATION, RURAL OCCUPATION, AND ON-FARM OCCUPATION PERMITS.**
 - A. In the event an application is approved, then a Zoning and Use Permit shall be issued to the applicant. Said permit shall apply only to the applicant, occupation or business activity, and premises stated in the application. The permit is non-assignable and non-transferable. Said permit shall also be deemed to be automatically revoked upon the earliest of the following:
 - (1) the applicant dies;
 - (2) the applicant moves from the premises where the permit was granted; or
 - (3) the applicant otherwise ceases engaging in the home occupation, rural occupation or on-farm occupation.
3. **INSPECTIONS OF NO-IMPACT, HOME-BASED BUSINESSES, HOME OCCUPATIONS, RURAL OCCUPATIONS, AND ON-FARM OCCUPATIONS.** There may be one (1) inspection each year by the Zoning Officer, or a person designated by the Zoning Officer, of such occupations or businesses issued a permit. In addition, the Zoning Officer, or designee, shall have the right to enter and inspect the premises covered by said permit for compliance purposes following notification of the property owner forty-eight (48) hours in advance of the inspection. Any costs associated with said inspection shall be the responsibility of the owner/operator of the occupation or business based upon a fee

schedule to be determined by the Board of Supervisors by resolution.

SECTION 2211. **FEES**

The applicant for a zoning permit shall, at the time of making application, pay to the Zoning Officer for the use of the Township a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors upon the enactment of this Ordinance or as such schedule may be amended by resolution of the Board of Supervisors. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XXIII

AMENDMENTS

SECTION 2300. **AMENDMENTS**

The Caernarvon Township Board of Supervisors may from time to time as hereinafter provided, amend, supplement, change, or repeal the Zoning Ordinance or the Official Zoning Map of the Township. Any amendment, supplement, change, or repeal may be initiated by the Board of Supervisors, the Township Planning Commission, or by a petition to the Board of Supervisors by an interested party.

SECTION 2301. **PROCEDURE FOR PETITION TO THE BOARD OF SUPERVISORS BY AN INTERESTED PARTY**

1. **PETITION REQUIREMENTS.** The petition for amendment, supplement, change, or repeal shall be submitted in duplicate to the Board of Supervisors and contain information to identify the petitioner, the amendment, supplement, change, or repeal, and the petitioner's interest in the amendment, supplement, change, or repeal. In instances where the petition requests a change in the boundaries of a Zoning District on the Official Zoning Map, an accurate legal description and surveyed plan of any land to be rezoned shall be provided and shall be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings.
2. **PROCEDURE FOR PETITION CONSIDERATION.** After receipt of the petition by the Board of Supervisors, it shall forward said petition to the Zoning Officer who shall simultaneously transmit said petition to the Caernarvon Township and Lancaster County Planning Commissions for their review and recommendations. A report of the review of the Township Planning Commission, together with any recommendations, shall be given to the Board of Supervisors in writing within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of the Caernarvon Township Comprehensive Plan. The submission of the proposed amendment to the Lancaster County Planning Commission shall occur at least thirty (30) days prior to the Township's public hearing on the amendment.
3. **PETITION EXEMPTED FROM STANDARD PROCEDURE.** When the Zoning Officer determines that the petition for change is substantially the same as a petition submitted within six (6) months previous, he shall transmit the petition to the Board of Supervisors who shall instruct the Zoning Officer to process the petition as specified in this Article or, stating their reasons, refuse to take further action on the petition.

SECTION 2302. **AMENDMENT INITIATED BY THE TOWNSHIP PLANNING COMMISSION**

When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, a report of the proposed amendment, supplement, change, or repeal shall be presented to the Zoning Officer. Said proposal shall be processed in the same manner as a petition filed under Section 2301 with the exception that no review of the petition is required by the Township Planning Commission.

SECTION 2303. **AMENDMENT INITIATED BY THE BOARD OF SUPERVISORS**

When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, said proposal shall be processed in the same manner as a petition filed under Section 2301 of this Zoning Ordinance.

SECTION 2304. **CURATIVE AMENDMENT BY A LANDOWNER**

1. **PROCEDURE**
 - A. A landowner who desires to challenge on substantive grounds, the validity of the Zoning

Ordinance or the Official Zoning Map of the Township or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1. of the MPC. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be processed in accordance with Section 2301. of this Zoning Ordinance, and public notice of the hearing shall be as provided for in Section 2307. of this Ordinance.

