Pequea Township Zoning Ordinance

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ARTICLE 1 BACKGROUND PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the "Pequea Township Zoning Ordinance of 2015."

Section 102. Purpose

This Ordinance is enacted to promote, protect and facilitate the public health, safety, 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, as well as 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 Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

The Comprehensive Planning process in Pequea Township has shown an overwhelming desire to maintain the Township as a rural community with irreplaceable prime agricultural soils. Agriculture remains a strong cultural influence. Furthermore, the primary goal for the future development of Pequea Township is the maximum preservation of agricultural land and agricultural activity. Therefore, all uses in zoning districts which abut any Agricultural District or any existing agricultural activity must accept the nuisances and hazards which are a normal adjunct to farming.

A primary purpose of the regulations contained in this Ordinance is to provide stewardship of open space, unique plant and wildlife habitats, and environmentally sensitive areas so that such natural resources may be conserved for future generations of Pequea Township residents.

Section 103. Community Development Objectives

This Ordinance is enacted in accordance with the Pequea Township Comprehensive Plan (Comprehensive Plan), and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted with regard to the community development objectives listed in the Comprehensive Plan and amendments thereto.

Section 104. Scope

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

To the extent permitted by law, all private and governmental entities shall comply with all provisions of this Ordinance. Notwithstanding the foregoing, the provisions of this Ordinance shall not apply to Pequea Township.

Section 105. Interpretation

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

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

Section 106. Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

The provisions of this Ordinance do not repeal, abrogate, annul, supersede or interfere with any deed restrictions, restrictive covenants, or other private agreements governing the use or development of property.

Section 107. Validity

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

Section 108. Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception use. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and

compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purpose and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and general welfare of the neighborhood.

ARTICLE 2 DEFINITIONS

Section 201. Interpretation

Except as otherwise expressly stated in this Ordinance or where the context clearly indicates otherwise, and subject to other provisions of this Section:

A) Words and phrases appearing in this Ordinance, which are defined in this Article or other provisions of this Ordinance, shall be construed according to such definitions.

B) Words and phrases not defined in this Section or other provisions of this Ordinance shall be construed according to their common and approved usage, provided that any such undefined words and phrases, which are technical words and phrases or such others as have acquired a peculiar and appropriate meaning, shall be construed according to such technical and appropriate meaning.

C) Words used in the present tense include the future.

D) The singular includes the plural and the plural the singular.

E) The masculine gender includes the feminine and the neuter.

F) The words “shall” or “must” are mandatory.

G) The word “person” includes an individual, corporation, partnership, incorporated association or other similar entity.

H) The words “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character.

I) The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

J) Any reference in this Ordinance to any ordinance of the Township, to any federal or state law or statute, or to any regulation, study, map or survey issued or prepared by the Board of Supervisors, or any officer or official of the Township, and/or by any federal or state public body, or a public officer or official thereof, shall include such ordinance, law, statute, regulation, study, map, and survey, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, and survey substituted for the same, as in force at the time of application hereunder.

K) Any reference in this Ordinance to any governmental agency, department, board, commission or other public body or to any public officer or other public official shall include an entity or official which or who succeeds to the same functions as those performed by such public body or official at the time of application hereunder.

Section 202. Definition of Words

ABANDONMENT - An intentional and absolute relinquishment and cessation of a use without intention to resume such use, or the voluntary discontinuance of a use for a continuous period of twelve (12) months.

ACCESS DRIVE - An improved 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 farm, or more than two single-family dwelling units utilizing a shared driveway.

ACCESSORY BUILDING (STRUCTURE) - A subordinate building or structure, the use of which is entirely incidental to that of the principal or main building or structure, used for an accessory use and located on the same lot.

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

ACT 247 - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

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

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

2. Adult Body Painting Studio: Any establishment or business that provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

3. Adult Bookstore: Any establishment that has a substantial or significant portion of its stock in trade:

   A. Books, films, magazines, or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

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

4. Adult Cabaret: A nightclub, theater, bar, or other establishment that features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are

distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

5. Adult Massage Establishment: Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist or massage therapist who is licensed in accordance with the Pennsylvania Message Therapy Law (P.L. 1438, No. 118) as amended and the regulations promulgated thereto.

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

7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, that offers accommodation for less than an overnight stay, and/or provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

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

11. Adult Newsrack: Any device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

12. Adult Outcall Service Activity: Any establishment or business that provides an outcall service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specific anatomical areas are displayed or specified sexual activity occurs.

13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.

14. Adult Theater: A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature that regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

15. Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AGRICULTURE - The use of land for the tilling of the soil, raising of crops (including fruit trees), forestry and horticulture, including the keeping or raising of cattle, sheep, fowl, riding horses, and other similar animals. Agriculture shall include the sale of crops, dairy and horticultural products produced on the property. The term agriculture does not include riding, academies, liveries, boarding stables, commercial forestry, dog kennels, commercial raising of fur-bearing animals, country estates, large residential lots, gentleman farms, or farmettes.

AGRICULTURE, INTENSIVE - Intensive agriculture shall include, but is not limited to the following activities: intensive livestock operations, as defined herein, intensive produce operations, as defined herein, mushroom houses, agricultural uses employing the application of off-site generated manure and/or the application of off-site generated sewage sludge, and similar agricultural activities. The characteristics of intensive farming shall include the following: relatively small lot areas, strong offensive odors, substantial stormwater runoff, large concentrations of animal waste, noise, extensive use of chemicals, compost and manure and sewage sludge storage and application.

AGRICULTURAL SECURITY AREA - An area of the Township comprising more than five hundred (500) acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one (1) or more persons and designated as such by the procedures set forth in the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, *as amended*, 3 P.S. §901 *et seq*.

AGRICULTURALLY SUITED SOILS - Soils classified by the United States Department of Agriculture, Natural Resources Conservation Service in the most recent edition of the Soil Survey of Lancaster County. The term, unless otherwise specified, refers to Land Capability Classes I, II and III that are those soils that may be considered prime agricultural soils.

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

ALTERATIONS - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building that would change its use, location and/or size.

ALTERNATIVE ENERGY - A source of energy generated from solar, wind, or other sources, which is capable of providing basic utility provisions to a permitted use.

ALTERNATIVE TOWER STRUCTURE - Man-made trees, clock towers, electric transmission towers, silos, bell steeples, light poles, flagpoles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ALTERNATIVE WASTEWATER SYSTEMS - A variety of low-tech methods of sewage disposal geared to serving small communities and permitted by the PA Department of Environmental Protection.

ANIMAL HOSPITAL - Any establishment offering veterinary services, and can treat all types of animals and may or may not include outdoor keeping of animals.

ANAEROBIC DIGESTER – A facility in which the main purpose is to use anaerobic digestion processes to convert livestock manure and feedstock into biogas, which is generally burned on-site to produce electricity, heat and water; as well as to manage livestock and poultry manure. Anaerobic digesters may include "co-digestion" in which the livestock and poultry manure may be mixed with other organic materials. Type of anaerobic digesters include covered anaerobic lagoons, plug-flow, and/or complete mix, along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

1. ACCESSORY ANAEROBIC DIGESTER: An anaerobic digester used to convert biogas into electricity, heat, and water and is intended primarily to reduce on-site consumption of utility power. A system is considered an accessory anaerobic digester only if it supplies electrical or thermal power for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. Accessory anaerobic digesters use livestock and poultry manure generated on-site from one (1) farm, and are designed and intended to solely generate power to off-set utility costs.

2. PRINCIPAL ANAEROBIC DIGESTER: An anaerobic digester used to convert biogas into electricity, heat, and water. Principal anaerobic digesters accept both livestock manure and feedstock, generated off-site or from more than one (1) farm.

ANEMOMETER - An instrument for measuring and recording the speed of wind.

ANEMOMETER TOWER - A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a windmill.

ANTENNA - A device used to collect and/or transmit wireless communications or radio signals, including but not limited to omni-directional antenna (rod or whip), directional antenna (panel), parabolic antenna (dish) and repeaters and radio-domes. This definition shall not include private residence mounted satellite dishes, television antennas or amateur radio equipment including ham or citizen band radio antennas.

ANTENNA HEIGHT - The vertical distance measured from the base of the antenna support structure or the Antenna, whichever is lower, to the top of the antenna support structure or Antenna whichever is higher. If the antenna support structure is on a sloped grade, then the highest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - A monopole structure designed and constructed to support an antenna, utilizing a single integral shaft without guy wires. No other structures shall be permitted.

APARTMENT - See "Dwelling Types"

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

APPROVED ACCESS - Ingress and egress to a lot that is in compliance with the Township Driveway Ordinance and other applicable provisions of this Ordinance and the Subdivision and Land Development Ordinance and duly approved by the Township and/or ingress and egress to a lot that is in compliance with PennDOT road access requirements and for which a Highway Occupancy Permit has been issued.

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

1. Building Area - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

2. Gross Floor Area – The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

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

4. Lot Area - The total surface area contained within the property lines of individual parcels, excluding any area within a street right-of-way, but including the area of any easement.

5. Retail Sales Area - The total area of use that is devoted to the display of goods and/or services, including aisles, to prospective patrons.

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

AUTOMOBILE AUCTION - A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes. This use may include minor incidental repair of motor vehicles if so noted in zone provisions.

AUTOMOBILE PARKING COMPOUND - See definition of "Parking Lot."

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

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

AUTOMOBILE STORAGE COMPOUND - A use whereby passenger vehicles are stored awaiting transport to a different location.

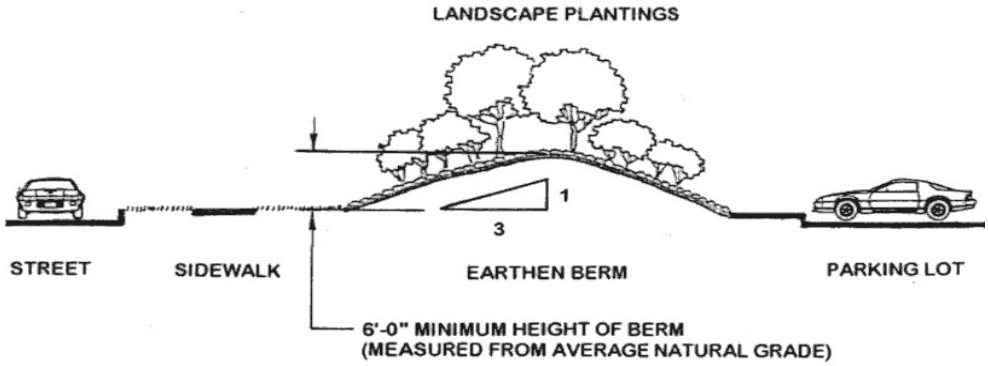
BARN - A structure designed to shelter livestock and store crops.

BASEMENT - An area of a building having its floor below ground level on all sides.

BASEMENT, DAYLIGHT - That portion of a building which is partly or completely above grade and having at least one-half (1/2) its height below grade, measured from the finished floor to the finished ceiling. A daylight basement shall not be considered a story in determining the permissible number of stories.

BED-AND-BREAKFAST FACILITY - A single-family detached dwelling, where between one (1) and five (5) rooms are rented to overnight guests on a daily basis for periods not exceeding two (2) weeks.

BERM - An earthen structure, a minimum of six (6) feet in height with a 1:3, height to width, slope along its length and at its ends, designed as an integral part of a landscape screen, as illustrated below.



BLOCK - An area of land bounded by streets, roads, or other types of rights-of-way.

BOARD OF SUPERVISORS - The Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania.

BRIGHTNESS - A term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

BUFFER - See "Landscape Buffer".

BUILDING - A combination of materials to form a permanent structure having walls and a roof. All manufactured homes and trailers to be used for human habitation shall be considered a building for the purposes of this Article.

BUILDING COVERAGE - The ratio of the total ground floor area of all buildings on a lot to the net area of the lot on which they are located or the percentage of the lot area covered by buildings.

BUILDING FOOTPRINT - The calculated square footage of any building or structure as determined by the outside face of the foundation at grade level, and which includes any overhangs that are supported by posts or additional foundation support.

BUILDING HEIGHT – See HEIGHT, BUILDING

BUILDING AND ZONING PERMIT - A document issued and signed by the Building Code Official authorizing the erection, alteration, or enlargement of a building or structure. The document shall indicate that the proposed activity complies with the applicable codes and ordinances of the Township.

BUILDING, PRINCIPAL - A structure in which the principal use of the lot on which the structure is located is conducted or intended to be conducted or designed to be conducted.

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

BUILDING, SQUARE FOOTAGE - The total of all areas measured on a horizontal plane of each level or story exceeding six feet in height within a building, exclusive of uncovered porches, exterior decks or patios, and carports.

BULK - A term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and/or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

CALIPER - The diameter of a tree, where required to be planted under this Ordinance, measured in inches at six (6) inches from the ground surface.

CARPORT - An unenclosed structure for the storage of one (1) or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts, except that one (1) or more walls may be the walls of the main building to which the carport is accessory.

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

CARTWAY, MINOR - A separate and subordinate cartway within the right-of-way of a major street or road which is parallel to, and connected at controlled intervals with, the principal cartway and which serves as the means of access to abutting lots; a service road.

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

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by a duly authorized Township officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

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

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

CLEAR-CUTTING - The felling of all trees on a tract of land, or any portion thereof, at one time.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection measured on the centerlines of the streets.

CLUBHOUSE - The building that houses an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which shall not include any vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

CLUSTER DEVELOPMENT - An arrangement of residential structures that allows for grouping of the structures by reducing lot area and yard requirements and incorporating the remaining area as open space.

COMMERCIAL - A use of land or improvements thereto for the purpose of engaging in retail, wholesale or service activities for profit.

COMMERCIAL KEEPING AND HANDLING - Producing and/or maintaining with the express purpose and intent of selling the product for a livelihood.

COMMERCIAL POULTRY FACILITY - The raising of any form of poultry for sale or for profit as the principal use on the lot, but not including the incidental raising of chickens, ducks, turkeys or geese for domestic consumption on the premises as an accessory use to a principal agricultural use.

COMMON AREA - Any area or space designed for joint use of tenants.

COMMON OPEN SPACE OR OPEN SPACE - A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of the residents of a development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights of way, yards, required areas for buildings, off-street parking areas or non-common open space functions. Common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses. Common open space may also include stormwater detention or retention facilities provided that the area devoted to such facilities shall not be included as part of the required minimum open space area.

COMMUNICATIONS ANTENNA - Any exterior transmitting or receiving device mounted on or in a tower, building or structure and used in communications that radiates or captures electro-magnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. The term "communications antenna" does not include a receiving facility for the sole use of an individual consumer and located on the property in which such individual consumer resides or occupies.

COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT - A principal use that consists of towers, antennas and/or other structures that are used to receive and/or transmit telephone, television, radio, digital, video, or other communication signals.

COMMUNICATIONS TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, monopole towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

COMPREHENSIVE PLAN - The Pequea Township Comprehensive Plan, Lancaster County, Pennsylvania.

CONDITIONAL USE - A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 804 of this Ordinance.

CONDITIONAL USE DEVELOPMENT PLAN - The written and graphic material as described in Section 804 of this Ordinance.

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

CONFERENCE AND RESORT CENTER - A facility which provides a range of lodging facilities, meeting rooms, restaurant facilities, and recreational facilities including but not limited to swimming pools, golf courses, health club facilities, and similar amenities for overnight guests or persons who attend meetings during the business day.

CONSERVATION OR NATURAL AREA - An area owned or managed by a governmental, nonprofit or public utility organization, whether open to the public or not, for the purpose of protecting an identified significant natural resource or resources.

CONSERVATION PLAN - A plan, including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land. Such plan is required for any agricultural, horticultural or forestry-related uses, including timbering, which involve earthmoving activities, and must be approved by the Lancaster County Conservation District.

CONSTRUCTION - Any disturbance of the existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush, provided, however that the entering upon the premises for purposes of surveying, staking, or the clearing of lines necessary to obtain data on existing conditions shall not be deemed “construction”.

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

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

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

3. Automatic bank teller machines;

4. Photomats and film development drop-off sites;

5. Laundry, dry cleaning and tailoring drop-off sites, subject to the requirements of Section 515 of this Ordinance;

6. Lottery sales counters and machines;

7. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;

8. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 505 of this Ordinance;

9. Car washes, subject to the requirements of Section 509 of this Ordinance; and,

10. Post offices and other parcel delivery drop-off sites.

CONVERSION - An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations. Such conversions may include the creation of two (2) or more dwelling units within an existing single family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities, or the adaptation of one (1) single-family detached dwelling into offices or retail use(s).

COUNTY PLANNING COMMISSION - The Planning Commission of Lancaster County, Pennsylvania.

COVER OR COMPLETE COVER - An assemblage of materials that are arranged so as to completely block all ground level views of any part of the article being obscured from view.

CUL-DE-SAC - A single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

DATUM - Used as a basis for calculations or measurements as a level from which elevations are measured in surveying.

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

1. Principal Day-Care Center: A principal use in which more than eleven (11) individuals are cared for and supervised during any calendar day. The principal center requires a license issued by the Commonwealth of Pennsylvania.

2. Group Day-Care Facility: An accessory use to a detached single-family dwelling in which seven (7) to eleven (11) individuals who are not related to the residents of the principal dwelling are cared for and supervised during any calendar day. Group day-care facilities require a license issued by Commonwealth of Pennsylvania.

3. Family Day-Care Facility: An accessory use to a detached single-family dwelling in which four (4) to six (6) individuals who are not related to the residents of the principal dwelling are cared for an supervised during any calendar day. Family day-care facilities must be registered with the Commonwealth of Pennsylvania.

DBh - The place of measurement of the caliper or diameter of a tree, i.e. four feet from the surface of the ground; diameter at average breast height.

DEMOLITION OR DEMOLISH - The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the façade or any significant exterior architectural features that are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

DENSITY, GROSS - The total number of dwelling units existing and/or to be constructed on a lot or tract divided by the total gross area thereof, as defined herein as “Gross Lot Area” or “Gross Tract Area”, expressed in dwelling units per acre.

DENSITY - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way.

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency thereto.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

DIRECT ILLUMINATION - A means of lighting a sign or other object by means of a light source which is located within or directly on the sign or other object to be lit.

DISCONTINUANCE OF USE - See "Abandonment".

DRIP LINE - A generally circular line around a tree, the circumference of which is determined by the outer reaches of the tree’s widest branch points.

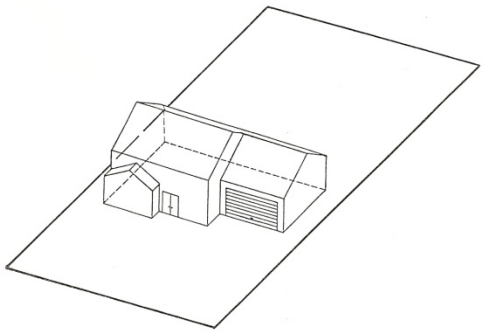
DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one (1) single-family dwelling unit or a farm. Driveway is also defined to include a shared driveway utilized by two (2) single-family dwelling units.

DUMP - Any lot upon which trash, debris and other refuse are periodically and illegally deposited; not a permitted use.

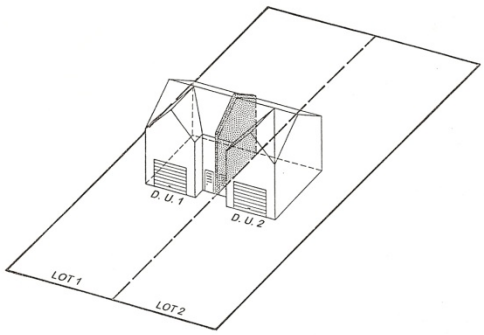
DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. Construction of all dwellings shall be in conformance with the Uniform Construction Code (UCC) Act 45, as amended.

DWELLING TYPES - It is the intention to include within this definition of dwelling types all recognized housing types, architectural types or building types, or combinations thereof, including, but not necessarily limited to, single-family detached, single-family attached dwellings, duplex dwellings, townhouses, apartments, and the like, whether such dwelling units are for lease or for sale.

1. Single-Family Detached - A building designed for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling.

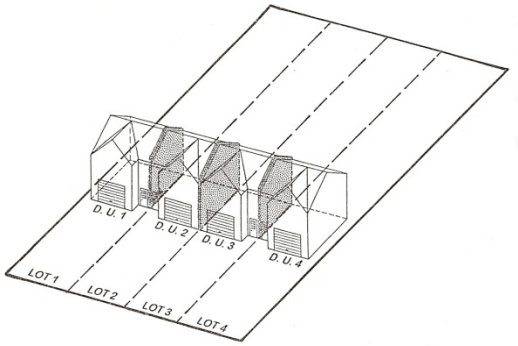


2. Duplex - A building designed for and occupied as a residence, containing one (1) dwelling unit and having a common or party wall with another building, and having yards on all but one side.



3. Single-Family Attached - An attached building, arranged, designed and intended for the exclusive occupancy as a residence for one (1) family, each building separated by common, or

party, walls which do not provide access between buildings, and each building having at least one (1) separate entrance from the outside. Each single-family attached building at the end of a building group shall have one (1) side yard in accordance with the applicable district regulations.



4. Multiple-Family - A building designed for and occupied as a residence, containing three (3) or more dwelling units. Multi-unit shall include, but not necessarily be limited to, apartment houses and garden apartments.

5. Townhouse - A single-family attached dwelling as defined herein.

6. Garden Apartments - A multiple-family building, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units in which no more than six (6) dwelling units have common hallways and entrances. The term shall not include single family attached dwellings.

DWELLING, MANUFACTURED HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers and travel trailers. For the purpose of this Ordinance, all manufactured homes, except those contained within manufactured home parks (see Manufactured Home Park), shall be governed by all regulations applicable to single-family detached dwellings, and the following:

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

2. All manufactured manufactured homes shall be installed according to the manufacturer's specifications and the Uniform Construction Code (UCC) Act 45, as amended.

DWELLING UNIT - A room or rooms within a building connected together, including apartments, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking, sleeping and sanitary facilities.

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

EASEMENT - A permanent right granted for limited use of private land, normally for a public purpose (e.g., utility, drainage, public access). The owner of the property shall have the right to make any other use of the land that is not inconsistent with the rights of the grantee.

EASEMENT, CONSERVATION - A legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

ECHO HOUSING - An accessory use to the primary agricultural use of the property in which an additional temporary and portable dwelling unit is placed on a property for occupancy by up to two (2) elderly, handicapped or disabled persons related by blood, marriage or adoption, to the occupants of the principal dwelling.

EDUCATIONAL USE - Land and/or buildings specifically designed, arranged, and intended for the primary purpose of education, including pre-school, elementary, and secondary schools, or colleges, either private or public, including schools relating to religious organizations and vocational schools.

ELECTRIC SUBSTATION/FACILITY - Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the Utility Company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being effectively screened to blend the installation with the surrounding landscape.

ENGINEER, TOWNSHIP - A professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EQUITABLE OWNER - A person who holds equitable title to real estate.

EQUITABLE TITLE - Ownership by a person who does not have legal title to real estate; a trust or under a deed of trust.

EXTENDED FAMILY HOUSING - An addition to a single-family detached dwelling on a one-time only basis intended to accommodate up to two (2) elderly, handicapped or disabled persons related linearly (ancestors or descendants) by blood, marriage or adoption, to the occupants of the dwelling.

FAA - The Federal Aviation Administration or any agency successor thereto.

FAÇADE - Any exterior face or front of a building.

FAMILY - An individual or individuals related by blood, marriage, or adoption that maintain one (1) common household and live within one (1) dwelling unit. Additionally, up to four (4) unrelated individuals who maintain a common household and live within one (1) dwelling unit may be considered a family.

FARM - A lot upon which agriculture is the principal use and upon which may be located a single family dwelling which is occupied by the operators of the farm as an accessory use. A lot where the principal use is a residential dwelling and which contains land of sufficient size for agricultural use but where the land is not utilized for agriculture as the principal use of the lot or where the agricultural land is leased to a person not related to the occupants of the dwelling shall not be considered a farm.

FARM BUILDING - Any building used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings, but shall include a barn, silo, and incidental storage sheds.

FARM RELATED OCCUPATION - An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the active farm. Farm related occupations may involve any one of a wide range of uses compatible with and supports the agricultural uses of Pequea Township.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display of merchandise. This definition shall not include shopping centers as defined herein.

FCC - The Federal Communications Commission or any agency successor thereto.

FEEDLOT - Any area where agricultural animals are held or maintained for the purpose of feeding or fattening for sale when not incidental to a farm.

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

FENCE AND WALL - A freestanding assembly of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly or in combination with other materials, two and one half (2½) feet high or higher, erected to secure or divide one (1) property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined, to restrict the movement of persons, animals, property or vehicles, or to enclose all or part of the property. A freestanding masonry wall is considered a fence. A fence is not deemed herein to be a "structure". This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half (½) the width and/or depth of the front yard.

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

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 surface waters from any source.

FLOODPLAIN - 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 water from any source. (Amended by Ordinance #194-2016 April 20, 2016)

FOOT-CANDLE (FC) - A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one (1) foot. One lumen per square foot.

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.

FORESTRY OPERATOR - An individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

GLARE - Brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause annoyance, discomfort or loss of visual performance and visibility.

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

GRADE, EXISTING - The elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

GRADE, FINISHED - The elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

GRADE, PROPOSED - The elevation, relative to a given datum, of the ground surface to be achieved by excavation or fill.

GREENBELT - A landscape buffer containing not less than 70% of its areas in trees and shrubs, as calculated based on mature size, of which not less than 70% shall be trees. Greenbelts shall not include structures such as porches, sheds, on-lot sewage disposal systems, play structures, pools, gardens, animal enclosures, parking areas, paved areas, access drives, driveway or other similar elements.

GREENWAY - That portion of a lot or tract set aside for the protection of sensitive natural features, farmland, scenic views, and/or other unique features. Greenways may be accessible to the residents of a development and/or the Township, or they may contain areas of conservancy lots that are not accessible to the public.

GROUP HOME - A dwelling operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons. Group homes shall be licensed where required by any appropriate governmental agency, and a copy of any required license shall be provided to the Township prior to commencing such use. Group homes shall be subject to the same limitations and regulations as single family dwellings. It is the express intention of the Township to comply with all requirements of the Fair Housing Amendments Act of 1988, 42 U.S.C. §3601 et seq., in the interpretation of this definition.

HAZARDOUS MATERIALS - Materials that have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or Sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive material. Also included for purposes of the Floodplain Zone are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

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

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

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

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

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

HEDGEROW - A linear plant community, either natural or planted, dominated by trees and/or shrubs, and occurring along roads, fence lines, property lines or between fields.

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

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

HISTORIC PROPERTY - A district, site, building, structure or object that is on or eligible for inclusion on the National Register of Historic Places, is recognized by the Pennsylvania Historical and Museum Commission as being historically significant, is recognized by the Historic Preservation Trust of Lancaster County as being historically significant, is identified in Our Present Past prepared by the Historic Preservation Trust of Lancaster County, or contains a structure meeting the definition of the term "historic structure" in this Ordinance. Any lot which contains an historic property shall also be considered an historic property.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the United States 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 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.

5. Listed individually in Our Present Past 1985 prepared by the Historic Preservation Trust of Lancaster County or any supplement to such publication issued by the Historic Preservation Trust of Lancaster County or otherwise classified as an historic structure under Article 8 of this Ordinance.

HOME OCCUPATION - A nonresidential use or activity conducted by persons residing in a residential dwelling and its premises that is clearly subordinate and accessory to the residential use of the premises and which is customarily carried on by occupants of a dwelling. A home occupation may be, but is not limited to, a professional or non-professional office or a commercial enterprise. A home occupation does not include a "No-Impact Home-Based Business" or a "Day Care", as defined by this Ordinance.

HOMEOWNERS ASSOCIATION - An association comprised of homeowners or property owners, organized as a profit or nonprofit corporation or as an unincorporated association and operated under approved bylaws, for the purpose of administering the needs of residents through the maintenance of community-owned property.

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

HOTEL - A facility which provides lodging to transient guests for compensation, which contains more than five (5) guest rooms with less than twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through a lobby. A hotel may also include a dining room and a kitchen operated by the same management as an accessory use. An establishment which rents rooms for a period in excess of thirty (30) days shall be considered a boarding, rooming or lodging house.

HOUSE, ROOMING - A dwelling in which weekly or monthly sleeping accommodations are provided for non-owners for rent to not more than five (5) guests whether or not the serving of meals is included, provided that there shall be at least five (5) off-street parking spaces on the lot of the rooming house.

HUB HEIGHT - The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade or other accessory components are attached.

HYDRIC SOILS - A soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils include soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation and soils that are sufficiently wet because of artificial measures. In addition, hydric soils shall be considered any soils included on the hydric soils list published by the United States Department of Agriculture Natural Resources Conservation Service for the Commonwealth of Pennsylvania..

IDENTIFIED FLOODPLAIN AREA – All areas within which the Township has selected to enforce floodplain regulations as defined in the Township Floodplain Management Ordinance. It includes the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study. (Amended by Ordinance #194-2016 April 20, 2016)

INVASIVE PLANT SPECIES OF PENNSYLVANIA – Invasive plants displace naturally occurring native vegetation and, in the process, upset nature's balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, highly successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. These invasive plant species are:

Trees:
Acer platanoides, commonly known as Norway Maple
Acer pseudoplatanus commonly known as Sycamore Maple
Allanthus alltissmima commonly known as Tree-of-Heaven
Elaegnus angustifolia commonly known as Russian Olive
Populus Alba commonly known as White Poplar
Ulmus pumila commonly known as Siberian Elm
Viburnum lantana commonly known as Wayfaring Tree

Shrubs and Vines:
Berberis thunbergii, commonly known as Japanese Blackberry
Elaegnus umbella, commonly known as Autumn Olive
Euonymus alatus, commonly known as Winged Euonymus
Lonicera vulgara, commonly known as European Privet
Lonicera japonica, commonly known as Japanese Honeysuckle

Lonicera maacki, commonly known as Amur Honeysuckle
Lonicera morrowil, commonly known as Morrow's Honeysuckle
Lonicera tatarica, commonly known as Tartarian Honeysuckle
Lonicera x-bella, commonly known as Hybrid Honeysuckle
Lythrum sallcaria, commonly known as Purple Mooseleaf (herbaceous)
Morus Alba, commonly known as White Mulberry
Morus rubra, commonly known as Red Mulberry
Phylostachys, commonly known as aubea Bamboo
Rhamnus cathartica, commonly known as Common Buckthorn
Rhamnus franguia, commonly known as Glossy Buckthorn
Rosa multiflora, commonly known as Multiflora Rose
Viburnum opulus, commonly known as European Highbush Cranberry

ILLUMINANCE AND ILLUMINATION - Illuminance is the quantity of light measured in foot-candles or lux, and illumination is the density of luminous flux on a surface.

IMPERVIOUS SURFACE - Any surface that does not absorb precipitation or runoff. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and other such areas in concrete or asphalt shall be considered components of impervious cover. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered as contributing to total impervious cover. For purposes of determining compliance with maximum impervious cover limitations on any lot or tract, impervious cover shall be measured as a percentage of net tract area, defined herein.

INDIRECT ILLUMINATION - A means of lighting a sign or other object by means of a light source which is located beyond the sign or other object to be lit but which is directed or reflected upon the sign or other object.

INDUSTRIAL USE - Any use that involves the fabrication, production, repair, alteration and/or storage of a product(s) within a building and/or outdoors. Such uses do not include customer oriented retail sales.

INTENSIVE LIVESTOCK OPERATION - An agricultural use involving the commercial keeping and handling of livestock quantities of an average adult weight of horses, dairies, cattle, and layer chickens, and/or an average market weight of all other livestock of more than 2,000 pounds per acre, based on the following schedule:

Livestock	**Animal Size in Pounds**
Cattle	
Dairy	150 - 1,500
Beef	400 - 1,400
Veal	100 - 350
Swine	
Pigs	35 - 200
Gestating Sow (limit fed)	275
Sow and 8 Pigs	375
Boar (limit fed)	350
Sheep	100

Horse	1,000

Poultry	
Layer	4
Layer, Heavy	7
Pullet	3
Broiler	4
Roaster	7
Turkey	20
Duck	7
Guinea	3 - 4
Pheasant	3
Chukar	1.5
Quail	0.5

Source: PA DEP, *Field Application of Manure, and Poultry Manure Management.*

INTENSIVE PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds lot coverage of ten percent (10%). Mushroom operations, regardless of lot coverage, shall be considered intensive produce operations.

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

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, which are being stored awaiting potential reuse or ultimate disposal. In addition, junk shall include one (1) or more unlicensed, wrecked or disabled vehicles, or the major part thereof. (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid, current registration plate, or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

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

KENNEL, BOARDING – Any establishment available to the general public where a dog or dogs are housed by the day, week or a specified or unspecified time and any establishment where more than five (5) adult dogs are housed. This term shall not include a kennel where the practice of veterinary medicine is performed if he kennel is covered by the provisions of the act of December 27, 1974 (P.L. 995, No. 326), known as the "Veterinary Medicine Practice Act." The term shall include any establishment available to the general public that takes control of a dog from the owner for a portion of the day for the purposes of exercise, day care or entertainment of the dog or a not for profit animal rescue shelter. For the purposes of this term, each time a dog enters the kennel it shall be counted as one dog. This term does

not include an establishment engaged in dog grooming or dog training.

KENNEL,BREEDING – A kennel that breeds or whelps dogs and:

1. sells or transfers any dog to a dealer or pet shop kennel or
2. sells or transfers more than 8 dogs per calendar year.

LABORATORY - A building or group of buildings within which the principal uses are facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LANDFILL - See "Sanitary Landfill"

LANDING - The place where logs, pulpwood, or firewood are assembled for transport to processing facilities.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person, having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

LANDSCAPE BUFFER - A continuous strip of land, either landscaped or living greenspace, clear of all buildings, structures, parking areas, outdoor storage areas and detention ponds, on-lot sewage disposal systems, and clear of any use other than open space, and which contains vegetative material of sufficient height and density to substantially conceal from view year-round the structures and uses on the lot on which the landscape buffer is located. A landscape buffer may include a street or driveway or access drive connecting an access point with the interior side of the landscape buffer by the most direct route. A landscape buffer shall not include any recreation area or private street (except as above) or an existing or future public street right-of-way.

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

LANDSCAPING - The planting of turf or other appropriate ground cover or the planting of deciduous and evergreen trees and shrubbery, other than for agricultural purposes, and including the maintenance and replacement thereof, for control of erosion, retention of precipitation, protection against elements or promotion of human comfort and welfare.

LAND DISTURBANCE - Any activity that exposes soils, or alters topography and/or vegetation, except for removal of hazardous or invasive alien vegetation (see definition of "Woodland Disturbance"). Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of land disturbance.

LIGHT TRESPASS - Light emitted by a lighting installation, which extends beyond the boundaries of the lot on which the installation is sited.

LINE, REAR LOT - Any lot line which is parallel to or within 45 degrees of parallel to the front lot line. In the event that a lot has no street frontage or is a lot of an odd shape, the lot line farthest from any

street shall be considered the rear lot line, provided, however, that no rear lot line shall have a horizontal linear dimension less than 25 feet.

LITTER - Discarded materials scattered about a site or neighborhood that may or may not be normally associated with its particular land use.

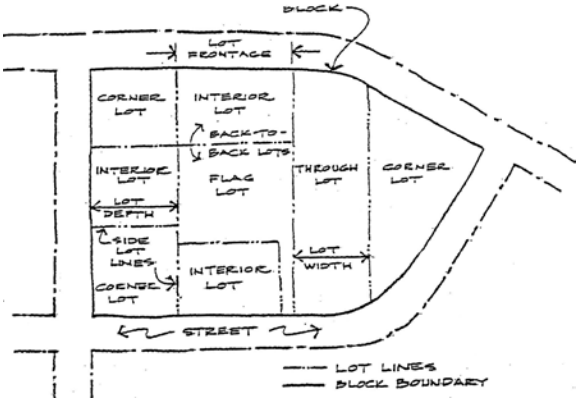
LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOGGING PLAN - A description by means of text and maps of a proposed timber harvesting operation required for a zoning permit to conduct timber harvesting.

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

LOT - A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

LOT TYPES DIAGRAM



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

LOT AREA, GROSS - The area of land contained within the property lines of a parcel, tract or lot as described in the deed or as shown on an approved subdivision plan.

LOT AREA, NET - The gross lot area excluding any area within a street right of way. The net lot area shall be used to determine the area, bulk, dimensional and density requirements as provided in this Ordinance.

LOT, CORNER - A lot which has an interior angle of less than one hundred thirty-five degrees (135º) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135º). Corner lots shall have two (2) front yards, one (1) side, and one (1) rear yard.

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

LOT DEPTH - The horizontal distance that begins at the street right-of-way line at the midpoint between the side lot lines and that ends at the closest portion of the rear property line. On corner and reverse frontage lots, the lot depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line..

LOT, FLAG - A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage. A flag lot includes a narrow projection or "flagpole" to the public right-of-way, which serves as access to the parcel.

LOT FRONTAGE - The uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line.

LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH - An interior lot having frontage on two parallel or approximately parallel streets. Through lots shall have two front yards and two side yards.

LOT LINE - A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the centerline of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT - Front lot line shall mean the line separating such lot from the ultimate street right-of-way.

LOT LINE, REAR - A line opposite and most distant from the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

LOT LINE, SIDE - Any lot line that is not a front or rear lot line. In the case of a corner lot, any lot line that intersects a front lot line may be considered a side lot line.

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on an existing or proposed arterial, collector or local street, and a local street, and with vehicular access solely from the latter.

LOT WIDTH - The horizontal distance measured between side property lines at the street right of way line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. (Amended by Ordinance #194-2016 April 20, 2016)

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

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

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

MARSH - A low, constantly wet area, often fed by small intermittent streams, that supports unique plant, animal and insect life.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEADOW - A plant community or area of vegetation dominated by grasses and/or forbs, often managed through annual or seasonal mowing.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the North American Vertical Datum of 1988 (NAVD 88).

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

MINIMIZE - To reduce to the smallest amount or extent possible. “Minimize” shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect(s) of the action required to be minimized. “Minimize” shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, storm water management facilities, and other land disturbance shall be planned and designed to reduce the adverse effect(s) of the activity in question to the smallest amount possible under the circumstances consistent with otherwise permitted development.

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

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

MITIGATION

1. An action undertaken to accomplish one or more of the following:

    A. Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.

    B. Rectify the impact by repairing, rehabilitating or restoring the impacted environment.

    C. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

2. If the impact cannot be minimized in accordance with 1A. through C above, compensation for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.

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

MANUFACTURED HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two (2) or more manufactured home lots or spaces for the placement thereon of manufactured homes, as defined in this Section

MOTEL - A facility which provides lodging to transient guests for compensation, which contains more than five (5) guest rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through a lobby. A motel may also include a dining room and a kitchen operated by the same management as an accessory use. An establishment which rents rooms for a period in excess of thirty (30) days shall be considered a boarding, rooming or lodging house.

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

1. Township offices, meeting halls, garages and storage yards;

2. Police, fire and ambulance stations;

3. Indoor community service uses and activities including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;

4. Outdoor community service facilities and activities including park and fair grounds, community bulletin boards and other similar uses; and,

5. Uses accessory to the above permitted uses including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

MUNICIPAL SOLID WASTE - Any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, semi-solid (not greater than twenty percent (20%) liquid), or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding radiological and biological waste.

MUNICIPAL USE - Any use owned and/or operated by the Township.

MUNICIPALITIES PLANNING CODE; ACT 247 MPC - The Act of July 31, 1968, P.L. 805, No. 247, *as reenacted and amended*, 53 P.S. §10101 *et seq*., known as the "Pennsylvania Municipalities Planning Code", together with amendments and supplements thereto and any new statutes substituted therefor, as in force at the time of application under this Ordinance.

MUSEUM - An institution devoted to the procurement, care, study, display and exhibition of objects of lasting interest or value.

NATURAL SUCCESSION - The process by which landscapes are transformed, over time, from open, seasonal cover to more permanent vegetation. In the East, the natural change is from open space to woodland.

NEIGHBORHOOD DEVELOPMENT - The dwelling units, residential accessory uses, open spaces, and other features installed or to be installed upon a Neighborhood Development Tract in accordance with the provisions of Section 1503 of this Ordinance.

NEIGHBORHOOD DEVELOPMENT TRACT — The land, which may be comprised of one or more lots, which is proposed to be developed as a single, unified Neighborhood Design Option development in accordance with the provisions of Section 1509 of this Ordinance.

NET AREA/NET ACRE - See "Tract Area, Net" and "Lot Area, Net".

NEW CONSTRUCTION - For the purposes of the floodplain regulations, structures for which the start of construction commenced on or after the effective date of the Pequea Township Zoning Ordinance - 1992 and include any subsequent improvements thereto.

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

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses;

2. The business shall employ no employees other than family members residing in the dwelling;

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;

4. There shall be no outside appearance as a business use, including, but not limited to, parking, signs, or lights;

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood;

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;

7. The business shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area; and,

8. The business may not involve any illegal activity.

NONCOMMERCIAL KEEPING OF LIVESTOCK - The keeping of livestock or fowl as an accessory use to a principal non-farm dwelling.

NONCONFORMING 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 zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING BUILDING OR OTHER STRUCTURE - A building or other structure or part of a building or other structure which does not comply with the applicable area, bulk and dimensional standards of the 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.

NONCONFORMING SIGN - A sign that does not comply with the applicable sign provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted where such sign 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.

NONCONFORMING USE - The use of a building or other structure, that does not comply with the applicable use provisions in the 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.

NONCONFORMING USE OF LAND - The use of land, exclusive of the use of a building or other structure, that does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

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

NORMAL AGRICULTURAL OPERATION – The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, silvicultural and aquacultural crops and commodities and is:

a. Not less than ten contiguous acres in area; or

b. Less than ten contiguous acres in area but has an anticipated yearly gross income of at least ten thousand dollars ($10,000.00)

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom Work shall be considered a normal farming practice.

NOXIOUS VEGETATION - Plant material that is undesirable or offensive, due to threats to health or prolific and uncontrollable growth. For the purpose of this Ordinance, noxious vegetation shall include but not be limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, oriental bittersweet, tree of heaven, and other invasive plants, as listed by the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, and poison ivy.

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

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

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

OFFICIAL MAP - A map adopted by ordinance pursuant to Article IV of the MPC.

ON-LOT SEWAGE DISPOSAL SYSTEM - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SYSTEM - The provision of a safe, adequate, and healthful supply of water to a single principal use from a private well.

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

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

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

OPEN SPACE MANAGEMENT PLAN - A plan which provides for the long-term management over time of private, public, or common open space.

OPERATOR, MANUFACTURED HOME PARK - The owner of a manufactured home park, or his authorized agent, who is duly licensed for maintaining a manufactured home park in the Township.

OUTDOOR WOOD FIRED BOILER – A free standing fuel burning device designed to (1) to burn clean wood or other approved solid fuel; (2) specifically for outdoor installation or installation in a structure not normally intended for habitation by humans or domestic animals; and (3) to heat building space and/or water via distribution of fluid heated in the device.

PA DEP - Pennsylvania Department of Environmental Protection.

PARKING, OFF-STREET - A parking space or spaces as required by this Ordinance, no part of which shall be located within any public or private street right-of-way.

PARKING LOT - An accessory use in which required, and possibly additional, parking spaces are provided subject to the requirements listed in Section 312 of this Ordinance. Required parking for single-family dwellings shall not be considered to be parking lots.

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

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

1. Outdoor park and recreation facilities including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt bicycle or BMX-bicycle courses and other similar uses;

2. Indoor recreation facilities including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms and other similar uses;

3. Outdoor passive recreation facilities including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters and other similar uses;

4. Indoor community service uses and activities including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;

5. Outdoor community service facilities and activities including fair grounds, community bulletin boards and other similar uses.

6. Indoor and outdoor swimming pools including related amenities like bathhouse, wading pools, spas, snack bars and other similar uses; and,

7. Uses accessory to the above permitted uses including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

PASTURE - A plant community or area of vegetation dominated by grasses which is actively or periodically grazed by livestock or which is managed through mowing.

PennDOT - Pennsylvania Department of Transportation.

PERIMETER BUFFER - An area to be used as a visual and/or auditory barrier, consisting of a mound, berm, or strip of land planted and maintained as an effective barrier separating parcels or uses of land.

PERSON - An individual, corporation, partnership, incorporator's association, or any other similar entity.

PERSONAL CARE FACILITY - A personal care home, licensed by the Commonwealth of Pennsylvania that provides care to adults who do not require hospitalization or skilled or intermediate nursing care.

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

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

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

PLANNING COMMISSION - The Planning Commission of Pequea Township.

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

PNDI - The Pennsylvania Natural Diversity Inventory

POTENTIAL RARE, THREATENED, ENDANGERED (RTE) SPECIES SITES

1. Sites in which Federally and/or State recognized RTE species of flora and/or fauna have been observed in the past, yet are not identified by the PNDI and/or the Lancaster County Natural Areas Inventory;

2. Sites which provided suitable habitat for federally and/or State recognized RTE species of fauna.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand, but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, are too small or are otherwise of limited marketability or value.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used

in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

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

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

3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

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

PRIME AGRICULTURAL SOILS - See Agriculturally Suited Soils

PRINCIPAL USE - The primary permitted use of a property.

PROFESSIONAL CONSULTING FORESTER - A forester who has obtained a Certified Foresters® certification from the Society of Certified Foresters (SCF), or who is a full member of the Association of Consulting Foresters (ACF). In the alternative, the Board of Supervisors may approve an individual, not meeting the above qualifications, as a Professional Consulting Forester, if such individual petitions the Board, prior to any request for a timber harvesting permit, and submits his or her educational and professional qualifications, samples of previous timber harvesting plans authored, and references from Pennsylvania municipalities. The minimum requirements for consideration as a Professional Consulting Forester are: (1) the individual must have a Bachelor of Science degree in Forestry from a college accredited by the Society of American Foresters; (2) the individual must demonstrate that his or her principal business activity is forestry consulting; (3) the individual must demonstrate that he or she does not have an economic interest in a timber purchasing or procurement entity; and (4) the individual must demonstrate that he or she has prepared a minimum of five (5) timber harvesting plans within the Commonwealth of Pennsylvania.

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

PUBLIC MEETING - A meeting held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, as it may be amended from time to time.

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign or signs at conspicuous locations along the perimeter of the subject property, as deemed appropriate by the body holding the hearing. The sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time and location of the hearing. In the event that the definition and requirements for "public hearing" are changed by amendments to the Act, those amendments shall be incorporated in this definition.

PUBLIC UTILITIES STRUCTURES - Lines, pipes and other structures intended to convey and transport gas, oil, sewage, water, telephone, electricity, and other similar utilities, and which are in possession of a Certificate of Public Convenience from the PA Public Utilities Commission.

PUBLIC UTILITITES STRUCTURES, MINOR - Public or privately owned infrastructure serving a limited area with no on-site personnel. Typical uses include, but are not limited to, telephone exchanges and water and wastewater pumping stations.

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

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

RECREATIONAL or ENTERTAINMENT FACILITY - A building or open air facility housing an activity open to the public for the purpose of public recreation or entertainment, including but not limited to bowling alleys, theatres, drive-in motion picture facilities, swimming pools, health or exercise clubs, museums, etc. Recreation or entertainment facilities shall not include adult-related uses, amusement arcades, nightclubs or golf courses as defined herein.

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

RECYCLING COLLECTION FACILITY - An accessory use whereby recyclables are dropped off by the public for collection by a waste hauler and/or processor.

RECYCLING STATION - A principal use whereby collected recyclables are separated, processed, cut, shredded, cleaned, ground, crushed, bundled, and/or packaged for re-use.

REGULATORY FLOOD ELEVATION - The five hundred (500) year flood elevation plus a freeboard safety factor of two (2) feet.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

RESIDENTIAL TREATMENT FACILITY - A building which houses a clinic and/or a residential treatment facility for the treatment and/or rehabilitation of persons who have psychological or mental disorders (including but not limited to substance abuse), head trauma, spinal cord trauma and similar illnesses, injuries or conditions arising from physical or mental illness or injuries.

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

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

RETAIL CONVERSIONS - The establishment of a retail sales or service use that is confined to the first floor of an owner-occupied home that existed on the effective date of this Ordinance.

RETAIL STORE/SALES AND RENTALS - Retail stores are those businesses whose primary activities involve the display and retail sales and rentals of goods and products.

RETENTION BASIN - A reservoir, formed from soil or other material, designed to permanently retain stormwater runoff from a specified amount of stormwater runoff as defined by the Subdivision and Land Development Ordinance or the Stormwater Management Ordinance, to detain temporarily additional stormwater runoff, and/or to retain perennial or intermittent surface water flow from permanent or intermittent streams. Retention basins always contain water and include manmade ponds and lakes. For the purpose of calculating the net lot or tract area, the area of a retention basin shall be measured as the one hundred year (100 year) flood level plus a fifteen (15) foot perimeter buffer.

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

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

SANITARY LANDFILL - An engineered facility where municipal solid waste and those residual wastes specifically designated as acceptable to the Pennsylvania Department of Environmental Protection are delivered for the purpose of disposal in and on the land in accordance with the rules and regulations of the Department of Environmental Protection. A sanitary landfill shall be owned and/or operated or under the complete control of the Township and/or an authority for said purpose of operating said landfill. No other type of landfill, dump or public or private trash collection or transfer area shall be permitted anywhere within the Township.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, televisions receivers only or TVROs, and satellite microwave antennas. A satellite dish antenna which is used for transmission as well as reception shall be considered a communications antenna and shall meet all requirements for communications antennas.

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

1. Commercial School: A school that offers a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the School District;

2. One Room School: A private school which provides education to students of all grade levels within one classroom of a building;

3. Private School: A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business;

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

5. Vocational and Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:

    A. Truck driving;

    B. Engineer repairs;

    C. Building construction and general contracting;

    D. Woodworking;

    E. Masonry;

    F. Plumbing;

    G. Electrical contracting;

    H. Other similar trades, as determined by Zoning Officer

SCREEN, LANDSCAPE – See LANDSCAPE BUFFER.

SCREEN, SCREENED, or SCREENING - A continuous strip of land, either landscaped or living green space, clear of all buildings, structures (other than fences), on-lot sewage disposal systems, parking areas, access drives, driveways, outdoor storage areas, detention basins, and any use other than open space. The word "screen" refers to a landscape screen unless an architectural or fence screen is specifically required by another Section of this Ordinance. Unless an architectural or fence screen is specifically required by another Section of this Ordinance, a screen shall contain vegetative material of sufficient height and density to substantially conceal from view year-around the structures and uses on the lot on which the screen is located. The terms "to screen" and "screened" shall be interpreted to require the installation and preservation of a screen meeting the requirements of this definition.

SCREENING - An assemblage of materials that are arranged so as to block at least eight percent (80%) of the ground level views between grade and a height of six feet (6') throughout the year. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation.

SEASONALLY HIGH WATER TABLE SOILS - Those soils in which the groundwater surface is one (1) foot or less from the ground surface at certain or all times of the year.

SELECTIVE CUTTING - The felling of certain, but not all, trees in an area for the purposes of: (1) removing dead, diseased, damaged, mature or marketable timber; (2) improving the quality of a tree stand or species; or (3) meeting personal domestic needs.

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

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

1. Setback, Front - The distance between the street center line and the front setback line projected the full width of the lot, commonly called "required front yard."

2. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot, commonly called "required rear yard."

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

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

SINGLE and SEPARATE OWNERSHIP - A lot the owners of which are not identical with the owners of any lot adjoining the rear or either side of said lot.

SEWAGE FACILITIES - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

1. INDIVIDUAL SEWAGE SYSTEM - A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal. The term includes:

    A. INDIVIDUAL ON-LOT SEWAGE SYSTEM - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

    B. INDIVIDUAL SEWERAGE SYSTEM - An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

2. COMMUNITY SEWAGE SYSTEM - A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. The term includes:

    A. COMMUNITY ON-LOT SEWAGE SYSTEM - A system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.

    B. COMMUNITY SEWERAGE SYSTEM - A publicly or privately owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SHOOTING RANGE - A place where members of the public, for a fee or by invitation, can discharge firearms for recreation, competition, skill development, and training. For the purpose of this Ordinance, a firearm shall include any instrument that uses a propelling charge to move a projectile (e.g., rifle, gun, shotgun, pistol, air gun, or archery). Shooting range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - One store containing more than twenty thousand (10,000) square feet of gross floor area, or two (2) or more stores which are designed to function as a unit, with shared vehicular access, off-street parking and signage.

SIGN. - A device for visual communication that is used to bring the subject to the attention of the public. Signs do include lettering, logos, trademarks, or other symbols that are an integral part of the architectural design of a building, that are applied to a building, or that are located elsewhere on the premises; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons,

tinsel, and similar materials; and inflatable objects.

Signs do not include architectural features that may be identified with a particular business; backlit awnings that include no lettering, logos, or other symbols; signs within a building that are obviously intended to be seen primarily from within the building; outdoor signs intended for use within a property, such as menu signs by fast food restaurant drive-thru lanes, signs with regulations within a park, and building identification signs within a campus; flags of governments or government agencies; decorative seasonal and holiday banners on residential properties; and displays of merchandise either behind store windows or outdoors.

BILLBOARD: An off-premise, permanent sign that directs attention to a product, service, business, or cause.

BUILDING SIGN: A sign attached to or painted on a building that has a use in addition to supporting the sign; this includes wall signs and roof signs.

BUSINESS SIGN: A sign that directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "Center Sign".)

CENTER SIGN: A business sign that provides identification at the entrance to a center such as a shopping center, office complex, or industrial park.

CONTRACTOR SIGN: A temporary sign that carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.

DEVELOPMENT SIGN: An identification sign at the entrance to a residential development.

DYNAMIC DISPLAY or DYNAMIC DISPLAY SIGN

Any business, commercial or industrial sign and/or billboard or portion of a sign and/or billboard that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays. This definition shall not include electronic message display signs that repetitively indicate time, temperature and date, to other text or scrolling text message signs and to vehicular service station signs that digitally display current fuel prices.

ELECTRONIC MESSAGE CENTER SIGN

An electronic business, commercial or industrial sign that displays time, temperature or current sales or events related to the business activity occurring on the premises. Electronic message center signs shall only consist of text-type messages and shall not be permitted to contain graphics, pictures or any other animated displays.

Freestanding Sign: A sign not attached to or painted on a building, or a sign attached to or painted on a building that has no use in addition to supporting the sign.

Garage/Yard Sale Sign: A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.

Government Sign: An off-premise sign placed by a governmental unit, such as a traffic, directional, informational, or street name sign.

Home Occupation Sign: A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.

Identification Sign: A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see "Development Sign" and "Public Use Sign".)

Incidental Sign: An informational sign, no more than 2 square feet in size, that carries a message such as "enter", "open", "telephone", "rest rooms", "no parking", "no trespassing", "warning", a listing of hours when open, an on-site direction, or anything similar. Incidental signs may not include any commercial message or logo, except that one "enter" sign per entrance may include a logo or business name, as long as the entrance is exclusively for that business and the logo or business name is subordinate to the word "Enter".

Issue Sign: A sign that directs attention to a candidate or candidates for public office or to an opinion of a public or private nature, such as, but not limited to, a community, social, religious, political or ballot issue.

Non Profit Organization Sign: An off-premise sign displaying information about a church, service club, or other organization that does not operate for the purpose of making a profit.

Off-Premise Sign: A sign that does not apply to the property on which it is displayed.

On-Premise Sign: A sign that applies to the property on which it is displayed.

Open House Sign: A temporary sign that provides information about a real estate open house, including the words "Open House", the day and time of the open house, and the name of the realtor.

Overhead Sign: A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.

Permanent Sign: A sign intended to be displayed for an unlimited period of time.

Public Use Sign: An identification sign used to identify the name and display information about a public use such as a government building, school, park, firehouse, or church.

Public Utility Sign: A sign with a message relating to a business organization performing a public

service and subject to special governmental regulations (e.g. an electric company, sewer authority, or telephone company).

Real Estate Sign: A temporary sign that provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.

Roof Sign: A sign attached to or painted on a roof.

Sidewalk Sign: A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.

Special Event Sign: A temporary sign that carries information about a special event such as an auction, flea market, festival, carnival, meal, or fund raising event, but not including any business sign, such as a "sale" sign at a store.

Temporary Sign: A sign that is displayed for no more than 3 months in any year, unless stated otherwise in this ordinance.

Wall Sign: A sign attached to or painted on the wall of a building.

Window Display: An exhibit behind a window that is intended to draw attention to a product, service, business, or cause.

SITE - A lot, tract, or parcel of land, or a contiguous combination thereof, on which grading, construction, or land development is taking place, or is proposed to take place; the location of the work.

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

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

SLOPE - The ratio of the change in elevation (rise) over the horizontal distance (run) as measured between consecutive contour lines, expressed as a percentage. See "Steep Slope Areas"

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

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

SPECIAL EXCEPTION USE - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 1705.3 of this Ordinance.

SPECIES OF SPECIAL CONCERN - Any native plant species or any native non-harvested wildlife species documented by scientific research and inventory to have a naturally restricted range or habitat in the state, to be at a low population level, to be in such high demand by man that it unregulated taking would be detrimental to the conservation of its population or has been extirpated from the state.

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

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

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

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

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

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

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

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

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

SPECIMEN TREE - A unique, rare or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance or any other characteristic.

SPECIMEN VEGETATION - A tree or plant that has been bred for unusual or rare characteristics, such as form, leaf color or texture, bloom, bark, being a dwarf variety of a larger tree species, or possessing characteristics different than customary plants of the species. A tree or plant that is at or near its maximum size may be considered specimen vegetation.

1. Any tree in healthy condition, which equals or exceeds the following diameter size:

   A. Twenty four (24) inch DBH for deciduous trees such as but not limited to oaks, hickories, yellow poplars, and sweet gums.

   B. Twenty four (24) inch DBH for evergreen trees such but not limited to pines.

C. Four (4) inch DBH for trees other than deciduous trees and evergreen trees, including but not limited to trees such as dogwoods, hollies, cedars, or ornamentals such as crape myrtle.

2. All specimen trees must also meet all of the following minimum standards:

A. A life expectancy of greater than 15 years.

B. A structurally sound trunk, not hollow and having no extensive decay and less than 20 percent radial trunk dieback.

C. No more than one major and several minor dead limbs (hardwoods only).

D. No major insect or pathological problems.

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

STEEP SLOPE AREAS - Areas where the slope measured between consecutive contour intervals is greater than or equal to fifteen (15) percent.

STEEP SLOPE, PRECAUTIONARY - Areas of land with a slope between fifteen (15%) percent and twenty-five (25%), as defined in in this Ordinance.

STEEP SLOPE, PROHIBITIVE - Areas of land with a slope greater than twenty-five (25%) percent, as defined in in this Ordinance.

STORAGE FACILITY - A structure or group of structures used for the storage of customers' goods. Individual stalls or lockers are rented for such storage to different tenants.

STORAGE, OUTDOOR - The keeping of new or used materials, merchandise, products, equipment or vehicles for a continuous period greater than eight (8) hours. Excluded from this definition are the following:

1. Equipment, vehicles and materials which are used in connection with a construction project during the period of construction.

2. The loading or unloading of vehicles which are parked against a building so that all activity occurs within the building.

STORMWATER - Any precipitation, but usually rainfall, which is sufficient to flow on any natural or impervious surface, frequently termed "run-off".

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

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

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used or intended to be used by vehicular traffic and/or pedestrians.

1. Arterial - A major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas.

   Arterial streets may be either Principal Arterials or Minor Arterials. Principal Arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor Arterials interconnect with and augment the Principal Arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than Principal Arterials.

2. Collector - A major street which carries traffic from Local streets to Arterial streets.

   Collector streets may be either Major Collectors or Minor Collectors. Major Collectors may provide access to centers of urban activity, connect with Principal Arterials and allow for more access to adjoining properties than Minor Collectors. Minor Collectors serve more to collect traffic from Local streets and provide access to the smallest of activity centers.

3. Local - Every public or private street used for access to abutting properties.

   Local streets may be Primary Distributor Roadways, Secondary Distributor Roadways or Local Access Streets. A Primary Distributor Roadway is the highest order Local Street which moves traffic from lower order Local Streets to Collector and Arterial Streets. A Secondary Distributor Roadway is the middle order Local Street which carries traffic from Local Access Streets to Primary Distributor Roadways. A Local Access Street is the lowest order Local Street which serves no through function and provides the greatest degree of access.

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

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

STRUCTURE - Any man-made object, including buildings having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, Accessory: A structure associated with an accessory use, (e.g. swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.).

Structure, Principal: A structure associated with a primary use.

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

STRUCTURE, TEMPORARY - A structure that is designed to be repeatedly erected or inflated, tents and inflatable structures or buildings that are picked up and moved.

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

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

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The 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 an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

SUNSHINE ACT - The Act of October 15, 1998, P.L. 729, No. 93, *as amended*, 65 Pa. C.S. §701 *et seq*.

SUPERMARKET - A retail market selling foods and household merchandise which contains 10,000 square feet or more of floor area. If the building within which the supermarket is located contains other uses, including but not limited to a branch bank, a discount retail merchandise store, or other facilities, additional regulations for those uses will also be applicable.

SUPERVISORS - The Board of Supervisors of the Township.

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

TEMPORARY FARM EMPLOYEE HOUSING - An accessory, additional temporary dwelling unit placed on a property for occupancy by a person (and family) engaged in farm work on the subject property.

TIMBER HARVESTING OPERATION - The felling and removal of four (4) trees, of greater than six (6) inches DBH, per acre to be converted to any forest product or for sale to others. The felling and/or removal of diseased or dead trees, or invasive trees or other invasive herbaceous species, or the felling and removal of trees for personal firewood use, or the removal of trees from an orchard, Christmas tree farm or tree nursery, or the clearing of trees in an area in accordance with an approved subdivision or land development plan or building permit or the shall not constitute timber harvesting provided that such activity shall not occur more than once in a three (3) year period. Forestry, as defined in Article II, herein, shall be considered a timber harvesting operation, and shall require a timber harvesting permit.

TOPS - The upper portions of felled trees that, because of small size, taper or defects, have no commercial value.

TOWER - A support structure and the reception and/or transmission antennas upon it intended for the transmission and/or reception of radio, television, telephone or digital communications, including wireless communications.

TOWNSHIP - The Township of Pequea, Lancaster County, Pennsylvania

TOWNSHIP PLANNING COMMISSION - The Planning Commission of the Township

TRACT - One (1) or more contiguous lots assembled and presented as a single property for purposes of subdivision or land development.

TRACT AREA, GROSS - The area of land contained within the property lines of a parcel, lot or tract as described in the deed or as shown on an approved subdivision plan.

TRACT AREA, NET - The gross tract area excluding the area are within a street right of way. The net tract area shall be used to determine the area, bulk, dimensional and density requirements as provided in this Ordinance.

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

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

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

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

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

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

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

TRUCK TERMINAL - An area and/or building for the maintenance and storage of trucks and where cargo is stored and where trucks load and unload cargo on a regular basis.

TURBINE HEIGHT - The distance measured from the surface of the tower foundations to the lowest and/or highest point of the turbine rotor plane.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two (2) separate dwelling units.

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

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

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

USDA - The United States Department of Agriculture or any successor agency

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

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

VEHICLE AUCTION - An area of land with or without buildings used for temporary storage, display and wholesale sales of operable and licensed used autos, trucks, boats, motorcycles, or recreational vehicles that are in an operable condition. A vehicular auction is a commercial establishment, subject to the use, development, and design standards of the zoning district in which permitted, and other applicable ordinance provisions. Vehicles stored on-site shall remain intact and operable and shall not be dismantled, processed, salvaged, crushed, demolished, or sold in parts. See "Junkyard" for comparison.

VIEW - The relative ability to see a given object from a designated location. Views shall be further classified as:

1. Unobstructed - The ability to see most or all of an object; specifically where more than eighty-five percent (85%) of the object is visible.

2. Filtered - The ability to see some of the object; specifically where fifteen percent (15%) to eighty-five percent (85%) of the object is visible.

3. Hidden - The ability to see little or none of the object; specifically where less than fifteen percent (15%) of the object is visible.

WAREHOUSING - The temporary storage of goods and materials within a building, generally for subsequent distribution to other locations, and not involving retail activities.

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

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

WATER SUPPLY

1. Individual System - A safe, healthful, and adequate supply of water to a single user from a private well or spring located on the land of the user.

2. Central Water Supply System - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on site and/or off-site. A central system can be further described as either of the following:

   A. Public Water Supply System - A system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.

   B. Community Water Supply System - A system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards, which are applicable to a community water supply system under or pursuant to the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, No. 43, *as amended*, 35 P.S. §721.1 *et seq*., for at least twenty-six (26) dwelling units.

WATERS OF THE COMMONWEALTH - Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WETLANDS - All areas meeting the criteria for wetlands as specified by the United States Army Corps of Engineers, 1987 Manual, and/or the current regulations of DEP and/or the Lancaster County Natural Heritage Inventory and/or the Township, whichever is the most stringent. Wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including but not limited to swamps, marshes, bogs and similar communities.

WETLANDS BUFFER - An area surrounding a wetlands, measured one hundred and fifty (150) feet perpendicular to and from the boundary of a wetlands area, as delineated under the provisions of this Zoning Ordinance.

WETLANDS DELINEATION - The on-site method or process for identifying jurisdictional wetlands which is currently or hereafter adopted by the Pennsylvania Department of Environmental Protection.

WETLANDS DELINEATION REPORT - A document that describes the investigation procedures and findings of a wetlands delineation.

WHOLESALING - A commercial activity comprising the sale of commodities in large quantities or in bulk, to retailers or jobbers, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such commodities.

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

WINDMILL - A wind energy conversion system that converts wind energy into electricity through the use of a generator, which may include a nacelle, rotor, tower, transformer pad, blades, spirals, helixes and/or supporting energy apparatus.

WINDMILL, COMMERCIAL - A facility consisting of one or more windmills and associated electrical conversion systems with a rated capacity of more than 20 KW; or that is the primary use of the lot on which it is located. A facility shall be considered commercial if it supplies electrical power primarily for off-site use; or if net revenue is produced by such electrical power.

WINDMILL, NON-COMMERCIAL - A windmill intended for the energy needs of uses on a single lot that may be residential or non-residential and is designed to generate less than 10 KW for residential uses and less than 20 KW for non-residential uses.

WINDMILL TOWER HEIGHT -

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on the horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator.

WIRELESS COMMUNICATIONS FACILITY - The antenna, antenna support structure, wireless communications equipment building, and/or other structures and equipment that are licensed by the Federal Communications Commission for the specific purpose of receiving and/or transmitting wireless television, radio, telephone or digital communications. Such use shall not be considered a public utility.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed.

WITNESS TREE - Any tree estimated to be one hundred fifty (150) years old or older.

WOODLANDS - A tree mass or plant community, covering one-quarter (¼) acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Woodlands do not include commercial horticultural enterprises, such as orchards, Christmas tree farms, and commercial nurseries.

WOODLAND DISTURBANCE

1. Any activity which alters the existing structure of woodlands. Alterations include the felling or removal of canopy trees, sub-canopy trees, under-story shrubs and vines, woody and herbaceous woodland floor species.

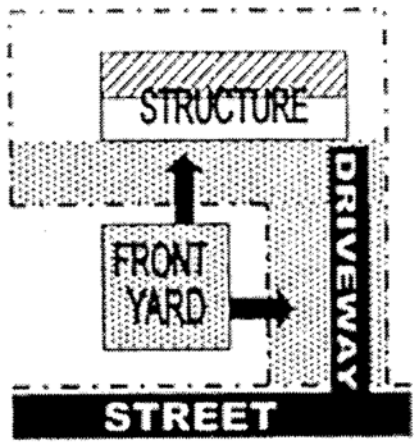
2. Any activity which constitutes a land disturbance, as defined in this Zoning Ordinance.

3. Woodland disturbance does not include the selective cutting or removal of invasive trees, shrubs, vines or other herbaceous species.

WOODLAND MANAGEMENT PLAN - A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management and shall document measures to be taken: (1) to protect water quality; (2) to minimize impacts from skid trails and logging roads, landing areas and the tree removal process; and (3) to assure site restoration.

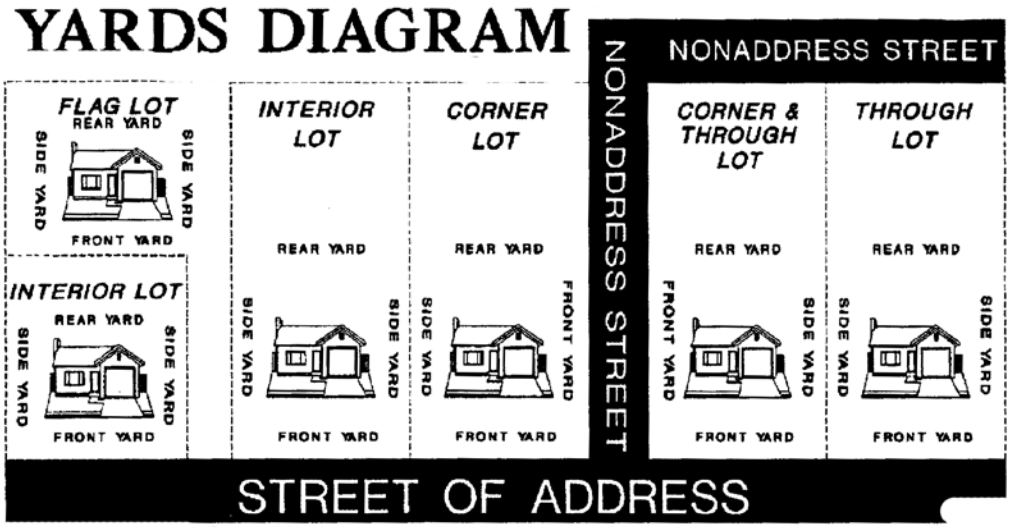
YARD - An area between the permitted structures and the property lines.

Yard, Front - The area contained between the principal structure and the street right-of-way line, except that where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the principal structure and the front property line that generally parallels the street (see adjacent diagram).



YARD, REAR - The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard.

YARD, SIDE - The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.



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

ZONING HEARING BOARD - The Zoning Hearing Board of Pequea Township.

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

ARTICLE 3 ZONING DISTRICTS

Section 301. Establishment of Zones

For the purpose of this Ordinance, Pequea Township is hereby divided into zones which shall be designated as follows:

ARTICLE	DISTRICT
MR	Mineral Recovery
A	Agricultural
R1	Residential
R2	Residential
V	Village
C	Commercial
I	Industrial

In addition to the aforementioned zoning districts, the following overlay districts shall apply in all districts where located:

F	Floodplain District
S	Steep Slope Conservation District
H	Historic Resources Overlay

Section 302. Zoning Map

The areas within Pequea Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

Section 303. Zone Boundary Lines

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporate boundary of the Township; or as shown on the Map, and:

A) Boundaries which appear to follow the centerline of streets, highways, or alleys, or extensions thereof, or parallel or perpendicular to such centerlines shall be construed as such.

B) Boundaries which appear to follow lot lines or extensions thereof, or parallel or perpendicular to such lot lines shall be construed as such.

C) Boundaries which appear to follow Township boundary lines or limits shall be construed as following such boundary lines or limits.

D) Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.

E) Distances specifically indicated shall be so construed. Distances not specifically indicated shall be determined by the scale of the map.

F) Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not indicated by provisions of this Section, the Zoning Officer, subject to appeal to the Zoning Hearing Board, shall interpret the district boundaries.

G) In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

Section 304. Amendments to the Official Zoning Map

If, in accordance with Article 18 and all other provisions of the Zoning Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly by the Zoning Officer or some other competent person designated by the Board of Supervisors. This change shall be accompanied by an entry on the Official Zoning Map stating the date of the amendment and the ordinance number which amends the Official Zoning Map.

ARTICLE 4 MR – MINERAL RECOVERY DISTRICT

Section 401. Purpose

The purpose of this District is to provide for mineral extraction operations in those areas of the Township where mineral extraction operations have traditionally been located, and to exclude uses not compatible with such development.

Section 402. Permitted Uses

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

1. Any use permitted as of right in the Agricultural District.

2. Municipal Uses.

Section 403. Special Exceptions

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article 15:

1. Any use permitted by special exception in the Agricultural District other than communications antennas mounted on a tower, building or other structure.

2. Septage and Solid waste disposal facility in accordance with the provisions of Section 1502.15.

3. Quarrying and mining in accordance with the provisions of Section 1502.16.

4. Recycling and resource recovery facilities in accordance with the provisions of Section 1502.17.

5. Junk Yards in accordance with the provisions of Section 1502.30.

Section 404. Area and Height Regulations

A. The lot area, lot width, lot depth, yard, coverage, and height requirements for uses permitted as of right or by special exception in the Agricultural District which are permitted as of right or by special exception in the Mineral Recovery District.

B. The lot area, lot width, lot depth, yard, coverage, and height requirements for septage and solid waste disposal, quarrying and mining, and recycling and resource recovery facilities shall be as set forth in Article 15.

Section 405. Landscape Requirements

Uses in this District shall comply with the provisions of Section 1405, General Landscape and Buffer Regulations.

ARTICLE 5 AGRICULTURAL DISTRICT

Section 501. Purpose

In the interest of public health, safety, and welfare, the Agricultural District is further designed and intended to accomplish the following:

1. Protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township.

2. Permit only those land uses and activities which are agricultural in nature or incidental thereto.

3. Encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for any purpose other than agriculture by limiting uses within the Agricultural District, limiting some uses permitted within the Agricultural District to certain soil classifications, and insuring that farms remain of sufficient size to be profitable for farming by limiting the number of lots which may be created, limiting the maximum size of residential lots, and imposing a minimum lot size on farms to be created which is sufficient to insure viability.

4. Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development, with agricultural uses. For the farmer, such mixing would cause increased traffic on the roads used to move farm machinery and livestock; additional litter, which is a nuisance to crop farming and a danger to livestock; damage and loss of crops and livestock from theft, mischief, or trespass; and com-plaints about odors, noise, dust, barbed wire or electric fencing, night operations, and other items which are normal often uncontrollable aspects of farming. For the residential or commercial occupant, farm operations can cause a nuisance and health and safety hazards as well as the possible contamination of well water by agricultural chemicals, fertilizers, and animal waste.

5. Assure the ready availability of agricultural products to the residents of the Township and region.

6. Direct development which is incompatible with agriculture into other areas of the Township to foster conditions favorable to the continuation of agriculture.

7. Provide maximum protection to existing and future agricultural enterprises as a natural and national economic resource.

8. To implement the requirement of Section 604(3) of the Municipalities Planning Code that zoning ordinances shall be designed to preserve prime agricultural land.

9. The Commonwealth of Pennsylvania has established, by provisions in the Municipalities Planning Code, the conservation easement program (Act 149 of 1988, as amended), the Agricultural Security Law (Act 43 of 1981, as amended), the Clean and Green Law (Act 319 of 1983, as amended), publications of various Departments of the Commonwealth and

Executive Order No. 1994-3, that it is the policy of the Commonwealth to preserve agricultural land.

Section 502. Uses Permitted by Right

In the Agricultural District a building, or multiple buildings, may be erected, altered or used and land may be used for any one, or a combination, of the following uses and no other:

1. Agriculture, horticulture, and forestry-related uses, including timber harvesting.
2. Intensive Produce and Intensive Livestock Operations subject to the specific criteria of Section 1502.10 of this Ordinance.
3. Single family detached dwellings subject to Section 504.2.C.
4. Bed and breakfasts, subject to the specific criteria of Section 1502.1 of this Ordinance.
5. One room schoolhouses which are accessory to a farm as defined herein.
6. ECHO housing subject to the specific criteria of Section 1502.2 of this Ordinance.
7. Two Family Conversions subject to the specific criteria of Section 1502.3 of this Ordinance.
8. Extended family housing subject to the specific criteria of Section 1502.4 of this Ordinance.
9. Temporary farm employee housing subject to the specific criteria of Section 1502.5 of this Ordinance.
10. Farm Related Occupations subject to the specific criteria of Section 1502.7 of this Ordinance.
11. Home occupations subject to the specific criteria of Section 1507.21 of this Ordinance.
12. Rural occupations subject to the specific criteria of Section 1502.6 of this Ordinance.
13. No-impact home-based businesses.
14. Riding Club, Riding School, and/or Horse Boarding Stable subject to the specific criteria of Section 1502.8 of this Ordinance.
15. Communication Antennas and Equipment (Co-locate) in compliance with the provisions of Section 1502.11
16. Nursery, Greenhouse, and Retail Sales of Garden Stock in compliance with the provisions of Section 1502.14.
17. Churches and Related Uses in compliance with the provisions of Section 1502.12.
18. Municipal Uses and Services

19. Accessory uses customarily incidental to the uses permitted in compliance with the provisions of Section 1403.11.

Section 503. Special Exceptions Uses

All applications for special exception uses shall be subject to the review procedures of Article 15.

1. Animal Hospitals and Kennels in compliance with the provisions of Section 1502.18.
2. Public Utility Structures.
3. Communication Towers and Equipment in compliance with the provisions of Section 1502.19.
4. Principal Anaerobic Digesters in compliance with the provisions of Section 1502.20.
5. Campgrounds in compliance with the provisions of Section 1502.45.
6. Sportsmens Club in compliance with the provisions of Section 1502.46.
7. Family Day Care Facility in compliance with the provisions of Section 1502.22.

Section 504. Limitations on Subdivision/Land Development

1. In order to preserve the agricultural tracts, it is the express intent of the Agricultural District regulations that the subdivision of lots from farms or the development of nonagricultural uses and structures on existing farms shall be limited. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Pennsylvania Municipalities Planning Code to preserve prime agricultural land through the enactment of these regulations.

2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Agricultural District , The “Lot Area” calculation contained within the following table shall be based upon all contiguous land within the Agricultural District held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on October 10, 1988 , the “Lot Area” calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first redistrict to the Agricultural District . For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:

A. Such land is divided into one or more lots, parcels, purports or tracts.

B. Such land was acquired by the landowner at different times or by different deeds or other means.

C. Such land is separated by public or private streets or rights-of-ways.

Number of New Lots Which Lot Area (Acres) May be Subdivided and/or Number of New Principal Uses

At Least	Less Than	Which May be Established
4	25	1
25	50	2
50	75	3
75	100	4
100	125	5
	Over 125	6

3. It is the purpose and intent of the Agricultural District to limit the development of agricultural tracts regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Pennsylvania Municipalities Planning Code. It is the further purpose and intent of this District to limit the number of single-family dwellings or other principal nonagricultural buildings which may be erected on any tract within the Agricultural District. The condition of the tract on October 10, 1988, or on the date on which the tract was first zoned Agricultural District, shall be the basis from which the maximum development set forth in Section 504.2 above, shall be calculated.

4. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size. Any lot existing on October 10, 1988 which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes and the size of such lot shall not be increased to more than two (2) acres.

5. A subdivision that merely transfers land from one lot to another lot shall not be counted against the permitted number of lots to be subdivided in Section 504.2, above.

6. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 504.2, above.

7. The number of lots which may be created or single-family dwellings or other principal nonagricultural buildings which may be erected shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after the subdivision or land which was formerly part of a parent tract shall be bound by the actions of his predecessor.

8. Echo housing shall not be considered a subdivision right; however, extended family housing shall be considered a subdivision right.

9. In reviewing a subdivision or land development plan within this District, the applicant should incorporate a proposed design of lots/uses that will:

   A. Minimize the loss of valuable farmland and/or minimize the disruption of agricultural operations.

   B. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms.

   C. Minimize the length of property lines shared by all residential lots and adjoining farms.

   D. Assure adequate vehicular access to future residences not currently proposed.

   E. Assure that the proposed plan can comply with the Subdivision and Land Development Ordinance.

   F. Minimize the clearing or cutting of mature trees and hedge rows.

   G. Should the applicant fail to demonstrate compliance with any of the preceding objectives, the proposed plan shall be denied.

Section 505. Area and Design Requirements

The Area and Design Requirements for the Agricultural District are provided in Table 505.A.

Table 505.A Area and Design Requirements for the Agricultural (A) Zone

Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width	Minimum Required Front Yard Setback	Minimum Required Side Yard Setback	Minimum Required Rear Yard Setback	Maximum Permitted Lot Coverage	Maximum Permitted Height
Agriculture, horticulture and forestry-related uses, including parent tract remainders	Any use created on or after October 10, 1988 - Fifty (50) acres	N/A	100 ft. @ building setback/60 ft. @ street frontage	50 feet	50 ft each side[1]	50 ft.[1]	10%	150 ft.[1]
Single-family detached dwellings	1 acre	2 acres			25 ft.on each side	35 ft.	20%	35 ft.
Other principal uses	1 acre	2 acres			50 ft. on each side	50 ft.	20%	35 ft.

Note 1: All structures must be setback a distance at least equal to its height from the property line.

Section 506. Required Conservation Plan

Any agricultural use shall require a Conservation Plan or Agricultural Erosion and Sedimentation Control Plan prepared by a qualified individual pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, PA DEP. All on-site activities shall be in compliance with the Plan. All agricultural uses shall, in addition, be conducted so as to minimize the conveyance of runoff off the site.

Section 507. Agricultural Nuisance Disclaimer

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

Section 508. Required Nutrient Management Plans

All agricultural uses shall comply with the Pennsylvania Nutrient Management Act of 1993, as may be amended.

ARTICLE 6 R-1 RESIDENTIAL DISTRICT

Section 601. Purpose

The purpose of the R-1 Residential District is to provide low density housing in a rural setting with a minimum lot area of one (1) acre or greater depending on nitrate levels and the ability to find a suitable location for a primary and secondary on-lot septic system. New development shall be compatible with existing development styles in the district. The extension of public water and public sewer into areas of the Township zoned R-1 shall only be considered as a remedy for malfunctioning on-lot septic systems and/or contaminated groundwater.

Section 602. Permitted Uses

Land and buildings in the R-1 Residential District shall be used for the following purposes. Additionally, all uses within this District shall comply with the Specific Provisions contained in Article 15.

1. Agriculture, horticulture, and forestry-related uses, including timber harvesting (except intensive agriculture).

2. Single family detached dwelling.

3. Municipal Uses and Services

4. Churches and related uses in compliance with the provisions of Section 1502.12.

5. No-impact home based business.

6. Accessory buildings in compliance with Section 1403.11 and uses clearly incidental to the principal use of the above permitted uses when located on the same lot and do not include any activity conducted as a business.

Section 603. Special Exceptions

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with the specific provisions contained in Article 15:

1. Public and Private Schools as provided in Section 1502.8.

2. Home occupations as provided in compliance with the provisions of Section 1502.21

3. Public utility service structures as provided in Section 1426.

4. Nursing, rest or retirement homes as provided in Section 1502.36.

5. Family day care facilities as provided in Section 1502.22.

6. Golf Courses as provided in Section 1502.47.

7. Cemeteries as provided in Section 1502.12.D

Section 604. Area and Bulk Regulations

1. Minimum Lot Area Regulations.

Unless otherwise specified, all uses within the R-1 Residential District shall contain a minimum lot area of one (1) acre; however, the minimum required lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP and Pequea Township.

2. Bulk Regulations. The following regulations shall apply to all properties within the R-1 District:

A) The minimum lot width shall be one hundred twenty-five (125) feet.

B) The minimum lot depth shall be one hundred fifty (150) feet.

C) Unless otherwise provided in this Ordinance, all buildings shall be set back the following minimum distances:

a) Front yard -

1. One Hundred (100') feet from the center of an Urban Principal Arterial Road as defined in Section 1402.

2. Eighty (80') feet from the center of a Rural Minor Arterial or a Rural Major Collector Road as defined in Section 1402.

3. Sixty (60') feet from the center of a Rural Minor Collector Road as defined in Section 1402.

4. Fifty (50') feet from the center of a Local Access Road as defined in Section 1402.

b) Side Yard: There shall be two (2) side yards each having a minimum of fifteen (15) feet.

c) Rear yard: The rear yard shall have a minimum depth of fifty (50) feet; provided, however, that if the rear yard abuts a public right-of-way, the rear year setback shall be governed by the limitations on the front yard setback.

D) Impervious surface area shall cover no more than twenty-five (25%) of the surface area of the lot for a single family detached dwelling, five (5%) percent if a farm, and twenty-five (25%) for all other uses.

E) No building may exceed thirty-five (35) feet in height except as provided in Article 14 of this Ordinance.

Section 605. Landscape Requirements

All proposed land developments and subdivisions within this District proposing four (4) or more residential lots or units, or any non-residential uses other than agricultural shall comply with the applicable landscaping regulations contained in Section 1405.

ARTICLE 7 R-2 RESIDENTIAL DISTRICT

Section 701. Purpose

To provide a variety of housing types, consistent with the potential availability of adequate transportation and public utilities; to maintain sufficient open area to blend with the general rural agricultural character of the Township; and to exclude uses not compatible with such development.

Section 702. Permitted Uses

Land and buildings in the R-2 Residential District shall be used for the following purposes. Additionally, all uses within this District shall comply with the Specific Provisions contained in Article 15.

1. Single family detached dwellings, duplexes, and townhomes.

2. Agriculture, horticulture, and forestry-related uses, including timber harvesting (except intensive agriculture and intensive produce operations).

3. Churches and related uses in compliance with the provisions of Section 1502.12.

4. No-impact home based business.

5. Municipal Use and Services

6. Accessory buildings in compliance with Article 14 and uses clearly incidental to the principal use of the above permitted uses when located on the same lot and do not include any activity conducted as a business.

Section 703. Special Exceptions

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with specific provisions contained in Article 15:

1. Home occupations as provided in compliance with the provisions of Section 1502.21.

2. Multiple family dwellings

3. Public schools as provided in Section 1502.38

4. Manufactured Home Parks as provided in subject to 1502.48

5. Two Family Conversions as provided in Section 1502.3.

Section 704. Conditional Uses

The following uses may be permitted by the Board of Supervisors *by* conditional use in accordance with Article 15:

1. Neighborhood Design Option Development as provided in Section 1503.

Section 705. Area and Bulk Regulations

A) Minimum Lot Area Regulations. The following minimum lot area regulations shall apply to all properties **with** public water and public sewer service within the R-2 Residential District:

1) Single family detached dwellings shall have a minimum lot size of 15,000 square feet.

2) Duplex dwellings shall have a minimum lot size of 8,400 square feet.

3) The minimum lot area for a building containing multiple-family dwellings shall be two (2) acres and must be served by public sewer and public water. Multiple-family dwellings are permitted at a density of up to six (6) units per acre. In no case shall any building exceed one hundred fifty (150) feet along its longest dimension.

4) Townhome dwellings shall have a minimum lot size of 3,000 square feet provided, however, that the density of said units shall not exceed six (6) units per acre.

B) Minimum Lot Area Regulations. The following minimum lot area regulation shall apply to all properties **not served** by public water and public sewer service within the R-2 Residential District:

1) Single family detached dwellings shall have a minimum lot size of one (1) acre; however, the minimum required lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP as well as an alternate site as required by Pequea Township.

2) Duplex dwellings, multiple-family dwellings, and townhome dwellings **are not** permitted when not served by public water and public sewer.

C) Bulk Regulations. The following regulations shall apply to properties **with** public sewer and public water within the R-2 Residential District:

1) Minimum lot widths shall be as follows:

Single Family Detached:	70 feet
Duplex:	65 feet
Multi-Family:	200 feet
Townhomes:	24 feet

2) All lots shall have a minimum depth of one hundred and twenty-five (125) feet.

3) Unless otherwise provided in this Ordinance, all buildings shall be set back the following minimum distances:

a) Front yard –

1. One Hundred (100') feet from the center of an Urban Principal Arterial Road as defined in Section 1402.

2. Eighty (80') feet from the center of a Rural Minor Arterial or a Rural Major Collector Road as defined in Section 1402.