- B. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. When the Board of Supervisors has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

SECTION 2305. CURATIVE AMENDMENT BY THE BOARD OF SUPERVISORS

1. PROCEDURE

- A. The Board of Supervisors shall declare by formal action its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration, the Board of Supervisors shall:
 - (1) By resolution, make specific findings setting forth the declared invalidity of the Zoning Ordinance or portions thereof which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which require revision; or
 - (c) Reference to the entire Zoning Ordinance which require revisions.
 - (2) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred and eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 2301. to cure the declared

- invalidity of the Zoning Ordinance.
- C. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 2408, subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
 - D. The Board of Supervisors, having utilized the procedures as set for the in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

SECTION 2306. AUTHENTICATION OF THE ZONING MAP

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

SECTION 2307. PUBLIC NOTICE

When any amendment, supplement, change, or repeal which changes the boundaries of any Zoning District, changes the uses and structures permitted in a Zoning District, or changes the Height and Area Regulations applicable in a Zoning District, a public hearing in relation thereto shall be held by the Board of Supervisors at which parties in interest and citizens shall have an opportunity to be heard.

1. PUBLICATION, ADVERTISEMENT, AND AVAILABILITY OF ORDINANCES

- A. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - (1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - (2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- B. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- C. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall at least ten (10) days prior to

enactment readvertise, in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

- D. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- E. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the county planning agency.

ARTICLE XXIV

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

SECTION 2400. CREATION AND MEMBERSHIP

1. There is hereby created a Zoning Hearing Board. As used in the Zoning Ordinance, unless the text clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board. The membership of the Board shall, upon determination of the governing body, consist of either three (3) or five (5) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office of a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member of a five (5) member board shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this section. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
2. The governing body may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. The powers and duties of alternate members shall be as provided for in Section 903 of the MPC.

SECTION 2401. GENERAL PROCEDURES

The Zoning Hearing Board shall adopt such rules and regulations to govern its procedures as it may deem necessary, and as provided for by Section 906 of the MPC. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed with the Township Secretary and shall be a public record.

SECTION 2402. HEARINGS

1. Appeals to the Zoning Hearing Board may be taken by any person or Township official aggrieved or affected by any provision of the Zoning Ordinance or by any decision, including any order to stop, cease and desist issued by the Zoning Officer. The hearing for such appeal shall be taken within sixty (60) days from the date of the applicant's request and as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof, unless the applicant has agreed in writing to an extension of time. Upon payment of any fees established by resolution of the Board of Supervisors, the Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. The Board shall conduct hearings and make decisions in accordance with the following requirements:
 - A. The Board shall fix a reasonable time and place for a public hearing of the appeal, and shall give notice thereof as follows:
 - (1) Public Notice - Public notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the

- second publication shall not be less than seven (7) days from the date of the hearing.
- (2) Written Notice - Written notice shall be provided as follows:
- (a) By mailing due notice at least seven (7) days prior to the date of the hearing to the parties in interest and to those persons whose properties within Caernarvon Township adjoin or are across public roads from the property in question.
 - (b) By mailing due notice at least seven (7) days prior to the date of the hearing to the Secretary of the Caernarvon Township Planning Commission, the Secretary of the Caernarvon Township Board of Supervisors, and the Caernarvon Township Zoning Officer.
 - (c) By providing notice of said hearing conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or the hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- C. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board. However, the appellant, or the applicant, as the case may be, in addition to the Township, may prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.
- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based on any provisions of this Ordinance

or of any act, rules, or regulation and shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decisions or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this paragraph, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 2402.1 of this Zoning Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this paragraph shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- K. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. Parties to proceedings authorized by this article may utilize mediation as an aid in completing such proceedings. In exercising such an option, the Township, the Board, and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 2411 of this Zoning Ordinance and Section 908.1 of the MPC.

SECTION 2403. JURISDICTION

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure, or lot.
- B. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 2404.1. of this Zoning Ordinance.
- C. Applications for special exceptions under the Zoning Ordinance pursuant to Section 2404.2. of this Zoning Ordinance.
- D. Appeals from the Zoning Officer's determination under Section 2409. of this Zoning Ordinance.
- E. All other matters authorized by the MPC. In addition to the powers set forth in this section, the Zoning Hearing Board shall have all powers and jurisdiction set forth in the MPC.