3. Sixty (60') feet from the center of a Rural Minor Collector Road as defined in Section 1402.

4. Fifty (50') feet from the center of a Local Access Road as defined in Section 1402.

b) Side yard.

i) Single family detached dwellings shall have two (2) side yards each having a minimum width of fifteen (15) feet.

ii) Duplex dwellings shall have one (1) side yard having a minimum of twenty (20) feet.

iii) Multiple family buildings shall have two (2) side yards each having a minimum width of fifty (50) feet.

iv) Townhome dwellings shall have no more than six (6) dwellings attached in any one consecutive row of dwellings. Each end unit shall provide a twenty-five (25) foot side yard.

c) Rear yard. Rear yards shall be a minimum of thirty five (35) feet except for apartments where it shall be fifty (50) feet.

d) Building separation. In those instances where several multiple-family dwelling buildings and/or townhome groupings are located on the same lot, the following separation distances will be provided between each building:

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

ii) A minimum yard space of thirty-five (35) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.

iii) A minimum yard space of thirty-five (35) feet is required between end walls and front or rear faces of buildings.

4) Maximum Lot Coverage. Total impervious surfaces shall not exceed the following percentages of lot area:

a)	Single Family:	30%
b)	Duplex:	35%
c)	Multi-Family:	45%
d)	Townhome:	40%
e)	Farms:	5%
f)	All Other Uses:	45%

5) Perimeter Setback Requirement. All multiple family and townhome dwellings shall be set back a minimum of seventy-five (75) feet from any perimeter boundary of the development site.

D) Bulk Regulations. The following regulations shall apply to properties **not served** by public sewer and public water within the R-2 Residential District:

1) The minimum lot width shall be one hundred twenty-five (125) feet.

2) The minimum lot depth shall be one hundred fifty (150) feet.

3) Unless otherwise provided in this Ordinance, all buildings shall be set back the following minimum distances:

a) Front yard -

1. One Hundred (100') feet from the center of an Urban Principal Arterial Road as defined in Section 1402.

2. Eighty (80') feet from the center of a Rural Minor Arterial or a Rural Major Collector Road as defined in Section 1402.

3. Sixty (60') feet from the center of a Rural Minor Collector Road as defined in Section 1402.

4. Fifty (50') feet from the center of a Local Access Road as defined in Section 1402.

b) Side Yard: There shall be two (2) side yards each having a minimum of fifteen (15) feet.

c) Rear yard: The rear yard shall have a minimum depth of fifty (50) feet; provided, however, that if the rear yard abuts a public right-of-way, the rear year setback shall be governed by the limitations on the front yard setback.

4) Impervious surface area shall cover no more than twenty-five (25%) of the surface area of the lot for a single family detached dwelling, five (5%) percent if a farm, and twenty-five (25%) for all other uses.

5) Height Requirements. No building may exceed thirty-five (35) feet in height or three (3) stories whichever is the lesser except as provided in Article 14 of this Ordinance. Accessory buildings and structures shall be not more than fifteen (15) feet high. Roof lines and elevations of side walls and facades of attached dwellings shall be staggered and broken at least every fifty (50) feet or every two (2) dwelling units by no less than twenty-four (24) inches.

Section 706. Landscape Requirements

All proposed land developments and subdivisions within this District proposing four (4) or more residential lots or units, or any non-residential uses other than agricultural shall comply with the applicable landscaping regulations contained in Section 1405, General Regulations.

ARTICLE 8 VILLAGE DISTRICT

Section 801. Purpose

The primary purpose of the Village classification is to strengthen the unique sense of place of the traditional Village (of New Danville), which is important component to the Township's history and heritage; and to recognize and promote the continuation of the Village's distinct identity as a traditional, compact, rural-mixed use development pattern and uses centered around the intersection Millersville Road (SR 0741) / Marticville Road (SR 0324) and New Danville Pike (SR 0324/SR 3022). Lands within the Village have traditionally been developed as a compatible mixture of lower density residential uses along with a limited amount of supporting, small-scale commercial, institutional, and public uses. The Village is intended to accommodate only a very limited amount of new development, primarily via reuse of existing residential buildings and properties for a compatible mixture of residential and non-residential uses. Additionally, it is intended to exclude such uses and development that are not compatible with existing development pattern and uses. Since the Village is not designated as a "growth area" it is not likely to be served by public sewer service or public water service within the foreseeable future; therefore larger lot sizes are indicated.

Section 802. Uses Permitted by Right

In the Village Residential Zone a building may be erected, altered or used and land may be used for the following uses and no other:

1. Agriculture, horticulture, and forestry-related uses, including timber harvesting (except intensive agriculture)

2. Nursery, Greenhouse, and Retail Sales of Garden Stock in compliance with the provisions of Section 1502.14

3. Single Family Detached Dwellings

4. Retail stores, shops, convenience stores and business offices

5. Professional, business, and personal service establishments

6. Consumer product repair services of products permitted to be produced or sold within the Village

7. Specialty shops for custom work and articles normally to be sold at retail on the premises such as baking, confectionery, dressmaking, and printing

8. Restaurants subject to the specific criteria of Section 1502.35 of this Ordinance.

9. Public Schools subject to Section 1502.38.

10. Churches and related uses in compliance with the provisions of Section 1502.12.

11. Municipal Uses and Services

12. Clubhouses for Private Clubs

13. Group Day Cares subject to PA Department of Health and Welfare Regulations.

14. Cemeteries (existing as the effective date of any "Village" amendment) in compliance with the provisions of section 1502.12.D

15. No-Impact Home Based Business

16. Communication Antennas and Equipment (Co-locate) in compliance with the provisions of Section 1502.11

17. Bed and Breakfasts in compliance with the provisions of Section 1502.1

18. Home Occupations subject to the specific criteria of Section 1502.21 of this Ordinance.

19. Family day care facilities as provided in Section 1502.22.

20. Accessory buildings in compliance with Article 14 and uses clearly incidental to the principal use of the above permitted uses when located on the same lot and do not include any activity conducted as a business.

Section 803. Design Standards

AREA, BULK, AND HEIGHT STANDARDS FOR THE VILLAGE DISTRICT

AREA, BULK, AND HEIGHT STANDARDS	USE OR REUSE OF EXISTING BUILDINGS ON EXISTING LOTS OF RECORD AS OF THE EFFECTIVE DATE OF THE VILLAGE AMENDMENT
Public Water and Public Sewer	Not provided in the Village District.
Minimum Lot Area	Existing lot area on the date of adoption of this ordinance. All uses are served by on-lot wells and septic systems; therefore, the existing lot area cannot be reduced through subdivision or land development unless approved by the Zoning Hearing Board as a special exception.

AREA, BULK, AND HEIGHT STANDARDS	USE OR REUSE OF EXISTING BUILDINGS ON EXISTING LOTS OF RECORD AS OF THE EFFECTIVE DATE OF THE VILLAGE AMENDMENT
Minimum Lot Width	Existing lot width on the date of adoption of this ordinance. The lot width cannot be reduced unless approved by the Zoning Hearing Board as a special exception.
Minimum Lot Depth	Existing lot depth on the date of adoption of this ordinance. The lot depth cannot be reduced unless approved by the Zoning Hearing Board as a special exception.
Minimum Front Yard	Existing, except where at least 2 adjacent buildings within 100 feet of a lot on the same side of the street are set back a lesser distance than required, the average of the lesser distances shall become the required minimum front yard for the property.
Minimum Side Yard	Existing side yard on the date of adoption of this ordinance, except there shall be a minimum side yard of 5 ft. for each side.
Minimum Rear Yard	Existing rear yard on the date of adoption of this ordinance, except there shall be a minimum rear yard of 25 ft.
Maximum Impervious / Lot Coverage	Existing impervious coverage on the date of adoption of this ordinance, except there shall be a maximum lot coverage of 70%.
Maximum Building Height	35 ft. or 3 stories, whichever is less.
Residential Conversion	Conversion of an Existing Residential Dwelling to a Permitted Non-Residential Use. Existing residential buildings as of the effective date of the village amendment used as part of non-residential conversions shall maintain an exterior appearance that resembles and is compatible with most of the existing dwellings in the neighborhood. No modifications to the external appearances of the existing dwellings (except fire and safety requirements) which would alter its residential character shall be permitted.
Gross Floor Area for Non-Residential Uses	Maximum square feet of gross floor area* of a building permitted for non-residential uses shall not exceed 7,500 sq. ft.

NOTES:

***GROSS FLOOR AREA: Equivalent definition in the IBC as referenced in the PA UCC. (The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.)**

Section 804. Outdoor or Outside Storage Prohibited

No outdoor or outside storage is permitted.

Section 805. Dumpster Siting and Screening.

Dumpsters should be within enclosed structure (fence or wall), located behind the building, screened from adjoining roads and properties, and setback a minimum of fifteen (15) feet from any adjoining residentially used or zoned properties. All waste receptacles shall be completely closed.

Section 806. Mechanical Equipment Screening.

Mechanical equipment and other functional accessories of each building, including but not limited to elevators, penthouses, ventilation pipes and ducts, water pressure tanks, and heating, air conditioning and power supply units, should have an architecturally designed building material screen or covering which is an integral part of the building envelope and which is harmonious with the building design.

Section 807. Hours of Operation.

Hours of operation for all non-residential uses in this District shall be limited to no earlier than 6 a.m. or later than 11 p.m.

Section 808. Landscape Requirements.

All non-residential uses other than agricultural shall comply with the applicable landscaping regulations contained in Section 1405, General Regulations.

ARTICLE 9 COMMERCIAL DISTRICT

Section 901. Purpose.

This District is designed to provide for the commercial needs of the community in areas which shall provide for off street parking spaces, and safe circulation of pedestrian and motor vehicle traffic. New residential development shall be excluded from this district to reserve adequate areas for commercial development and to protect residents from an undesirable environment.

Section 902. Permitted Uses.

Land and buildings in the Commercial District shall be used only for the following purposes:

1. Agriculture, horticulture, and forestry-related uses, including timber harvesting (excluding intensive agriculture and produce operations)
2. Retail stores, shopping centers, and business offices containing fewer than 10,000 square feet of gross floor area as provided in Section 1502.9.
3. Municipal Uses and Services
4. Professional, business, and personal service establishments
5. Automobile and other motor vehicle sales
6. Consumer product repair services
7. Temporary portable structures for the retail sale of agricultural products in compliance with Section 1423
8. Banks
9. Funeral homes and undertaking establishments
10. Nursery, Greenhouses, and Retail Sales of Garden Stock in compliance with Section 1502.14.
11. Restaurants, other than drive-in or drive-thru or fast food restaurants, in compliance with Section 1502.35.
12. Communications antennas and equipment (Co-locate) in compliance with Section 1502.11.
13. No Impact Home Based Business

Section 903. Special Exceptions.

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article 15

1. Apartments in connection with a permitted commercial use in compliance with Section 1502.23.
2. Car wash in compliance with Section 1502.24.

3. Clinics and residential facilities for the treatment and/or rehabilitation of persons who have psychological or mental disorders (including but not limited to substance abuse), head trauma, spinal cord trauma and similar illness or injuries not requiring hospitalization in compliance with Section 1502.25.

4. Clubhouses for private clubs not associated with residential use.

5. Conference and resort centers in compliance with Section 1502.26.

6. Principal and Group Day Care Facilities in compliance with PA Department of Health and Welfare

7. Heliports and Helistops in compliance with Section 1502.27.

8. Hospitals in compliance with Section 1502.28.

9. Hotels and motels in compliance with Section 1502.29.

10. Laundromats, dry cleaners, and laundries in compliance with Section 1502.31.

11. Mini storage facilities in compliance with Section 1502.32.

12. Motor vehicle fuel stations (auto filling stations) in compliance with Section 1502.43.

13. Nightclubs in compliance with Section 1502.33.

14. Recreation and entertainment facilities in compliance with Section 1502.50.

15. Automotive and other motor repair garages in compliance with Section 1502.44.

16. Drive-in, drive-thru or fast food restaurant in compliance with Section 1502.34.

17. Retail stores, shopping centers, supermarkets, and business offices in excess of 10,000 square feet of gross floor area, but less than 100,000 square feet in compliance with Section 1502.37.

18. Schools, public and private in compliance with Section 1502.38.

19. Nursing, rest or retirement homes in compliance with Section 1502.36.

20. Farmers Markets and Flea Markets in compliance with Section 1502.49

Section 904. Area and Height Regulations.

A) Minimum Lot Area. The minimum lot size shall be one (1) acre.

B) Minimum Lot Width. One hundred and fifty (150) feet.

C) Yard Requirements. Yards may be used for the purpose of meeting off-street parking and loading requirements, except that no parking or loading shall be permitted closer than ten (10) feet to any property line or street right-of-way line. Yards of the following minimum sizes shall be provided (unless otherwise specified for a specific use in Article 15):

1. Front yard -

    1. One Hundred (100') feet from the center of an Urban Principal Arterial Road as defined in Section 1402.

    2. Eighty (80') feet from the center of a Rural Minor Arterial or a Rural Major Collector Road as defined in Section 1402.

    3. Sixty (60') feet from the center of a Rural Minor Collector Road as defined in Section 1402.

    4. Fifty (50') feet from the center of a Local Access Road as defined in Section 1402.

2. Side and Rear Yards. All buildings shall be located a minimum of fifteen (15) feet from all other lot lines except where the lot borders a residential or agricultural district, the minimum side and/or rear yard shall be fifty (50) feet.

D) Height Regulations. No building may exceed thirty-five (35) feet in height or three (3) stories whichever is less.

E) Lot Coverage. Total impervious surface areas shall not exceed sixty (60%) percent.

1. The maximum area of the lot covered by buildings shall be fifty (50%) percent.

2. The maximum paved area shall be fifty (50%) percent per lot.

Section 905. Performance Standards.

All uses proposed within Pequea Township shall operate in compliance with applicable State and federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

1) Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection;

2) Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;

3) Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection; and,

4) Handicap Access: The latest version of the Americans with Disabilities Act.

Section 906. Landscaping.

Landscaping shall be provided in accordance with the requirements contained in Section 1405.

ARTICLE 10 INDUSTRIAL DISTRICT

Section 1001. Purpose.

To continue industrial use of the areas currently zoned for this purpose, and to allow expansion of industrial uses in those areas which usually do not contain prime farm soils and soils of state-wide importance; are not located in proximity to current or future planned residential areas; and to areas which are or will be serviced with roads appropriate to handle industrial traffic. It is further intended that approved industrial operations will be compatible with surrounding land uses.

Section 1002. Permitted Uses.

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

1. Agriculture, horticulture, and forestry-related uses, including timber harvesting.
2. Business offices associated with the industrial use of the tract.
3. Municipal Uses and Services.
4. Laboratories for scientific or industrial research and development.
5. Heavy equipment sales, service or repair in compliance with Section 1502.13.
6. Assembling, manufacturing or processing of materials and goods
7. Printing, publishing, lithographing, binding and similar processes
8. Contractor's Offices and Associated Accessory Warehousing of Products and Storage of Contractor Equipment.
9. Communications antennas and equipment (Co-Locate) in compliance with Section 1502.11.

Section 1003. Special Exceptions.

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article 15.

1. Sawmills in compliance with Section 1502.39.
2. Heliport and Helistops in compliance with Section 1502.27
3. Warehousing, wholesaling, and wholesale office and showroom in compliance with Section 1502.40.
4. Truck, bus or motor freight terminal in compliance with Section 1502.41.
5. Agricultural support businesses
6. Communications Towers and equipment in compliance with Section 1502.19.
7. Billboards in compliance with Section 1406 Article 14.
8. Adult related facilities in compliance with Section 1502.42.

Section 1004. Specific Performance Standards.

All uses proposed within Pequea Township shall operate in compliance with applicable State and federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

1. Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection;

2. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;

3. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection; and,

4. Handicap Access: The latest version of the Americans with Disabilities Act.

Section 1005. Area, Height and Bulk Regulations.

A) Lot Area. The minimum lot size shall be one (1) acre except with regard to truck and bus terminals, including truck and bus parking and related service and repair areas and uses, in which case the minimum lot size shall be five (5) acres.

B) Lot Coverage. Total impervious surface shall not exceed sixty-five (65%) percent.

   1) The maximum area of the lot covered by buildings shall be fifty (50%) percent of the lot.

   2) The maximum paved area shall be fifty (50%) percent of the lot.

   3) Minimum landscape area shall be at least thirty-five (35%) percent of the lot and shall not be used for outdoor storage.

C) Lot Width. The minimum lot width shall be one hundred and fifty (150) feet

D) Front Yard –

1. One hundred (100') feet from the center of an Urban Principal Arterial Road as defined in Section 1402.
2. Eighty (80') feet from the center of a Rural Minor Arterial or a Rural Major Collector Road as defined in Section 1402.
3. Sixty (60') feet from the center of a Rural Minor Collector Road as defined in Section 1402.
4. Fifty (50') feet from the center of a Local Access Road as defined in Section 1402.

E) Side and Rear Yard. The minimum side and rear yard setbacks shall be twenty-five (25) feet on any side, provided that where the lot borders on a residential district or residential use in any district, the minimum shall be one hundred (100) feet.

F) Height Regulations. The maximum height shall be thirty-five (35) feet except as provided in.

Section 1006. Waste Products and Outdoor Storage.

Outdoor storage is permitted provided it complies with all setbacks specifically imposed on this district and follows all landscape guidelines and performance standards. Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened and set back a minimum of fifty (50) feet from any adjoining residentially used or zoned properties. All waste receptacles shall be completely enclosed.

Section 1007. Landscaping.

Landscaping shall be provided in accordance with the requirements contained in Section 1405.

ARTICLE 11 F- FLOODPLAIN DISTRICT

(Amended by Ordinance #194-2016 adopted April 20, 2016)

Section 1101. Purpose and Intent

A) The purpose of the Floodplain District is to prevent development in areas unfit therefor by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote health, safety and welfare of the residents and property owners in or near streams and areas subject to flooding and to provide for the preservation of natural drainage ways while providing for such uses and development as are compatible with these objectives.

B) The intent of the Floodplain District under this zoning ordinance is to coordinate the use of land in the identified floodplain areas within Pequea Township as defined in the Pequea Township Floodplain Management Ordinance, as may be amended.

Section 1102. Abrogation and Greater Restrictions

The applicable regulations of the Pequea Township Floodplain Management Ordinance are incorporated herein by reference. The provisions of this Article create an overlay zoning district which is applicable within floodplains in all other zoning districts established in this Ordinance. In the event of any conflict, the more restrictive provisions shall apply.

Section 1103. Lands in District Defined

The Floodplain District is hereby defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and those areas are identified in the Pequea Township Floodplain Management Ordinance, as may be amended, as being subject to the one hundred (100) year flood on the flood insurance study and map prepared for the Township by the Federal Emergency Management Agency (FEMA) dated April 5, 2016, as may be amended.

Section 1104. Permitted Uses

The following uses and no others are permitted in the Floodplain District, and they are permitted only if done under and in accordance with the provisions of The Pequea Township Floodplain Management Ordinance, all other applicable provisions of this Zoning Ordinance, and any other applicable local, state or federal regulations:

A) Agriculture, horticulture, and forestry, all excluding any structures,

B) Forestry, lumbering and reforestation, excluding storage of material and structures.

C) Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboretums, excluding any structures.

D) One, two or three-strand fences, so long as all strands run in a horizontal direction.

Section 1105. Standards

The regulation of uses, design standards and procedures to be followed in the Floodplain District are the applicable regulations of the of the Pequea Township Floodplain Management Ordinance, which are hereby incorporated by reference.

ARTICLE 12 STEEP SLOPE CONSERVATION OVERLAY ZONE

Section 1201. Purpose.

The purpose of the Steep Slope Conservation Zone is to promote the public health, safety and welfare by protection of steep slope areas; to permit only those uses of steep slope areas that are compatible with the conservation of natural conditions and that maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the re-grading of steep slope areas; to limit soil erosion and the resultant destruction of the land, siltation of streams, and damage to property; to protect low lying areas from flooding by limiting the increase in stormwater runoff caused by the grading of slope areas, changes of ground cover, or the erection of structures; to maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, that could be adversely affected by otherwise permitted disturbances; and to allow the continuing replenishment of groundwater resources and the maintenance of springs.

Section 1202. General Provisions.

1. No area within the Steep Slope Conservation Zone shall be used without full compliance with the terms of this Article and other applicable regulations. The Steep Slope Conservation Zone shall be an overlay on any zone, now or hereafter enacted, to regulate the use of land in the Township.

2. The Steep Slope Conservation Zone shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation Zone, as defined herein and said uses are in conflict with the permitted uses set forth in this Section.

3. In those areas of the Township where the Steep Slope Conservation Zone applies, the requirements of this Section, to the extent they are more restrictive, shall supersede the requirements of the underlying zone.

4. Each application for construction or land disturbance within the Steep Slope Conservation Zone shall be submitted in accordance with Section 1206. Any area of the Steep Slope Conservation Zone that falls within the subject lot or lots shall be delineated on the site plan required under Section 1206.1.B through shading of such area or areas.

5. Should the Steep Slope Conservation Zone boundaries be revised, to exclude previously included lands, as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zone(s).

6. For any parcel or any part thereof on which the Steep Slope Conservation Zone is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Steep Slope Conservation Zone.

7. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail.

8. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation Zone shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or

employees. This Section does not imply that areas outside the Steep Slope Conservation Zone boundaries or land uses permitted within said Steep Slope Conservation Zone will always be totally free from the adverse effects of erosion.

Section 1203. Designation and Interpretation of District Boundaries.

1. The Steep Slope Conservation District consists of two (2) areas that are delineated and defined as follows:

   A. Prohibitive Slope Prohibitive slopes are those of twenty five percent (25%) or greater slope (e.g., sloping twenty five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed prohibitive when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty five percent (25%).

   B. Precautionary Slope Precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope [e.g., sloping fifteen (15) to twenty five (25) feet vertical over a distance of one hundred (100) feet horizontal]. Slopes shall be deemed precautionary when there are four (4) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen percent (15%) and twenty five percent (25%).

2. Steep slopes shall be determined by either aerial photogrammetric methods or by field survey. The contour intervals shall be set forth at no more than two (2) feet per interval on slopes less than twenty-five percent (25%) and may be set forth at five (5) feet per interval on slopes over twenty five percent (25%). U.S.G.S. 7.5 minute Quadrangles may be used as the source of slope information, subject to the approval of the Zoning Officer upon the recommendation of the Township Engineer.

3. In instances where interpretation is required to determine the exact location of the Steep Slope Conservation Zone boundaries, an initial determination shall be made by the Township Engineer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation for consideration. The Township Engineer shall prepare a written report of his initial determination, a copy of which shall be provided to the Board of Supervisors.

4. Any party aggrieved by any such determination of the Township Engineer or other decision or determination under this Article may appeal to the Zoning Hearing Board. The party contesting the location of the Steep Slope Conservation Zone boundary shall have the burden of proof in such appeal.

Section 1204. Uses Permitted by Right.

1. In any part of the Steep Slope Conservation Zone, no grading shall be undertaken except where approved in conjunction with a use permitted under the terms of this Section.

2. The following uses shall be permitted by right in areas of prohibitive slope, provided they are in compliance with the base Zone and all other applicable provisions of this Ordinance and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of top soil.

   A. Parks and outdoor recreational uses.

   B. Yard areas of a building.

C. Pasture and other agricultural activities such as tree farming that do not expose the soil to erosion.

D. Forestry, logging and woodcutting, where such activity does not involve clear-¬cutting, is limited to selective removal of trees and maximum precautions are taken to avoid destruction of or injury to the under-story.

E. The minimum possible grading for a driveway accessing a single family dwelling or other building when it can be demonstrated that the avoidance of prohibitive slopes is neither feasible nor economically reasonable.

F. The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that the avoidance of prohibitive slopes is neither practicable nor economically reasonable.

3. Within any lot, the maximum extent of areas classified as prohibitive slopes that may be permanently disturbed for the installation of site improvements shall be limited to twenty percent (20%) of the prohibitive slope area, or ten percent (10%) of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer upon recommendation of the Township Engineer. Any such disturbance in excess of either twenty percent (20%) of the prohibitive slope area or ten percent (10%) of the lot area shall require a special exception. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty percent (20%) of the total impervious area permitted under the base Zoning District.

4. The following uses shall be permitted by right in areas of precautionary slope, provided they are in compliance with the base Zone and all other applicable provisions of this Ordinance.

A. All uses permitted in areas of prohibitive slopes.

B. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Lancaster County Conservation District.

C. Single Family Dwellings and earthmoving activities associated with such use.

D. Accessory uses (except swimming pools), necessary for the operation and maintenance of the above permitted uses.

5. On any lot, the maximum extent of areas classified as precautionary slopes that may be permanently disturbed for the installation of site improvements shall be limited to forty percent (40%) of the precautionary slope area, or twenty percent (20%) of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer upon recommendation of the Township Engineer. Any such disturbance in excess of either forty percent (40%) of the precautionary slope area or twenty percent (20%) of the lot area shall require a special exception. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty percent (40%) of the total impervious area permitted under the base Zone.

Section 1205. Uses Permitted by Special Exception.

Any of the following uses are permitted within the Steep Slope Conservation Zone when approved as a special exception in accordance with Section 1705.3, herein:

1. Any structure permitted by right, special exception, or conditional use under the base zoning district other than single family dwellings.

2. Any road necessary to provide primary access to a use permitted by this Ordinance, when no practical alternative, in an area of lesser slope, exists.

In areas of prohibitive and precautionary slopes, the above uses shall demonstrate that there are no alternatives to encroachment. In making its determination, the Zoning Hearing Board shall give particular consideration to the criteria and standards below.

Section 1206. Administration.

Administration of this Section is governed by standards in Section 1207. In addition, the following specific requirements shall apply:

1. Application Procedures - Prior to the issuance of a permit for any construction or land disturbance in the Steep Slope Conservation Zone, the following shall be submitted for review by the Zoning Officer and the Zoning Hearing Board where such application involves a special exception use:

   A. An earth moving plan for the property, drawn to a scale of not less than one inch equals fifty feet (1" = 50'), that indicates existing grades, with contour lines at two (2) foot intervals, and proposed grades within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.

   B. A site plan, drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), indicating existing and proposed structures, other impervious surfaces, storm drainage facilities and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.

   C. Architectural plans, elevations, and sections, drawn to a scale of not less than one eighth inch equals one foot (1/8" = 1'), with such specifications as may be pertinent.

   D. A statement signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.

   E. Engineering plans, profiles, and typical cross-sections, sealed by a registered professional engineer, of any proposed street, emergency access or driveways within areas of prohibitive and precautionary slopes.

   F. A sediment and erosion control plan, with construction narrative, setting forth the measures to control sediment generated on site by the proposed activity. The plan shall be prepared according to the standards and procedures established by the Lancaster County Conservation District and the Pennsylvania Department of Environmental Protection. The applicant shall furnish proof of Lancaster County Conservation District approval to the Township.

G. A statement, signed by the owner or future occupant at the time of subdivision, land development, or building permit application, that there is a full understanding of any problems that may be associated with access due to steep slopes. In the case of subdivisions and land developments, such statement shall appear as a note on the final plan.

H. No zoning permit shall be issued by the Zoning Officer and no special exception shall be granted by the Zoning Hearing Board without the Township Engineer's review of the application and recommendation thereon.

I. The applicant shall provide a stormwater management plan, to be reviewed and approved by the Township Engineer, consistent with the requirements of the Pequea Township Stormwater Management Ordinance

Section 1207. Standards and Criteria for Review of Special Exceptions.

In evaluating any application for a special exception within the Steep Slope Conservation Zone, the Zoning Hearing Board shall determine consistency of the proposal with the following:

1. Disturbance to particularly sensitive features of the site shall be minimized. Special emphasis in planning for the site should be given to the protection of:

   A. The areas of steepest slope, especially those approaching or exceeding twenty five percent (25%).

   B. Soils with seasonal high water table.

   C. Underlying geology that comprises or contributes to a major groundwater resource including the flow of existing springs.

2. Disturbance shall be minimized where the length or area of steep slopes, both on the site and on adjacent lands within two hundred (200) feet of the site is extensive.

3. The proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off-site.

4. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. The Zoning Hearing Board, at its discretion, may require mitigation measures.

5. The design, construction procedures, and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties, or down-slope watercourses as a result of the proposed activities.

6. Important visual qualities of the site shall, to the maximum extent feasible, be retained. In addition to vegetation, these may include hilltops/ridgelines, rock outcroppings, topography and the natural terrain of the site.

7. Road construction shall follow the natural topography, with cuts, fills and grading minimized.

8. Innovative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.

9. Disturbance to the equilibrium of the slope, as characterized by the existing inter relationships among soil, water, and vegetation, shall be minimized.

10. Finished slopes of all cuts and fills shall not exceed thirty three percent (33%), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained to the satisfaction of the Township Engineer.

11. Exposed cut slopes within or below prohibitive slopes shall be protected, to the greatest extent practicable, by engineered retaining walls or other structures to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure that could result in mudslides.

12. In addition to all other applicable provisions of this Ordinance, all activities within the Steep Slope Conservation Zone shall conform to the requirements of the Pequea Township Stormwater Management Ordinance.

Section 1208. Uses and/or Structures Rendered Non-Conforming by the Provisions of this Zone.

As of the date of adoption of this Ordinance, any use or structure that was situated within the boundaries of the Steep Slope Conservation Zone and that does not conform to the permitted uses specified in shall become a non-conforming use or structure, regardless of its conformance to the underlying base zoning district. The expansion or continuance of such non-conforming use or structure shall be governed by the requirements of this Ordinance. However, the Zoning Hearing Board shall also ensure that the standards contained in Article 16 are applied to the expansion or change of such non-conforming use or structure.

ARTICLE 13 HISTORIC RESOURCES OVERLAY

Section1301. Purpose

A) Purpose. The purpose of the Historic Resources Overlay Zone is to promote the general welfare of Pequea Township through the following goals:

(1) To discourage the demolition of historic resources; and

(2) To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC): Section 603(b)(5) which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources….. Section 603(g)(2) which states that "zoning ordinances shall provide for protection of natural and historic features and resources; section 604(1) which states that "the provisions of zoning ordinances shall be designed to promote protect and facilitate any or all of the following: . . . preservation of the natural, scenic and historic values . . .."; and 605(2)(vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

Section 1302. Applicability

1) Boundaries. The Historic Resources Overlay Zone shall conform to the boundaries of Pequea Township. The overlay zone includes each parcel containing one or more historic resource as identified in the following:

a) Historic resources listed on the National Register of Historic Places, as it may be amended, and the lots on which they are located.

b) Historic resources listed on any register of historic places compiled or maintained by the Commonwealth or any of its agencies, as it may be amended, and the lots on which they are located.

c) Historic resources listed in "Our Present Past (1985)" prepared by the Historic Preservation Trust of Lancaster County, as it may be amended, and the lots on which they are located.

d) Historic Resource Inventory List compiled by Pequea Township Planning Commission or other appointed committee adopted by the Board of Supervisors.

2) All of the provisions of the applicable underlying zones shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the overlay zone and the underlying zone, the provisions of this overlay zone shall apply.

3) Should the boundaries of the overlay zone be revised as a result of legislative or administrative actions or judicial decision, the underlying zone requirements shall continue to be applicable.

4) Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

Section 1303. General Provisions

1) Criteria for Determination. The following criteria are used to determine if a building, structure, object, site, or district is historic or not historic thereby enabling appropriate classification on the local survey. A building, structure, object, site, or district is historic if:

(a) It is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; or

(b) It is associated with the lives of people, local, state, or national, who were significant in our past; or

(c) It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); or

(d) It has yielded or may be likely to yield, information important in history or prehistory.

2) Classifications

a) Historic Resources

1) Class I: Buildings, objects, sites, or districts that are

[i] Listed on or have received a Determination of Eligibility (DOE) to be listed on the National Register; or

[ii] Resources within a district that contribute to a National Register listed or eligible district.

2) Class II: Buildings, objects, sites, or districts that are

[i] Resources that are deemed by the Township to substantially meet one or more of the criteria at the local level.

b) Non-Historic Resources

1) Class III: These are buildings that are less than fifty (50) years old or, if more than fifty (50) years old, have lost their integrity. These buildings are not subject to the provisions herein this overlay zone.

3) Revisions. The Resource Inventory List may be revised from time to time by the Board of Supervisors. Revisions are defined as additions to, deletions from the Resource Inventory List, or changes in classification. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred.

Section 1304. Demolition, Removal or Relocation of Historic Resources (Class I or II)

1) General Requirements. Demolition, removal or relocation of a historic resource shall be regulated in accordance with this Section. No historic resource shall be demolished, removed or otherwise relocated without a permit obtained under this provision except for emergency demolitions.

a) Emergency demolitions to protect the health, safety and welfare of the citizens of Pequea Township are regulated under the Township Building Code, or its successors and the provisions of that code shall take precedence over the provisions contained herein.

2) Application Procedures. All applications for demolition, removal or relocation of historic resources shall be referred by the Zoning Officer to the Board of Supervisors to hear and decide such request. The Board of Supervisors shall have the authority to permit or deny demolition, removal or relocation of the historic resource.

3) Criteria for Review. Applicants for a permit to demolish, remove, or relocate a historic resource in whole or in part must provide a written statement as to whether the following statements are correct and provide detailed substantiation for each statement which is believed to be correct. In each instance the burden of proof is on the property owner to demonstrate that the property owner has been deprived any profitable use of the relevant parcel as a whole. The decision of the Board of Supervisors shall be based upon a review of the information submitted by the applicant against all criteria and not any one criterion. The goals and development objectives of the Township shall also be considered.

a) It is not feasible to continue the current use.

b) Other uses permitted within the underlying zone district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.

c) Adaptive use opportunities do not exist due to constraints related to the building, structure or property.

d) The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.

e) The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.

f) The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.

g) A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.

h) The building is structurally unsound.

i) The denial of demolition would result in unreasonable economic hardship to the owner.

j) Sale of the building or structure is impossible or impractical.

k) Denial of demolition will deprive the property as a whole of all beneficial use.

4) Associated Land Development Plan. If the application for a permit for Demolition, Removal or Relocation of a historic resource is being requested to facilitate future development of the land, the said permit shall not be issued until the following additional requirements have been satisfied.

a) Approval of the land development plan by the Board of Supervisors

b) Issuance of any necessary zoning approvals; and

c) The recording of the approved subdivision or land development plan for the parcel where the Demolition, Removal or Relocation is proposed.

5) Pre-demolition Requirements. In those instances where an application for demolition is approved, the building(s) to be demolished shall be historically and photographically documented. The extent of the documentation will be determined by the significance of the building(s). When documentation is complete the building shall be dismantled and recycled to the greatest extent possible.

ARTICLE 14 GENERAL PROVISIONS

Section 1401. General Provisions

The regulations contained within this Article shall apply to all uses within the Township.

Section 1402. Building Lines and Road Classifications Established

Building lines and road classifications are hereby established on all existing and proposed public roads within the Township. Except as provided in other sections of this Ordinance, no buildings or structures shall be placed between the building line and right-of-way line on a public road. In the case of a proposed street, the building line and the street classification shall be shown on the subdivision plan. When various arterial, collector or local access roads are referred to in any Section of this Ordinance for any purpose, they are named and classified in this Article. State Road is abbreviated "SR".

1. Building Lines on Urban Principal Arterial Roads

A) Distance. The building line on all urban principal arterial roads shall be established as One hundred (100) feet from the center line of the existing or proposed road.

B) Urban Principal Arterial Roads Named. For purposes of applying the standards in this Ordinance, the following public roads are classified as urban principal arterial roads:

1) Willow Street Pike (SR - 0272) from West Lampeter Township to Providence Township.

2. Building Lines on Rural Minor Arterial Roads

A) Distance. The building line on all Rural Minor Arterial Roads shall be established as Eighty (80) feet from the center line of the existing or proposed road.

B) Rural Minor Arterial Roads Named. For the purposes of applying the standards in this Ordinance, the following public roads are classified as Rural Minor Arterial Roads:

1) Millersville Road (SR - 0741) from Conestoga Creek to Long Lane.

2) Long Lane (SR -0741) from Marticville Road to West Lampeter Township.

3. Building Lines on Rural Major Collector Roads

A) Distance. The building line on all rural major rural collector roads shall be established as Eight (80) feet from the centerline of the existing or proposed road.

B) Rural Major Collector Roads Named. For the purposes of applying the standards of this Ordinance, the following public roads area classified as Rural Major Collector Roads:

1) New Danville Pike (SR - 0324, SR - 3022) from Conestoga Creek to Conestoga Township.

2) Marticville Road (SR - 0324) from New Danville Pike to Martic Township.

4. Building Lines on Rural Minor Collector Roads

A) Distance. The building line on all Rural Minor Collector Roads shall be established as Sixty (60) feet from the center line of the existing or proposed road.

B) Rural Minor Collector Roads Named. For the purposes of applying the standards of this Ordinance, the following public roads are classified as Rural Minor Collector Roads:

1) Long Lane (SR - 3032) from Conestoga Township to Marticville Road.

2) Millwood Road (SR - 3009) from Long Lane to Baumgardner Road.

3) Baumgardner Road (SR - 3026) from Millwood Road to Willow Street Pike.

4) Rawlinsville Road (SR - 3009) from Baumgardner Road to Martic Township.

5) Penn Grant Road (T-559) from Millwood Road to SR 0272.

5. Building Lines on Local Access Roads

A) Distance. The building line on all local access roads shall be established as Fifty (50) feet from the center line of the existing or proposed road.

B) Local Access Roads Named. For the purpose of applying the standards of this Zoning Ordinance, all private and public roads not specified in 1402 shall be considered local access roads.

Section 1403. Accessory Uses and Structures.

1. Fences and Walls

A. No fence or wall (except agricultural fences, required junk yard or tennis court walls or fences, or a retaining wall of a building permitted under this Ordinance) shall be erected to a height of more than three (3) feet in a front yard and no more than six (6) feet in any other yard within all zoning districts except the Industrial District and the Commercial District. In the Industrial District and the Commercial District, no fence or wall shall be erected to a height of more than ten (10) feet in any yard.

B. All fences and walls shall be set back at least one (1) foot from the property line.

C. All fences shall be erected with the finished side of the fence facing adjacent properties. The finished side shall be considered the side without the structural supporting members.

D. No fence or hedge or wall shall block a motorist's view of vehicles entering or exiting the property.

E. No solid, closed fence shall be erected within the required front yard setback.

2. Swimming Pools

A. No swimming pool shall be permitted without an operating filtering system utilizing an antibacterial agent.

B. All swimming pools shall be enclosed by a permanent fence which is at least four (4) feet in height and conforms to other requirements listed in Section 1403.1. No fence will be required for above ground swimming pools which have sides which are at least four (4) feet above grade and access to the swimming pool can be secured, unless the zoning officer determines that conditions warrant greater safety measures. Fences shall be erected immediately after completion of construction of structures described in this section and before water is added to the pool.

C. No swimming pool shall be within ten (10) feet of any property line as measured from the water surface. Swimming pools shall be located to the rear of the principal dwelling. No swimming pools shall be erected in the front yard.

D. Any lights used in conjunction with the pool shall conform to this ordinance.

3. Tennis Courts

All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged and hooded to prevent glare on adjoining properties and shall be in compliance with Section 1418. Tennis courts shall not be located in front yards or within forty (40) feet of any side or rear property lines.

1. Satellite Dish Antennas

A. Within any Zone, roof or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter are permitted by right as accessory uses. Residential properties shall contain no more than two (2) such devices.

B. Within the A, R1, R2 and Village, one (1) ground mounted satellite dish antenna up to one meter (39.4 inches) in diameter is permitted by right as an accessory use to a single family dwelling unit provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those specifically as follows:

1. All accessory residential installations must comply with all residential accessory use requirements specified within the Zone;

2. All installations shall be located (where possible) to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;

3. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna. Required screening shall consist of evergreen plantings that provide eighty percent (80%) visual blockage of the area between ground level and a height of six (6) feet along the antenna's non-reception window axes. Required low-level ornamental landscaping shall consist of vegetative materials that are planted with sufficient density to form an enclosure with the required screening, around the base of the antenna. Ornamental landscaping height will be determined by the installation's required elevation alignments. All screening and landscaping requirements can be waived if the satellite dish antenna is at least fifty (50) feet from any property line;

4. All installations shall be securely anchored to the ground to prevent detachment during foul weather conditions. The applicant shall furnish evidence (statements and/or drawings) indicating the foundation method to be employed;

5. No transmission of video format data shall be permitted and;

6. The allowance of a satellite dish antenna shall in no way place any liability upon the Township for obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

C. Within the A Zone, roof or ground mounted satellite dish antennas larger than one meter (39.4 inches) up to twelve feet (12') in diameter are permitted by special exception, provided that the applicable regulations contained within this Ordinance specifically as follows:

1. Demonstration by the applicant that compliance with the applicable accessory yard, setback and height requirements would cause obstruction of a ground-mounted satellite dish antenna's reception window and such obstruction involves factors beyond the applicant's control.

2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.

3. No transmission of video format data shall be permitted.

4. The satellite antenna must be set back at least the horizontal distance equal to its maximum height from all property lines and,

5. Any granting of a special exception for a satellite dish antenna shall in no way place any liability upon the Township or its Zoning Hearing Board for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

6. Any screening must be as per 1403.4.B.3.

D. In any I or C Zone, satellite dish antennas are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those as specifically as follows:

1. All installations shall comply with the area, height, bulk and setback standards imposed upon principal uses;

2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Written documentation of such compliance, including load distributions within the building's support structure, shall be furnished;

3. All ground-mounted installations shall be screened from any adjoining properties per 1403.4.B.3. Such screening can be waived if the antenna is set back a distance at least five times its diameter from the adjoining property;

4. Those ground-mounted installations used to transmit video format data shall be completely enclosed by an eight (8) foot high fence. Such fence include signs warning of dangerous radiation levels, must be screened from adjoining properties, and must be locked at all times. This screening requirement can be waived if the fence is set back a distance at least five times the diameter of the satellite dish antenna, from the adjoining property.

5. The allowance of a satellite dish antenna(s) shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

5. Alternative Energy Sources

A. Solar Energy – Non-Commercial Solar energy electrical generation systems shall be permitted in all zones as an accessory use subject to the provisions of Section 1419.A, herein.

B. Non-Commercial Windmills - Non-commercial windmills for residential use and non-commercial windmills for non-residential use, as defined herein, shall be permitted in all zones as an accessory use subject to the provisions of Sections 1419.B and Section 1419.C, herein.

C. Wood Fired Boilers – Wood fired boilers shall be permitted in all zones as an accessory use subject to the provisions of Section 1419.D, herein.

D. Accessory Anaerobic Digesters – Accessory anaerobic digesters shall be permitted as an accessory use in the Agriculture Zone subject to the provisions of Section 1419.E herein.

6. Ornamental Ponds

A. Such structures shall be setback a minimum of ten (10') feet from the side and rear property lines and half the distance of the required front setback line for the district in which the structure is located.

B. No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as "Man-made Lakes, Dams and Impoundments," and are subject to the criteria listed in Section 1403.7 of this Ordinance.

C. No such impoundment shall have a length or diameter exceeding fifteen (15) feet or a maximum depth exceeding two (2) feet.

D. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects.

E. No such pond(s) shall be used for the commercial hatching of fish or other species.

F. No such pond(s) shall rely on a lake or stream as a water source, but rather shall employ a public or well source of water.

7. Man-Made Lakes, Dams, Ponds, and Impoundments

A. All dams, ponds, lakes and impoundments located along and connected to a stream that involve any of the following, shall require a permit from the PA DEP Bureau of Dams and Waterways, Division of Dam Safety, or a letter from the PA DEP indicating that the proposed use does not require a PA DEP permit:

1. The dam, pond or impoundment contains a volume of at least fifty (50) acre feet.

2. The dam reaches a height of fifteen (15) feet.

3. The dam, pond or impoundment impounds the water from a watershed of at least one hundred (100) acres. All such dams, ponds and impoundments shall be located seventy-five (75) feet from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation.

B. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management.

C. All other dams, ponds and impoundments require the submission of a statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one (1) foot above the water surface elevation occurring during the base flood. All dams, ponds and impoundments shall be constructed in accordance with the Pequea Township Floodplain Management Ordinance. (Amended by Ordinance #194-2016 adopted April 20, 2016)

D. Setbacks - All dams, ponds and impoundments, including storm water management basins, shall be located a minimum of fifty (50) feet from any subsurface sewage disposal system or well.

E. Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters.

F. Maintenance - All ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

8. Garage/Yard Sales

Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one (1) sign of a maximum of four (4) square feet shall be permitted advertising the garage/yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

9. Accessory Repair of Personal Motor Vehicles

Within any residential zone, or upon any property used principally for residential purposes, the routine maintenance, repair, and servicing of personal motor vehicles, owned and/or leased in writing by the person performing such services, is permitted, subject to the following:

1. All vehicles shall be maintained with proper licensure.

2. All work shall be performed on the vehicle owner's (lessee's) property of residence.

3. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.

4. All such activities shall be conducted at times, and in such manner, that adjoining residents are not disturbed.

10. Transportation Horse Boarding Requirements (Lots less than 2 acres)

Within the agricultural zoning district, the non-commercial keeping of horses used solely as the resident's principal mode of transportation is permitted as an accessory use to a principal residence; however, adequate, safe and healthful means of animal waste disposal shall be used at all times. One horse and carriage barn shall be permitted with a maximum size of one thousand (1,000) square feet and twenty (20) feet in height. A maximum of two (2) horses shall be permitted as the resident's principal mode of transportation. All pasture areas shall be set back a minimum of ten (10) feet from any property line and be located in the rear yard area.

11. Residential Accessory Use Setback and Height Regulations

A. Accessory structures are permitted pursuant to the following:

1. Accessory structures of three hundred (300) square feet and greater shall comply with the principal use setback requirements:

   a. Front yard setback - No accessory use shall be permitted within the front yard.

   b. Maximum permitted height — Twenty (20) feet

2. Accessory structures of less than three hundred (300) square feet but greater than one hundred eighty (180) square feet:

   a. Front yard setback — No accessory use shall be permitted the front yard.

b. Maximum permitted height — Fifteen (15) feet.

c. Minimum rear yard/side yard setback — Ten (10) feet.

3. Accessory structures of less than one hundred eighty (180) square feet:

a. Front yard setback - No accessory use shall be permitted within the front yard.

b. Maximum permitted height — Twelve (12) feet.

c. Minimum rear yard/side yard setback — Five (5) feet.

B. A maximum of one (1) detached private garage shall be permitted as an accessory use on a lot.

12. Unenclosed Storage.

A. Recreational Vehicles, Boats, Campers, Trailers, and Trucks - Within any residential zone, or upon any property used principally for residential purposes, the storage of recreational vehicles, travel trailers, trucks, boats, and trailers used solely for the transport of the residents' recreational vehicle(s) is permitted only in accordance with the following requirements:

1. For purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicles(s) are divided into two separate categories, as follows:

Class I Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicles(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g. air conditioners, vents, hatches, masts, antennas, outrigging fishing poles, etc.), but shall be measured to the highest point of any flybridge or other boat console.

Class II Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g. air conditioners, vents, hatches, antennas, masts, outrigging fishing poles, etc), but shall be measured to the highest point of any flybridge or other boat console.

2. The temporary parking of one (1) Class I or Class II vehicle for periods not exceeding seventy two (72) hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines.

3. The storage of one (1) Class I vehicle shall be permitted per lot behind the front building setback line, so long as the vehicle is set back no less than five (5) feet from any adjoining lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.

4. The parking or storage of one Class II vehicle on a residentially-zoned parcel, or a parcel used for a principal residence, is permitted, subject to the following requirements:

   A. In no case shall the vehicle contain more than three hundred twenty (320) square feet, as measured to the vehicle's outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigging fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

   B. All vehicles shall be set back a horizontal distance equal to twice the vehicle's height from every side and rear lot line.

   C. No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.

   D. Screening shall be provided to provide a completely opaque sight barrier from adjoining properties and roads, as follows:

      (1) Two (2) rows of evergreen trees at least six (6) feet in height shall be planted at intervals no greater than twenty (20) feet on center in a buffer area a minimum of ten (10) feet in width.

      (2) The evergreen trees shall be backed by a solid (sight-obscuring) fence or wall at least five (5) feet in height.

      (3) Shrubs at least three and one-half (3½) feet in height and other plant material shall be planted to provide a complete ground cover within the ten (10) foot buffer area.

      (4) As an alternative to a solid fence or wall, a berm, a minimum of fifteen (15) feet in width and a minimum of five (5) feet in height

and landscaped with the plantings required in paragraphs (1) and (3), above, may be provided.

(5) Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one lot, and stores the vehicle on an adjacent vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one rear or side lot line for vehicular access onto an adjoining alley.

E. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.

13. Outdoor Stockpiling

In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. The outdoor stockpiling of material or storage of trash shall be setback a minimum of fifteen (15') feet from any side or rear property line. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.

14. Trash, Garbage, Refuse, or Junk

Except as permitted elsewhere in this ordinance, the outdoor accumulation of trash, garbage, refuse, or junk, for a period exceeding seven (7) days is prohibited.

15. Dumpsters

All trash dumpsters shall be screened with a minimum 6 foot high solid fence or wall with a self closing and latching gate.

16. Domestic Composts

The placement of framed enclosure composts as an accessory residential use is permitted in the side and rear yards and shall be setback a minimum of ten (10') feet from the side and rear property lines. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.

17. Commercial Vehicle Parking

No commercial vehicles with a Class 3 (10,001 lbs) Gross Vehicle Weight Rating or greater shall be parked on any property within the R-1 Residential, R-2 Residential or Village Zoning District.

18. Parking and Storage of Unlicensed or Uninspected Motor Vehicles

Motor vehicles without current valid license plates, or current, valid inspection stickers shall not be parked or stored in any zone, other than in a completely enclosed building. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public highways. Nothing contained herein shall be deemed to authorize the parking or storage of any motor vehicle in any zone, unless such motor vehicle is an accessory use to the present use of the lot. Notwithstanding the foregoing, this section, in and of itself, shall not be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current, valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sale establishment, a motor vehicle service or repair establishment or a junkyard.

19. Setback Modifications.

A. Front Yard Setback of Buildings on Built-Up Streets - Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than that required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty (20) feet from any abutting street right-of-way line.

B. Accessory or Appurtenant Structures - The setback regulations do not apply to the following; however, do apply to porches and above-grade patios and decks whether covered or not:

1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions.

2. Open fire escapes.

3. Minor public utilities structures, articles of ornamentation or decoration.

4. Fences, hedges, at-grade and uncovered patios and retaining walls.

5. Driveways and access drives.

20. Height Limit Exceptions.

A. The height regulations <u>do not</u> apply to the following structures or projections, provided such structures or projections are set back a horizontal distance at least equal to their height from any property line.

1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, flagpoles, or other similar structures.

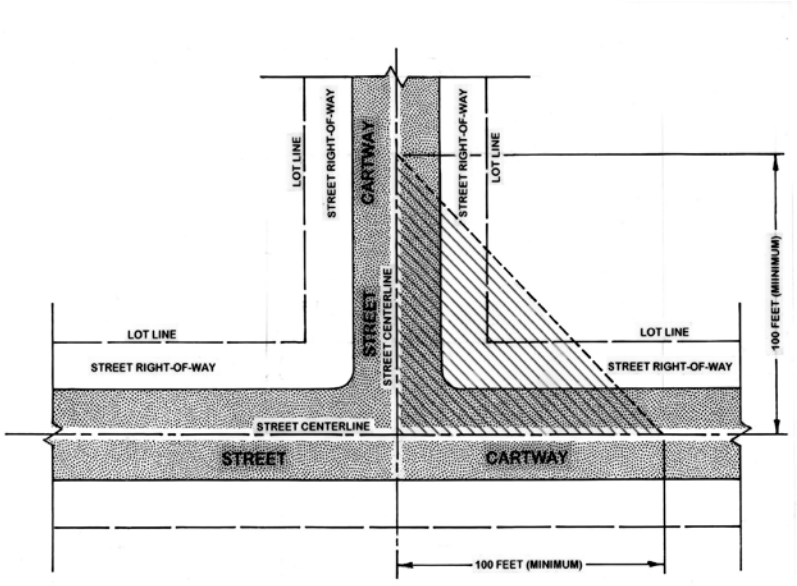
2. Rooftop structures for the housing of elevators, stairways, water storage tanks, heating, ventilating and air conditioning equipment, and other mechanical equipment.

3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.

B. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

21. Clear Sight Triangle.

On corner lots, there shall be provided and maintained a clear sight triangle of at least one hundred (100) feet as measured along the centerline from the intersecting roads. No structure, planting, excavation, or other visual obstruction shall be permitted at a height greater than thirty (30) inches within such area. All clear sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications. In addition, any vegetative material that is greater than thirty (30) inches in height, that existed on the effective date of this Ordinance, and that is located within the above-described clear sight triangle shall be considered a nonconforming use. Such existing vegetation shall be permitted to continue however the Township may require removal for reasons of safety.



CLEAR-SIGHT TRIANGLE

22. Minimum Habitable Floor Area.

Compliance with the following standards for habitable floor area, as defined in Article 2, herein, shall be required for all dwelling units:

A. Single-family, duplex, and townhouse dwelling units: A minimum of seven hundred (700) square feet per dwelling unit.

B. Multi-family dwellings: A minimum of four hundred (400) square feet per dwelling unit.

23. Permanent/Temporary Occupancy Requirements.

No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home. However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground, or for periods of up to seven (7) days in any calendar year on the property of a friend or relative.

24. Establishment of More Than One Principal Use on a Lot.

More than one principal use may be established on a single lot, provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall require land development or subdivision plan approval, and shall provide individually approved methods of sewage disposal. Two-family conversions do not require land development approval however shall comply with the Pennsylvania Department of Environmental Protection sewage planning requirements as stated in title 25 Chapters 71 and 72.

25. Required Vehicular Access.

Every building hereafter erected or moved shall be on a lot adjacent to or with approved access to a public or private street. The erection of buildings without approved access shall not be permitted. Access to lots containing one or two single-family dwellings shall be via driveways and comply with the requirements of the Township Driveway Ordinance. Access to lots containing other uses, including three or more single-family dwellings, shall be via access drives and comply with the requirements of Section 1402.27.

26. Driveway Requirements (Single-Family Dwelling).

Driveways shall include private drives serving individual single-family detached dwellings, townhouses on individual lots and townhouses on common property, as well as shared

driveways serving two single-family dwellings. Driveways shall be designed and constructed to meet the standards of the Pequea Township Driveway Ordinance.

27. Access Drive Requirements (Non-Single-Family Dwelling).

Access drives shall be consistent with the applicable provisions of the prevailing Subdivision and Land Development Ordinance and the Township Driveway Ordinance. Access drives shall, in addition, meet the following standards:

A. General Requirements:

1. Number Per Lot – The number of access drives intersecting with a street may not exceed one (1) per property unless special permission is granted by the Board of Supervisors. (Amended by Ordinance #194-2016 adopted April 20, 2016)

2. Setback - The edge(s) of all access drives shall be set back at least fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot, or shared access drive is proposed.

3. Access Drive Width – Access drive widths shall be in accordance with the Pequea Township Subdivision and Land Development Ordinance. (Amended by Ordinance #194-2016 adopted April 20, 2016).

Section 1404. Off-Street Parking Requirements.

A. Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use. All parking exclusively serving agricultural and/or forestry-related activities shall be exempt from off-street parking requirements. Off-street parking shall be provided whenever:

1. A building is constructed or a new use is established.

2. The use of any existing building is changed to a use requiring more parking facilities.

3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

B. Parking for Single Family Dwellings - Every single-family dwelling**,** including townhouse dwellings, shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Additional regulations pertaining to driveways are contained in the Township Driveway Ordinance. In addition multiple-family developments shall provide an overflow parking area(s) to accommodate a minimum of one-half (0.5) parking spaces per dwelling unit. Such

parking area(s) shall be located no further than three hundred and fifty (350) feet from any dwelling unit.

C. Parking for All Other Uses:

1. General Requirements

A. Site Plan - Each application for a zoning permit or a use for which parking spaces are required shall include a site plan showing the proposed layout of the lot. The site plan shall clearly indicate all of the design elements required below. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

B. Surface - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface approved by the Township engineer.

C. Drainage - Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with the requirements of the prevailing Stormwater Management Ordinance.

D. Lighting - Adequate lighting shall be provided in accordance with the provisions of Section 1418 of this Ordinance. The lighting shall be arranged so that it is not directed at land used for residential purposes, adjoining lots, or streets.

2. Parking Requirements:

A. Size - The following lists required minimum space sizes in feet:

Standard car spaces: Parallel – 8’ by 23’
Non-parallel – 9’ by 19’

B. Access - Parking areas for more than one dwelling shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle.

C. Marking - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. Where paving is required, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, and to direct vehicular circulation.

D. Separation - Where required, parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into access and interior drives, streets, yards or walkways.

E. Bicycles - Bicycle parking shall be provided as set forth in the Pequea Township Subdivision and Land Development Ordinance. (Amended by Ordinance #194-2016 adopted April 20, 2016)

F. Handicapped Parking - Parking spaces for handicapped persons shall be required, the number, location and design of which shall comply with the Americans with Disabilities Act standards.

G. Joint Parking Lots:

(1) In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed on the lot to provide convenient walking distance between every vehicle and each of the shopping center's stores.

(2) Required parking spaces may be provided in parking lots designated to jointly serve two (2) or more establishments or uses, provided that the number of required spaces in such joint facility shall not be less than the total required separately for all such establishments or uses. However, where it can be conclusively demonstrated that one (1) or more uses will be generating a demand for parking spaces, primarily during periods when the other use(s) is not in operation, the total number of required parking spaces may be reduced to:

a. That required number of spaces that would be needed to serve the use generating the most demand for parking; plus,

b. Twenty percent (20%) of that number of required parking spaces needed to serve the use(s) generating the demand for lesser spaces.

H. Schedule of Required Spaces - The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use.

Type of Use	Minimum of One Parking Space for Each
Commercial Uses	
Automobile repair, filling and washing facilities	400 sq. ft. of gross floor and ground area devoted to repair and service facilities, in addition to areas normally devoted to auto-mobile storage and one per employee on major shift
Automobile, boat and trailer sales	1,000 sq. ft. of gross indoor and outdoor display areas
Carpeting, drapery, floor covering and wall covering sales	500 sq. ft. of gross floor area
Convenience stores	75 sq. ft. of gross floor area
Day Care- Principal and Group	Per 4 students and per employee
Day Care- Family	Facility in addition to residential requirement
Drive-thru and/or fast-food	Two seats plus one per each two employees restaurants
Food markets and grocery stores	150 sq. ft. of gross floor area for public use, one per each employee on two largest shifts
Funeral homes	100 sq. ft. of gross floor area, one per each employee, and one per each piece of mobile equipment, such as hearses and ambulances
Furniture sales	500 sq. ft. of gross floor area
Hotels, motels	Guest sleeping room and one per each employee on two largest shifts (restaurants and other accessory uses shall add to this requirement)
Laundromats	Two (2) washing machines
Mini-warehouses	25 units plus one per 250 sq. ft. of office space, plus two per any resident manager
Office buildings	300 sq. ft. of gross floor area

Professional offices of veterinarians, physicians, dentists, etc.	6 spaces per each veterinarian, physician, dentist, etc.
Other retail stores or shops	200 sq. ft. of gross floor area of display and one per each employee on two largest shifts
Restaurants	Four seats plus one per each employee on largest shift
Shopping centers or malls	222 sq. ft. of gross leasable floor area
Other commercial buildings	400 sq. ft. of gross floor area

Industrial Uses

Industrial and heavy manufacturing	Two employees on the two largest shifts or at least one space per each 1,000 sq. ft. of gross floor area, whichever is the greater number
Warehousing	Employee on the two largest shifts

Recreation Uses

Amusement arcades	80 sq. ft. of gross floor area
Athletic fields	Four seats of spectator seating; however if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site and include a fence delineating such parking area
Bowling alleys, billiards rooms	¼ lane/table and one per each two employees
Campgrounds	Per campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	⅛ hole, plus one per employee plus 50% of the spaces normally required for accessory uses

Golf driving ranges	Tee and one per employee
Miniature golf courses	½ hole and one per employee
Riding schools and horse stables	Two stalls plus one per every four seats of spectator seating
Skating rinks	Four persons of legal occupancy
Swimming pools (other than one accessory to a residential development	Four persons of legal occupancy
Tennis or racquetball clubs	¼ court plus one per employee

Residential Uses

Single-family detached dwellings duplex and townhouse dwelling units	0.5 dwelling unit (2 spaces per dwelling unit)
Bed and Breakfasts	Bedroom
Multiple-family and conversion apartment dwellings	0.4 dwelling unit (2.5 spaces per dwelling unit) Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 350 feet of the unit served

Social and Institutional Uses

Auditorium, banquet, conference, and meeting facilities; church, theater, and other such places of public assembly	200 sq. ft., but not fewer than one space per each three seats.
Clubs, lodges, and other similar places	200 sq. ft. of gross floor area and one per each employee on the two largest shifts
Nursing, rest or retirement homes	Three accommodations (beds) in addition to those needed for doctors and support staff

Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel
Museums, art galleries, cultural centers, libraries	400 sq. ft. of gross floor area
Rehabilitation centers (without overnight accommodations)	Per each employee and one per each three people anticipated to be handled through the facility
Schools, below grade ten, including principal day-care and kindergarten	Six students enrolled
Schools, tenth grade and above, including colleges	Three students enrolled
Vocational training and adult education facilities	1.5 students enrolled

3. Interior Drives:

A. Widths - Interior drives between rows of parking spaces shall have the minimum widths indicated in the following table:

Angle of Parking	**Width of Driveway One-Way Traffic**	**Width of Driveway Two-Way Traffic**
90 Degrees	25 Ft.	25 Ft.
60 Degrees	20 Ft.	22 Ft.
45 Degrees	18 Ft.	22 Ft.
30 Degrees	11 Ft.	22 Ft.
Parallel	11 Ft.	22 Ft.

B. Horizontal Curves - Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.

C. Back-Up Area - All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.

D. Speed Tables:

Speed tables shall be constructed in accordance with the PA DOT "Traffic Calming Manual" design guidelines.

4. Prohibited Uses of a Parking Lot - Automobile parking lots are for the sole purpose of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following:

A. The sale, display or storage of automobiles or other merchandise.

B. Parking/storage of non-passenger vehicles accessory to the use.

C. Performing services, including services to vehicles.

D. Loading and unloading purposes, except during hours when business operations are suspended.

D. Off-Street Loading Facilities

1. Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:

A. A new use is established.

B. The use of a property or building is changed and thereby requiring an increase in loading space.

C. An existing use is enlarged, thereby requiring an increase in loading space.

E. General Requirements

1. Site Plan - Each application for a zoning permit, or use for which off-street loading spaces are required, shall include a site plan showing the proposed layout of the loading area. The site plan shall clearly indicate the design elements required below. No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been granted.

2. Location - Except as provided elsewhere, a ground level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility, including access drives, shall be located within fifty (50) feet of any land within a residential zone. Off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential zone.

3. Sizes - The following table provides the required minimum loading space dimensions, excluding access drives, entrances and exits.

Facility	Length	Width	Height when Covered or Obstructed
Industrial, Wholesale And Storage Uses	63 Ft.	12 Ft.	15 Ft.
All Other Uses	33 Ft.	12 Ft.	15 Ft.

4. Separation - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.

5. Connection to Street - Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or eighteen (18) feet wide for one way travel, exclusive of any parts of the curb and gutters.

6. Surface - All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials, or other dust-free surface.

7. Drainage - Off-street loading facilities, including access drives shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

8. Lighting - Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be designed and installed in accordance with the provisions of Section 1418, herein.

9. Landscaping and Screening - Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street parking facilities shall also be screened from adjoining residentially-zoned properties and/or adjoining public streets according to the requirements of Section 1405 of this Ordinance.

10. Schedule of Required Loading Spaces:

Type of Use	Number of Spaces Per	Gross Floor Area/Dwelling Unit
Hospital or Other Institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotel, Motel and Similar Lodging Facilities	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or Manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-Family Dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10, 000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)

Retail sales and services, per store, and restaurants	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls and plazas) having at least 25,000 square feet	1.0	25,000 square feet up to 100,000 square feet
	+1.0	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or other Recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishment	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or Warehousing (except mini-warehousing	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

Section 1405. Landscaping, Screening and Buffering Requirements

A. Landscape plans, prepared by a Landscape Architect registered as such in the Commonwealth of Pennsylvania that demonstrates compliance with all provisions of this Section, shall be submitted as part of a residential subdivision plan proposing four (4) or more lots, a residential land development plan proposing four (4) or more units, a non-residential land development plan and/or any application for a non-residential building or zoning permit which proposes to construct a new structure, enlarges an existing structure and/or modifies or creates additional parking.

B. Any portion of the lot or tract not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted and continually maintained with an all-season ground cover and otherwise landscaped in accordance with a landscape plan approved by the Township. Landscaping shall comply with the minimum design and planting standards and the criteria for the selection of plant material of this Section.

C. A perimeter buffer of seventy five (75) feet shall be provided between any proposed non-residential use located on a tract of ten (10) acres or more in size and all adjacent non-commercial uses and zones. Within such perimeter buffer area no principal or accessory building or other structure, except for permitted signs, no loading area, no outdoor storage area, no parking area, no internal vehicular circulation roads or driveways, except for approved access from a public street, shall be located. A completely landscaped visual barrier, or landscape screen, shall be provided and continually maintained within the buffer area. Such landscape screen shall be designed as part of the landscape plan as required under Section 1405 herein, and may require, at the discretion of the Board of Supervisors in order to meet the objectives of this Section, more than the minimum number of plantings as required.

D. Setbacks

1. No trees shall be planted within ten (10) feet of any property line, street right-of-way or utility right-of-way easement.

2. For all uses that are adjacent to agricultural parcels, no shrubs shall be planted within ten (10) feet of any property line and no trees shall be planted within 30 feet of any property line.

E. Minimum Planting Standards

1. The total number of plantings shall be no less than the total calculated from all columns in the following table.

Improvement/Conditions	**Deciduous**		**Evergreen**	
	Shrubs	**Trees**	**Shrubs**	**Trees**
Per 1,000 Sq. Ft. of Gross Building Area	3	1	3	1

Per 2,000 Sq. Ft. of Parking or Loading Area	1	1	1	1
Per 100 Lineal Ft. of New and Existing Road Frontage (Measured on Both Sides where Applicable)	1	2	1	2

2. Where the applicant can demonstrate to the satisfaction of the Board of Supervisors that existing vegetation and/or topographic conditions located within one hundred (100) feet of the existing tract boundaries or within one hundred (100) feet of the cartway of existing or new road segments will conceal, on a year-round basis, adjacent properties from view from such tract boundary or road segment, the linear footage of such tract boundary or road segment may be excluded from the calculation of required plantings.

3. Any fractional plantings resulting from the calculation of required planting shall be rounded up to the nearest whole number.

4. All plantings used to comply with the minimum required number of plantings shall be:

   A. Trees — 2 ½ Inch Caliper, Minimum (Deciduous)
   6 foot, Minimum (Evergreen)

   B. Shrubs — 24 to 30 Inches in Height, Minimum

   C. Evergreen plantings used to comply with the visual screening and buffering requirements shall be provided in accordance with this section.

      Plantings and their measurement shall conform to the standards of the American or U.S.A. Standard for Nursery Stock, ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown within the same USDA hardiness zone as the site and shall be nursery grown unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this Section. The Board of Supervisors, upon recommendation of the Planning Commission, may waive or reduce the required number and/or size of plantings if the applicant can demonstrate to the satisfaction of the Board that retaining existing plant material or other means of landscaping substantially achieves the objectives of this Section.

F. Criteria for Plant Material Selection.

1. A minimum of fifty (50) percent of the required number of plantings shall be species selected from Appendix B – Native Plant List of the Pennsylvania Stormwater Best Management Practices Manual dated December 2006, or subsequent edition. The selected plant materials shall not include any species considered invasive as listed by the PA Department of Conservation and Natural Resources publication titled Invasive Plants in Pennsylvania and as defined in Article 2.

2. The selection of plant material shall reflect a careful evaluation of the required existing resources and site analysis and in particular:

   A. Existing and proposed site conditions and their suitability for the plant material based upon the site's geology, hydrology, soils and microclimate.

   B. Specific functional and design objectives of the plantings, which may include but not be limited to: the provision of a landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitat and aesthetic values.

   C. Maintenance considerations such as hardiness, insect and disease resistance, longevity and availability.

3. The applicant is encouraged to conform to the requirements of this Section through the use of nursery grown native tree and shrub species.

4. Species for shade trees shall be selected on the basis of hardiness, growing habit considering pedestrian and vehicular passage, minimal need for maintenance and compatibility with other features of the site and surrounding environs.

5. In order to promote disease protection, minimum maintenance, diverse natural plant associations and long-term stability of plantings, the applicant is encouraged to choose those combinations of species which may be expected to be found together under natural conditions on comparable sites.

G. Landscape Design Standards

1. The minimum number of plantings shall be determined in accordance with this Section; however, additional plantings may be provided to further the objectives of this Section. The use of linear measurements to calculate the minimum number of plantings is not intended to specify a linear arrangement. Rather, groupings of plantings are encouraged consistent with the provisions of this Section.

2. The applicant shall provide the plantings and other landscaping improvements such as berms, solid fencing and/or walls, as necessary, to mitigate any adverse impacts, including visual impacts that the proposed activity will have on the site and adjoining properties as well as the Township overall and otherwise address all issues as identified in the review of the required existing resources and site analysis.

3. Plantings and other landscape improvements shall be provided according to a design in response to specific site conditions and which best mitigate adverse site activity impacts. The amount, density and types of plantings in any given location shall be based upon the natural features of the site, feasibility of using native species, proximity to existing dwellings, compatibility with adjacent uses, nature of views into and across the site and in consideration of privacy of residential uses that may be impacted.

4. Where a specific need for visual screening has been identified, evergreen plantings shall be provided that are a minimum of six (6) feet in height, measured from ground level, and planted at intervals of no less than eight (8) feet on center. Where approved by the Board of Supervisors, upon recommendation of the Planning Commission, the applicant may provide, in lieu of an immediate screen, an eventual screen (3 to 5 years) to provide screening for future development. Such eventual screen plantings shall be a minimum of two and one-half (2½) feet in height, measured from ground level, and planted at intervals of eight (8) feet on center.

   An applicant may also propose a combination of plantings, berms and fencing to provide such visual screening at the minimum six (6) foot height. This alternative shall require Board of Supervisors approval upon recommendation of the Township Planning Commission.

5. Parking Lot Landscaping

   All off-street parking areas shall be landscaped with trees and shrubs of varying species.

   A. Parking areas shall be bordered by planting areas at least five (5) feet in width adjoining buildings and at least twenty (20) feet elsewhere, except where interrupted by access ways.

   B. Planting areas shall be placed so as to facilitate snow removal and proper surface water drainage and to provide for safe movement of traffic and pedestrians. Planting areas shall be elevated above the parking lot surface or bordered appropriately to prevent erosion or damage from vehicles. Bollards may be used to afford protection of trees.

   C. In any parking lot containing more than (20) twenty parking spaces, five percent (5%) of the total area of the lot shall be devoted to interior landscaping.

6. Planting areas shall be selected and designed to reflect the natural landscape characteristics that existed prior to site disturbance as well as those environmental conditions to be created on the site.

7. The locations, dimensions and spacing of required plantings shall be adequate for their proper growth and maintenance, with consideration of the sizes of such plantings at maturity and their initial and future environmental requirements such as moisture and sunlight. In the selection of shade trees, consideration shall also be given to the aesthetic qualities of the site and to the protection of solar access. In the selection of the layout of landscape screens and buffers or the location and mix of the required

plantings, consideration shall be given to the natural topographical setting of the site and the texture, coloration and compatibility of the varying plant species.

It is strongly encouraged that improved landscapes be designed creatively in such a manner as to be attractive while maintaining the integrity of the natural landscape within which such landscapes are proposed.

8. Plantings shall be limited or carefully selected for locations where they may be disturbed or contribute to conditions hazardous to public safety. Examples of such locations include, but are not limited to parking area edges, underground and above ground utilities and sight triangles at intersections. No trees shall be planted closer than fifteen (15) feet from fire hydrants, streetlights or stop signs.

H. Conservation of Existing Vegetation and Natural Features

No portions of tree masses or trees of eight (8) inches DBH or greater shall be cleared unless a reforestation plan is prepared which demonstrates that 2½ inch caliper trees, exclusive of street trees and buffer plantings, will replace those cleared. Such replacement trees shall be planted at a ratio of two trees for each tree cleared. The Applicant shall make all reasonable efforts to harmonize his plans with the preservation of existing trees. The areas surrounding all trees to be preserved shall not be disturbed within ten (10) feet of the drip line. Trees of 25-inch DBH or greater shall not be disturbed.

1. When site disturbance necessitates the clearing of trees or portions of tree masses, the applicant shall be guided by the following criteria in the selection of vegetation for retention and clearing:

   A. Aesthetic values including, but not limited to, autumn coloration, types of flower or fruit, bark and crown characteristics and amount of dieback present.

   B. Susceptibility to disease and/or insect infestation.

   C. Species longevity.

   D. Wind firmness and capability of soil to hold trees.

   E. Existence of disease, rot or other damage. Such damaged trees should be removed.

   F. Protection of buildings and other structures.

   G. The size of trees at maturity.

2. The applicant shall exercise care to protect retained trees from damage during construction. The following procedures shall be utilized in order to protect such trees:

   A. Where trees are to be retained, no disturbance or construction shall be permitted within ten (10) feet of the drip line of the trees. Where trees to be retained are adjacent to proposed disturbance or construction, appropriate fencing, four (4) feet in height, shall be placed at ten feet outside the drip line of such trees. Such fencing shall remain in place throughout the duration of construction activity. Roots shall not be cut within the drip line of retained trees.

   B. Trees within twenty-five (25) feet of a building or other structure or bordering entrances and exits to a building site or site otherwise to be disturbed shall be protected by a temporary barrier.

   C. No material shall be nailed or otherwise attached that may cause damage to trees during construction or site disturbance.

   D. Tree trunks and exposed roots accidentally damaged during construction or site disturbance shall be protected from further damage by being immediately and professionally treated.

   E. Tree limbs accidentally damaged during construction or disturbance shall immediately be sawed flush to the trunk.

   F. Non-dormant trees located adjacent to construction of site disturbance activity shall be given an application of the appropriate type and amount of fertilizer to aid in recovery from potential accidental damage.

   G. Construction debris or other debris shall not be stored or disposed of within ten (10) feet of the drip line of retained trees except for mulched vegetative matter used to prevent soil compaction.

I. Site Maintenance and Guarantee

1. All landscape improvements to be provided in accordance with this Section shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, as appropriate and not limited to provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, and weeding.

2. The applicant shall guarantee in a form acceptable to the Township that all landscape improvements required in accordance with this Section shall be installed and maintained in a healthy and/or sound condition, or otherwise be replaced by equivalent improvements, for a period of at least eighteen (18) months. After installation and prior to acceptance of the landscape improvements by the Township, the Township shall perform an inspection of such improvements for compliance with the approved landscape plan.

3. The installation of landscape improvements shall be guaranteed along with all other site improvements in accordance with the provisions for such in the Lancaster County Subdivision and Land Development Ordinance or Pequea Township Subdivision and Land Development Ordinance. The cost of the landscape improvements including material and installation shall be considered in determining the amount of the performance guarantee required. The applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the installed plantings or other material during the eighteen- (18) month replacement period.

Section 1406 Outdoor Signs

A. Sign Area and Height - The following guidelines shall apply when interpreting area and height regulations of signs in this Article:

1. Area - The area of a sign shall be the area of the smallest geometric shape that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.

A. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.

B. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.

C. When a single sign structure has more than one face with the same message, and no two sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.

2. Height - The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.

A. No sign shall be higher than the height limitation of the district in which it is located.

B. The height of freestanding signs shall be controlled by the regulations in Tables 1 and 2.

C. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.

D. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

B. General Regulations - The following regulations shall apply to all signs, in addition to the specific regulations contained in the following provisions of this Section. Where the general regulations are contradicted by a specific regulation, the specific regulation shall control:

1. All signs shall reflect the general character of the neighborhood.

2. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.

3. When a sign becomes unsafe, the zoning officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.

4. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.

5. All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.

6. Each property that displays one or more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of one hundred (100) feet (three (3) inch high lettering/numerals with a three quarter (3/4) inch stroke). The area taken up by the address does not count as part of the sign area. Center signs are exempt from this requirement.

7. No temporary signs shall be permitted except as authorized elsewhere in this Section.

8. No sign shall be located within a street right-of-way except a government sign or a sidewalk sign on a pedestrian walkway in a business district.

9. No sign within the clear sight triangle should obstruct vision between the heights of thirty (30) inches and eight (8) feet above the elevation of the centerline of the street.

10. No signs shall be painted, pasted, nailed, stapled or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations or policies formally adopted by the Board of Supervisors.

11. Any freestanding sign within a floodplain must be approved as a variance.

12. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of ingress and egress.

13. No sign shall be placed so as to obstruct building ventilation or light.

14. No overhead sign shall have a clearance of less than eight (8) feet between any pedestrian walk and the lowest part of the sign; and less than seventeen feet -six inches (17' - 6") between any roadway and the lowest part of the sign.

15. No sign that is parallel to and attached to the face of a building shall project more than eighteen (18) inches over a public sidewalk.

16. No sign that is perpendicular to and attached to the face of a building shall project more than forty eight (48) inches from the building.

17. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.

18. No sign shall be permitted that imitates, or that might be confused with, an official traffic sign or signal, such as by containing the words "Stop" or "Danger" , or by including red, green or yellow lights.

19. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.

20. No sign shall advertise activities or products that are illegal under Federal, State or Township laws or regulations.

21. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic.

22. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building. (See "Special Event Sign" in Table 2 for regulations that apply to banners used as special event signs).

23. In addition to any other signage permitted by this Section, each commercial or industrial property may display one flag, not to exceed thirty five (35) square feet, with a company or corporate identification logo on premise on an approved, standard flag pole.

24. No animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted except for time and temperature signs.

25. No sign shall emit smoke, visible vapors, particles, sound or odor.

26. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.

27. No permanent inflatable signs shall be permitted.

28. No open flames shall be permitted as part of a sign or in any other way to attract attention.

29. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Section.

30. Any sign that has been authenticated as historically significant and accurate for its specific location, whether original or a replica, may be exempted from the regulations of this Section as a special exception.

31. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by shielded fixtures that provide downward lighting so there is no direct light transmitted to other properties, public rights-of-way or the night sky.

32. The light from any illuminated sign shall not adversely affect: the safe vision of operators of vehicles moving on public or private streets or parking areas; any residential district; or any part of a building or property used for residential purposes.

33. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means, with the exception of customary holiday decorations, which may be installed thirty (30) days prior to, and removed not later than twenty one (21) days after, the holiday.

34. Business signs in other than commercial and industrial zones shall not be illuminated when the business is closed.

35. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electric Code.

C. Electronic Message Center and Dynamic Display Signs.

1. Electronic Message Center Signs

(A) One electronic message center sign is permitted within the Commercial (C) or Industrial (I) Zoning District, per lot; the message board shall not exceed 20 square feet and must be located below the name of the business or center, and must be part of the freestanding business or center sign. The area of the electronic message center sign shall be deducted from the total permissible area of freestanding signage on the subject lot.

(B) The text portrayed on the message center portion of the sign shall be of one color and shall be displayed on a black, unlit background.

(C) No more than four lines of text shall be displayed at one time.

(D) Electronic message center signs shall be permitted to change, alter or move images at a minimum of an eight-second interval.

2. Dynamic Display Signs

(A) Dynamic display signs shall only be permitted by special exception in the Industrial Zoning District, subject to the following conditions, as well as all other applicable requirements:

(B) Dynamic display signs shall be located no closer than 500 feet to any existing residential zoning district.

(C) All dynamic display signs shall be set back a minimum of 35 feet from a street right-of-way.

(D) Only one dynamic display sign shall be permitted per property and shall not be located any closer than 200 feet to any other dynamic display sign on an adjacent property.

(E) Message Duration: The length of time each message may be displayed on a dynamic display sign shall be based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method shall be used to calculate message duration for dynamic display signs.

i. Determine the greatest distance from which the dynamic display sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
ii. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in fee/second.
iii. Divide the visibility distance by the speed limit (fee/second)
iv. Add an additional ten (10) percent of this number to the total.
v. The resulting amount of time is the minimum permitted message duration.
vi. Where the calculated minimum permitted message duration is less than ten (10) seconds, the minimum permitted message duration shall be increased ten (10) seconds.
vii. The minimum permitted message duration may be recalculated in the event of the construction of a new street from which the dynamic display sign is visible, or when a speed limit change occurs on an existing street from which the dynamic display sign is visible.

(F) The images that are portrayed on the sign must be static, and the change to another static image must be instantaneous without any special effects. The images that are portrayed shall be complete in it themselves without continuation of content to the next image, display or to another sign.

(G) All dynamic display signs shall be erected with a light detector or photocell by which the sign's brightness can be dimmed when ambient light conditions darken. In no case shall a dynamic display sign cause objectionable glare to motorists, bicyclists and other pedestrian travel along any roadway, pathway, or driveway. A lighting diagram or other documentation acceptable to the Zoning Hearing Board shall be submitted with the application to demonstrate compliance with the lighting regulations of this chapter. In

the event the light emits more illumination onto adjoining properties than what is permitted by this chapter, illumination levels or the sign location shall be adjusted accordingly.

(H) If the sign malfunctions as to create a violation of any of these regulations, as determined by the Zoning Officer, the sign shall be turned off immediately and kept off until the sign can be repaired to be in full compliance with the above-mentioned regulations.

(I) Applicants proposing a dynamic display sign shall be required to obtain a sign permit and a Uniform Construction Code permit in the event an approval is given to their application.

(J) Any billboard which is a dynamic display sign or which contains dynamic display components shall, in addition to the requirements of this section, meet all requirements of Table 1. Where there is a conflict between this section and Table 1, the more stringent regulation shall apply.

D. Specific Regulations:

Tables 1, 2 and 3 provide regulations for specific kinds of signs in each zone. Table 1 provides regulations for permanent signs; Table 2 provides regulations for temporary signs; Table 3 provides regulations for issue signs. Types of signs not provided for in Tables 1, 2 or 3 or anywhere else in this Section shall not be permitted.

E. Permitting Procedures and Fees:

Permits for the placement of signs are required as indicated by the last column in Tables 1, 2 and 3. Sign permit application requirements, such as forms, plans, and fees, shall be established, from time to time, by resolution of the Board of Supervisors.

TABLE 1 REGULATIONS FOR PERMANENT SIGNS

Kind of Sign	Zone	Total Signs on Lot		Freestanding Signs				Building Signs		Other Requirements	Permit Required
		Maximum Permitted Number	Maximum Permitted Area	Maximum Permitted Number	Maximum Permitted Area	Maximum Permitted Height	Minimum Required Setback from Street ROW	Maximum Permitted Number	Maximum Permitted Area		
Business Sign (Except Center Signs)	C/I	2 Per Lot	60 Sq. Ft.	1 Per Lot	60 Sq. Ft. See Note 1	20 Ft.	12 Ft. See Note 2	2 Per Lot	40 Sq. Ft. See Note 1	Business Signs For Individual Businesses Must Be Located So They Are Identified With The Individual Business, i.e. Rather Than Being At The Street Frontage Of A Large Center, Away From The Business They Are Identifying	Yes
	Village	2 Per Lot	20 Sq. Ft.	1 Per Lot	10 Sq. Ft.	12 Ft.	12 Ft.	2 Per Lot	20 Sq. Ft.		
Business Sign	All Other Zones	1 Per Lot	6 Sq. Ft.	1 Per Lot	6 Sq. Ft.	6 Ft.	10 Ft.	1 Per Lot	6 Sq. Ft.		Yes
Home Occupation Sign	R-1 R-2	1 Per Lot	2 Sq. Ft.	1 Per Lot	2 Sq. Ft.	6 Ft.	10 Ft.	1 Per Lot	2 Sq. Ft.	A Home Occupation Sign May Include A Name, An Address, An Occupation or Activity, And A Logo or Trademark; There May Be No Illumination	Yes
Home Occupation Sign	All Other Zones	1 Per Lot	4 Sq. Ft.	1 Per Lot	4 Sq. Ft.	6 Ft.	10 Ft.	1 Per Lot	4 Sq Ft.		Yes

Note 1: Building Sign Maximum - 40 Sq. Ft.
Freestanding Sign Maximum - 60 Sq. Ft.

Note 2: Setback is 12 Ft. From Both Property Lines and Street Rights-of-Way Lines, Access Drives and Driveways
Note 3: See Specific Regulations Goverining Electronic Message Center and Dynamic Display Signs

TABLE 1 REGULATIONS FOR PERMANENT SIGNS (CONTINUED)

Kind of Sign	Maximum Permitted Number	Maximum Permitted Area	Maximum Permitted Height For Freestanding Signs	Maximum Required Setback From Street Right-Of-Way For Freestanding Signs	Other Requirements	Permit Required
Billboard (Allowed Only Industrial Zone)	1 Per Lot	300 Sq. Ft.	25 Ft.	35 Ft.	Subject to Approval as a Special Exception Use In Addition, a Billboard May Have 2 Surfaces with a total of 2 messages provided that the surfaces are at an angle less than or equal to 45 deg. No billboard shall be located within 1000 feet of another Billboard.	Yes
Center Sign (Allowed Only in C/I Zone)	1 Per Street	100 Sq. Ft.	20 Ft.	12 Ft.	Center Signs are Allowed Only for Centers Such as Shopping Centers, Office Complexes, and Industrial Parks Which Meet at Least 2 of the Following Minimums: (1) 5 Units, (2) 20,000 Square Feet of Building Area, and (3) 5 Acres of Land.	Yes
Development Sign	For Each Residential Development, 1 Per Principal Entrance, Up to a Maximum of 2 Entrances	20 Sq. Ft.	6 Ft.	10 Ft.	Development Signs are Allowed Only for Residential Developments. They May Include Only the Name of the Development and May Not Include any Commercial Advertising.	Yes
Government Sign	Placed Within Rights-Of-Way, Generally not Regulated by this Section					
Incidental Sign	No Limit	2 Sq. Ft.	6 Ft.	10 Ft., Except No Setback is Required if Sign is No More Than 30 Inches High		No
Non Profit Organization Sign	As Approved by the Borough Council	4 Sq. Ft.	6 Ft.	Not Applicable	May be Placed in Street Right-Of-Way With the Approval of the Board of Supervisors	
Public Use Sign	1 Building Sign Per Lot and 1 Freestanding Sign Per Principal Entrance	40 Sq. Ft.	6 Ft.	10 Ft.		Yes

TABLE 1 REGULATIONS FOR PERMANENT SIGNS (CONTINUED)											
Kind of Sign	Zone	Total Signs on Lot		Freestanding Signs				Building Signs		Other Requirements	Permit Required
		Maximum Permitted Number	Maximum Permitted Area	Maximum Permitted Number	Maximum Permitted Area	Maximum Permitted Height	Minimum Required Setback from Street ROW	Maximum Permitted Number	Maximum Permitted Area		
Identification Sign (Except Development Signs and Public Use Signs	All Zones Except C/I	2 Per Lot	12 Sq. Ft.	1 Per Lot	8 Sq. Ft.	6 Ft.	10 Ft.	2 Per Lot	8 Sq. Ft.		Yes
	Commercial Industrial	No Limit	200 Sq. Ft.	1 Per Street Frontage, Except That In A Structure With Multiple Businesses The Individual Businesses May Not Have Their Own Freestanding Signs	40 Sq. Ft. On Each Street Frontage	20 Ft.	10 Ft.	No Limit	1½ Sq. Ft. Per Lineal Foot Of Façade To Which The Sign Is Attached, Up To A Maximum Of 200 Sq. Ft. Of Signage Per Lot Also See Note 1		Yes

Note 1: The Length of the Façade of an Irregularly Shaped Building (e.g. a Circular Building, an "S" Shaped Building, or a Building with One or More Angles on the Side in Question) is the Straight Line Distance Between the Two Ends of the Building

TABLE 2 REGULATIONS FOR TEMPORARY SIGNS

Kind of Sign	Permitted Time for Display	Maximum Permitted Number	Maximum Permitted Area	Maximum Permitted Height For Freestanding Signs	Maximum Required Setback From Street Right-Of-Way For Freestanding Signs	Other Requirements	Permit Required
Contractor Sign	During Construction	1 Per Contractor Per Lot	6 Sq. Ft.	6 Ft.	See "Other Requirements"	Must be Set Back at Least 10 Ft. from the Cartway or at the Building Face, Whichever is less; May not be in the Side Yard Setback. May not be Illuminated. Not Permitted Off Premise. If There are 4 or More on a Lot, They Must be Combined in a Single Display by Attaching Them to a Single Background Panel or Frame. The Background is not Included in Calculating the Sign Area. The Height of the Display May not Exceed 10 Ft. The Display May Project a Maximum of 12 Inches From the Wall if Attached Parallel to the Building. Also See Note 1.	No
Garage/Yard Sale Sign	From 48 Hours Before Sale to End of Day of Sale	1 Per Sale Per Lot	4 Sq. Ft.	3 Ft.	5 Ft.	Not Permitted Off Premise Also See Note 1	No
Open House Sign	From 3 Days Before Open House to 2 Hours After House. Display May Not Exceed 6 Days Per Month Per Lot.	1 On Premise; 2 Off Premise, With No More Than 1 Per Intersection	6 Sq. Ft.	10 Ft. in C/I Zone; 6 Ft. in All Other Zones	Not Applicable	Must Include the Words "Open House", Day and Time of Open House, and Name of Realtor. Open House Must be Attended by the Seller or the Seller's Representative During Entire Advertised Time of Open House. Must Not Interfere With Pedestrian or Vehicular Traffic. Also See Note 1.	No
Real Estate Sign	Until 5 Days After Completion of the Activity They Advertise	1 Per Street Frontage, Up To 2 Per Lot	6 Sq. Ft.	6 Ft.	10 Ft.	Not Permitted Off Premise Also See Note 1	No
Sidewalk Sign	No Limit	1 Per Lot	See "Other Requirements"	See "Other Requirements"	Not Applicable	Shall Not be More Than 24 Inches Wide and 48 Inches High 4 Ft. of Unobstructed Walkway Shall be Maintained.	No
Special Event Sign	If Event Has Specific Date, From 21 Days Before Event to 5 Days After Event. Also See "Other Requirements"	1 Per Lot Per Event	16 Sq. Ft.	6 Ft.	10 Ft.	An On Premise Auction Sign Advertising the Auctioning of Real Estate Only May be Displayed More Than 21 Days in Advance of the Auction if It Follows all Real Estate Sign Standards. Also See Note 1	No

Notes:

1 - Signs which are not removed within the time limits may be removed and impounded by the Township, and the Township may recover a fee equal to the cost of removal and storage.