SECTION 2404. ZONING HEARING BOARD FUNCTIONS - VARIANCES AND SPECIAL EXCEPTIONS

- 1. **VARIANCES.** The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity,

narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the appellant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. **SPECIAL EXCEPTIONS.** Where the Board of Supervisors, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as provided in Article XXI of this Zoning Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
3. **TIME LIMITATIONS.** Unless otherwise specified by the Board or by law, a variance or special exception shall expire if the applicant fails to obtain a zoning permit within one (1) year of the date of authorization thereof by the Board or by the court if such special exception or variance has been granted after an appeal. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception or variance approval within two (2) years from the date of authorization thereof by the Board or by the court if such variance or special exception has been granted after an appeal. The Board for reasonable cause shown may extend the approval for an additional period for one (1) year.

SECTION 2405. PARTIES APPELLANT BEFORE THE BOARD

Appeals under Section 2403.1. shall be filed with the Board in writing by the landowner affected, any officer or agency of Caernarvon Township, or any person aggrieved. Requests for a variance under Section 2404.1. and for special exception under Section 2404.2. shall be filed with the Board by any landowner or any tenant with the permission of such landowner. Said appeal shall include the following information and any other information that may be required by a specific application for such request:

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

SECTION 2406. TIME LIMITATIONS

- 1. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in

any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the MPC or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 2408 of this Zoning Ordinance shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of determination is issued.

SECTION 2407. STAY OF PROCEEDING

1. Upon filing of any proceeding referred to in Section 2405., and during its pendency before the Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing, evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

SECTION 2408. VALIDITY OF ORDINANCE: SUBSTANTIVE QUESTIONS

1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
 - A. To the Zoning Hearing Board under Section 2402.1. of this Zoning Ordinance, or
 - B. To the Board of Supervisors under applicable provisions of the MPC.
2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 2403.1.A. of this Zoning Ordinance.

SECTION 2409. PROCEDURE TO OBTAIN PRELIMINARY OPINION

In order to not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of

his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 2406. of this Zoning Ordinance by the following procedure:

- A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 2406. and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

SECTION 2410. APPEAL TO COURT

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus). Procedures set forth to constitute the exclusive mode for securing review of any decision rendered pursuant to this article or deemed to have been made under this Zoning Ordinance shall be in accordance with Article X-A of the MPC.

SECTION 2411. MEDIATION OPTION

1. Parties to proceedings authorized in this Zoning Ordinance may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Zoning Ordinance once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - A. Funding mediation.
 - B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized in this Zoning Ordinance and the MPC, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - E. Identifying all parties and affording them the opportunity to participate.
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of this Zoning Ordinance.
3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

ARTICLE XXV

VIOLATIONS AND REMEDIES

SECTION 2500. VIOLATIONS

Failure to secure a zoning permit prior to a change in the use of land or structure, or the erection, construction, or alteration of any structure or portion thereof, or any occupancy of same, or any violation of any other term or condition of this ordinance shall be a violation of this Zoning Ordinance.

SECTION 2501. CAUSES OF ACTION

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

SECTION 2502. ENFORCEMENT REMEDIES

1. Following the issuance of any notice of violation by the Zoning Officer, and should said notice not be complied with within a period of five (5) days, the Zoning Officer shall notify the Board of Supervisors and the Township Solicitor may be asked to initiate in the name of the Township any appropriate action or proceedings at law or in equity to prevent such unlawful erection, construction, alteration, repair, extension, replacement, relocation, conversion, maintenance, and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
2. District justices shall have initial jurisdiction over proceedings brought under this section.
 - A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.
 - B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.
 - C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

ARTICLE XXVI

VALIDITY

Should any section or provision of this Zoning Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Zoning Ordinance as a whole or of any other part thereof.

ARTICLE XXVII

REPEALER

All ordinances or parts of ordinances inconsistent with the provisions of this Zoning Ordinance are hereby expressly repealed.

ARTICLE XXVIII

EFFECTIVE DATE

The Zoning Ordinance shall become effective five (5) days after its adoption by the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania.

ENACTED AND ORDAINED this ____ day of _____, ____ at a meeting of the Board of Supervisors of Caernarvon Township, Lancaster County, Pennsylvania.

BOARD OF SUPERVISORS
OF CAERNARVON TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

BY:
Chairman

BY:
Supervisor

BY:
Supervisor