TABLE 3 REGULATIONS FOR ISSUE SIGNS							
Kind of Sign	Permitted Time for Display	Maximum Permitted Number	Maximum Permitted Area	Maximum Permitted Height For Freestanding Signs	Maximum Required Setback From Street Right-Of-Way For Freestanding Signs	Other Requirements	Permit Required
Issue Signs	No Limit	No Limit	12 Sq. Ft.	5 Ft. in C/I Zone; 3 Ft. in All Other Zones	None	Such signs may only be displayed between 30 days prior to and 5 days after an election	No

Section 1407 Zoning Requirements for Use of On-Lot Sewage Disposal Systems

A. As of the effective date of this Ordinance, all future uses that rely upon on-lot sewage disposal systems shall be required to specifically test for and secure one disposal site (field, bed or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field may be activated due to malfunction of the initial disposal site.

B. Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PA DEP, through its sewage facilities planning module review process.

Section 1408 Operations and Performance Standards

All uses proposed within Pequea Township shall operate in compliance with applicable State and federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

A. Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection;

B. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;

C. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection; and,

Section 1409 Handicap Access:

All uses within Pequea Township shall operate in compliance with the the latest version of the Americans with Disabilities Act.

Section 1410 Traffic Impact Study

A. Applicability - For those uses requiring a traffic impact study, the study shall be prepared in accordance with the PA DOT "Policies and Procedures for Transportation Impact Studies", latest edition.

B. Improvements

1. Responsibility for Improvements - The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site and other improvements required by the PA DOT approved Traffic Impact Study.

2. Coordination with Municipal Requirements - The applicant shall be responsible for other improvements as may be agreed to with the Board of Supervisors to be installed or paid for by the applicant consistent with provisions of Article V-A of the Municipalities Planning Code.

Section 1411 Required Nutrient Management Plans

All agricultural uses shall comply with the Pennsylvania "Nutrient Management Act" of 1993, as may be amended.

Section 1412 Well Water Provisions

It shall be the responsibility of prospective buyers of properties which are intended to be served by area groundwater to ascertain to the buyers' satisfaction that sufficient groundwater quantity and acceptable water quality exist at the site.

Section 1413 Flag Lots

A. Within the Agricultural district, the use of flag lots is permitted by right, subject to the following standards:

B. The use of such flag lots would reduce the loss of productive farmlands and/or the conversion of other significant environmental features (e.g., steep slopes, floodplains, wetlands, woodlands, wildlife habitats). The applicant must demonstrate by credible evidence that the use of flag lots would better protect these natural features than would development under the Zone's conventional design standards.

C. All flag lots shall comply with the applicable regulations contained within the Pequea Township Subdivision and Land Development Ordinance or its successor. (Amended Ordinance #194-2016 adopted April 20, 2016)

D. All flag lots shall either have direct street frontage or direct vehicular access to a joint-use driveway that serves no more than two (2) individual dwelling lots, all of which must be contiguous. Individual driveways and joint-use driveways serving two (2) dwellings shall comply with the Township Driveway Ordinance.

E. Cross access easements to ensure common use of, access to and maintenance of joint-use driveways shall be implemented for each property relying upon said joint-use driveway; such cross access easements shall be required in language acceptable to the Township Solicitor.

Section 1414 Litter

A. No property shall be developed, used or maintained in a state that creates litter either on the property or upon any adjoining properties and/or roads.

B. Any property containing litter on the effective date of this Ordinance shall be considered nonconforming. Such litter may continue for a period not to exceed ten (10) days from the effective date of this Ordinance. After the ten (10) day period, such litter shall be removed by the owner.

C. Should any property or use be conducted or maintained in a condition that causes repeated litter complaints or violations, the owner shall be required, upon the instruction of the Zoning Officer, to prepare and implement a working plan for the clean-up of such litter as a condition of zoning compliance.

Section 1415 Materials and Waste Handling Requirements

A. All principal commercial, industrial, institutional, and health care related uses shall be required to provide detailed information regarding materials and waste handling, including:

1. Listing of all materials to be used and/or produced on the site.

2. Listing of all wastes generated on the site.

3. Written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:

A. The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101).

B. The Pennsylvania Solid Waste Management Act (Act 97).

C. The Federal Emergency Management Act.

D. The Federal Superfund Amendment and Reauthorization Act.

E. The Pennsylvania Hazardous Materials Emergency Planning and Response Act**.**

F. The Pennsylvania Low-Level Radioactive Waste Disposal Act.

Section 1416 Outdoor Storage and Display Requirements

A. Shopping Cart Storage - For grocery stores, or other stores containing grocery departments, the outdoor storage and collection of shopping carts is permitted under the following conditions:

1. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under canopy) and/or within the parking lot.

2. In no case shall such designated shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, parking, loading, or emergency vehicle access (e.g., fire lanes). While shopping cart storage and collection areas may be contained within parking lots, they may not occupy required parking spaces.

3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the storefront.

4. Signage for such shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site informational signs as regulated by Section 1406 of this Ordinance.

5. The applicant shall submit a working plan for the collection of shopping carts from the parking lot. Also, the applicant shall be required to depict intended shopping cart storage and collection areas upon any permits and/or plans required by the Township. No additional permits shall be required unless such areas change location or size.

B. Seasonal Sidewalk Displays -

1. Only seasonal merchandise may be displayed, and shall be limited to the calendar periods between April 1 and October 1, and November 25 and January 5, of each year.

2. The location of such outdoor displays shall be limited to sidewalks, under canopies, or other areas immediately in front of the building's storefront. The stacking and/or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the storefront.

3. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, parking and loading, or emergency vehicle access (e.g., fire lanes).

4. In no case shall such sidewalk display area exceed fifty percent (50%) of the lineal storefront dimension. (For example, a 200 foot long storefront could display no more than 100 lineal feet of a sidewalk display).

5. No signage, except as authorized by Section 1406 herein, shall be permitted.

6. The applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict

intended sidewalk display areas upon any permits and/or plans required by the Township. No additional permits shall be required, unless such area is to change location or size.

C. Special Event Sales -

1. In addition to the above, two special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of thirty (30) days per calendar year;

2. Special event sales displays shall be located no closer than forty-five feet (45') from an adjoining road, nor ten feet (10') from any side or rear lot lines;

3. Special event sales may be located within the parking lot, provided that such location minimizes congestion within the parking lot, and those access drives that provide direct vehicular access to adjoining roads. Within parking lots, such display areas shall be specifically delineated from the adjoining parking lot by the use of identifiable barriers (e.g., tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted upon parking spaces in excess of the number required by, Section 1404 herein.

4. Special event sales shall not be located within the parking lot during the months of November, December, January, February, and March, because of the potential need for snow removal.

5. The area devoted to special event sales displays shall not exceed twenty percent (20%) of the gross leasable floor area of the use(s) conducting the special event sale.

6. In planned centers, special event sales shall be jointly held by all of those occupants of the planned center who wish to participate. No individual occupants of a planned center shall be permitted to conduct separate special event sales;

7. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address, nor lighting systems shall be used which produce impacts beyond the subject property; and,

8. Signage for special event sales shall comply with the applicable requirements of Section 1406, herein.

Section 1417 Forestry Uses

A. In accordance with State law, forestry uses (as defined herein) are permitted, by right, in every zone, subject to the following standards.

B. Logging Plan Requirements - Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in this Ordinance, the applicant shall prepare and submit a written logging

plan in the form specified below. No timber harvesting shall occur until a building permit has been issued. The provisions of the permit shall be followed throughout the operation. The logging plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan and the zoning permit.

1. Minimum Requirements - At a minimum, the logging plan shall include the following:

    A. Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails, and landings.

    B. Design, construction and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars.

    C. Design, construction and maintenance of stream and wetland crossings.

    D. The general location of the proposed operation in relation to municipal and State highways, including any accesses to those highways.

2. Map - Each logging plan shall include a sketch map or drawing containing the following information:

    A. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property.

    B. Significant topographic features related to potential environmental problems.

    C. Location of all earth disturbance activities, such as roads, landings and water control measures and structures.

    D. Location of all crossings of waters of the Commonwealth.

    E. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.

3. Compliance With State Law - The logging plan shall address and comply with the requirements of all applicable State regulations, including, but not limited to, the following:

    A. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1 et seq.).

    B. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).

4. Relationship of State Laws, Regulations and Permits to the Logging Plan - Any permits required by State laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in this Section provided that all information required by these sections is included or attached.

C. Required Forest Practices - The following requirements shall apply to all timber harvesting operations:

1. Felling or skidding on, or across, any public road is prohibited without the express written consent of the Township, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

2. No treetops or slash shall be left within twenty-five (25) feet of any public road, or private roadway providing access to adjoining residential property.

3. All treetops and slash between twenty-five (25) and fifty (50) feet from a public roadway, or private roadway providing access to adjoining residential property, or within fifty (50) feet of adjoining residential property, shall be lopped to a maximum height of four (4) feet above the ground.

4. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

D. Responsibility for Road Maintenance and Repair; Road Bonding - Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Engineer.

Section 1418 Outdoor Lighting Requirements

A. Purpose

The standards for outdoor lighting in this Section are established for the following purposes:

1. To provide lighting in outdoor public places for the protection of the public health, safety and general welfare.

2. To control glare from non-vehicular light sources that impair safe pedestrian and vehicular travel.

3. To protect land uses and the night sky from nuisance glare and stray light resulting from improperly aimed, placed, applied, maintained, or shielded light sources.

B. Applicability

Outdoor lighting shall be required in areas of public assembly and travel including, but not limited to: streets, multi-family dwelling developments, manufactured home parks, public or private recreation areas, in commercial, industrial and institutional uses and developments, and in such other uses or developments which the Board of Supervisors deems necessary.

The glare control requirements and standards of this Section shall apply to all of the above uses and developments as well as to sign, architectural, landscape and all other residential lighting.

C. Lighting Plans

Lighting plans required by this Section shall be submitted as part of any preliminary/final subdivision or land development plan proposing a non-residential or multifamily development use and/or any application for a non-residential or multifamily development building/zoning permit. For the purpose of this section, agricultural uses shall not be held to the following design standards. Such lighting plans shall include a schematic layout of all proposed lighting fixture locations, both free-standing and building mounted, and isofootcandle plots of individual fixture installations and ten (10) foot by (10) foot illuminance grid plots for multi-fixture installations that demonstrate full compliance with the illuminance requirements herein specified.

The plan shall also include complete catalog numbers of fixtures and lamps, fixture catalog cuts, the lamp lumen ratings and light-loss factors used in illuminance calculations, proposed hours of operation, specific fixtures proposed for security lighting, if any, on/off control devices and proposed fixture mounting heights.

The applicant shall demonstrate that no nuisance glare or disabling glare will result from the implementation of the proposed lighting plan. In addition the applicant shall also demonstrate that the lighting plan provides adequate measures to conceal visibility of the light source from any point off the property being illuminated.

D. Outdoor Lighting Illumination and Fixture Design Standards

1. All outdoor lighting facilities required by this Section shall provide an illumination level utilizing the current recommended practices and standards of the Illuminating Engineering Society of North America (IESNA).

2. Illumination where required by this Section shall have the lighting intensities and uniformity ratios as provided in the most recent edition of the Lighting Handbook of the Illuminating Engineering Society of North America (IESNA), as follows:

USE	MAINTAINED FOOTCANDLES	UNIFORMITY AVERAGE: MINIMUM
PARKING, MULTI-FAMILY		
Vehicular/Pedestrian Activity		
Low Activity	0.2 Min	4:1
Medium Activity	0.6 Min	4:1
PARKING, INDUSTRIAL/COMMERCIAL/ INSTITUTIONAL/MUNICIPAL/RECREATIONAL		
High Activity Regional Shopping Centers/ Fast Food Facilities/ Major Athletic, Civic, Cultural Facilities	0.9 Min	4:1
Medium Activity Community Shopping Centers/ Office Parks, Hospitals, Commuter Parking Lots/Recreational, Civic, Cultural Facilities	0.6 Min	4:1
Low Activity Neighborhood Shopping Centers/ Industrial Employee Parking/ Schools, Church Parking	0.2 Min	4:1
STREETS		
Local Residential	0.4 Avg	6:1
Local Commercial	0.9 Avg	6:1
BUILDING ENTRANCES	5.0 Avg	NA
WALKWAYS/BIKEWAYS	0.5 Avg	5:1

Notes: 1. Illumination levels are maintained horizontal footcandles on the task, e.g. pavement area surface.

2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g. for commercial parking, high activity, the average footcandles shall not exceed 3.6 (0.9 x 4)

3. Lighting fixtures shall be of a type and design appropriate to the lighting application and sensitive to the architecture and overall character of the area in which they are located.

4. For lighting horizontal surfaces such as streets and parking areas, fixtures shall meet IESNA full cutoff criteria.

5. The use of floodlighting, spotlighting, wall mounted fixtures, decorative globes and other fixtures not meeting IESNA full cutoff criteria may be permitted by the Board of Supervisors only when the applicant can demonstrate acceptable glare and light trespass control and concealment of the light source.

6. Fixtures shall be equipped with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution or conceal the light source.

7. NEMA - head fixtures, such as dusk-to-dawn lights, shall not be permitted where they are visible from other uses unless fitted with a reflector to render them fully shielded.

8. Canopy lighting shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.

E. Control of Nuisance Glare, Disabling Glare and Light Source

1. All outdoor lighting shall be aimed, located, designed, installed and maintained so as not to present a hazard (disabling glare) to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light (nuisance glare) onto neighboring properties or uses.

2. Floodlights and spotlights, when specifically permitted by the Board of Supervisors, shall be so installed and aimed so that they do not project their output into windows of neighboring residences, adjacent uses, directly skyward or onto a street.

3. Unless otherwise permitted by the Board of Supervisors for reasons of safety and security, all exterior lighting required by this Section shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells to permit extinguishing light between 11 p.m. and dawn so as to mitigate nuisance glare and skyward light trespass.

4. When all-night safety or security lighting is permitted by the Board of Supervisors, the lighting intensity levels between the hours of 11pm and dawn shall not exceed twenty percent (20%) of the levels permitted by this Section.

5. Vegetative or other screens shall not be employed as a primary means of controlling glare. Glare control shall be achieved through the use of such means as cutoff fixtures, shields and baffles and the appropriate selection and application of fixture mounting height, wattage, aiming angle and fixture placement.

6. The intensity of illumination projected onto a residential use from another property shall not exceed one tenth (0.1) vertical footcandles measured at thirty (30) inches above the ground at the property line.

7. Fixtures meeting IESNA full cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.

8. Fixtures used for architectural lighting, e.g. façade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between 11 p.m. and dawn, unless specifically approved by the Board of Supervisors.

9. The source of all lighting shall be sufficiently shielded and concealed so that it shall not be visible from any point off the property being illuminated.

10. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward.

F. Installation

1. Electrical feeds for exterior lighting standards shall be placed underground.

2. Exterior lighting standards shall be placed a minimum of five (5) feet outside of paved or on concrete pedestals at least thirty (30) inches high above the pavement or suitably protected by other means as approved by the Township.

G. Maintenance

Lighting fixtures and ancillary equipment shall be maintained so as to continuously meet the requirements of this Section.

H. Inspection and Compliance

1. The Township shall conduct a post-installation nighttime inspection to verify compliance with the requirements of this Section and if appropriate require remedial action, the cost of which shall be borne by the applicant.

2. Nuisance Glare and Inadequate Illumination

A. The owner of an exterior lighting fixture or installation that produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient levels of illumination, or otherwise does not conform to the requirements of

this Section shall be notified thereof by the Township and shall be required to take remedial action.

B. Remedial action shall be completed within thirty (30) days of notification by the Township after which the Township may levy a fine or take such other action as allowed by law.

I. Dedication of Street Lighting Facilities

1. The Township may accept dedication of street lighting facilities when such facilities are installed in the right-of-way of a street dedicated to the Township. Street lighting may be accepted with the acceptance of the street.

2. Until such time of dedication of street lighting facilities, the developer of a tract (having escrowed funds for the street lighting) shall be responsible for all costs associated with each street light, including, but not limited to, the costs of administration, placement, electrical charges and maintenance.

3. Street lighting facilities not dedicated to the Township shall remain the responsibility of the developer or a private entity granted authority thereof which private entity shall assume all costs and responsibilities, in perpetuity, for the street lighting facilities.

J. Existing Lighting

The installation and/or upgrading of any existing lighting as defined by this Ordinance shall comply with the requirements of this Ordinance.

Section 1419 Alternative Energy Systems Design Requirements

A. Solar Energy

1. Permit Required - No person shall install, construct or otherwise implement any solar panel(s) or solar energy collector(s) for a building or structure, residential or commercial, within the Township, without first obtaining a permit from the Township. No person shall repair or modify any existing solar panel(s) or solar energy collector(s) in the Township without first obtaining a permit from the Township.

2. Fees - All applicants for a solar panel(s) or solar energy collector(s) permits shall pay all fees for application and inspection as established by resolution of the Board of Supervisors, from time-to-time. No application shall be considered complete and processing of said application shall not begin, until the fee is paid.

3. Regulations for Solar Panels and Solar Energy Collectors - All solar panels and solar energy collectors installed and/or repaired or modified within the Township shall comply with all of the following:

   A. An applicant shall comply with the Uniform Construction Code Act 45 (UCC), as amended for solar panels and solar energy collectors, in addition to the requirements of this Section. In the event of a conflict between the provisions of this Section and the UCC, the UCC requirements shall control.

   B. All solar panels and solar energy collectors shall be accessory to the principal use of the lot and shall be located on the same lot as the principal use which they serve.

   C. All solar panels and solar energy collectors shall be located so as not to cast glare upon any neighboring properties or any public or private street.

   D. Solar panels and solar energy collectors shall be located to minimize visual impact to neighboring properties.

   E. Solar panels and solar energy collectors shall not create any additional heat load upon neighboring properties.

   F. All solar panels and solar energy collectors which are not mounted on the principal use building on a lot shall be located in the rear or side yards, only.

   G. All solar panels and solar energy collectors shall be promptly removed and properly disposed of when damaged or otherwise no longer in use.

   H. There shall be no commercial use of solar panels or solar energy collectors. Energy generated in excess of the requirements of the principal use of the property may be purchased or acquired by a public utility in accordance with the law or other government regulations.

   I. Solar panels and solar energy collectors shall be set back a minimum of fifteen (15) feet or up to 125% of the height of the solar panel or solar energy collector (if not attached to the principal use building or structure), whichever is greater.

   J. No point of a solar panel, solar energy collector or its support structure, which is not attached to the principal use building or structure, shall exceed a height of eighteen (18) feet.

   K. Solar panels or solar energy collectors which are attached to the principal use building or structure, may, when attached, cause said building or structure to exceed the maximum height requirements of the zoning district in which it is located by no more than thirty-six (36) inches.

B. Non-Commercial Windmills for Residential Wind Energy Generation

1. Power generated by a windmill under this Section shall not exceed 10 KW. There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

2. Wind energy generation shall be limited to one (1) windmill per lot or tract of land.

3. The applicant shall demonstrate that the proposed site has sufficient wind for the continued and proper operation of the windmill.

4. The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed forty five (45) feet.

5. No windmill shall be placed in a front yard.

6. Only single pole (monopole) windmill structure shall be permitted. A windmill pole shall be self-supporting upon its foundation, i.e., no guy wires shall be permitted.

7. No windmill shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source, than the distance measured by its height plus twenty-five percent (25%) of its height, measured in feet.

8. No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen (15) feet.

9. The proposed location of the windmill shall be demonstrated to protect and maintain, to the greatest extent possible, existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section by, among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).

10. The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing trees, structures, wires and the like.

11. All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be at or below grade.

12. Windmills shall not be lighted except as otherwise required by law.

13. There shall be no antennas, advertising or other items or material affixed to or otherwise placed on the windmill, except those required for safety or otherwise permitted by the Township.

14. Access to a windmill shall not be provided any lower than fifteen (15) feet at the highest point of the windmill base.

15. Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three feet (3') high and a minimum of one (1) square foot, maximum of two (2) square feet reading CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.

16. A site plan shall be prepared and certified by a professional engineer, registered in the Commonwealth of Pennsylvania, and submitted with, and as part of, the zoning permit application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:

    A. Property boundaries and identities of neighboring property owners.

    B. The location of all man-made structures on the property, as well as all man-made structures within two hundred (200) feet of the proposed windmill.

    C. All wires, and overhead structures, both natural and man-made.

    D. Soil type(s) where the foundation will be constructed.

    E. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.

    F. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill installation.

    G. The applicant shall demonstrate that should the windmill fall, it will fall within the setback prescribed by this Section; otherwise the applicant shall provide sufficient setbacks in addition to those prescribed by this Section to comply with the setback area demonstrated by the applicant. In no case shall the setbacks be reduced below those prescribed by this Section.

H. Information regarding the speed of operation and the braking mechanism(s). No windmill shall be permitted which lacks an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and/or excessive pressure on the windmill or any of its component parts.

17. An applicant shall comply with the Uniform Construction Code Act 45 (UCC), as amended for windmills, in addition to the requirements of this Section. In the event of a conflict between the provisions of this Section and the UCC, the UCC requirements shall control.

18. Removal of windmills.

A. Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.

B. All structures, enclosures and other appurtenances, accessory to the windmill, shall be completely removed from the property to a place of safe and legal disposal.

C. The windmill shall be removed and the former windmill site restored to as natural condition as possible within six (6) months after termination of the one (1) year cessation of active and continuous use period.

19. Certifications and Inspections.

A. National and State Standards - The applicant shall demonstrate compliance with all applicable manufacturer's, Commonwealth of Pennsylvania, and U.S. standards for the construction, operation and maintenance of the proposed windmill, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, under the signature of a professional engineer, licensed to practice in the Commonwealth of Pennsylvania, that the windmill is in compliance with such standards.

B. No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.

C. Non-Commercial Windmills for Non-Residential Wind Energy Generation

1. Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered accessory structures and the generation of energy as an accessory use, only in non-residential districts, or for existing non-residential uses and only in accordance with this Section. Power generated by a windmill under this Section shall not exceed 20KW. There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

2. Wind energy generation shall be limited to one (1) windmill per lot or tract of land, unless the applicant shall demonstrate that the energy provided by a single windmill is insufficient to provide energy for the tract or property. In no event shall any property contain more than three (3) windmills.

3. The applicant shall demonstrate that the proposed site has sufficient wind for the continued proper operation of the windmill.

4. The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade, at its maximum vertical position, shall not exceed fifty five (55) feet.

5. No windmill shall be placed in a front yard.

6. Only single pole (monopole) windmill structures shall be permitted. A windmill pole shall be self-supporting upon its foundation, i.e., no guy wires shall be permitted.

7. No windmill shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source, than the distance measured by its height plus twenty-five percent (25%) of its height, measured in feet.

8. No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen (15) feet.

9. The proposed location of the windmill shall be demonstrated to protect and maintain existing view sheds, to the greatest extent possible, of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).

10. The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or

facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing trees, structures, wires and the like.

11. All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be at or below grade.

12. Windmills shall not be lighted except as otherwise required by law.

13. There shall be no antennas, advertising or other items or material affixed to or otherwise placed on the windmill, except those required for safety or otherwise permitted by the Township.

14. Access to a windmill shall not be provided any lower than fifteen (15) feet at the highest point of the windmill base.

15. Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at intervals of one hundred (100) feet, no lower than three (3) feet high and a minimum of one (1) square foot, maximum of two (2) square feet reading CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.

16. A site plan shall be prepared and certified by a professional engineer, registered in the Commonwealth of Pennsylvania, and submitted with, and as part of, a zoning permit application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:

    A. Property boundaries and identities of neighboring property owners.

    B. The location of all man-made structures on the property, as well as all man-made structures within two hundred (200) feet of the proposed windmill.

    C. All wires, and overhead structures, both natural and man-made.

    D. Soil type(s) where the foundation will be constructed.

    E. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.

    F. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill installation.

    G. The applicant shall demonstrate that should the windmill fall, it will fall within the setback prescribed by Section; otherwise the applicant shall provide sufficient setbacks in addition to those prescribed by this Section to comply with

the setback area demonstrated by the applicant. In no case shall the setbacks be reduced below those prescribed by this Section.

H. Information regarding the speed of operation and the braking mechanism(s). No windmill shall be permitted which lacks an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and/or excessive pressure on the windmill or any of its component parts.

17. An applicant shall comply with the Uniform Construction Code Act 45 (UCC), as amended for windmills, in addition to the requirements of this Section. In the event of a conflict between the provisions of this Section and the UCC, the UCC requirements shall control.

18. Removal of windmills.

A. Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.

B. All structures, enclosures, and other appurtenances, accessory to the windmill shall also be completely removed from the property to a place of safe and legal disposal.

C. The windmill shall be removed and the former windmill site restored to as natural condition as possible within six (6) months after termination of the one (1) year cessation of active and continuous use period.

19. Certifications and Inspections

A. National and State Standards - The applicant shall demonstrate compliance with all applicable manufacturer's, Commonwealth of Pennsylvania, and U.S. standards for the construction, operation and maintenance of the proposed windmill, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.

B. No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.

20. Industrial wind energy generation and wind energy generation for commercial sale to users or customers not located on the property where the energy is generated are

incompatible with the Township Comprehensive Plan, the intent of this Ordinance, and the general health, safety and welfare and are therefore not permitted.

D. Outdoor Wood Fired Boilers

1. Permit Required - No person shall install, construct or otherwise implement any outdoor wood fired boiler, within the Township, without first obtaining a permit from the Township.

2. Regulations for Outdoor Wood Fired Boilers - All outdoor wood fired boilers installed and/or repaired or modified within the Township shall comply with all of the following:

A. An applicant shall comply with the Uniform Construction Code Act 45 (UCC), as amended for outdoor wood fired boilers, in addition to the requirements of this Section. In the event of a conflict between the provisions of this Section and the UCC, the UCC requirements shall control.

B. No person shall install an outdoor wood fired boiler that is not a Phase 2 outdoor wood fired boiler.

C. No person shall install an outdoor wood fired boiler unless it is installed at least 150 feet from the nearest property line.

D. No person shall install an outdoor wood fired boiler unless it has a permanent attached stack with a minimum stack height of 10 feet above the ground.

E. No person that operates a new or existing outdoor wood fired boiler shall use a fuel other than the following:

(1) Clean wood
(2) Wood pellets made from clean wood
(3) Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or a supplement fuel for dual fired outdoor wood fired boilers.

F. No person shall operate a new or existing outdoor wood fired boiler unless it complies with all existing state and local regulations. The following regulations may apply:

(1) 25 Pa. Code Section 121.7 – Air Pollution
(2) 25 Pa. Code Section 123.1 – Fugitive Emissions
(3) 25 Pa. Code Section 123.31 – Odor Emissions
(4) 25 Pa. Code Section 123.41 – Visible Emissions
(5) Section 8 of the APCA, 35P.S. Section 4008 – Unlawful Conduct
(6) Section 13 of the APCA, 35 P.S. Section 4013 – Public Nuisances

E. Accessory Anaerobic Digesters

1. Minimum Lot Area – 10 acres

2. Permit Required - No person shall install, construct or otherwise implement any accessory anaerobic digester, within the Township, without first obtaining a permit from the Township and any other required local, state or federal permit.

3. Regulations for Accessory Anaerobic Digesters - All accessory anaerobic digesters installed and/or repaired or modified within the Township shall comply with all of the following:

A. An applicant shall comply with the Uniform Construction Code Act 45 (UCC), as amended, in addition to the requirements of this Section. In the event of a conflict between the provisions of this Section and the UCC, the UCC requirements shall control.

B. The applicant shall address and document performance standards for digester location to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and hours of operation.

C. Anaerobic digester systems shall be designed and constructed in compliance with guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management, and any revisions, supplements and successors thereto, of the PA DEP.

D. Anaerobic digesters shall be designed and constructed in compliance with applicable local, state and federal codes and regulations. Evidence of all regulatory agency approvals shall be included with the application.

E. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation and maintenance, and necessary controls related to the anaerobic digester.

F. The applicant shall provide either (1) a letter from the Lancaster County Conservation District stating the applicant's anaerobic digester system has been reviewed and approved by the Lancaster County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Lancaster County Conservation District stating that it will not review the plan or that no review is required under the applicable ordinances.

G. Except as otherwise provided for under the provisions of the PA Nutrient Management Act, no underground storage, in ground storage, trench silo, earthen bank, stacking area or above ground storage facility, related to the anaerobic digester system shall be located within two hundred (200) feet from any property line or within five hundred

(500) feet from Waters of the Commonwealth. Additionally, no building, structures, or facility shall be located nearer than three hundred (300) feet to a road right of way line, property line, Waters of the Commonwealth or an existing residential building unless the owner of such residence waives this restriction in writing to Pequea Township.

H. The applicant shall submit a plan for the removal of the manure digestion facility when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for removal of the facility within six (6) months from the date the owner ceases use of the facility or the facility becomes obsolete.

I. No anaerobic digester system shall be approved until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off- grid systems shall be exempt from this requirement.

Section 1420. Standards for Small Animals Maintained as Accessory to a Residential Dwelling

In any district, the maintenance of up to two (2) each [total of four (4) or less] of the following animals over six (6) months of age is permitted: dogs and cats and small animals provided that it is on a non-commercial basis, the area on which a shelter and/or exercise pen is maintained is suitably enclosed and is located in the rear yard at least ten (10) feet from any lot line, and is not closer than fifty (50) feet to the nearest dwelling other than that of the owner. The restrictions imposed by this paragraph shall not apply to the non-commercial maintenance of animals on farms.

Section 1421. Semi-Detached Buildings in Commercial and Industrial Districts

The Board of Supervisors may allow the elimination of adjacent side or rear yards on two (2) adjacent lots in a commercial or industrial district provided the following conditions and standards are adhered to:

A. The owners of the adjacent lots jointly request the elimination.

B. The buildings to be constructed will be built at the same time and will be physically connected to each other and have uniform facades and roof lines.

C. No more than one (1) side yard or rear yard will be eliminated per lot.

Section 1422. Agricultural Manure Storage Facilities

A. All manure storage facilities shall comply with PA Code 91.36 Pollution Control and Prevention at Agricultural Operations and the PA Technical Guide Standards.

B. All manure storage facility designs shall bear the seal of a Professional Engineer licensed by the Commonwealth of Pennsylvania.

C. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require approval of the design professional of record.

Section 1423. Temporary Roadside Stands for the Sale of Agricultural Products

In any zoning district, the sale of agricultural products is permitted in accordance with the definition of a normal agricultural operation as defined herein and the Pennsylvania Right to Farm Act (3 PA Stat 951-957) subject to the following general and specific requirements.

A. General requirements

1. At least 50% of the products displayed for sale shall have been produced on-site.

2. Off-street parking shall be provided at a rate of one (1) space for each 50 square feet of sale display area.

3. All structures used to display goods shall be located a minimum of 25 feet from the street right of way line and all property lines.

4. All parking areas shall be located a minimum of 10 feet from the street right of way line and all property lines and meet all applicable design regulations which includes a turn-around area so that vehicles are not required to back out onto the public roadway.

5. All signage must be located on the lot of which the display of product is located.

B. Specific Requirements

1. Agricultural, Mineral Recovery, Commercial and Industrial Zoning District

   a. Maximum structure footprint including overhang – 500 square feet
   b. Maximum structure height – 14 feet
   c. Signage – One (1) sign maximum 16 square feet

2. R-1, R-2 and Village Zoning District

   a. Maximum structure footprint including overhang – 80 square feet
   b. Maximum structure height – 12 feet
   c. Signage – One (1) sign maximum 12 square feet

Section 1424. Beekeeping, where Accessory to a Single-Family Detached Dwelling

A. It shall be the duty of the applicant to maintain each colony so as not to create a public nuisance.

B. Colonies shall be maintained in movable frame hives.

C. All hives within twenty (20) feet of a property line shall have a solid fence or vegetative obstruction five (5) feet or more in height, between the hives and the property line.

D. All hives shall have access to an on-site water supply.

E. All bee hives shall be maintained in a healthy condition using locally-accepted beekeeping management practices.

F. The transport of bees shall be according to one or more of the following standards:

(1) The entrance and any holes in the hives are closed with screen or other material to prevent the escape of bees.

(2) The entire load of hives is covered with a weatherproof netting material of an eight (8) inch mesh or less.

(3) The bees are enclosed in a refrigerated containment vehicle which maintains the temperature at forty five degrees (45º) or less.

(4) The hives are loaded, transported and unloaded between sundown and sunrise of the same night.

Section 1425. Noncommercial keeping of livestock and fowl (excluding transportation horses as specified in Section 1403.10) on lots of less than ten (10) acres, where accessory to a single-family detached non-farm dwelling in Agricultural Zoning District. The noncommercial keeping of livestock and fowl in all other zoning districts shall be prohibited.

A. Minimum Lot Area - One (1) acre; The following list specifies additional area requirements by size of animals kept:

GROUP 1 - Animals whose average adult weight is less than fifteen (15) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.

GROUP 2 - Animals whose average adult weight is between fifteen (15) and two hundred (200) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,

GROUP 3 - Animals whose average adult weight is greater than two hundred (200) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of five (5) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply.

B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock:

GROUP 1 Animals - Up to twenty five (25) animals, a twenty five (25) foot setback; more than twenty five (25) animals, a fifty (50) foot setback.

GROUP 2 Animals - Up to two (2) animals, a fifty (50) foot setback; more than two (2) animals, a one hundred (100) foot setback; and,

GROUP 3 Animals - One (1) animal, a fifty (50) foot setback; more than one (1) animal, a one hundred (100) foot setback.

C. An additional setback may be required where dwellings on adjacent properties do not meet the minimum side yard or rear yard requirements. Such additional setback shall be equal to the deficiency in the adjacent yard.

D. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.

E. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of animals. Such fencing shall be set back at least five (5) feet from all property lines.

F. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the lot's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

Section 1426. Public Utilities Service Structures

Within any district, public utilities service structures may be permitted subject to the following criteria:

A. If located with a Residential District, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.

B. In any Residential District, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall not be permitted; in a non-residential district, all outdoor storage parking and/or loading areas shall be screened from adjoining roads and. all properties. In addition, landscape regulations for the district shall be followed.

C. There shall be no specified minimum lot size; however, each lot shall provide front, side, and rear yard setbacks, and comply with the maximum lot coverage requirements and impervious surface bed as prescribed in the underlying district.

D. All structures shall be set back a distance at least equal to the height of the structure, from all adjoining property lines, and height regulations for the district shall be followed.

E. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or cause any other objectionable impact, nuisance, or safety hazard beyond the subject property.

F. All new or added electrical transmission projects shall have an EMF mitigation plan to eliminate to the greatest extent possible, any potential health risk or nuisance.

G.

Section 1427. Internal Combustion Engine Generators

Internal Combustion Engine Generators shall be permitted as an accessory use in the Agricultural zoning district and shall be prohibited within all other zoning districts. Internal Combustion Engine Generators shall be prohibited within all other zoning districts. Internal Combustion Engine Generators shall be subject to the following regulations:

A. The engine shall be housed within an insulated concrete block enclosure. The enclosure shall provide an insulated roof structure.

B. The engine shall muffled via an exhaust silencer which provides a minimum of 25dBA of noise attenuation.

C. The structure shall be located a minimum of fifty (50) feet from any property line and a minimum of 500 feet from the nearest adjoining dwelling other than that of the owner. No structure shall be located within the front yard.

D. Applicant shall obtain a building permit in accordance with the PA UCC Act 45.

E. Emergency Standby Generators shall be exempt from the above requirements and permitted within all zoning districts.

ARTICLE 15 SPECIFIC REGULATIONS, SPECIAL EXCEPTIONS, AND CONDITIONAL USES

Section 1501. Purpose.

The following specific regulations shall supplement the regulations set forth herein for each district and shall apply throughout the Township unless otherwise specified in other Sections of this Ordinance.

Section 1502. Specific Regulations.

1. Bed and Breakfasts

A. No modifications to the external appearance of the building (except fire escapes) which would alter its character shall be permitted.

B. All floors above-grade shall have direct means of escape to ground level.

C. One (1) off-street parking space shall be provided for each bedroom available for rent, in addition to those required for the dwelling unit and at least twenty-five (25) feet from all property lines.

D. The sign shall be as proscribed the respective zoning district regulations, but no illumination shall be permitted and no sign shall be larger than two (2) feet by three (3) feet.

E. Minimum residence size excluding basement, garages and porches - Two thousand (2,000) square feet.

F. Maximum number of bedrooms available for overnight guests shall be determined by the residence size as follows:

1. Minimum residence size less than two thousand two hundred (2,200) square feet - Four (4) bedrooms.

2. Minimum residence size two thousand two hundred (2,200) square feet or greater - Five (5) bedrooms.

3. No more than five (5) bedrooms for use by overnight guests shall be permitted regardless of size.

G. The operator of the bed and breakfast establishment shall reside on the premises.

H. If on-lot sewer service is provided, DEP and/or the Sewage Enforcement Officer shall approve the method of sewage disposal.

2. ECHO Housing

A. The elder cottage shall be of portable construction and may not exceed one thousand five hundred (1,500) square feet of floor area.

B. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the Agricultural District.

C. The elder cottage shall be occupied by no more than two (2) people, at least one of whom must be both related to the occupants of the principal dwelling by blood, marriage or adoption, and is either (a) 50 years of age or older, (b) handicapped, or (c) disabled.

D. Utilities:

1. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving in the principal dwelling; no separate utility systems or connections shall be constructed or used, unless required by the DEP. All connection shall meet the applicable utility company standards.

2. If on-lot sewage disposal or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-lot sewage disposal system shall be subject to the review and approval of the Sewage Enforcement officer.

E. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.

F. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses.

G. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use.

H. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

3. Two-Family Conversions

A. The structure shall contain a minimum of 3,000 square feet of habitable area on the effective date of this ordinance.

B. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.

C. No extensions or modifications to the external appearance of the building, except fire escapes**,** which would alter its residential character, shall be permitted.

D. All floors above and below grade shall have direct means of escape to ground level.

E. Four (4) off-street parking spaces shall be provided.

4. Extended Family Housing

A. All sewage disposal, water supply, and other utilities shall be physically connected to those systems serving the dwelling; no separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.

B. The applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in the dwelling will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case, the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Sewage Enforcement Officer.

C. Four (4) off-street parking spaces shall be provided.

D. No new driveway connections to the public roadway shall be permitted.

E. The building addition shall be limited to no more than fifty percent (50%) of the square footage of the principal dwelling and shall be limited to one additional living unit.

5. Temporary Farm Employee Housing

A. For each farm, one (1) manufactured home is permitted for the use of farm workers, and their families, who are employed by the owner of the farm, for such time as the employee works the land of the owner.

B. All manufactured homes shall comply with all setback requirements imposed upon single-family detached dwellings; no manufactured home may be located within a front yard.

C. The applicant shall furnish evidence that an approved system of water supply and sewage disposal shall be utilized.

D. Such manufactured homes shall be anchored in accordance with the Uniform Construction Code (UCC) Act 45 as amended.

E. The manufactured home shall be occupied at least one hundred twenty (120) days a year by at least one person who is employed on the farm where the manufactured home is located. If this condition is not satisfied, the manufactured home shall be removed within one hundred twenty (120) days.

F. All temporary farm employee housing sewage shall be approved by the Department of Environmental Protection and the Township Sewage Enforcement Officer.

6. Rural Occupations

A. Only one (1) rural occupation may be conducted on the same property as the owner's principal residence, and shall not exceed the area of the principal residence's ground floor or one thousand (1,000) square feet, whichever is the lesser.

B. A rural occupation shall only be conducted within one completely-enclosed outbuilding that satisfies at least one (1) of the following:

1. The building will remain the same size and in the same location as it existed on the effective date of this section; or

2. The building is limited to one (1) story in or twenty (20) feet in height, whichever is lesser, is located in the rear yard of the principal residence, and is set back at least fifty (50) feet from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings.

C. In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site.

D. 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.

E. All off-street parking and loading spaces shall be screened from adjoining roads and properties.

F. Outdoor storage or display shall not be permitted, except that one (1) commercial truck of not more than ten thousand (10,000) pounds gross vehicle weight may be parked behind the principal residence, so long as it is screened from adjoining roads and properties.

G. One (1) non-illuminated, neither internally nor externally, outdoor sign, not exceeding twelve (12) square feet in area and set back a distance at least equal to its height from every lot line shall be permitted, and shall otherwise conform to the provisions of Section 1406, Outdoor Signs, herein.

H. No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall furnish testimony regarding the expected numbers of vehicle trips associated with the proposed use.

I. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence.

J. The maximum number of employees who do not reside on the site shall be equal to two (2) full-time positions. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation.

K. Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m. No rural occupation shall be conducted on Sundays.

L. No manufacturing, mechanical or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted, except for wastewater treatment.

M. Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation.

N. 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.

O. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The building permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used or wastes generated changes significantly, either in type or amount, the owner of the farm operation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

7. Farm Related Occupations

A. For the purposes of this section, farm related occupations may involve any one of a wide range of uses, provided that such use remains secondary to, compatible with and supports the agricultural uses of Pequea Township.

B. Information shall be provided describing the nature of the farm occupation, materials used in the process and waste products generated.

C. Evidence shall be provided indicating that the disposal of materials and wastes associated with the farm occupation will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County which have been contracted to dispose of the materials and wastes used or generated on-site. The zoning permit for this use shall remain valid only as long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner of the farm operation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

D. No more than the equivalent of six (6) nonresidents shall be employed by the farm occupation, and at least one owner of the farm related occupation must either reside on the site or be a partner in the farm business.

E. The use must be conducted within one completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties. No new access to the roadway shall be permitted for a farm related occupation.

F. Any new building constructed for use by the farm related occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.

G. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.

H. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive, serving the farm related occupation and the farm shall not be calculated as land serving the farm occupation.

I. An outdoor sign(s) for a farm related occupation shall not exceed ten (10) square feet in area and shall otherwise conform to the provisions of Section 1406, Outdoor Signs, herein.

8. Riding Club, Riding School and/or Horse Boarding Stable

A. Minimum Lot Area - 10 acres.

B. Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line and seventy-five (75) feet from any public or private road.

C. All stables shall be maintained so to minimize odors perceptible at the property line.

D. No more than ten (10) equine are kept with the exception that one (1) additional equine may be kept for each additional acre of land over 10 acres.

E. The building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two hundred (200) square feet for each added equine.

F. 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. All enclosures shall be set back a minimum of two hundred (200) feet from any adjacent residence whose owner is not the owner of this use.

G. All parking compounds and unimproved overflow parking areas shall be set back at least twenty-five (25) 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. There shall be one (1) space for each non-resident employee and one (1) space for every two (2) equines kept on the property.

9. Retail Stores, Shopping Centers, and Business Offices containing fewer than 15,000 square feet of gross floor area. (Amended Ordinance #224-2024)

A. The proposed structure shall be connected to and use public sewer. The proposed structure shall be connected to a public water supply if a public water main is located within 150 feet of any street frontage of the property. Water service supplied by private on-site wells shall comply with PA DEP regulations and the requirements of the Pequea Township Subdivision and Land Development Ordinance.

B. The lot shall directly abut and gain access from an arterial road or a rural major collector road as classified under this Ordinance (see Article 14).

C. Vehicle parking, loading and access shall meet the requirements of Article 14.

D. Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking areas and within all public rights-of-way abutting the parking areas according to the specifications for curbs and walkways in the Township Road Ordinance or the applicable subdivision and land development ordinance, whichever provides the more stringent regulations.

E. Landscaping shall be installed and maintained which shall meet at least the minimum requirements for landscaping in Section 1405.

F. Outside lighting of all entrances, walkways and parking areas shall be provided. Such lighting shall comply with the requirements of Section 1418.

G. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

H. Mechanical equipment and other functional accessories of each building, including but not limited to elevators, penthouses, ventilation pipes and ducts, water pressure tanks, and heating, air conditioning and power supply units, shall have an architecturally designed building material screen or covering which is an integral part of the building envelope and which is harmonius with the building design.

I. Trash receptacles shall be provided on the property in a number to adequately serve the proposed use.

J. Applicant shall present an evaluation of the effects of the proposed development upon police service, fire service, and other emergency services, and shall agree to a feasible method to eliminate any adverse effects.

K. All off-street loading facilities shall be located at the rear of buildings.

L. Establishments furnishing shopping carts shall provide areas on the site for the storage of carts. Storage areas shall be clearly marked and designated for the storage of shopping carts. If such areas for carts are located within the parking areas, they shall not be counted toward the required number of minimum off-street parking spaces.

M. Minimum front yard: fifty (50) feet.

N. Minimum side yard: fifty (50) feet.

O. Minimum rear yard: fifty (50) feet.

10. Intensive Produce and Intensive Livestock Operations

A. Minimum Lot Area - Fifty (50) acres

B. Maximum Permitted Lot Coverage - Thirty percent (30%), including all impervious surfaces**,** for intensive produce operations and sixty percent (60%), including all impervious surfaces, for intensive livestock operations.

C. No structure for housing of poultry, livestock, feedlot, or mushroom operations shall be located:

1. Within five hundred (500) feet of any residential structure other than a structure in which the applicant resides located on the same lot.

2. Within one hundred twenty-five (125) feet of any street right-of-way line.

3. Within one hundred twenty-five (125) feet from any property line in the Agricultural or MR-Mineral Recovery District.

4. Within five hundred (500) feet from adjoining property line in other than Agricultural or Mineral Recovery District.

D. If applicable, the applicant shall submit written evidence that the proposed use has a nutrient management plan, approved by the appropriate regulatory agencies. All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer.

E. The applicant shall furnish evidence from the Lancaster County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the

applicant must again furnish evidence from the Lancaster County Conservation District that the amended plan has been approved.

F. The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan.

G. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, all artificial lighting used for growing must be screened from adjoining roads or properties between the hours of official sunset to official sunrise. Any other lighting on the site shall be designed and arranged so as not to cast glare on adjoining roads or properties.

H. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the owner and/or operator. If said fans are within one thousand (1,000) feet of the closest subject property line, then the applicant shall construct a dispersion buffer. Such dispersion buffer shall include a landscaped berm that will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at any of the subject property lines.

I. Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty (50) foot wide radius for all turns and intersections.

J. Any on-site waste storage facilities shall comply with the requirements of this ordinance.

K. 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.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

An intensive produce operation, or intensive livestock operation, shall not be approved by the Township when the proposed water system cannot 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 intensive produce operation, or intensive livestock operation.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.

2. A geologic map of the area with a radius of at least one mile from the site.

3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.

4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.

5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.

6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.

8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

9. Should the proposed use require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna Valley River Basin Commission.

L. All intensive produce and livestock operations must comply with the applicable storm water management regulations.

M. The applicant shall be required to submit a written qualified plan for the removal of all buildings and the reclamation of all topsoil in the event of discontinuance of the intensive produce operation. If the site is graded during construction and operation of the intensive produce operation, or intensive livestock operation, all topsoil shall remain on the site in a manner which makes it conveniently accessible for reclamation. Should the applicant not adequately guarantee the removal of such buildings and reclamation of topsoil upon discontinuance of the intensive produce operation, or intensive livestock operation, at his/her expense, the conditional use shall be denied.

N. The site shall include one (1) off-street parking space for each employee during the largest work shift.

O. No retail sales shall be permitted on the site, except for roadside stands as permitted by Section 1423.

P. Intensive produce operations and intensive livestock operations shall comply with all Commonwealth of Pennsylvania and/or federal standards, as required by the most recent published regulations.

Q. Each structure or other confined area shall be equipped with such equipment, machinery, mechanisms, processes and/or other devices as are needed to eliminate, reduce and/or control odors, insects, and the adverse effects of pollution and other environmental problems. It is the intent of this provision that the applicant to conduct an intensive produce or livestock operation shall be required to demonstrate that the structure and/or other confined area in which the intensive produce or livestock operation is to be conducted will be equipped with the most advanced technological equipment available so as to eliminate, reduce or control the adverse effects of odors, insects, pollution and other environmental problems upon neighboring properties.

R. No dead birds or livestock shall be disposed of on the property except in strict accordance of the applicable standards of DEP and pending such disposition the same shall be held in air-tight containers.

11. Communications Antennas and Equipment (Co-Locate)

A. The applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.

B. The applicant shall submit notice of approval for the proposed installation from the FAA and the FCC or written evidence that no such approval is required.

C. Building mounted communications antennas shall not be located on any building used for residential purposes.

D. In addition to the other requirements of this Section, building mounted communications antennas shall not be permitted to exceed the height limitations of the applicable district by more than fifteen (15) feet. If the building mounted communications antenna is mounted on a structure such as a silo, the communication antenna shall not exceed the present height of such structure.

E. Omnidirectional or whip communications antennas shall not exceed fifteen (15) feet in height and seven (7) inches in diameter.

F. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

G. The applicant shall submit evidence from an engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure and the foundation and soil underneath the building or other structure considering wind and other loads associated with the communications antenna location.

H. The applicant shall submit detailed construction and elevation drawings indicating how the communications antennas will be mounted on the structure.

I. The applicant shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the communications antennas are to be mounted so that installation and maintenance of the communications antennas

and communications equipment building can be accomplished. The applicant shall include a plan showing the proposed access drive and off-street parking area.

J. The applicant shall demonstrate that surrounding areas shall not be affected by falling ice or other debris if the communications antenna should fail.

K. If the lot is located in the Agricultural District, the applicant shall demonstrate that the facilities shall use an existing driveway or access drive. No new driveway or access drives shall be constructed to serve communications antennas in the Agricultural District.

L. The applicant proposing communications antennas to be mounted on any existing tower shall completely enclose the tower by an eight (8) foot high nonclimbable fence with a self-locking gate or provide evidence that the existing tower precludes climbing by other means.

M. Communications antennas shall comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

N. Communications antennas shall not cause radio frequency or other interference with other communications facilities or with equipment in homes located in the Township.

0. A communications equipment building shall not be more than ten (10) feet in height and shall meet all applicable setback requirements of the applicable zoning district for an accessory structure. No communications equipment building shall exceed two hundred (200) square feet. If the carrier proposes to use equipment cabinets placed upon a pad, the total area of the pad for all of the equipment cabinets and building shall not exceed two hundred (200) square feet in area.

P. The owner or operator of the communications antennas shall be licensed by the FCC to operate such antennas and shall supply a copy of such license to the Township.

Q. The communications antennas and related equipment and facilities shall be visually disguised or concealed, and the applicant shall submit testimony on how the communications antennas and related equipment and facilities will be disguised or concealed so that they are not visible from the surrounding area. The applicant shall provide landscaping to visually screen all communications equipment buildings and off-street parking areas.

R. The applicant shall submit a plan for the removal of the communications antenna and related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.

S. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color acceptable to the Township that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

12. Churches and Related Uses

A. House of Worship -

1. Minimum Lot Area - Two (2) acres.

2. Minimum Lot Width - One hundred fifty (150) feet.

3. Side Yard Setback - Twenty-five (25) feet on each side.

4. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

5. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

B. Church-Related Residences (Rectories and Convents) -

1. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship.

2. All residential uses shall be governed by the location, height and bulk standards, imposed upon other residences, of the District in which the site is located.

C. Church-Related Educational or Principal Day-Care Centers -

1. All educational or day-care uses shall be accessory, and located upon the same lot as a house of worship.

2. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a minimum rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned and/or residentially used properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (i.e. shall not be poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).

3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period.

4. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

5. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone.

6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one off-street parking space shall be provided for each six students enrolled below grade ten, and/or one off-street parking space for each three students, grades ten and above.

D. Cemeteries

1. All burial plots or structures shall be located at least twenty (20) feet from any property line or street line.

2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

3. No burial plots or facilities shall be permitted in floodplain or flood fringe areas.

13. Heavy Equipment Sales, Service and/or Repair Facilities.

This includes excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers and other similar machinery.

A. All service and/or repair activities shall be conducted with a wholly-enclosed building.

B. All uses involving drive-thru service shall provide at least two hundred (200) feet on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

C. All exterior and/or display areas shall be screened from adjoining residentially-zoned or used properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be entirely covered in an all-weather dust-free surface.

D. The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured homes, buses and heavy equipment vehicles on the property is prohibited.

E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially-zoned or used property.

F. All licensed vehicles shall be repaired and removed from the premises within thirty (30) days.

G. The site shall front on and gain access from any arterial road as defined in Article 14.

H. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

14. Retail Nursery, Retail Greenhouse, and Retail Sales of Garden Stock

A. All greenhouses and nurseries shall front on and gain access from any arterial or rural major collector road, as identified in Article 14.

B. The display and sale of items not primarily 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 and lawn equipment shall not be permitted. This Section shall not apply in the Commercial District.

C. All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line. All structures, parking lots, off-street loading and outdoor sales areas shall be set back at least one hundred (100) feet from any side or rear lot lines except in the Commercial District where it abuts other commercial lots in which case twenty-five (25) feet is required.

D. All improvements (including parking and loading facilities, but not including a freestanding sign) shall be screened from adjoining residentially-zoned or used properties.

15. Septage and/or Solid Waste Disposal Facilities

A. Any processing of septage and/or solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a completely enclosed building.

B. No refuse shall be deposited or stored, and 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 or waters of the Commonwealth.

C. Any external area used for the unloading, transfer, storage, or deposition of refuse must be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable. In addition, such areas must be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.

D. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.

E. The use shall be screened from all adjoining residentially-zoned and/or residentially used properties.

F. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.

G. All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a one hundred (100) foot-long gravel section of driveway shall be placed

just beyond the preceding two-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels.

H. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

I. Hazardous waste as described by the PA DEP shall not be disposed of within the proposed area.

J. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.

K. The unloading, processing, transfer, and deposition of septage and/or solid waste shall be continuously supervised by a qualified facility operator.

L. Any waste that cannot be used in any disposal process/or material that is to be recycled, shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.

M. All storage of septage and/or solid waste shall be indoors in a manner that is leak-proof and vector-proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation but, in no event, for more than seventy-two (72) hours.

N. A contingency plan for the disposal of solid waste during a facility shut-down shall be submitted to the Township.

O. Leachate from the septage and/or solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection regulations.

P. All structures shall be set back at least a distance equal to their height.

Q. 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.

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:

1. Calculations of the projected water needs.

2. A geologic map of the area with a radius of at least one mile from the site.

3. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.

4. The location of all existing on-lot sewage disposal systems within 1000 feet of the site.

5. The location of all streams within 1,000 feet of the site and all known point sources of pollution.

6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.

8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

R. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.

S. 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.

T. Any sanitary landfill must be owned and operated by the Township or its authority.

16. Quarrying and Mining

A. As a part of each zoning application, the applicant shall furnish an accurate survey site plan at a scale no less than one (1) inch equals four hundred (400) feet, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:

1. The boundaries of the proposed affected area, together with drainage area above and below the area.

2. The location and names of the types and resources to be extracted or quarried and names of all natural and manmade features such as streams, roads, railroads, and, utility lines on or immediately adjacent to the area.

3. The location of all buildings within one thousand (1,000) feet of the parcel and the names and addresses of the owners and present occupants, and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.

4. The purpose for which each building is used and estimated depth of the proposed operation and land area to be excavated with dimensions.

5. Proposed alterations to water courses to assure stream quality and quantity.

6. The name of the owner of the affected area and total acreage, and the names and addresses of adjacent land owners.

7. Any proposed fencing and landscaping.

8. A contour map showing cross sections of the proposed quarry area including a detailed hydrogeologic groundwater study based on complete site studies.

B. The applicant shall obtain any required permit or permits from DEP and, upon receipt thereof, shall present such permit or permits to the Township.

C. The applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to DEP for review to the Zoning Hearing Board. If such special exception is granted, the operator shall be required to continue to present such documentation to the Township when it is submitted to DEP.

D. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Non-Coal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 1093, No. 219, as amended, 52 P.S. §3301 et seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of DER implementing such statutes.

E. The minimum lot area shall be fifty (50) acres.

F. A fence measuring eight (8) feet high must enclose the area of actual quarrying or excavation. It shall not be less than fifty (50) feet from the edge of excavation. The fence used shall have openings less than three (3) inches in any dimension, if any. A

vegetative screen must be provided along the outside of the fence, facing away from the quarry, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. Where adjacent to a residential district or public right-of-way, trees and shrubs shall be planted which will screen the operation completely from normal view.

G. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.

H. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.

I. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

J. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighted will not back-up onto public roads.

K. All access drives onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.

L. The facility shall front upon, and gain access from, a rural major collector or any arterial road. The identification or road status in Article 14 herein shall determine whether such road is a rural major collector or arterial road.

M. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

N. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.

O. The operator shall provide the Township with copies of any notices of violation received from DEP or EPA within two (2) weeks from the date such notice of violation was received by the operator.

P. There shall be no operations on Sunday or legal holidays and no operations between 7:00 p.m. and 7:00 a.m. on other days.

Q. All mining operations shall comply with the following requirements:

1. Shall not injure or detract from the lawful existing or permitted use of neighboring properties.

2. Shall not create any damage to the health, safety, or welfare of the Township or its residents or property owners.

3. Shall not pollute the air in excess of standards set by Federal or State statues or regulations.

4. Shall not create noises in excess of permitted levels established by Federal or State statutes or regulations or Township Ordinances.

5. Shall not exceed the blasting parameters established by the Pennsylvania Bureau of Mining and Reclamation.

6. Shall not permit vibrations perceptible as detected by the adjacent or adjoining landowner's natural innate sensory input at any adjoining or adjacent property in different ownership or at public rights-of-way.

7. Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission.

8. Shall not permanently impede the flow of natural watercourses.

9. Shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.

R. At the time of application for a special exception, an operations statement shall be submitted which shall include a detailed description of methods for satisfactorily handling operations with respect to the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety, or general welfare or which can cause any soiling or staining of persons or property beyond the property line. All such operations statements shall be in full compliance with all applicable state and federal statutes and regulations as well as this Ordinance. All pollution, soil erosion and sedimentation control, and other environmental problems created during the operation including the production, transportation, processing, stockpiling, storage and disposal of products, byproducts and wastes shall be corrected by the operator.

S. At the time of application for a special exception, a reclamation plan shall also be submitted setting forth the following information:

1. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.

2. A description of the location, type, extent, methods, and time schedule for the operation proposed.

3. A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.

4. A plan for re-use of the land after completion of the operations which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary and which shall comply with all applicable state and federal statutes and regulations governing the reclamation of the proposed facility.

T. After the termination of operations, the area must be rehabilitated to conform with the reclamation plan and all applicable federal and state statutes and regulations.

U. Within ninety (90) days after the commencement of surface mining operations and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer setting forth the following:

1. The name and address and number of the operator.

2. The location of the operation with reference to the nearest public road.

3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.

4. The name and address of the landowner or his duly authorized representative.

5. An annual report of the type and quantity of material produced.

6. The current status of the reclamation work performed pursuant to the approve reclamation plan.

7. A maintenance report for the site verifying that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance have been performed.

8. Verification that the proposed use continues to comply with all applicable State regulations. The operator shall furnish copies of any approvals, permits and/or any notices of violations issued by DEP to the Zoning Officer.

V. A five hundred (500) foot setback shall be maintained from all property lines during the operation of the quarry or mine within which quarrying or mining activities, including blasting and stone crushing, shall not be permitted.

W. No structures or parking areas shall be located closer than one hundred (100) feet to any property line.

X. Waste products in waste containers may be placed within side and rear yards, provided that they are screened from adjoining roads and properties. All such containers shall be set back not less than one hundred (100) feet from any adjoining property. All such containers shall be completely enclosed by a fence or wall.

Y. Where screening, plantings or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials

which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

17. Resource Recovery and Recycling Facilities

A. The applicant shall obtain any required permit or permits from DEP and, upon receipt thereof, shall present such permit or permits to the Township.

B. The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to DEP for review to the Zoning Hearing Board. If such special exception is granted, the operator shall continue to present such documentation to the Township when it is submitted to DEP.

C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery and the regulations of the Department of Environmental Protection implementing such statutes.

D. Operation of the facility shall at all times comply with all applicable regulations of the Lancaster County Solid Waste Management Authority or any successor agency. Any permits or approvals required by such agency shall be obtained by the applicant and evidence of the grant of such permits or approvals shall be submitted to the Township.

E. The minimum lot area shall be ten (10) acres.

F. A fence measuring eight (8) feet high shall enclose the facility. The fence shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. The use shall be screened completely from normal view.

G. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.

H. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks, or other means to deny access at unauthorized times.

I. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

J. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back upon onto public roads.

K. All driveways onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of access drives shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.

L. The facility shall front upon, and gain access from, a rural major collector or any arterial road. The identification or road status in Article 14 herein shall determine whether such road is a rural major collector or arterial road.

M. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

N. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.

O. The operator shall provide the Township with copies of any notices of violation received from DEP or EPA within two (2) weeks from the date such notice of violation was received by the operator.

P. There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m. on other days.

Q. Litter control measures shall be implemented to prevent scattering of materials and a plan for the clean-up of litter shall be submitted to the Township.

R. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area.

S. A one hundred (100) foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall not be permitted.

T. No structures or parking areas shall be located closer than one hundred (100) feet to any property line

U. Where screening, plantings, or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

V. The unloading, transfer and deposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

18. Animal Hospitals, Breeding and Boarding Kennels

A. Minumum Lot Area:

Animal Hospital:	Two (2) Acres
Boarding Kennel:	Twenty (20) Acres
Breeding Kennel	Forty (40) Acres

B. All animal boarding buildings and any outdoor animal pens, stalls or runways shall be located within the rear yard.

C. All animal boarding buildings and any outdoor animal pens, stalls or runways shall be located a minimum of 500 feet from all property lines and 1000 feet from the R-1 Residential, R-2 Residential or Village Zoning District

D. The applicant shall furnish evidence of an effective means of animal waste storage and disposal which shall be continuously implemented. No waste shall be stored nor disposed of within 500 feet of all property lines;

E. The applicant shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of noise, waste and odor.

F. Operation of kennels shall comply with the Dog Law, Act of December 7, 1982, P.L. 784, No. 225, as amended, 3 P.S. 459-101 et seq., and all applicable regulations of the Department of Agriculture.

G. The following shall apply to Breeding Kennels in addition to the requirements of Sections 1502.18.A to 1502.18.F:

1. The applicant shall obtain a certificate of use and occupancy for the kennel which shall be renewed yearly. The fee for such certificate of use shall be in accordance with the Pequea Township Fee Resolution.
2. The applicant shall permit, at a minimum, yearly inspection of the kennel facility upon being given notice by the Zoning Officer.
3. The applicant shall, at the request of the Zoning Officer, provide copies of all records required to be maintained by the Dog Law and if the Kennel is not regulated by the Dog Law, the applicant shall keep written record of all dogs transferred and furnish such record at the request of the Township. The records shall include the dates of transfer and the name of the individual to whom each dog is transferred.
4. Evidence of PA Dept of Agriculture licensing, if required, shall be provided to the Township prior to the issuance of a certificate of use and occupancy.

H. The following shall apply to Boarding Kennels in addition to the requirements of Sections 1502.18.A to 1502.18.F:

1. The Applicant shall obtain a certificate of use for the kennel which shall be renewed yearly. The fee for such certificate of use shall be in accordance with the Pequea Township Fee Resolution.
2. Evidence of PA Dept of Agriculture licensing, if required, shall be provided to the Township prior to the issuance of a certificate of use and occupancy.

I. Non-conforming Breeding Kennels – Any non-conforming breeding kennels shall be required to register the non-conformity in accordance with Section 1600 as of the effective date of this ordinance. Non-conforming breeding kennels shall be required to comply with Section 1502.18.G.

19. Communications Towers and Equipment.

A. The applicant must demonstrate that the proposed location is necessary for the efficient operation of the system.

B. An applicant proposing construction of a new communications tower shall demonstrate that such applicant has made a good faith effort to obtain permission to mount the antenna(s) on an existing structure or communications tower. A good faith effort shall require that the applicant contact all owners of potentially suitable structures within a one mile radius of the proposed communications tower site and supply signed letters from all such owners and that one or more of the following reasons for not selecting such existing structure or communications tower apply:

1. The proposed antenna(s) and related equipment would exceed the structural capacity of the existing structure or tower and reinforcement of such existing tower or structure cannot be accomplished at a reasonable cost. The applicant shall provide engineering data to demonstrate that the structural capacity will be exceeded and reinforcement cannot be accomplished at a reasonable cost.

2. The proposed antenna(s) and related equipment would cause radio frequency interference with other existing equipment at that location and that such interference cannot be prevented at a reasonable cost. The applicant shall provide engineering data to demonstrate that the proposed antenna would cause interference and the interference cannot be prevented at a reasonable cost.

3. Such existing structures or towers do not have adequate location, space, access or height to accommodate the proposed antenna(s) and related equipment or to allow them to perform their intended function. The applicant shall provide engineering data to demonstrate that the existing structures or towers do not have adequate location, space, access or height to accommodate the proposed antenna(s) and related equipment or to allow them to perform their intended function.

4. Addition of the proposed antenna(s) and related equipment would result in electromagnetic radiation from such location exceeding applicable standards established by the FCC and the radiation cannot be prevented at reasonable cost. The applicant shall provide engineering data to demonstrate that the addition of the proposed antenna(s) and related equipment will result in electromagnetic radiation exceeding applicable standards and the radiation cannot be prevented at reasonable cost.

5. The Applicant could not reach a commercially reasonable agreement with the owner of such existing structure or tower. The applicant shall provide written information to enable the Zoning Hearing Board to determine that the demands of the owner were unreasonable.

C. The applicant is strongly encouraged to provide a written commitment that it will rent space at commercially reasonable rates on a tower to other communications providers to minimize the total number of towers necessary within the region. In order to reduce the number of communications antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including, but not limited to, police, fire, and emergency services.

D. The applicant shall demonstrate by means of engineering testimony and reports that the communication tower and all communication antennas to be installed on the communication tower are the minimum height required to function satisfactorily.

E. Any communication tower shall be set back from each property line a distance equal to its height unless applicant demonstrates by clear and convincing evidence that there will be no danger to persons or property with a lesser setback, but in no circumstances shall the tower be set back less than one hundred (100) feet from any property line. To demonstrate that there will be no danger to persons or property with a lesser setback, the applicant shall provide expert testimony by a structural engineer concerning the ability of the communication tower to withstand wind and other adverse conditions and how the communication tower will fall if it should fail. The setback required by this subsection shall also be applicable to guide wire anchors for the communication tower.

F. All towers shall be completely enclosed by an eight (8) foot high non-climbable fence and self-locking gate. The applicant shall provide landscaping which shall visibly screen the fence. The applicant shall present a plan of the proposed landscaping.

G. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the toppling of any communication tower onto adjoining properties and/or roads and the wind-borne scattering of ice onto adjoining properties and/or roads. The applicant shall be required to implement construction methods or standards to prevent such occurrences.

H. Communication towers shall be sited so as to separate them from adjacent activities and structures located on adjoining lots.

I. The applicant shall submit notice of approval for the proposed installation from the FAA and the FCC.

J. Communication towers which contain communication antennas which are capable of transmitting signals or scattering signals shall not create electrical, electromagnetic, microwave, or other interference off-site.

K. The applicant shall submit a plan for the removal of the communication tower and all communications antennas on such communication tower and all related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within

three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete. If the applicant does not remove the communication tower and all communications antennas on such communication tower and all related equipment and facilities within such three (3) month period, in addition to all other penalties and remedies provided in this Ordinance and the MPC, the Township may proceed upon any bond.

L. The installation of communication towers and communication antennas on existing structures will be permitted if the installation will not exceed fifteen (15) feet above the height of the existing structure.

M. Attachments to existing structures shall be designed by an engineer who shall certify that the proposed installation will not exceed the structural capacity of the building or other structure and the foundation and soil underneath the building or structure considering wind and other loads associated with the communications antenna location. Applicant shall submit documentation to the Zoning Hearing Board from the design engineer concerning such structural capacity.

N. The applicant shall submit detailed construction and elevation drawings indicating how the communications antennas will be mounted on the structure. The applicant shall also include a plan showing the access drive and off-street parking area serving the structure.

O. A communications equipment building shall not be more than ten (10) feet in height and shall meet all applicable setback requirements of the applicable zoning district for an accessory structure. No communications equipment building shall exceed two hundred (200) square feet. If the carrier proposes to use equipment cabinets placed upon a pad, the total area of the pad for all of the equipment cabinets and building shall not exceed two hundred (200) square feet in area.

P. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color acceptable to the Township that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Q. Whenever possible, an alternative tower structure shall be utilized. If substantial evidence is presented that an alternative tower structure is not feasible, then communications towers and antennas shall meet the following requirements:

1. Towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color acceptable to the Township so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings and be acceptable to the Township.

R. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding properties. There shall be no glare off site.

S. The following landscaping shall be required to screen as much of the communications tower as possible, the fence surrounding the communications tower, and any other ground level features such as equipment cabinets, off street parking areas, or a building.

1. An evergreen screen shall be required to surround the site. The screen shall be two (2) rows of evergreen shrubs or trees. The trees or shrubs shall not be spaced more than five (5) feet apart in each row. The rows shall not be farther apart from one another than ten (10) feet. Staggering of the shrubs or trees is required. Only one entrance through the evergreen screen is allowed, and the applicant shall narrow the entrance as much as possible. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum height of fifteen (15) feet at maturity. Additional deciduous planting is acceptable and may be required by the Zoning Hearing Board to mitigate the visual impact on the neighborhood.

2. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

T. The installation of communication towers and communication antennas on any historic property will be permitted only when the communication towers and communications antennas will be installed using stealth technology and will not be visible to persons looking at the historic property from any side. The applicant shall provide renderings or other diagrams illustrating how the historic property will appear from all sides after installation of the communication towers and communication antennas. Any equipment building or cabinet associated with the communication towers or communication antennas shall be designed in a manner in keeping with the architecture of the existing structures on the historic property, or all equipment shall be located within an existing structure on the lot.

U. The applicant shall demonstrate that the installation of the communication tower and communication antennas and the erection of any communications equipment building comply with all requirements of the National Historic Preservation Act and shall present copies of applicable correspondence with the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, including but not limited to the letter of determination.

V. The applicant shall demonstrate that surrounding areas shall not be affected by falling ice or other debris if the communications tower or antennas should fail.

W. No signs shall be permitted except as required by the FCC or the FAA. Applicant shall present the Zoning Hearing Board with written evidence that any proposed sign has been required by either the FCC or the FAA.

X. The applicant shall obtain a building permit under the Township Building Code and a zoning permit under this Ordinance before commencing construction.

Y. Any use established on the property in addition to the communication tower and communications antennas shall comply with all applicable requirements of this Ordinance.

Z. The applicant shall submit to the Township copies of annual inspections of the tower and equipment by an independent professional engineer as required by ANSI-EIA-TIA-222-E Code, as amended.

20. Principal Anaerobic Digesters

A. Minimum Lot Area – Fifty (50) acres.

B. Design and Installation Guidelines - Principal Anaerobic Digesters shall comply with the requirements of Section 1419.E.

C. A traffic study shall be submitted by the applicant, in accordance with Section 1410 of this Ordinance. The study shall also specifically address vehicle weights and the impact on roadways within the study area. In addition, the study shall ensure adequate queuing lengths so that traffic does not stack onto the adjoining roadway. The study shall be reviewed and approved by the Township Engineer.

D. The applicant shall provide a detailed description of the proposed use that outlines the following:

1. The nature of the on-site activities and operations, the type of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

2. The general scale of operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.

E. The Zoning Hearing Board may attach conditions to protect nearby properties, to preserve the intent of the zoning ordinance and/or to protect general public welfare.

21. Home Occupations

A. The home occupation shall only be conducted within the building used for residential purposes or in an existing accessory structure. No products utilized in the home occupation shall be stored outside unless screened. Accessory structures located less than 20 feet from any lot line shall not include a home occupation.

B. An area representing not more than 30% of the total square footage of the dwelling, including all floors and habitable basement areas but excluding attic space, shall be devoted or used for the home occupation. This limitation shall also apply to a home occupation located in an accessory structure.

C. No more than two persons other than persons residing in the dwelling, with a maximum of four persons including family members, shall be used on-site in the home occupation.

D. The home occupation structure shall not be subdivided from the parent tract.

E. No alterations to the exterior front facade of the dwelling shall be permitted, the effect or appearance of which would establish that the building is being used for purposes other than the dwelling.

F. Stacked or tandem parking spaces in driveways shall not be used to meet off-street parking requirements. Parking for the home occupation shall be located in side or rear yard areas or in garages; no additional front yard areas shall be used for parking. Commercial vehicles shall not be placed in driveways at the front of buildings or the front of garages. Trucks utilized for home occupation businesses shall be limited to no more than two axles. Screening for parking may be required.

G. Before any structure is used as a home occupation, the person intending to operate the home occupation shall apply for and receive a permit from the Zoning Officer which shall state that it is issued subject to the applicant complying with the conditions of this section.

H. The Township may require that the Sewage Enforcement Officer approve the method of sewage disposal.

I. Not more than one sign may be placed on the site, and this sign must be attached to and flush against the building. No lighting of the sign shall be allowed.

J. The Township may require periodic reinspection to ensure continued compliance with all applicable conditions.

K. No home occupation shall involve more than two vehicles used for the business.

L. Screening may be required for an accessory structure or parking. Screening is required for any outside storage for the home occupation.

M. No manufacturing, repairing, or other mechanical work shall be performed in any open area. All windows shall be closed when those activities are occurring. Such activity shall be conducted in such a way that noise, odor, vibration, electromagnetic interference, dust, smoke or other nuisance or pollution shall not be noticeable at or beyond the property line.

N. The applicant shall submit evidence of all necessary State approvals or evidence that such approvals are not necessary.

22. Family Day Care Facility

A. A family day care facility shall offer care and supervision to no more than six (6) different persons during any calendar day.

B. All family day care facilities shall comply with the Pennsylvania Department of Public Welfare regulations and obtain a valid Registration Certificate, if needed.

C. An outdoor recreation area no less than four hundred (400) square feet in area shall be provided. Such recreation area shall not be located within the front yard nor any vehicle parking lot. A four (4) foot high fence shall completely enclose the outdoor recreation area. Any vegetative materials located within the outdoor recreation area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must include a means of shade such as a tree(s) or pavilion.

D. Passenger "drop-off" and "pick-up" areas shall be provided on-site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

E. Parking shall comply with Section 1404.

23. Apartments in Connection with a Permitted Commercial Use

A. Each apartment shall be located within a building used primarily for commercial purposes. No modification to the external appearance of the building, except fire escapes, is allowed for the apartment.

B. Public water and public sewer shall supply the site.

C. All regulations of the Commercial District are otherwise to be followed.

D. All floors above-grade shall have direct means of escape to ground level. There shall be at least two (2) means of egress to the exterior.

E. Two (2) off-street parking spaces shall be provided for this use.

F. No more than one (1) apartment is allowed per business in the Commercial District.

G. The apartment shall obviously be accessory to the permitted use and not occupy more than twenty-five (25%) percent of the floor space of the business nor be less than six hundred (600) square feet and have not less than one (1) bedroom for each two (2) residents.

24. Car Washes

A. Public water and public sewer shall supply the site.

B. The facility shall utilize a regenerative and recycled water system.

C. Each washing bay shall provide a one hundred (100) foot long on-site stacking lane.

D. All structures housing washing apparatus shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any other lot line.

E. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.

F. The subject property shall front on an arterial or collector road as defined by Article 14.

25. Clinics and Residential Treatment Facilities

A. The applicant shall provide a statement setting forth the full particulars of the operation, including number of patients/residents, staffing, treatment/therapies and all recreational facilities and amenities to be provided for patients/residents.

B. The minimum lot size shall be one (1) acre plus an additional two thousand (2,000) square feet for each patient/resident over twenty (20).

C. One off-street parking space shall be provided for each staff member on the largest shift, and off-street parking for visitors and non-resident patients shall be provided as

required for rehabilitation centers in Section 1404. If patients/residents are permitted to have motor vehicles, one off-street parking space shall be provided per bed.

D. The applicant shall demonstrate that all necessary permits and requirements have been obtained from all Commonwealth and Federal licensing agencies.

26. Conference and Resort Centers

A. The applicant shall demonstrate compliance with all of the requirements of Section 1502.29 of this Ordinance if the conference or resort center provides lodging.

B. The applicant shall comply with all of the requirements of Section 1502.35 of this Ordinance if the conference or resort center contains a restaurant open to members of the public.

C. Public water and public sewer shall supply the site.

D. The applicant shall provide a traffic impact study in accordance with Section 1410.

27. Heliports/Helistops

A. The heliport or helistop also shall comply with the area, coverage and yard requirements of the applicable zoning district, however, in no case shall any such landing surface be located closer than three hundred (300) feet from any district boundary line.

B. The landing surface shall be paved and level, and shall be at least sixty (60) feet square or in the case of a circle, shall be at least sixty (60) feet in diameter. A secondary thirty (30) foot perimeter area shall contain a grass cover. Both landing surface and secondary perimeter shall be well maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash, and shall contain no structures or other obstacles other than those required for safety purposes. Rooftop pads are prohibited.

C. The entire perimeter area shall be enclosed by a securable, well-constructed fence, a minimum of six (6) feet high, which will serve to prevent unauthorized entry into the landing area. Trees, shrubbery, and other landscaping shall be provided in quantities and dimensions deemed necessary by the Zoning Hearing Board to minimize offensive motor noise and dust and to afford a softening of the visual impact of the landing area.

D. At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at any angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet and shall have a glide angle slope of eight (8) to one (1) measured from the outer edge of the pad.

E. Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. Such emergency landing areas shall be located within the normal glide range of the helicopter with one (1) engine off when operating in the approved take-off or landing lane.

F. All fire and safety equipment provided in conjunction with a heliport or helistop shall be subject to the approval of the Township Fire Departments.

G. In reviewing any application for a heliport or helistop, the Zoning Hearing Board shall be guided by the Standards included in this Ordinance, and in addition, may impose restrictions on hours of operation, lighting, noise levels and flight altitude over residential areas, and such other requirements as may be appropriate and reasonable to protect the health, welfare and safety of Township residents and their property.

H. In addition to the requirements of the Township, any applicant for a heliport or helistop shall comply with the rules and regulations pertaining thereto of the Bureau of Aviation, PennDOT, and the Federal Aviation Administration. No permit for the use of a heliport or helistop shall be issued by the Township until the applicant has obtained an appropriate license for the operation thereof from the Bureau of Aviation, PennDOT.

I. It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the Township other than at a heliport or helistop which has been authorized in accordance with the foregoing provisions of this Section.

28. Hospital

A. Minimum lot area - ten (10) acres.

B. Public sewer and public water shall supply the site.

C. The subject property shall have frontage on and gain access from an urban arterial road as identified in Article 14.

D. All buildings and structures shall be set back a minimum of one hundred (100) feet from all property lines.

E. Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties.

F. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

G. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

H. Off-street parking areas and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially zoned or used land.

I. Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking area and within all public rights-of-way abutting the hospital.

J. No outdoor storage shall be permitted.

29. Hotels and Motels

A. Minimum Lot Size: Three (3) Acres

B. The property shall front on and gain access from an urban principal arterial road as defined in Article 14.

C. The following accessory uses may be approved as part of the special exception application

1. Auditorium.

2. Barber and beauty shops.

3. Gift shop.

4. Meeting facilities.

5. Recreational uses and swimming pools.

6. Restaurants.

7. Sauna, spa or steam room.

8. Solarium.

9. Valet shop.

10. Other similar retail sales and personal services.

D. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building, except as provided in Section 1502.29.H.

E. All hotels shall be separated by at least one thousand (1,000) feet from any other existing hotel facility, as measured from the nearest property line.

F. Parking shall be provided in accordance with the schedule listed in Section 1404 of this Ordinance.

G. Public sewer and public water shall supply the site.

H. One (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:

1. The proposed restaurant shall offer the preparation and serving of food and drink to be consumed on the premises or to be taken out; no drive-thru services shall be permitted.

2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.

3. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant without interfering with required off-street parking associated with the hotel use.

I. A traffic impact study shall be provided in accordance with Section 1410.

J. The subject property shall have frontage on and gain access from an urban arterial road as identified in Article 14.

30. Junkyards

A. Minimum Lot Area - Ten (10) acres.

B. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high, sight-tight fence which shall be set back at least fifty (50) feet from all property lines and three hundred (300) feet from residentially-zoned and/or residentially used properties.

C. The setback area between the fence and the lot lines shall be continuously maintained in an all season groundcover and kept free of weeds and all scrub growth.

D. All completely enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.

E. No material may be stored or stacked so that it is visible from adjoining properties and roads.

F. Compliance with all additional Federal and State laws shall be required.

G. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.

H. No material shall be burned at any time.

I. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

J. No junkyard shall be located on land with a slope in excess of five percent (5%).

31. Laundromats, Dry Cleaners, and Laundries

A. All activities shall be conducted within a completely enclosed building.

B. During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed.

C. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property.

D. Public sewer service and public water service shall be provided.

32. Mini Storage Facilities

A. Off-street parking spaces shall be provided for "mini warehouses" according to the schedule listed in Article 14 of this Ordinance.

B. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

C. Required parking spaces may not be rented as, or used for, vehicular storage.

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 residentially-zoned or used land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage or partially dismantled, wrecked, or inoperative vehicles.

D. All regulations concerning maximum coverage of lot by buildings and impervious surface in the Commercial District shall be met.

E. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.

F. If limited access to lessors only is not provided, a resident manager shall be required to live on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. The actual dwelling of the resident manager shall comply with all of those requirements listed within the R2 District, and shall be entitled to all residential accessory uses provided in this Ordinance. Hours of operation shall be within 6:00 a.m. to 11:00 p.m. seven days a week.

G. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.

H. No door openings for any mini storage facilities shall be constructed facing any residentially-zoned property. No portion of the facility shall be on a slope over four (4%) percent.

I. Mini storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site. The applicant shall adequately demonstrate that all mini storage facilities rental and/or use contracts shall specifically prohibit all these uses:

1. Auction, commercial, wholesale or retail processing, or manufacturing, or garage sales.
2. The servicing, repair, or fabrication of motor boats, trailers, lawn mowers, appliances, or similar equipment.
3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
4. The establishment of a transfer and storage business.
5. Any use that is noxious or offensive because of odors, dust, noise, fumes, vibrations, or other nuisances.
6. Research and development testing and other non-storage activities.

J. These facilities shall be located on and gain access form a rural major

collector or any arterial road as defined in Article 14.

K. The perimeter of the facility shall be surrounded by the landscape buffer and shall have a six (6) foot fence along the inside of the buffer with a self-locking gate.

L. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

33. Nightclubs

A. No part of the subject property shall be located within three hundred (300) feet of any residentially-zoned land or any dwelling.

B. The applicant shall furnish evidence that the proposed use shall not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter or other nuisance.

B. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.

C. A daily working plan detailing how the clean-up of litter shall be undertaken by the applicant shall be provided to the Zoning Hearing Board.

D. A security guard must be provided during operating hours.

E. An asphalt paved parking surface shall be provided.

F. Outside lighting of all entrances, walkways and parking areas shall be provided.

G. Sidewalks and curbs shall be provided around the perimeter of the parking lot.

H. Public water service and public sewer service shall be provided.

I. The property shall front on and gain access from an urban principal arterial road as defined in Article 14.

34. Drive-in, Drive-Thru, and Fast Food Restaurant

A. The subject property shall front on and gain access from any arterial or rural major collector road, as identified in Article 14.

B. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description. of a working plan for the clean-up of litter.

C. All drive-thru window lanes shall be separated from the parking lot's interior driveways and have stacking lanes of at least one hundred (100) feet in length.

D. All exterior seating/play areas shall be completely enclosed by a three (3) foot high fence.

E. No such use shall be located within two hundred (200) feet of any residentially-zoned or used land.

F. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

G. Public sewer service and public water service shall be provided.

35. Restaurants

A. The subject property shall front on and gain access from any arterial or rural major collector road, as identified in Article 14.

B. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter.

C. All exterior seating areas shall be completely enclosed by a six (6) foot high fence or a landscape screen.

D. No restaurant shall invite or permit members of the general public on the premises who must pay an entrance feet, cover charges or extra charges for refreshments, service or merchandise which, in effect, substitutes as an entrance fee or cover charge, unless the restaurant also obtains a special exception as a night club.

E. No such use shall be located within two hundred (200) feet of any residentially-zoned or used land.

F. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

G. Public sewer service and public water service shall be provided.

36. Nursing, Rest or Retirement Home

A. The site shall front on and gain access from a rural major collector or any arterial road as defined in Article 14.

B. Public water service and public sewer service shall be provided.

C. Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned or used lands and landscaping requirements shall apply.

D. At least twenty (20%) percent of required parking spaces shall be designed for handicapped persons as prescribed in Article 14 of this Ordinance. Notwithstanding the foregoing, all requirements of the Americans with Disabilities Act and the regulations promulgated thereunder shall be met.

E. The building, off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned or used land.

F. Lot coverage and impervious surface coverage regulations of Commercial District shall be followed.

G. All licenses and approvals from all Federal, State and other agencies having jurisdiction to license this facility including the Pennsylvania Department of Labor and Industry and others must be presented to the Township prior to the issuance of permits under this Ordinance.

H. Sidewalks and straight standard curbs shall be constructed around the perimeter of the parking area (with the areas for access by the handicapped) and abutting all public rights of way.

I. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

37. Retail stores, shopping centers, supermarkets, and business offices, whether initially or cumulatively, in excess of 15,000 square feet of gross floor area but less than 100,000 sf

A. The applicant shall demonstrate compliance with all of the criteria set forth in Section 1502.9 of this Ordinance except as such requirements may be increased by this Section.

B. A greenbelt shall be provided along all property lines (except for necessary access drives) which shall be at least eighty (80) feet in depth for building(s), whether initially or cumulatively, in excess of 50,000 square feet of gross floor area and at least fifty (50) feet in depth for building(s) between 10,001 and 50,000 square feet of gross floor area.

C. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

D. Traffic control and access requirements.

1. At least two separate points of ingress and egress shall be provided from an arterial road or a major rural collector road.

2. Applicant shall demonstrate that the road network providing access to and from the site can accommodate the volume of traffic reasonably expected to be generated by the proposed use in a safe and convenient manner or that the applicant will make all improvements necessary to the road network to provide for safe and convenient access to and from the site.

3. Applicant shall demonstrate that the horizontal and vertical alignments of the existing road network and the proposed access ways to the site permit safe and convenient access to and from the site or that the applicant will make all modifications to the horizontal or vertical alignment and to the proposed access ways to the site to eliminate any unsafe condition.

4. Applicant shall demonstrate that the proposed use will not create unusual traffic patterns or movements which will jeopardize the traveling public.

5. Applicant shall demonstrate that the proposed use will not materially

increase traffic congestion on the streets abutting the site or at any of the intersections required to be studied.

6. Applicant shall demonstrate that the location and design of the proposed access ways to and from the site are designed in a manner that will provide the least detrimental impact upon traffic capacity, level of service and safety upon abutting roads. Applicant shall install all traffic control signals and devices necessary to mitigate any detrimental impact.

7. If reduction of the speed limit, installation of traffic control signals and devices, or similar measures are required to mitigate traffic impacts upon Township or State highways, the applicant shall present traffic studies performed in accordance with PennDOT regulations, guidelines and procedures to support the imposition of such traffic regulations or the installation of such traffic control signals and devices. If the enactment of an ordinance is necessary to effectuate traffic regulations, the applicant shall reimburse the Township for all expenses incurred in the preparation and enactment of the necessary ordinance.

8. Applicant shall make all improvements necessary to maintain an adequate level of service and to eliminate any unsafe conditions on all intersections and streets within the area required to be studied and shall make all improvements required by the applicable subdivision and land development ordinance, road ordinance, any other Township ordinance, and the regulations, guidelines and procedures of PennDOT. In addition to any other requirement of this Ordinance, the improvements to the roadway network within the traffic impact study area shall provide for a level of service with the proposed development which is at least equivalent to the level of service without the proposed development.

E. Interior circulation. Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site, stacking and cross-over traffic. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of stores, offices or shops, or for trash removal or recyclable collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with internal circulation. Applicant shall provide a comprehensive interior plan which shall demonstrate that there will be safe traffic circulation throughout the parking area.

F. Applicant shall contact the provider of mass transportation services in the area to determine if the site is located along a mass transportation route and, if so, whether a stop may be located within the site. If the mass transportation provider is willing to locate a transit stop in the site, applicant shall design the facility to provide a safe and convenient mass transit stop together with a shelter. Applicant shall also include an area within the parking compound for a park and ride facility if necessary to lessen traffic congestion.

G. Minimum front yard: Two hundred (200) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; one hundred (100) feet for all building(s) between 10,001 and 50,000 square feet of total gross floor area.

H. Minimum side yard: One hundred (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor

area; seventy-five (75) feet for all building(s) between 10,001 and 50,000 square feet of total gross floor area.

I. Minimum rear yard: One hundred feet (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; seventy-five (75) feet for all building(s) between 10,001 and 50,000 square feet of total gross floor area.

J. Outdoor storage shall be limited to plants, nursery and garden supplies, soil, peat moss, and similar materials. Such outdoor storage shall not utilize off-street parking spaces. Outdoor storage of other goods and inventory shall not be permitted.

K. Applicant shall present elevation drawings of all sides, including elevation drawings from prominent approach points. Applicant shall provide drawings which shall set forth the essential architectural elements of the design of the structure.

L. The proposed structure shall be connected to and use public water and public sewer. **(Added Ordinance #224-2024)**

38. Public and Private Schools

A. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential district. All height, area, and coverage standards within the District shall apply.

B. All off-street parking shall be set back at least twenty-five (25) feet and screened from adjoining property lines.

C. If education is offered below the college level, an outdoor recreation area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor recreation areas. Outdoor recreation areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor recreation areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor recreation areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must provide a means of shade such as a shade tree(s) or pavilion(s).

D. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.

E. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

F. Parking as provided for in Section 1404 shall be provided.

G. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

H. Public sewer service and public water service shall be provided.

39. Sawmills

A. All general industrial standards, Industrial District requirements, and industrial

performance standards shall be followed.

B. No sawmill shall be located within three hundred (300) feet of a residential dwelling not owned by the sawmill owner.

C. The facility shall front upon and gain access from a rural major collector or any arterial road as identified in Article 14.

D. No parking area, loading area or access to the sawmill shall be within two hundred fifty (250) feet of the nearest residence not owned by the sawmill owner.

E. Where a sawmill is located adjacent to any residential use, all cutting shall be conducted within a structure with a closed side facing such residential use.

F. A plan for the periodic disposal of sawdust shall be provided.

40. Warehousing and Wholesaling,

A. The applicant shall provide a detailed description of the proposed use in each of the following topics:

1. The nature of the on-site activities and operations, the types of materials (hazardous and non-hazardous) stores, the frequently of distribution and restocking, the duration period of storage materials and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State, Federal, and Township regulations.

2. The general scale of operation in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.

3. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.

B. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

C. The site shall front on and gain access from any arterial road as defined in Article 14.

D. A recycling plan shall be submitted for recyclable waste.

E. An eight (8) foot high security fence shall surround all fuel storage depot and truck areas.

41. Truck, Bus, or Motor Freight Terminal

A. Access shall be via an arterial road, as identified in Article 14.

B. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

C. Minimum lot area - Five (5) acres.

D. The terminal shall not be within two hundred (200) feet of a dwelling not owned by the business owner.

42. Adult Related Facilities

In the enactment of this Ordinance, it is recognized that adult-related facilities or business, because of their very nature, have serious objectionable operational characteristics, particularly when several such businesses are concentrated in a given area thereby having a deleterious effect upon adjacent land uses. Special regulation of these adult-related facilities or businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The location of adult-related facilities is also of vital concern to society with regard to their proximity to areas where minors may learn, play or congregate. On the other hand, it is recognized that adult-related facilities are protected under the First Amendment, and the market for these businesses must remain essentially unrestrained. It is the goal and purpose of this Ordinance to protect the health, safety, morals and general welfare to the extent authorized by the Municipalities Planning Code while at the same time maintaining community access to adult establishments so as to not violate the First Amendment's guarantee of freedom and expression.

An adult-related business, facility, or club shall comply with the following standards and criteria:

A. Not more than one (1) adult-related business or activity shall be permitted within any one (1) building or lot.

B. No unlawful sexual activity or conduct shall be performed or permitted.

C. There shall be no display of adult-oriented materials that can be seen from the exterior of the building.

D. Hours of operation shall not be before 8:00 a.m. or after 5:00 p.m. No Sunday or holiday hours are allowed.

E. No adult-related facility may change to another type of adult-related facility except upon application to and approved by the Zoning Hearing Board.

F. No adult-related facility shall be located within the following distances measured in a straight line without regard to intervening structures from the closest point of the building within which is the adult-oriented business to the closest point of the following:

1. Four hundred (400) feet of any R1 or R2 District.

2. One thousand (1,000) feet of the lot line of any lot upon which is located a school, church, childcare facility, public park or playground.

3. One thousand (1,000) feet of any building within which is located another adult-oriented business.

G. Each entrance to the premises shall be posted with a notice generally visible up to ten (10) feet from the posting specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all persons that they may be offended upon entering.

43. Automobile Filling Stations (including Minor Incidental Repairs)

A. The subject property shall front on and gain access from an arterial or rural major collector road as defined in Article 14.

B. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home.

C. The outdoor storage of motor vehicles, whether capable of movement or not, for more than one (1) month is prohibited.

D. All structures, including gasoline pump islands, shall be set back at least fifty (50) feet from any street right-of-way line.

E. No outdoor storage of auto parts shall be permitted.

F. Access driveways shall be separated from one another by seventy-five (75) feet, as measured from edge to edge, if located along the same frontage, and shall comply with the Pennsylvania Department of Transportation Publication 441 standards.

G. The applicant shall furnish expert evidence that any exterior amplified public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site.

H. The applicant shall furnish evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County which have been contracted to dispose of vehicle waste fluids and batteries. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and such wastes are properly disposed of on a regular basis.

I. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially-zoned properties.

J. The applicant shall furnish evidence that the placement of underground fuel storage tanks is in compliance with State and Federal regulations.

44. Automotive and Other Motor Vehicle Repair Garages

A. All service and/or repair activities shall be conducted within a wholly-enclosed building.

B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.

C. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.

D. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads.

E. The storage of unlicensed vehicles for more than sixty (60) days is prohibited.

F. Any ventilation equipment outlets associated with the service/repair work areas(s) shall not be directly towards any adjoining residentially-zoned or used property and shall conform to all outside agency requirements.

G. All licensed vehicles shall be repaired and removed from the premises within thirty (30) days.

H. The demolition or junking of vehicles, trailers, boats and other machinery is prohibited.

I. The applicant shall furnish evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County which have been contracted to dispose of vehicle waste fluids and batteries. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and such wastes are properly disposed of on a regular basis.

45. Campgrounds

A. Campgrounds shall be located in a soils of classifications IV through VII as defined by the United States Department of Agriculture, Soil and Conservation Service

B. Minimum Lot Size – Ten (10) acres.

C. All campsites shall be located at least one hundred (100) feet from any side or rear property line and at least one hundred (100) feet from any street line.

D. Each campsite shall be at least (3,000) square feet and shall contain at least one (1) parking space (see Section 1404).

E. An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.

F. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.

G. All campgrounds shall furnish centralized, completely-enclosed sanitary and garbage collection facilities that are leak-proof and vector-proof that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned or used properties.

H. Any accessory retail or service commercial uses shall be set back a minimum of two hundred (200) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned or used parcels.

I. All campgrounds containing more than one hundred (100) campsites shall have front on and gain access from any arterial or rural major collector street as identified by Article 14.

J. A minimum of twenty (20%) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.

K. Every campground shall have an office in which shall be the person responsible for operation of the campground.

L. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of DEP.

46. Sportsmen's Clubs (including hunting facilities and indoor/outdoor archery and shooting ranges)

A. Hunting facilities, archery areas and sportsmen's clubs shall be located on soils of classifications IV through VIII as defined by the United States Department of Agriculture, Soil Conservation Service.

B. Minimum lot size - ten (10) acres.

C. Screening shall be installed in accordance with the requirements of Section 1405.

D. Off-street parking shall be provided in accordance with the requirements of Section 1404.

E. All shooting or archery ranges shall be additionally screed from any adjoining residentially zoned or used property by a six (6) feet high berm.

F. The applicant shall demonstrate that the shooting or archery range is designed to provide maximum safety both on site and off site.

G. Safety zones shall be established around any structure on site or off site, and no shooting, archery or hunting shall be permitted within such zones.

H. No shooting or archery range shall be permitted within five hundred (500) feet of any residentially zoned or used property.

I. An outdoor shooting or archery range shall be enclosed with a six (6) foot high fence which shall not be located on top of the earthen berm required to be installed by Subsection (E) herein.

47. Golf Courses

A. The applicant must demonstrate that the land within the proposed use is not primarily Class I, II or III prime agricultural soils, as delineated by the latest version of the U.S. Natural Resources Conservation Service *Soil Survey of Lancaster County, Pennsylvania.*

B. Minimum Lot Size: 75 acres

C. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.

D. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:

1. Each crossing shall be perpendicular to the traffic movements.

2. Only one street, access drive or driveway may be crossed at each location.

3. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection.

4. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area.

5. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.

6. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing.

7. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.

8. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

E. All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels;

F. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:

1. Clubhouse, which may consist of:

A. Restaurant, snack bar, lounge and banquet facilities.

B. Locker and rest rooms.

C. Pro shop.

D. Administrative offices.

E. Golf cart and maintenance equipment storage and service facilities.

F. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.

G. Game rooms, including card tables, billiards, ping-pong, and other similar table games.

H. Baby-sitting rooms and connected fence-enclosed play lots.

2. Accessory recreation amenities located outside of a building, including:

A. Driving range, provided that no lighting is utilized.

B. Practice putting greens.

C. Picnic pavilions, picnic tables, park benches, and barbecue pits.

3. Freestanding maintenance equipment and supply buildings and storage yards.

G. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential structures and roads.

H. Parking shall be in accordance with the schedule listed in Section 1404 of this Ordinance.

I. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

48. Manufactured Home Parks

A. Minimum Lot Area - Five (5) acres.

B. Maximum Density - Five (5) units per acre.

C. Minimum Manufactured Home Lot Area - Four thousand, two hundred and fifty (4,250) square feet.

D. Minimum Required Setbacks - Each manufactured home lot shall have a minimum front yard of thirty (30) feet, a minimum rear yard of twenty-five (25) feet, and two side yards of a minimum of ten (10) feet each. In no case shall the distance between any two manufactured homes be less than twenty-five (25) feet (these setbacks shall also apply to manufactured home park office, service, utility, or other buildings).

E. Manufactured home parks shall be limited to sites having direct access to an arterial road.

F. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

G. Each manufactured home shall be placed in accordance with the Uniform Construction Code (UCC) Act 45.

H. Each manufactured home shall be provided with a minimum of two (2) paved parking spaces containing at least one hundred eighty (180) square feet of bituminous or concrete surface, which shall be located on the manufactured home lot. In addition a minimum of one-half (0.5) additional off-street parking spaces per unit shall be provided in a common visitor parking compound(s).

Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served. Access to all parking spaces shall be limited to interior roads of the manufactured home park; in no case shall access to such parking spaces be provided from adjoining public roads.

I. Interior manufactured home park roads shall be constructed according to Article 14 of this Ordinance and the prevailing Subdivision and Land Development Ordinance.

J. Individual manufactured home owners may install exterior patio areas. Any such patio areas so installed shall not intrude into any required front, side, or rear yard, and shall substantially conform in style, quality, and color to the existing manufactured homes. Attachments to manufactured homes in the form of sheds and lean-to's are prohibited. No storage sheds shall be erected on any lot. All such outdoor storage shall be provided in the form of a common storage facility(ies).

K. Every manufactured home park shall contain a structure designed and clearly identified as the office of the manufactured home park manager.

L. Service and accessory buildings intended solely for the use of manufactured home park residents and which are shown on an approved plan may be erected in a manufactured home park.

M. All manufactured home parks shall provide sidewalks permitting pedestrian access between individual manufactured homes, service and accessory buildings.

N. There shall be a minimum of twenty-five percent (25%) of the gross acreage of the manufactured home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or operator. Should the landowner and/or the operator neglect to maintain the designated recreational areas, as depicted on the plan, the Township may then maintain said areas and assess the landowner for any costs incurred.

O. All manufactured home parks shall be provided with a perimeter landscape buffer strip that is at least fifty (50) feet wide. Such width shall be measured from adjoining property and rights-of-way lines. All landscaping required by this Section shall be designed and installed in accordance with the provisions of Section 1405 of this Ordinance.

P. A visual screen shall be placed along the manufactured home park boundaries that adjoin other residentially-zoned properties. Such screen can consist of sight-tight fencing, vegetative materials, or earthen berms that are so arranged to effectively block the views from ground level on adjoining properties. Screening shall be provided between ground level and at least a height of six (6) feet. If sight-tight fencing is used, it shall not encompass more than fifty percent

(50%) of the total surface area of the required screen. All landscaping required by this Section shall be designed and installed in accordance with the provisions of Section 1405 of this Ordinance.

Q. All individual manufactured home yard maintenance shall be provided by the manufactured home park owner and/or operator.

49. Farmers and/or Flea Markets

A. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above.

B. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.

C. Off-street parking shall be provided at the rate of one space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Section 1404 of this Ordinance.

D. Off-street loading shall be provided at the same rate to that imposed on retail sales as listed in this Ordinance. Again, the retail sales area, as described above, shall be used to calculate needed loading space(s).

E. All outdoor display and sales of merchandise shall cease no less than one hour prior to dusk.

F. No exterior amplified public address system shall be permitted.

G. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

50. Recreation and Entertainment Facilities

A. Minimum Lot Size: Two (2) acres.

B. The subject property shall front on and gain access from any arterial or rural major collector road, as identified in Article 14.

C. Those uses involving outdoor activities shall provide sufficient screening and/or landscaping to mitigate any visual and/or audible impacts on adjoining properties. All outdoor facilities shall be set back at least fifty (50) feet from the street right-of-way and twenty-five (25) feet from all lot lines and at least one hundred (100) feet from any residentially zoned or used properties.

D. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining or nearby properties due to hours of operation, noise, light, litter, dust and pollution.

E. Required off-street parking will be determined based upon the types of activities proposed and the schedule listed in Section 1404. In addition, the Zoning Hearing Board may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

F. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads.

G. Any outside pedestrian waiting lines shall be provided with a means of shade.

H. Any accessory eating or retail use must be accessed through the main entertainment or clubhouse building.

I. The applicant shall submit a traffic impact study which meets the requirements of Section 1410.

J. Public sewer service and public water service shall be provided.

Section 1503 Neighborhood Design Option

Within the R-2 Residential District, Neighborhood Design Option development may be permitted by conditional use subject to the following standards and criteria and all other applicable requirements of this Ordinance:

A. Purpose and Goals. It is the intent of the Board of Supervisors to encourage innovation and to promote flexibility, economy, and ingenuity in development consistent with the community development objectives of this Ordinance and the Comprehensive Plan. The proposed Neighborhood Development shall substantially advance the following objective and goals:

1) Direct growth to areas of the Township which are the most appropriate for development.

2) Reduce infrastructure costs by minimizing the amount of infrastructure necessary to adequately support new development.

3) Provide a more efficient, varied, and, most importantly, innovative development pattern.

4) Establish a pedestrian-oriented community that accommodates and encourages pedestrian ' travel alternatives by including sidewalks, greenways, and/or trails. The inclusion of a limited amount of community services and civic uses may also be incorporated to facilitate pedestrian access and limit motor vehicle trips.

5) Foster a sense of community through development of recognizable neighborhoods and direct access to public spaces such as centrally located public commons, greens, squares, or prominent scenic vistas.

6) Encourage development that complements rather than eliminates the distinctive resources of the site including woodlands, wetlands, stream corridors, historical and cultural resources, steep slopes, scenic view sheds, and prime agricultural soils.

7) Provide opportunities to integrate age and income groups through the provision of a wide range of housing alternatives that are suitably mixed within the development.

8) Promote development that, through the use of distinctive architectural elements and siting criteria, creates community character that complements the historic development style of Lancaster County and the Township.

B. Eligibility. Within the R-2 District, the Neighborhood Design Option is permitted by Conditional Use subject to compliance with the criteria in this Section.

C. Definitions. The following words and phrases when used in this Section shall have the meanings herein indicated unless the context clearly indicates otherwise and such meanings shall prevail over any inconsistent definitions in Article 2 of this Ordinance:

1) Accessory Apartment — A dwelling unit that has been created within a single-family detached dwelling or above a garage for a single-family detached dwelling and is secondary and subordinate to the single-family detached dwelling.

2) Adaptive Reuse - Thee rehabilitation of a Historic Structure for a residential use in accordance with Section 1503(K)(9) of this Ordinance.

3) Build-To Line - The line on which the principal building is located.

4) Commons - A spatially defined element of open space distributed strategically within a Neighborhood Development such that it provides a focal point for residences as well as a gathering place for residents and an assembly area for community functions. Permanent structures directly related to the intended function of the commons may be included in this space in addition to landscaping and lighting elements.

5) Cottage - A dwelling unit in a Neighborhood Development that contains less than 900 square feet of floor area. The Cottage may be attached or detached. Not more than two Cottages shall abut. All Cottages shall comply with the minimum habitable floor area requirements in this

Ordinance, the Property Maintenance Code, and the Building Code.

6) Duplex - A freestanding building containing two dwelling units for two families arranged in an over-and-under configuration. Each dwelling unit shall contain greater than 900 square feet of floor area, and each structure shall have one front and rear yard and two side yards.

7) Greens - A spatially defined element of open space designed to serve a variety of outdoor leisure and assembly needs. Landscaping, lighting, and accessory structures integral to the function of the greens may be included.

8) Historic Structure - A structure that is listed in or eligible for listing in the National Register of Historic Places or is designated as part of Article 13 of this Ordinance or, if not specifically designated as part of the Historic District under Article 13 of this Ordinance, was constructed prior to 1950 and is approved by the Board of Supervisors as having historical significance.

9) Neighborhood Center - A facility designed to provide space for one or more neighborhood facilities. A neighborhood center may also include small retail or personal service establishments which are designed to serve a pedestrian-oriented clientele from a Neighborhood Design Option development.

10) Neighborhood Facility — Meeting rooms, multi-purpose space, and similar spaces available for the use of residents of the Neighborhood Development; library; adult education classroom; and satellite offices for municipal agencies (including but not limited to a community police station), social service agencies, and non-profit organizations.

11) Open Space — Land that has been restricted from development so as to achieve one or more of the objectives as specified in this Section1503. Such area is intended for the common use and enjoyment of residents of a Neighborhood Development and may include such complementary structures and improvements as are necessary and appropriate. Open space shall not include any of the following: residential or neighborhood center lots or portions of lots, streets, parking areas (other than parking area serving facilities within the open space), above ground utilities, or other infrastructure. Floodplains, wetlands, historic resources and recreational facilities may be incorporated within any area designated as open space except as provided in this Section.

12) Single-Family Detached Dwelling — A freestanding building containing greater than 900 square feet of floor area, containing one dwelling unit for one family and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building Will have two (2) front yards, one (1) side yard, and one (1) rear yard. Notwithstanding the foregoing, a freestanding building containing one

principal dwelling and one accessory apartment authorized within a Neighborhood Development shall additionally be considered a single-family detached dwelling.

13) Single-Family Semi-Detached Dwelling — A freestanding building containing greater than 900 square feet of floor area and two dwelling units for two families arranged in a side-by-side configuration. Each dwelling unit within the freestanding structure shall be located upon a separate lot which shall have one front, one side; and one rear yard.

14) Square - A spatially defined element of open space designed such that it directly abuts streets on two or more sides. Landscaping and lighting shall be provided to augment the function of this feature.

15) Townhouse — A building containing greater than 900 square feet of floor area and between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

16) Wetland Basin — A constructed wetland that is designed to provide stormwater quality and/or quantity management. A constructed wetland shall consist of either:

a) A shallow marsh system planted with emergent vegetation that includes additional capacity above the permanent pool for temporary runoff storage; or

b) A wet pond/retention basin that includes a substantial permanent pool for water treatment and additional capacity above the permanent pool for temporary runoff storage.

D. Minimum Requirements for Development under the Neighborhood Option. Each Neighborhood Development shall comply with these minimum requirements:

1) The Neighborhood Development Tract shall be not less than thirty (30) acres in area.

2) The Neighborhood Development Tract shah-be developed according to a single plan that depicts complete build-out of the Neighborhood Development Tract with common authority and responsibility. If more than one person has an interest in all or a portion of the Neighborhood Development Tract, all persons with interests in any portion of the Neighborhood Development Tract shall join as applicants and shall present an agreement, in a form acceptable to the Township' Solicitor, guaranteeing that the Neighborhood Development Tract as a whole shall be developed in accordance with any approval granted under this Section as a single Neighborhood Development with common authority and governing documents.

3) All dwelling units and nonresidential structures shall be provided with

public water service and public sewer service.

4) The Neighborhood Development shall be provided with open space in accordance with this Section.

5) No more than fifty (50%) percent of the Neighborhood Development Tract may be covered with impervious surface.

6) The Neighborhood Development Tract shall be located within an Urban Growth Boundary or Urban Growth Area as delineated in the Township Comprehensive Plan.

E. Applicability of Standards. It is the intention of the Board of Supervisors to encourage innovation and to promote flexibility, economy, and ingenuity in development. To that end, the Board of Supervisors may by conditional use approval authorize development of a Neighborhood Development under the standards set forth in this Section if the applicant demonstrates to the satisfaction of the Board that the proposed Neighborhood Development is in accordance with and substantially advances all of the goals and objectives in Section 1503(A). All other standards and requirements of the Zoning Ordinance applicable to the proposed Neighborhood Development are incorporated herein and made a part of this Section.

F. Application Procedure. An applicant who desires to develop under the Neighborhood Design Option shall submit an application for Conditional Use approval which shall include all of the following:

1) Site Plan meeting all requirements of Section 1503(T).

2) Open Space Plan identifying all features required by Section 1503(G). The Open Space Plan shall also include a detailed written statement describing the applicant's proposal for future ownership and maintenance of the open space.

3) Landscaping Plan providing a complete proposal for the landscaping and planting of the Neighborhood Development Tract and identifying all features required by Section 1503(G)(8).

4) Street Lighting Plan providing a complete proposal for the installation of street lighting to serve the Neighborhood Development Tract.

5) Traffic impact study meeting PennDOT Traffic Impact Study Guidelines.

6) A manual of written and graphic design guidelines for the Neighborhood Development which shall include architectural guidelines for styles, proportions, massing, and detailing and streetscape guidelines for street sections, sidewalks, front yard landscaping, fences, street trees, street lights, Greens, and other outdoor elements.

7) Required application fee.

8) Statement identifying contributions and reimbursements which applicant will make to the Township and which applicant will irrevocably accept as a condition of approval of the Neighborhood Design Option.

9) A commitment to reimburse the Township for all reasonable legal, engineering, land planning, and consulting fees, expenses, and costs incurred in connection with the proposed Neighborhood Development.

10) A commitment that if sinkholes are encountered. within or immediately adjacent to the Neighborhood Development prior to or during construction they will be properly repaired under the direction of a qualified geologist or geotechnical engineer and that a qualified professional geologist or geotechnical engineer experienced in sinkhole mitigation will be on-site to oversee implementation of all sinkhole mitigation measures conducted within the Neighborhood Development.

No application shall be considered complete without all of the above-listed items. The Township shall not accept incomplete applications for Conditional Use approval to use the Neighborhood Design Option.

G. Open Space.

1) Common open space shall be designated and maintained as follows:

a) A minimum of fifty percent (50%) of the area of the Neighborhood Development Tract shall be devoted to common open space.

b) No more than sixty percent (60%) of the minimum required common open space shall be comprised of the required 75 foot wide perimeter greenbelt.

c) No more than five percent (5%) of the minimum required common open space shall include wetlands basins.

d) No more than twenty percent (20%) of the minimum required open space shall be comprised of stormwater infiltration within Greens and other areas.

2) Open Space shall be designed and arranged to achieve as many of the following objectives as possible:Protection of important natural, historic, cultural and scenic resources.

a) Preservation of scenic views from public roads and neighboring residential properties.

b) Provision of new and/or connection with existing trails, greenways, linear parks, or open space on adjoining parcels.

c) Provision of useable play or recreation areas, or equipment, that are conveniently accessible to residents throughout the Neighborhood Development.

d) Provision of public space as the focal point of the Neighborhood Development when coordinated with Greens, Squares, and public Commons which are dispersed throughout the Neighborhood Development.

e) Interconnection of areas of proposed open space „within the Neighborhood Development and interconnection of open space within the proposed Neighborhood Development with existing or planned open space or recreational facilities on lands adjoining the Neighborhood Development Tract.

3) The applicant shall demonstrate the specific measures employed to achieve the aforementioned objectives through the provision of an Open Space Plan depicting all proposed elements of the common open space. Each Open Space Plan shall identify:

a) The location and size of proposed Commons, Greens, and/or Squares.

b) Connections among proposed areas of open space on the Neighborhood Development Tract and connections of proposed areas of open space on the Neighborhood Development Tract with elements of open space on adjoining tracts if such exists or is proposed.

c) Location and size of trails, greenways or other pedestrian linkages, including the surface proposed.

4) Not less than fifty (50%) percent of the required open space shall meet all of the criteria set forth in Section 1503(G)(4)(a) through (c) below. The remaining portion of the required open space may contain floodplains, wetlands, steep slopes, and similar features.

a) The land shall not contain floodplains, wetlands, steep slopes or other natural features which would render the land unbuildable under applicable laws and regulations. For the purposes of this Paragraph, unbuildable land includes land on which a principal structure cannot be constructed.

b) The land shall not contain surface stormwater management facilities unless they are wetlands basins.

c) The configuration of the land shall be regular. Strips of land running around the perimeter of the Neighborhood Development Tract or separating proposed lots within the Neighborhood Development shall not be counted as open space to meet the required minimum unless such land is improved with walking trails, fitness stations, or other improvements acceptable to the Board of Supervisors or unless such land is, in the opinion of the Board of Supervisors, integrated and integral to the overall open space design.

5) Each Neighborhood Development containing 50 or more dwelling units shall be provided with at least one Green containing not less than 10,000 square feet. A Green, Square or Common which meets the requirements of Section 1503(G)(4)(a) through (c) above may be included within the required minimum open space.

a) The total area of all Greens, Squares or Commons shall be increased by not less than 500 square feet for each dwelling unit in excess of 50 dwellings units. When more than one Green, Square or Common is included in a Neighborhood Development, one such Green, Square or Common shall be placed in a reasonably-central location and at the confluence of internal roadways and sightlines.

6) If the applicant dedicates to the Township and the Township accepts all or a portion of the open space in the amount of at least 0.04 acre per proposed dwelling unit in the Neighborhood Development, the applicant shall be permitted to count the open space provided in accordance with this Section 1503 to satisfy the park and open space dedication requirements of the Township. If the applicant desires to maintain all of the open space or less than the minimum amount of open space required to be dedicated to the Township as private land or if the Township does not accept dedication of land in an amount at least equal to the amount required to be dedicated, the applicant shall pay a fee in lieu of dedication to satisfy the requirements of the Township. The fee in lieu of dedication shall be in accordance with the Township's fee schedule or in the absence of a fee schedule in an amount equal to the fair market value of the land otherwise required to be dedicated or as agreed upon by the applicant and the Township.

7) A pedestrian network system shall be designed and constructed with a permanent, all-weather surface linking development within the Neighborhood Development and shall connect various Commons, Squares, and Greens depicted on the Open Space Plan. Access to all such areas shall be provided from public streets. Where necessary, easements shall be provided to accommodate pedestrian access as well as access for maintenance equipment.

8) A vital component of the required Open Space Plan shall be the design and provision of appropriate landscaping which shall include a combination of types of shrubs, trees (both evergreen and deciduous), and groundcovers. To ensure the proper placement of suitable materials, the applicant shall provide a Landscape Plan, prepared by a registered Landscape Architect, which specifies the type and size of proposed vegetation, as well as identifying the location of existing vegetation to be retained. The Landscape Plan shall include all portions of the proposed open space and shall identify all lighting proposed for all portions of the open space, including but not limited to common areas and pathways. The Landscape Plan shall also include all areas outside of the open space which are required to be landscaped (such as parking areas,

dumpster locations, etc.), the location of proposed street plantings, and the type and location of street trees to be provided.

The applicant shall provide a maintenance guarantee to ensure the health and vitality of all plant material for a period of 18 months from planting. Any of the landscaping which dies or is removed within this time frame shall *be* replaced with vegetation of the same size and species. The applicant shall also be responsible to assure. 'the proper care and maintenance of all plant material within the open space for the duration of this 18 months and until such time as the open space is transferred to the Township, a homeowners' association, or other entity as authorized by this Section.

9) The applicant shall arrange for the ownership, administration, and maintenance of open space in accordance with one or more of the following:

a) The Township may in its sole discretion accept dedication of open spaces or any interest therein for public use and maintenance with no consideration to be paid by the Township. Unless waived by the Board of Supervisors at time of approval, the Township shall have the option to accept all or any portion of the open space at any time within ten (10) years of the recording of the final subdivision and/or land development plan for the development. The final plan shall contain a note, in language acceptable to the Township Solicitor, that the common open space is irrevocably dedicated to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated open space unless and until it has been accepted by formal action of the Board of Supervisors.

b) The applicant may establish an automatic-membership property owners' association made up of the owners of property in the Neighborhood Development as a nonprofit corporation for the purpose of owning, administering, and maintaining open space; provided however, the association shall not be dissolved nor shall it dispose of the open space by sale or otherwise (except to an organization conceived and established to own, administer, and maintain common open space approved by the Board of Supervisors) without first offering the open space for dedication to the Township. The property owners' association shall be empowered to levy and collect assessments from the property owners of the Neighborhood Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

c) The applicant may establish a deed or deeds of trust, approved by the Board of Supervisors; for the purpose of owning, administering, and maintaining open space, with the Trustee empowered to levy and collect assessments from the property owners of the

Neighborhood Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

d) With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the applicant may transfer the fee simple title in the open space or a portion thereof to a private, nonprofit organization among whose purposes the conservation of open space land and/or natural resources, provided that:

i) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.

ii) The conveyance contains appropriate provisions for proper retransfer or reverter in the event that the organization becomes unable to continue to carry out its functions.

iii) A maintenance agreement acceptable to the Township is entered into by the applicant, organization, and Township.

10) If the Township does not accept dedication of the open space, the applicant shall grant to the Township, in a form acceptable to the Township Solicitor, all of the rights to maintain common open space and file liens as described in Article VII of the MPC.

11) A seventy-five foot (75') wide greenbelt shall be created and maintained around the perimeter of the Neighborhood Development Tract. The greenbelt may include trails and may be traversed by streets providing ingress/egress to the tract. Such streets shall be built at not less than a seventy (70) degree angle to the greenbelt and shall not run within the greenbelt for more than is necessary to traverse the greenbelt to provide access.

H. Street Lighting. The applicant shall provide street lights within the Neighborhood Development in a manner consistent with the architectural guidelines and acceptable to the Township. Lighting shall be used to increase the safety of pedestrians as well as vehicles while contributing to the character of the overall Neighborhood Development.

I. Permitted Uses. The following uses are permitted within a Neighborhood Development in accordance with the mix of dwelling types and percentage limitations set forth in Section 1503(J) and the density and maximum lot areas set forth in Section 1503(K):

1) Single-family detached dwellings.

2) Single-family semi-detached dwellings.

3) Duplexes.

4) Townhouses.

5) Accessory Apartment Units.

6) Neighborhood facilities within a Neighborhood Center.

7) Within a Neighborhood Center, retail sales and personal service establishments including but not limited to a news stand, coffee shop, apothecary, restaurant, hair and/or nail salon, gift shop, bakery, specialty food store, drycleaner (drop-off/pick-up only), bike sales/rental, copy center, barber shop or another use which the Board of Supervisors determines during the conditional use approval process is substantially similar to the listed uses. Such retail sales and personal services shall not exceed fifty percent (50%) of the area of the Neighborhood Center.

8) Public Uses.

9) No-impact home-based businesses.

10) Cottages

11) Adaptive Reuse

J. Required Mix of Uses. To accommodate a variety of age and income groups, each development shall contain a mix of the permitted residential uses.

1) Single-family detached dwellings within a Neighborhood Development may be dispersed throughout the Neighborhood Development at locations which meet the purpose and goals of Section 1503(A). No more than ten percent (10%) of the single family detached dwellings shall be, designed to include an accessory apartment.

2) The amount of each dwelling type or other permitted use shall be within the ranges listed below:

Dwelling Type or Use	R-2 Residential District	
	Minimum	Maximum
Single-Family Detached Dwelling	0%	50%
Duplex or Single-Family Semi-Detached Dwelling	0% .	10%
Townhouse	30%	98%
Neighborhood Center	0	20 square feet per dwelling unit
Public Uses	0	20,000 sq. ft. lot
Cottage	0	Not more than 15% of the total number of dwelling units
Adaptive Reuse	0	Not more than 10% of the total number of dwelling

K. Requirements for Residential Development. The maximum gross density for dwelling units within a Neighborhood Development shall be based upon the area of the Neighborhood Development Tract. The maximum gross density is as follows:

R-2 Residential District - Gross Density — 4.5 dwelling units/acre

1) Not less than sixty percent (60%) of all dwelling units within a Neighborhood Development shall be designed to permit individual conveyance. Dwellings units designed to permit individual conveyance shall be constructed to meet all building code requirements necessary to be considered a separate dwelling unit and shall be capable of sale or other transfer without further subdivision approvals.

2) The maximum lot size for all single family detached dwelling units shall be 15,000 square feet in the R-2 Residential District.

3) All dwelling units shall be situated so as to retain a view of some portion of the open space and shall be located within 100 feet of a Commons, Square, Green, or trail.

4) A Build-To Line of ten (10) to fifteen (15) feet shall be maintained for

at least 80 percent of the dwelling units.

5) All lots shall maintain minimum side and rear yard setbacks of at least five (5) feet.

6) Buildings within a Neighborhood Development shall meet the following separation and setback requirements in addition to any other applicable design standards:

a) Each principal building shall be set back not less than 5 feet nor more than 25 feet from the edge of the cartway of any public street or any street proposed to be dedicated to the Township.

b) The side of each principal building shall be separated from the side of any other principal building by not less than 10 feet.

c) The rear of any principal building shall be separated from the side of any other principal building by not less than 10 feet; provided, however, if such principal building is a single-family detached dwelling it shall be separated from any other single-family detached dwelling by not less than 30 feet.

d) The rear of any principal building shall be separated from the rear of any other principal building by not less than 10 feet; provided, however, if such principal building is a single-family detached dwelling it shall be separated from any other single-family detached dwelling *by* not less than 50 feet.

e) Each residential accessory structure shall be separated from any other structure except the principal residential structure to which it relates by 10 feet.

7) No dwelling units within a Neighborhood Development shall have direct access to existing Township or state streets surrounding the Neighborhood Development Tract. All access shall be from an internal street system designed to service the Neighborhood Development.

8) Notwithstanding the maximum gross density of 4.5 dwelling units/acre, the maximum gross residential density in a Neighborhood Development may be increased by 0.5 dwelling unit with the provision of each Cottage. In order to be entitled to the increase in gross density through the provision of Cottages, the applicant must present evidence satisfactory to the Board of Supervisors to establish that the Cottages will-constitute affordable housing. The increase in gross density through the provision of Cottages shall have no effect on, and the Cottages shall remain subject to, the setback, open space, landscaping, and other requirements of Section 1509.

9) Notwithstanding the maximum gross density of 4.5 dwelling units/acre, the maximum gross residential density in a Neighborhood Development may be increased through the Adaptive Reuse of Historic Structures by establishing to the satisfaction of the Board of Supervisors compliance with the following standards:

1. The Adaptive Reuse shall be constructed substantially within the outermost perimeter of a Historic Structure; however, architectural elements such as entry and exit facilities, carports or garages may be located outside the perimeter of the Historic Structure.

2. The external facades and roofs of the Historic Structure shall not be modified except as necessary to meet the requirements of applicable building codes, to provide necessary fenestration and ventilation, to make repairs or to accommodate, renovations for the Adaptive Reuse, and to provide entry and exit facilities. The applicant shall make reasonable efforts to preserve the original architectural character of the Historic Structure.

3. Each Historic Structure shall not contain more than one dwelling unit constituting an Adaptive Reuse for each 2000 square feet of ground floor area within the Historic Structure, exclusive of any attached sheds, tool houses, or springhouses. If any portion of the perimeter of a Historic Structure is removed for any reason, the area of the removed portion shall be deducted from the calculation of the number of any dwelling units constituting an Adaptive Reuse that may be permitted within the Historic Structure.

4. Cottages or Accessory Apartments shall not be permitted in Historic Structures.

5. The increase in gross density through, the provision of Adaptive Reuse meeting the requirements of Sections 1503(K)(9)(1)-(5) shall have no effect on, and any Adaptive Reuse shall remain subject to, the setback, open space, landscaping, parking and other requirements of Section 1971. However, a Historic Structure may occupy a greenbelt area provided that the applicant shall increase the greenbelt area on another portion of the site by an area equal to the greenbelt area occupied by the Historic Structure.

10) All dwellings shall be integrated into the fabric of the Neighborhood Development. No rear elevation of any dwelling that is located at the periphery of the Neighborhood Development shall be oriented towards any existing roadway at an angle of less than 45 degrees to the roadway.

L. Neighborhood Centers. Each Neighborhood Development may include a neighborhood center. Any neighborhood center shall comply with the following:

1) Uses are limited to those that residents are likely to need on a daily or regular basis.

2) The overall size and type of each use within the neighborhood center is restricted to prevent the establishment of intensive commercial-type facilities that exceed the local orientations

3) Each use other than a Neighborhood Facility within a neighborhood center shall be designed to provide basic convenience commercial goods and services to existing and future nearby residences.

4) The maximum land area permitted to be devoted to the total of all neighborhood center buildings shall be no more than five (5%) percent of the gross land area of the Neighborhood Development Tract.

5) All neighborhood centers shall be provided with convenient pedestrian access. Any necessary parking facilities shall be located to the side or rear of any structure.

6) The adaptive use of historical structures on the Neighborhood Development Tract is a preferred option for the siting of a neighborhood center. However, when new construction must be undertaken, the design of such structure(s) shall not detract from the community character of the Neighborhood Development and the surrounding area.

7) The applicant may initially use the neighborhood center as a sales office. If the applicant uses the neighborhood center as a sales office, the applicant shall insure that not less than fifty (50%) percent of the floor area of the neighborhood center shall be converted to neighborhood facilities and/or retail sales and personal service establishments authorized in Section 1509(I) upon the sale of thirty (30%) percent of the dwelling units. The applicant shall further insure that not less than seventy-five (75%) percent of the floor area of the neighborhood center shall be converted to neighborhood facilities and/or retail sales and personal service establishments authorized upon the sale of seventy-five (75%) percent of the dwelling units in the Neighborhood Development.

M. Required Parking. All uses within the Neighborhood Development shall be provided parking in accordance with the following:

1) Off-street parking for nonresidential uses shall be in accordance with Article 14

2) Not less than four unobstructed parking spaces per dwelling unit shall be provided in the Neighborhood Development, to be distributed as follows: each dwelling unit shall provide not less than two parking spaces with dimensions not less than 9 feet by 20 feet, located either in a garage, carport, or on a paved area adjacent to the dwelling, and an additional two spaces shall be provided in common parking areas or along common roadways. Common parking areas shall be reasonably uniformly distributed throughout the residential portion of the Neighborhood Development.

3) Where necessary, parking requirements may be met through the provision of off-street parking compounds. No more than fifty (50%) percent of the required parking shall be provided by means of parking compounds. When required to accommodate the parking requirements of any specific use, off-street parking compounds shall be located to the side or rear of the facilities they are intended to serve. The size and/or location of parking compounds shall not compromise the design or interfere in any

manner with provision of pedestrian access. All nonresidential uses shall adequately accommodate both handicap parking and bicycle parking.

N. Manual of Written and Graphic Design Guidelines, including Architectural Guidelines and Streetscape Guidelines. A set of standards shall be chosen by the applicant: and adhered to consistently throughout the development. Standards selected shall enhance the objectives and goals as specified by Section 1503(A).

Architectural guidelines and streetscape design guidelines shall be established and approved as a condition of the conditional use approval. The applicant shall submit a set of guidelines which shall include styles, proportions, massing, and detailing for buildings, and street sections, sidewalks, front yard landscaping, fences, street trees, street lights, Greens, and other outdoor elements. To the extent necessary on each site, these features shall be compatible with the design of historical resources on and adjacent to the Neighborhood Development Tract. The architectural and streetscape guidelines shall be recorded with or *be* part of the documentation imposing covenants and conditions upon the Neighborhood Development.

0. Overall Development Form. In meeting the objectives and goals specified by Section 1503(A), new construction shall, to the greatest extent possible, be sited so as to maintain or enhance vistas of the Neighborhood Development Tract.

Components of the Neighborhood Development shall be designed in a pattern of blocks and interconnecting streets and lanes, defined by buildings, landscaping, sidewalks, on-street parking, and public space.

P. Streets. Streets within the Neighborhood Development shall provide safe and convenient access and circulation patterns and shall meet the following design standards:

1) Streets shall be designed to establish a hierarchy which shall:

a) Minimize alteration of natural resources.

b) Provide a view to prominent natural vistas.

c) Promote pedestrian movement and calm traffic speeds as necessary.

d) Provide for on-street parking (except along lanes).

e) Be provided with sidewalks on both sides.

f) Accommodate non-motorized traffic.

2) Street patterns shall form a network, with variations as needed for topographic, environmental, and other design considerations. Proposed streets within the Neighborhood Development designed as collector streets shall have a minimum centerline turning radius of one hundred (100) feet. All other streets within the

Neighborhood Development shall be designed with a minimum centerline turning radius of twenty-five (25) feet. All intersections of streets and all intersections of access drives with streets shall maintain a clear sight triangle. The minimum clear sight triangle side length shall be fifty (50) feet for intersections of access drives and streets and for intersections of streets with streets other than existing collector or arterial streets or proposed collector streets. All intersections of streets with existing or proposed collector streets shall have a minimum clear sight triangle side length of one hundred (100) feet. All intersections of streets with existing arterial streets shall have a minimum clear sight triangle side length of one hundred fifty (150) feet.

3) Minimum street width and design standards shall *be* as set forth in the table below:

Street Type	# Travel Lanes	Parking	Sidewalks	Cartway Width	R-O-W Width	Curb
Neighborhood Collector	2	No	Yes	24 ft.	50 ft.	Yes
N	1	Yes	Yes	16 ft.	20 ft.	Yes
N-1	2	1-side	Yes	26 ft.	40 ft.	Yes
N-2	2	2-sides	Yes .	33 ft.	50 ft.	Yes
Lane	2	No	No	16 ft.	16 ft.	No

N: Neighborhood Street that forms a loop around a Green, with parking on one side of the street

N-1: Neighborhood Street with homes and parking on just one side of the street; the parking must be on the same side of the street as the homes

N-2: Neighborhood Street with homes and parking on both sides of the street Lane: May have two way traffic only when design objectives are shown to warrant such travel

Q. Sidewalks. Sidewalks are to be provided on both sides of all streets within the Neighborhood Development as well as along existing streets connecting the Neighborhood Development to existing or future development adjacent to the Neighborhood Development Tract.

1) Sidewalks shall be no less than four feet six inches (4'-6") wide.

2) Sidewalks shall be separated from street curbs by a planting strip or tree lawns not less than 18 inches wide along any collector street.

R. Pathways and Trails. Pathways and trails of at least six (6) feet in width are encouraged to complement the sidewalk system.

S. Shade Trees and Street Plantings. Shade trees shall be provided and installed in accordance with the required Landscape Plan. At a minimum, they shall be located along each side of all existing or proposed streets. Shade trees shall be located no closer than four feet and no further than ten feet from rear of curb. A minimum of one 'tree shall be provided for `every fifty (50) feet of street right-of-way on each side of the street.

1) All trees shall be at least two (2) to two and one-half (1/2) inches in diameter, measured at six (6) inches above the ground when planted. In locations where healthy, noninvasive and mature trees currently exist, they may *be* counted towards the fulfillment of these standards.

2) The type of plant material provided shall be approved by the Township.

3) Street plantings may be used to complement the street tree and landscaping requirements within public areas not included within the open space. If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.

T. Site Plan Requirements and Effect of Site Plan Approval.

1) Each applicant under this Section 1503 shall present a Site Plan of the Neighborhood Development with the application for a conditional use. The Site Plan shall at a minimum contain:

a) The project name or identifying-title.

b) The name and address of the landowner of the tract, the applicant, and the firm that prepared the plan.

c) The file or project number assigned by the firm that prepared the plan, the plan date, and the dates of all plan revisions.

d) A north arrow, a graphic scale, and a written scale.

e) The entire tract boundary with bearings and distances, and identification of all corner markers.

f) A location map, for the purpose of locating the site to be subdivided or developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries, and streams existing within one thousand (1,000) feet of any part of the property proposed to be developed or disturbed.

g) The plotting of all existing adjacent land uses and lot lines within two hundred (200) feet of the proposed development including the location of all public and private streets, drives or lanes, railroads, historic sites, and other significant natural or man-made features.

h) The names of all immediately adjacent landowners and the names and plan book numbers of all previously recorded plans for adjacent projects.

i) Contours at vertical intervals of two (2) feet for land with average natural slope of twelve (12%) percent or less, and at vertical intervals of five (5) feet for more steeply sloping land.

j) Location of bench mark and datum used.

k) The delineation of all those areas which have been identified as being subject to the one hundred (100) year flood.

l) The delineation of all soil types as indicated by the most recent U.S.D.A. Soil Conservation Service Soil Survey of Lancaster County.

m) The plotting of all existing landmarks within the proposed development including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.

n) A list of site data including but not limited to the following:

   i) Total acreage of the tract.

   ii) Zoning district.

   iii) Proposed use of the land.

   iv) Proposed gross area of the development.

   v) Proposed gross density.

   vi) Proposed number of dwelling units and the mix of dwelling types.

   vii) Proposed number of lots.

   viii) Acreage of all street rights-of-way proposed for dedication.

ix) Acreage and percentage of common open space.

x) Acreage to be sold to individual owners.

xi) Acreage to be retained by landowner.

xii) Acreage of any commercial, public or semi-public use areas.

xiii) Proposed number of parking spaces.

o) The proposed location and dimensions of all streets, access drives, parking compounds, sidewalks, bikeways, and curbing.

p) The proposed location of all lot lines with approximate dimensions.

q) The approximate size of all lots in square feet or acreage.

r) The proposed location and configuration of all buildings. Single-family detached, single-family semi-detached and duplex dwelling units may be schematic in configuration.

s) Identification of building type with number of dwelling units in each multi-unit building.

t) The proposed location, size, and use of all common open space areas, structures, and recreation facilities.

u) The proposed location, size and use of all Commons, Greens, Squares and Neighborhood Centers.

v) Proposed landscaping, buffering, screening, walls, and fences.

w) A proposed phasing plan of the development.

x) A descriptive narrative of the proposal's impact on each of the following resources, and the specific measures undertaken or which will be undertaken to incorporate and protect such features in accordance with the objectives and goals identified by Section 1503(A). The applicant shall take appropriate steps to conserve these resources and shall identify what efforts have been made to mitigate necessary impacts to these resources. Features depicted on the plan shall include, but shall not be limited to the following:

i) Existing vegetation and woodlands.

ii) Natural habitats.

iii) Slopes in excess of ten percent (10%).

iv) Ponds, lakes, streams, and rivers.

v) Wetlands.

vi) Ridgelines.

vii) All areas identified as being subject to the one hundred (100) year flood.

viii) All areas identified as being subject to the five, hundred (500) year flood.

viii) Surface drainage characteristics.

ix) All cultural, historical, and natural features on and adjacent to the Neighborhood Development Tract.

x) Karst features.

2) The Board of Supervisors in approving conditional use applications shall make compliance with the Site Plan and any revisions thereto required by the Board of Supervisors a part of the approval. The applicant shall develop the Neighborhood Development Tract in the manner set forth on the Site Plan and any required revisions thereto unless a change to the Site Plan is authorized in accordance with Paragraphs 3 or 4 below.

3) An applicant may make minor revisions to the Site Plan as may be necessary to accommodate fully engineered storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by PennDOT as part of a highway occupancy permit. The Board of Supervisors during the subdivision and land development process shall determine whether the applicant's proposed changes to the approved Site Plan constitute minor revisions necessary to accommodate fully engineered storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by PennDOT as part of a highway occupancy permit.

4) An applicant who desires to make a change to an approved site plan which the Board of Supervisors determines does not constitute a minor revision authorized by Paragraph 3 above shall apply for and obtain an additional conditional use approval.

a) Any applicant who proposes a change to an approved site plan which shall not alter any of the items set forth in Subparagraph b) below shall demonstrate during the additional conditional use approval process that the site plan for the proposed Neighborhood Development as revised by the applicant continues to meet all requirements of this Section 1503.

b) Any applicant who proposes a change to an approved site plan which shall alter any of the following items shall demonstrate during the additional conditional use process that the site plan for the proposed Neighborhood Development continues as revised by the applicant to meet all requirements of this Section and shall also demonstrate that the proposed modification to the approved site plan meets the requirements of Subparagraph c below:

(i) Increase in the number of dwelling units or decrease in the number of dwelling units in excess of ten percent (10%).

(ii) Change in the percentage or mix of each type of dwelling unit.

(iii) Change in the amount of nonresidential building area or land area to be devoted to nonresidential uses.

(iv) Change in the amount or location of open space areas.

(v) Change in the minimum lot sizes for the residential dwellings.

c) An applicant who desires to make a revision to a site plan which affects any of the criteria in Section 1503(T)(4)(b) above shall demonstrate to the satisfaction of the Board of Supervisors during the additional conditional use approval process that such change will:

(i) Generally enhance the development plan, or in any case not have an adverse impact on its physical, visual or spatial characteristics.

(ii) Generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.

(iii) Not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed Neighborhood Development.

(iv) Not result in any danger to the public health, safety or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air or by violating the other purposes for which zoning ordinances are to be enacted.

(v) Allow for equal or better results than the originally approved site plan and represent the minimum modification necessary.

U. Modification of Standards. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards in this Section 1503 in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for a Neighborhood Development using the neighborhood design option, also make application for conditional use approval under this Section 1503(U). The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

1) Such modifications of design standards better serve the intended purposes and goals of the neighborhood design option as expressed in Section 1503(A).

2) Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Neighborhood Development.

3) Such modifications will not result in an increase in residential densities permitted for the Neighborhood Development Tract.

4) Such modifications will not result in a decrease in open space below that required in Section 1503(G) for the Neighborhood Development Tract.

5) The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in this Section 1503.

V. Unified Requests. For the purpose of encouraging innovation and promoting flexibility, economy and ingenuity in development, and in order to streamline the administrative procedures for a Neighborhood Development Tract, the Board of Supervisors shall have the power as part of its jurisdiction to hear and de9ide the conditional use application to grant upon request concurrently with its consideration of the conditional use application (the "Unified Request") modifications of or approvals under any other Sections of this Ordinance which may be applicable to a Neighborhood Development Tract and which are not subject to the modification procedure in Section 1503(U). All Unified Requests shall be in writing, shall accompany and be part of the application for development under this Section 1503, and shall be subject to the payment of any fees established by the Township for the review and processing of such Unified Requests. The Unified Request shall state in full the grounds and facts of unreasonableness, hardship or other circumstances on which the request is based, the provision or provisions of this Ordinance involved, and the minimum modification necessary. The Board of Supervisors may refer any Unified Requests to the Township Planning Commission for recommendations. The Board of Supervisors may grant a Unified Request when literal compliance with the mandatory provisions of this Ordinance is shown to the satisfaction of the Board of Supervisors to be unreasonable or to cause undue hardship or when an alternative standard can be demonstrated to the satisfaction of the Board of Supervisors to provide equal or better results. In granting Unified Requests, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of this Ordinance. In lieu of (but not in addition to) this Unified Request procedure, an applicant for a conditional use under this Section 1503 may seek a special exception and/or variance, if applicable, from the Zoning Hearing Board.

W. Common Interest Ownership Projects. In the event the Neighborhood Development will be a common interest ownership project including, but not limited to, a condominium, a planned community or a cooperative, the documentation for the common interest ownership project shall be in a form and content acceptable to the Township and the Township Solicitor. The applicant shall reimburse the Township for all legal fees and other expenses incurred by the Township in connection with the preparation, review, approval' and/or recording of the documentation for the common interest ownership project.

ARTICLE 16 NONCOMFORMITIES

Section 1600 Continuation and Registration

Except as otherwise provided in this section, any use, building or other structure, or sign, lawfully existing at the time of enactment of this Ordinance may be continued, although it is not in conformity with the standards specified by this Ordinance.

Within one (1) year of the enactment of this Ordinance the owner of any nonconforming use, building or other structure, or sign shall register with the Township such nonconformity. Failure to so register nonconformities shall be a violation of this Ordinance.

Section 1601 Abandonment

If a nonconforming use of land or of a building or structure or a nonconforming sign ceases or is discontinued for a continuous period of one (1) year, or more, subsequent use of such land, building, structure, or sign shall be in conformity with the provisions of this Ordinance.

Section 1602 Extension of a Nonconforming Use of Land Exclusive of Buildings or Other Structures

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot on which it exists, upon obtainment of a special exception, and provided such extension shall be limited to a distance of a total of one hundred fifty (150) feet in any one or combination of directions from the existing nonconforming use, or to an area equal to 50% of the existing nonconforming use, whichever is the lesser. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence at the time the use became nonconforming. Such extension shall also conform to area, bulk and dimensional standards, and to the design standards of this Ordinance. No extension of a nonconforming use of land after the enactment of this Ordinance shall be permitted in any floodplain.

Section 1603 Expansion or Alteration of a Nonconforming Use of a Building or Other Structure

1603.1 Any nonconforming use of a building or other structure may be expanded or altered through the obtainment of a special exception subject to the following criteria, and the provisions of Section 1705.3:

1. The expansion of the nonconforming use of a building or other structure shall be confined to the lot on which it was located at the time the use became nonconforming;

2. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the actual area of those buildings or structures devoted to the nonconforming use as they existed on the date on which the use first became nonconforming. The applicant

shall furnish conclusive evidence as to the extent of the nonconforming use when it was created;

3. Provisions for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Zoning Ordinance;

4. Provision for yards, building height and building area shall be consistent with the standards required by this Zoning Ordinance for permitted uses in the zone in which the nonconforming use is located;

5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;

6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;

7. The expansion of the use shall not create new area, bulk or dimensional nonconformities or further increase existing area, bulk or dimensional nonconformities;

8. No expansion of a nonconforming use of a building or other structure existing on the effective date of this Zoning Ordinance shall be permitted in any floodplain; and,

9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in a floodplain shall be permitted when either elevated above the base flood elevation or flood-proofed. In no case shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.

1603.2 Nonconforming Off-Street Parking.

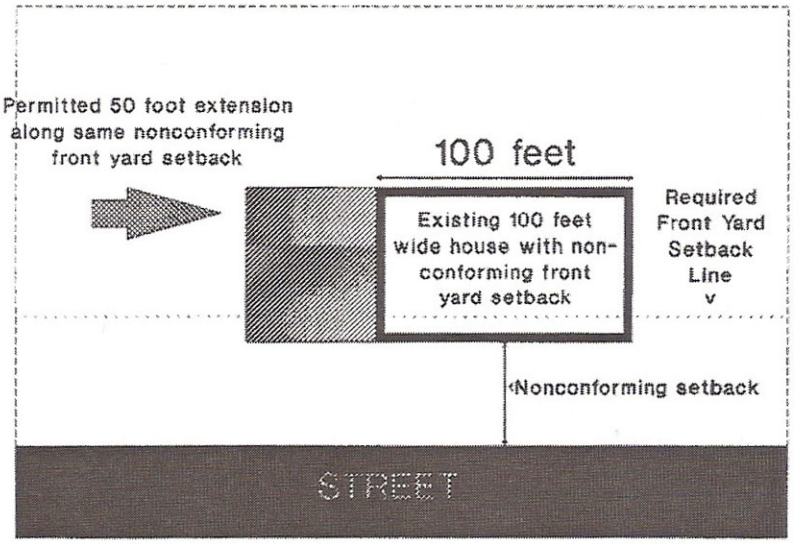
1. Where the number of parking spaces presently existing upon a lot is insufficient for the existing use as defined by this Ordinance, such parking insufficiency shall constitute a lawful nonconformity. The insufficiency may continue provided the use for which such parking was established is neither changed nor enlarged.

2. Where the number, size or configuration of parking spaces is lawfully nonconforming with respect to any use, structure or activity upon a lot and the applicant seeks to change or enlarge such use or activity, the application or plan shall include the additional parking required in conformance with this Ordinance.

Section 1604 Expansion or Alteration of a Dimensional Nonconformity

1604.1 Any area, bulk or dimensional nonconformity may be reduced as a permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity. Furthermore, any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback(s) line, up to a maximum of fifty percent (50%) or fifty (50) feet whichever is less, of the area of the building that follows the setback when it was originally made nonconforming; the diagram below illustrates this standard. Nothing within this section shall be interpreted to allow an increase in any dimensional nonconformity. (Amended by Ordinance #194-2016 adopted April 20, 2016)

DIMENSIONAL NONCONFORMITY EXTENSION



Section 1605 Substitution or Replacement of a Nonconforming Use

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with, and not detrimental to, the surrounding area, as the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformity. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

Section 1606 Restoration of a Nonconforming Building or Other Structure

1606.1 Any lawful nonconforming building or structure, as to area, bulk and dimensional standards, which has been damaged or destroyed by fire, explosion, windstorm, or other cause may be reconstructed, by right, in the same location, provided that:

1. The reconstructed building or other structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure, such reconstructed building or structure shall not increase any dimensional nonconformities, and the use of the building or other structure is permitted by this Zoning Ordinance within the zone in which such building or other structure is located; and,

2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

Section 1607 Reestablishment of a Nonconforming Use

1607.1 The reestablishment of any lawful nonconforming use of a building or other structure which has been damaged or destroyed by fire, explosion, windstorm, or other cause may be reestablished in the same location through the obtainment of a special exception subject to the following criteria, and the provisions of Section 1705.3:

1. Reestablishment shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

2. The reestablishment of the nonconforming use is limited to the use that was in existence immediately prior to the destruction or damage to the building in which the use was located. The provisions of this section shall not be construed to provide permission to substitute or expand the nonconforming use by right.

Section 1608 Previously Expanded Nonconforming Uses and Structures

It is the express intent and purpose of this Ordinance that if a building, structure, sign or use of land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign, or use of land shall be authorized. In the event a nonconforming building structure, sign, or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

Section 1609 Nonconforming Lots of Record

In any zone in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any lot of record not meeting the minimum lot size requirement which was in existence on the effective date of the Ordinance. An undeveloped remainder of an agriculturally-zoned parent tract from which all legally-permitted lots have been subdivided shall not be considered a lot of record qualifying for an additional dwelling. For purposes of this section, when two or more nonconforming lots for which a subdivision plan has been recorded, are contiguous and are in single ownership, they become held in common as one (1) parcel and require a variance from the Zoning Hearing Board to re-subdivide the parcel. This shall apply regardless of the number of deeds held by the owner, up to the number required to make the lot conforming. Nonconforming contiguous lots under single ownership as of the date of adoption of this Ordinance which are thereafter sold shall not qualify for dwellings, unless they can be made conforming. Development on nonconforming lots of record shall comply with all yard, height and building area requirements, unless a variance is granted by the Zoning Hearing Board.

Section 1610 Nonconforming Signs

Any nonconforming sign legally existing at the time of the effective date of this Ordinance shall comply with the following requirements:

1610.1 A nonconforming sign may be moved provided that moving such sign would eliminate the nonconformity. A nonconforming sign shall not be moved to a position where such sign remains nonconforming unless authorized by the Zoning Hearing Board as a special exception.

1610.2 The total area of all such signs relating to a single use as of the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance by which any sign shall be made nonconforming, shall not be increased.

1610.3 Nonconforming signs, once removed or damaged, more than fifty percent (50%), including structural framing or bracing, shall be replaced only with conforming signs. Nonconforming signs with damage of fifty (50) percent or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign.

1610.4 Whenever any nonconforming use of a building structure, or land, or of a combination thereof, is discontinued, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within thirty (30) days from the date such use is discontinued.

ARTICLE 17 ZONING HEARING BOARD

Section 1701 Establishment and Membership of the Zoning Hearing Board

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board which shall consist of five (5) members who shall be appointed by resolution of the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member of the Board shall request, in writing, such hearing.

The Board of Supervisors may appoint by resolution at least one (1), but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be five (5) years. When seated pursuant to the provisions of Section 1701, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board, but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1703, unless designated as a voting alternate member pursuant to Section 1701 of this Ordinance.

Section 1702 Organization of the Zoning Hearing Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than three (3) members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided in Section 1704.2. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be

the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 1703 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1701, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

Section 1704 Hearings

1704.1. The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be provided once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing. In addition, the Zoning Officer shall provide written notice to the Township Secretary, the applicant, and every other person or organization who shall have registered with the Zoning Hearing Board for the purpose of receiving such notices. Such written notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing;

2. 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; and,

3. The first hearing before the Zoning Hearing Board or its Hearing Officer shall be commenced within sixty (60) days from the date of the receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or its hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the

record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon request of the applicant, the Board or Hearing Officer shall assure that the applicant received at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete their opposition to the application within one-hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

1704.2 The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

1704.3 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.

1704.4 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.

1704.5 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.

1704.6 Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

1704.7 The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer; or shall be paid by the person appealing the decision of the Board if such appeal is made, and in the 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.

1704.8 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.

1704.9 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. When the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the 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 decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for substantive challenges to the validity of the Zoning Ordinance filed under Section 916.1 of the Municipalities Planning Code where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct, or complete the required hearing as provided in Section 1704.1.3 of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision 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 1704.1.1 of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

1704.10 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.

Section 1705 Functions of the Zoning Hearing Board

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

1705.1. Substantive challenges to the validity of the Zoning Ordinance, except those brought before the Board of Supervisors pursuant to Section 1807.5 of this Ordinance.

1. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Official Zoning Map.

C. The suitability of the site for the intensity of use proposed, considering the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

2. Public notice of the hearing shall be provided as specified in Section 1807.1 of this Ordinance.

3. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time.

4. The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

1705.2. Challenges to the validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance.

1705.3. Special Exceptions, as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:

1. Filing Requirements - In addition to the required zoning permit information (see Section 1803) each special exception application shall include the following:

A. Ground floor plans and elevations of proposed structures;

B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;

C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,

D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

2. General Criteria - Each applicant must demonstrate, by credible evidence, compliance with the following:

A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.

B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.

C. The proposed use will not substantially change the character of the subject property's neighborhood.

D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, solid waste disposal, vehicular access, etc).

E. The proposed use shall comply with t hose criteria specifically attached to it. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.

F. The traffic generated by the proposed use shall be safely and adequately accommodated during peak and non-peak periods, or improvements made by the applicant shall be made in order to effect the same.

G. The proposed use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, screening, and all other elements of proper design as required by this Ordinance and any other Federal, State, or local ordinance, law, or regulation.

H. The proposed use will not have deleterious impact on adjoining properties or the neighborhood due to impacts and/or by-products of the proposed use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.

I. The proposed use will not substantially impair the integrity of the Comprehensive Plan.

J. The proposed development is in accordance with the Pequea Township Floodplain Management Ordinance. (Amended by Ordinance #194-2016)

3. Conditions - The Zoning Hearing Board in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 18.

4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 1705.3.1.c shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change made after the issuance of a zoning permit to the proposed use of the

subject property which is not reflected on the approved site plan, may require the obtainment of another special exception approval.

1705.4. Variances - The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer, which shall at least include the following:

1. Filing Requirements - In addition to the required zoning permit information (see Section 1803), each variance shall include the following:

A. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

B. A scaled drawing (site plan) with sufficient detail and accuracy so as to present the nature of the request and the unique site conditions that create hardship to strict compliance with this Ordinance.

C. A written description of the requested variance, along with a description of the hardship that is being alleged and all reasons why the variance should be granted.

2. General Criteria - The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance, and that the authorization of a variance is therefore necessary to enable reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in

which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

F. That variances within the Floodplain Zone shall comply with Section 1108 of this Ordinance.

G. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 18.

1705.5 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 nonconforming use, structure or lot.

1705.6 Appeals from the determination of the Floodplain Administrator or variances of the provisions contained within the Pequea Township Floodplain Management Ordinance. (Amended by Ordinance #194-2016 adopted April 20, 2016).

1705.7 Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Municipalities Planning Code.

Section 1706 Parties Appellant Before the Zoning Hearing Board

Appeals under Sections 1705.5, 1705.6, 1705.7, and proceedings to challenge this Ordinance under Sections 1705.1 and 1705.2 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 1705.4 and for special exception under Section 1705.3 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Any appeal of Sections 1705.5, 1705.6 or 1705.7 shall state:

1. The name and address of the appellant and applicant.

2. The name and address of the landowner of the real estate to be affected. If the landowner is not the appellant or applicant, the landowner's written permission shall be attached to the appeal.

3. A brief description and location of the real estate to be affected by such proposed change, together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.

4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

5. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

Section 1707 Time Limitations

If a variance or special exception is granted or the issuance of a permit is approved, or other action authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause the Board may, upon application in writing, stating the reasons therefore, extend either the two (2) year or three (3) year period.

Should the applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

Should the applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized.

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 the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Municipalities Planning Code, as amended, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

Section 1708 Stay of Proceeding

Upon filing of any proceeding referred to in Section 1706 and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or 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.

After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If the 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 1709 Appeal

Any person, taxpayer or the Township aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Municipalities Planning Code, as amended.

ARTICLE 18 ADMINISTRATION

Section 1801 Administration and Enforcement

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall receive such fees or compensation as the Board of Supervisors may provide. The Zoning Officer shall not hold any elective office within the Township. The Board of Supervisors may, by resolution, designate an employee or employees of the Township as Deputy Zoning Officers. The Deputy Zoning Officers shall exercise all of the powers of the Zoning Officer during the Zoning Officer's temporary absence or disability, for time periods designated in writing by the Zoning Officer, and delivered to the Deputy and to the Chair of the Board of Supervisors at the Township Office. In the event the Zoning Officer is unable to give such written notice, the Board of Supervisors may direct in writing a Deputy to act as Zoning Officer.

2. Duties - The duties of the Zoning Officer shall be:

   A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.

   B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record. All information on all applications filed with the Zoning Officer shall be deemed to have been provided by the applicant.

   C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.

   D. To inspect nonconforming uses, buildings, structures, lots and signs, and to keep a filed record of such together with the reasons for the identification as nonconformities, and to examine them periodically, with the view of eliminating such nonconformities under the existing laws and regulations.

   E. Upon the request of the Board of Supervisors, or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.

   F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.

   G. Upon the approval by the Zoning Hearing Board of a special exception for development located within the Floodplain Zone, send written notice of the

approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development.

H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administrator, on such forms provided by the Administrator, concerning the status of the Program in the Township. The zoning officer shall be appointed as floodplain administrator as identified in the Pequea Township Floodplain Management Ordinance. (Amended by Ordinance #194-2016 adopted April 20, 2016)

I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2 of the Municipalities Planning Code.

J. To investigate alleged violations of the Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within fifteen (15) days of receipt of said complaint. A written report of all investigations of alleged violations of the Zoning Ordinance shall be prepared and properly filed and a copy shall be sent to the Board of Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided in this Zoning Ordinance.

K. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law.

3. Enforcement - This Ordinance shall be enforced by the Zoning Officer of the Township. No zoning permit or Certificate of Use and Occupancy shall be granted by the Zoning Officer for any purpose except in compliance with the provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement.

4. Violations - Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense.

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

1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

2. An enforcement notice shall state at least the following:

   A. The name of the owner of record and any other person against whom the Township intends to take action.

   B. The location of the property in violation.

   C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

   D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

   E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days.

   F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

5. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

6. Causes of Action - In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act,

conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

Section 1802 Permits

1. A zoning permit shall be required prior to:

   A. A change in use of land or structure.

   B. The erection or construction of a structure or portion thereof, including fences.

   C. The improvement or alteration of any existing structure.

   D. The demolition or removal of any principal structure.

   E. The alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation, or drilling operations.

   F. The erection or alteration of any signs specified in Section 1406 of this Ordinance as requiring a zoning permit.

   G. The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.

   H. The conduct of any forestry use as defined herein.

   I. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.

2. Application for zoning permits shall be made in writing to the Zoning Officer on a form specified for such purpose.

3. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by an agent of the owner or lessee, the application shall note that the agent is acting on behalf of the owner or lessee. The full names and addresses of the owner, lessee, agent, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

4. Application for a permit shall be accompanied by a fee as prescribed by the Board of Supervisors pursuant to resolution. No application shall be

considered complete or permit issued without payment of the required fee. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by another ordinance or law.

5. Such zoning permits shall be granted or refused within ninety (90) days from the date of submission of evidence of compliance with all applicable local, County, State, and Federal requirements.

6. No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.

7. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.

8. The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.

9. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance, in case of any false statement or misrepresentation of fact in the application, or on the plans on which the permit or approval was based, or for any other cause set forth in the Zoning Ordinance.

10. Issuance of Permits - Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Zoning Ordinance and other applicable Township and County ordinances, statutes and regulations. The Zoning Officer shall determine if any applicable conditional use or special exception approvals have been obtained, if State sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued under the Uniform Construction Code (UCC) Act 45. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a Highway Occupancy Permit from the Department of Transportation has been issued if applicable in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. In addition, no zoning permit shall be issued for any property with an existing zoning violation.

    No zoning permit shall be issued for any activity that is required to have an improvement guarantee, until an improvement guarantee is accepted by resolution of the Board of Supervisors. The definitions, requirements and

procedures of the improvement guarantee shall be in compliance with the Subdivision and Land Development Ordinance.

The Zoning Officer shall mark the application as either approved or denied and shall return one (1) copy of the application to the applicant. The other copy shall be retained by the Zoning Officer for the Township files. If the application is denied, the Zoning Officer shall attach a statement to the application explaining the reasons for such denial and informing the applicant of his right to appeal to the Zoning Hearing Board.

11. Reconsideration of Application - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.

12. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional one (1) year upon good cause shown to the Zoning Officer by written application.

13. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board, or, where applicable under this Ordinance, the Board of Supervisors so stipulates.

14. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.

15. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. The permit shall be displayed continuously until a Certificate of Use and Occupancy is issued.

16. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of request, they will:

    A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone; or,

B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, the Zoning Officer may issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

Section 1803 Filing Requirements

1. Applications shall contain a general description of the proposed work, development use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:

   A. Actual dimensions, shape and acreage of the lot to be developed.

   B. Exact location and dimensions of any structures to be erected, constructed and altered, or use to be established.

   C. Other existing structures and uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate.

   D. Current land use, general topographic features, general type and extent of existing vegetation and any site development limitations.

   E. Exact location and dimensions of existing and/or proposed access drives.

   F. Off-street parking and loading spaces.

   G. Utility systems affected and proposed.

   H. Other proposed alteration of any improved or unimproved real estate.

   I. Copies of any applicable subdivision/land development plan.

   J. Information required by Article 12.

   K. Any other information that may be required by the Zoning Officer to determine compliance with this Ordinance.

2. If the proposed development is located within an identified floodplain area, information verifying compliance with the Pequea Township Floodplain Management Ordinance shall accompany all applications. (Amended by Ordinance #194-2016 adopted April 20, 2016)

Section 1804 Additional Commercial and Industrial District Filing Requirements:

1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries.

2. A plot plan of the tract showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, screening, fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical, and other natural features.

3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

4. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.

5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.

6. Designation of the manner by which sanitary sewage and storm water shall be managed and water supply obtained.

7. The proposed number of employee shifts and the maximum number of employees on each shift.

8. Where use by more than one firm is anticipated, a list of firms which are likely to be located on the tract, their floor area, and estimated number of employees.

Section 1805 Certificate of Use and Occupancy

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a Certificate of Use and Occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein.

2. The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application for a zoning permit.

3. The application shall contain the intended use and/or occupancy of any structure, building, sign and/or land or portion thereof for which a zoning permit is required herein.

4. The Zoning Officer shall inspect any structure, building, sign and/or land within fifteen (15) days upon notification that the proposed work has been completed, and if satisfied that the work complies with the Zoning Ordinance and all other pertinent laws, shall issue a Certificate of Use and Occupancy.

5. The Certificate of Use and Occupancy or a true copy thereof shall be kept available for official inspection at all times.

6. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary Certificate of Use and Occupancy for a structure, building, sign and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificate shall be for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months. Should the holder of a temporary Certificate of Use and Occupancy for a non-temporary use not complete all work covered by the zoning permit within said six (6) months period, the temporary Certificate of Occupancy is considered to be expired and the applicant in violation of the Zoning Ordinance.

   The Zoning Officer may also issue a temporary Certificate of Use and Occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for a period of time to be determined by the Zoning Officer, up to six (6) months.

7. A certificate of Use and Occupancy shall not be issued for structures and buildings located in subdivisions requiring improvement guarantees unless the structure or building abuts either a roadway which has been accepted by the Township for dedication, or a street which has been paved with a base wearing course.

8. In commercial and industrial zones in which operation standards are imposed, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a re-inspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

Section 1806 Fees

Determination - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the

fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

Section 1807 Amendments

Power of Amendment - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party. The Township is under no obligation to consider any zoning amendment other than curative amendments submitted under this Ordinance.

1. Hearing and Enactment Procedures for Zoning Amendments

   A. Public Hearing - Before enacting Zoning Ordinance and/or Official Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice and electronic and/or mailed notice as defined herein and listed below, has been given.

   B. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:

      1. Notice shall be 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. Publication of the proposed amendment shall include either the full text thereof or the title and 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 of the full text shall be supplied to a newspaper of general circulation in the Township 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.

2. For Official Zoning Map amendments, public notice shall also include the posting of notice of said hearing at conspicuous points deemed sufficient by the Township along the perimeter of the tract(s) or area so as to notify potentially interested citizens. The affected tract(s) or area shall be posted at least one (1) week prior to the hearing and shall exhibit the nature, date, time and location of the hearing.

   In addition, notice of the public hearing shall be sent by first class mail by the Township at least thirty (30) days prior to the date of the public hearing to the addresses to which real estate tax bills are sent for all real property located within the area to be rezoned. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirements shall not apply when the rezoning constitutes a comprehensive rezoning.

3. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or Official Zoning Map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

C. Electronic and/or Mailed Notice – In addition to the public notice requirements defined herein, an owner of a tract or parcel of land within a municipality, or an owner of the mineral rights in a tract of land within a municipality, may request that the municipality provide written or electronic notice of a public hearing which may affect such tract or parcel of land.

   1. Mailed notice shall be required only if an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality has made a written request that the notice be mailed and has supplied the municipality with a stamped, self-addressed envelope prior to a public hearing.

   2. Electronic notice shall be required only if an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within a municipality has made a written request that notice be sent electronically and has supplied the municipality with an electronic address prior to a public hearing and only if that municipality has the capability of generating an electronic notice. An owner of a tract or parcel of land within a municipality or an owner of the mineral rights in a tract or parcel of land within a municipality making the request and supplying and electronic address may at any time notify the municipality that the owner of the tract or

parcel of land located within the municipality, or the owner of the mineral rights in a tract or parcel of land within a municipality no longer will accept electronic notice and in that event the municipality many no longer provide electronic notice.

3. An owner of a tract or parcel of land, or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested a mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. The municipality shall not be responsible or liable if the owner of a tract or parcel of land within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes in the owners mailing address.

4. An owner of a tract or parcel of land or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested electronic notice shall be solely responsible for the accuracy and functioning of the electronic address provided to the municipality. The municipality shall not be responsible if the owner of a tract or parcel of land, or an owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes to the owner's electronic address.

5. A municipality shall deposit a mailed notice in the United States mail or provide electronic notice not more than thirty (30) and not less than seven (7) days prior to the scheduled date of the hearing as shown on the notice.

6. For each public hearing, the municipal secretary shall prepare, sign and maintain a list of all mailed notices, mailing dates, electronic notices and electronic notice dates. The signed list shall constitute a presumption that the notice was given.

7. The mailed notice shall be deemed received by an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality on the date deposited in the United States mail.

8. The electronic notice shall be deemed received by an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land with the municipality on the date the municipality electronically notifies the owner.

9. Failure of an owner or tract or parcel of land located within a municipality or an owner of the mineral rights in a tract or parcel of land within the municipality to receive the requested mail notice or electronic notice shall not be deemed to invalidate any action or proceeding under the Act.

D. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the Township 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 enactment notice shall be published at least once in one (1) newspaper of general circulation in the Township not more than sixty (60) days or less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in Section 1807.1.B.

E. Township Planning Commission Referrals - For Amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment.

   A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and the adopted Comprehensive Plan of the Township.

F. Lancaster County Planning Commission Referrals - All proposed amendments shall be submitted to the Lancaster County Planning Commission at least forty-five (45) days prior to the public hearing on such amendments. The Commission may submit recommendations to the Board of Supervisors; however, if the Lancaster County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.

G. Adjournment of Public Hearing - If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.

H. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Lancaster County Planning Commission.

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

3. Amendment Initiated by the Board of Supervisors - When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change, or repeal shall follow the procedure prescribed for a petition under Section 1807.1.

4. Amendment Initiated by a Petition from an Interested Party - A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned and all of the reasons supporting the petition to be considered. The petition shall also 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 prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.

5. Curative Amendment by a Landowner - A landowner who desires to challenge on substantive grounds, the validity of the Zoning Ordinance or the Official Zoning Map 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.

   A. The application for a curative amendment shall include:

      1. A written description of the reasons supporting the request to be considered.

      2. Plans and explanatory materials describing the proposed use or development, that would not be permitted by the challenged ordinance, in sufficient detail to demonstrate the need for approval of the request and evaluation of the challenged ordinance or map.

      3. An amendment or amendments to this Zoning Ordinance or Zoning Map that would cure its alleged defect.

   B. Public Hearing - Before enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall commence a public hearing within sixty (60) days of the request for a curative amendment, to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice, as defined in Section 202 and listed below, has been given.

   C. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:

      1. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall

not be more than thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the Township Solicitor and setting forth all of the provisions in reasonable detail. If the full text is not included:

(1) A copy of the full text shall be supplied to a newspaper of general circulation in the Township 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.

Public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans explanatory material or proposed amendments may be examined by the public.

2. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing. In addition, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addresses to which real estate tax bills are sent for all property to be rezoned. Such notice shall include the location, date and time of the public hearing. This mail-out hearing notice requirement shall not apply to comprehensive rezoning proposals.

3. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

D. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the Township 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 enactment notice shall be published at least once in one (1) newspaper of general circulation in the Township not more than sixty (60) days or less than seven (7) days prior to enactment. The published content of the enactment notice shall be the same as that required for public notice described in Section 1807.5.C

E. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary and members of the Board of Supervisors, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board of Supervisors, expenses for engineering, architectural or other technical consultants or expert witness costs.

F. The hearings shall be conducted by the Board or the Board may appoint any member, or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.

G. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.

H. The chairman or acting chairman of the Board of Supervisors 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.

I. 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.

J. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

K. The Board of Supervisors or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors 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.

L. The Board of Supervisors 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.

M. Township Planning Commission Referrals - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment at least thirty (30) days prior to public hearing to the Township Planning Commission for review and comment. The Township Planning Commission shall submit a report of its review, together with any recommendations, to the Board of Supervisors within forty-five (45) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and the adopted Comprehensive Plan of the Township. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Township Planning Commission however, should the Township Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation.

N. Lancaster County Planning Commission Referrals - All proposed amendments shall be submitted to the Lancaster County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The Lancaster County Planning Commission may submit recommendations to the Board of Supervisors within forty-five (45) days of such referral. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Lancaster County Planning Commission however, should the Lancaster County Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation.

O. The Township Solicitor shall represent and advise the Board of Supervisors during the hearings. Additionally, the Board of Supervisors may retain an independent attorney to defend the challenged ordinance or map and present suitable witnesses for that purpose.

P. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The 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, woodland, wetlands, floodplains, aquifers, and other natural resources and features.

4. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

5. 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.

6. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, and other natural resources and features.

7. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, other natural resources and features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.

8. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

Q. The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing.

R. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in Section 1807.5.Q, above , a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

S. The challenge shall be deemed denied when:

1. The Board of Supervisors fails to commence the hearing within sixty (60) days.

2. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.

3. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.

4. The Board of Supervisors fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent of the landowner and Township.

T. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or by mail not later than the day following the date of the decision or findings. To all other persons who have filed their name and address with the Board of Supervisors not later than the last day of the hearing, the Board of Supervisors 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.

U. Adjournment of Public Hearing - If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.

V. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Lancaster County Planning Commission.

W. Where, after the effective date of the Municipalities Planning Code, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 704.1, or the Court acts finally on appeal from denial of a curative amendment proposal or validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision or land development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Municipalities Planning Code shall apply.

X. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under the Subdivision and Land Development Ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the Zoning, Subdivision and Land Development, or other governing Ordinance or plan shall be applied in any

manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

Y. At such time as the Township officially adopts a multi-municipal comprehensive plan but has not adopted a joint municipal ordinance, and all municipalities participating in the multi-municipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multi-municipal comprehensive plan, and a challenge is brought to the validity of this Zoning Ordinance involving a proposed use, then the Board of Supervisors shall consider the availability of uses under zoning ordinances within the municipalities participating in the multi-municipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the challenge of this Zoning Ordinance.

6. Curative Amendment by the Board of Supervisors:

A. The Board of Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:

1. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:

(1) References to specific uses which are either not permitted or not permitted in sufficient quantity.

(2) References to a class of use or uses which require revision.

(3) References to the entire Ordinance which requires revisions.

2. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of this Ordinance pursuant to the provisions required by Section 609 of the Municipalities Planning Code in order to cure the declared invalidity of the 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 1705.1., 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 forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a decision by any court of competent jurisdiction, 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.

7. Authentication of Official Zoning Map - Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with Section 1807, the change on the Official 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 1808 Conditional Uses

1. Filing of Conditional Use - For any use permitted by conditional use, approval must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

A. Ground floor plans and elevations of proposed structures.

B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

C. A clear and legible site plan drawn at a scale of ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, or fifty (50) feet to the inch.

D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

2. General Criteria - Each applicant must demonstrate compliance with the following:

A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.

B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.

C. The proposed use will not affect a change in the character of the subject property's neighborhood.

D. Adequate public facilities are available to serve the proposed use, e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.

E. For development within the Floodplain Zone, that the application complies with those requirements listed in Pequea Township's Floodplain Zone.

F. The proposed use shall comply with those criteria specifically listed in Article 15 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance. The proposed use must be consistent with the Township Comprehensive Plan.

3. Conditions - The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public health, safety, and general welfare, and ensure compliance with the general criteria listed in Section 1808.2, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

4. Site Plan Approval - Any site plan presented in support of the conditional use, pursuant to Section 1808.1, shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the site plan made after the issuance of a zoning permit, which is not reflected on the approved site plan, may require another conditional use approval.

5. Hearing Procedures:

A. Before voting on an application for conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public

hearing, pursuant to public notice, before proceeding to vote on the application.

B. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

C. The Board of Supervisors may prescribe reasonable fees with respect to conditional use hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.

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 of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose.

E. The Chairman or Acting Chairman of the Board of Supervisors or hearing officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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 of Supervisors or hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors or hearing officer if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

I. The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. The Board of Supervisors shall render a written decision or, when no decision is called for make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the Township may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Ordinance or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reason why the conclusion is deemed appropriate in light of the facts found.

K. The first hearing before the Board of Supervisors or its hearing officer shall be commenced within sixty (60) days from the date of the receipt of an application for conditional use, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board of Supervisors or its hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon request of the applicant, the Board of Supervisors or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant, may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

L. Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence, conduct or complete the required hearing as required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the

failure of the Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so.

M. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following the date of the decision or findings.

6. Time Limitation:

A. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.

B. Should the applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.

C. Should the applicant commence construction or alteration within the said two (2) year period, but fail to complete such construction or alteration within the said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.

D. As an alternative to the preceding, an applicant can request, as part of the original application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 1808.6.A. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board of Supervisors must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

Section 1809 Repealer

Any Resolution, Ordinance or part of any Resolution or Ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed.

Section 1810 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 1811 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Pequea Township, County of Lancaster, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this _____day of_____, 2015.

BOARD OF SUPERVISORS OF PEQUEA TOWNSHIP

By:

_____
Chairman

_____
Vice Chairman

_____
Member

ATTEST:

_____
Secretary