

Chapter 120

[HISTORY: Adopted by the Board of Supervisors of the Township of East Drumore 8-7-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 60.

Mobile homes and mobile home parks — See Ch. 80.

Streets and sidewalks — See Ch. 100.

ARTICLE I Title, Objectives and Goals

§ 120-1. Title.

This chapter shall be known and may be cited by the short form title of the "East Drumore Township Zoning Ordinance."

§ 120-2. Objectives.

There is hereby established a Zoning Ordinance for the Township, which plan is set forth in the text and map that constitute this chapter. Said chapter is adopted in the interest of protecting and promoting the public health, safety, morals and general welfare and shall be deemed to include the following related and specific community development objectives, among others, as are detailed in the East Drumore Township Comprehensive Plan:

- A. To guide and regulate the orderly growth, development and redevelopment of the Township in accordance with a comprehensive plan of long-term objectives, principles and standards deemed beneficial to the interests and welfare of the people.
- B. To protect the established character and the social and economic well-being of both private and public property.
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
- D. To preserve the agriculture and farmland, considering topography, soil type and classification and present use.
- E. To secure safety from floods, water pollution and other dangers and to provide adequate light, air and convenience of access.
- F. To encourage and facilitate the provision of adequate and efficient public facilities, service and utilities.

- G. To lessen and, where possible, to prevent traffic congestion on public streets and highways so as to promote efficient and safe circulation of vehicles and pedestrians.
- H. To conserve the value of buildings and to enhance the value of land throughout the Township.

§ 120-3. Primary goal.

The primary goal for the future development of East Drumore 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.

ARTICLE II
Definitions and Word Usage

§ 120-4. General interpretation. [Amended 6-15-1995 by Ord. No. 8-95]

For the purpose of this chapter, the terms and words listed in this section shall have the meanings herein defined. Terms and words not herein defined shall have the meanings given to them in § 107 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10107). Terms and words still not defined shall have the meanings given to them in Webster's Unabridged Dictionary.

§ 120-5. Rules of interpretation.

For the purpose of this chapter, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular case include the plural, and words in the plural case include the singular.
- C. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used to be occupied or offered for occupancy."
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items and shall not be interpreted as constituting a complete list.

§ 120-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE — A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use.

ACT 167 — The Pennsylvania Stormwater Management Act (25 Pa. Code § 111). **[Added 11-6-2014 by Ord. No. 3-2014]**

ADDITION — Any construction which increases the size of a building or adds to the building.

AGRICULTURE — The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

ALTERNATIVE ENERGY SYSTEM — Any device, facility or structure that generates energy such as electricity or heat either directly or indirectly from a non-fossil fuel source but which does not fall within the definition of a Geothermal Energy System, a Manure Digester, a Solar Energy System or a Wind Energy System. An Alternative Energy System shall include all equipment, components, structures and buildings used in the conversion, storage and distribution of the converted energy, including control units, transformers, inverters, switching equipment, electrical cabinets, pumps, regulators and other associated components of the system. **[Added 1-12-2012 by Ord. No. 1-2012]**

ANIMAL HOSPITAL — A building used for the treatment, housing or boarding of domestic animals by a veterinarian.

APARTMENT — A living unit in a multiple dwelling.

APARTMENT CONVERSION — The creation of two or more living units by conversion of an existing structure.

AUTOMOBILE SERVICE STATION — Any area of land, including any structure thereon or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel or accessory for motor vehicles and which may include facilities used for polishing, greasing, washing, dry cleaning, minor repairs or otherwise cleaning or servicing such motor vehicles, but not including major mechanical repairs and auto body shops.

BASEMENT — A story where the floor is more than 12 inches but not more than 1/2 of its story height below the average level of the adjoining ground [as distinguished from a cellar, which is a story more than 1/2 below such level].

BED AND BREAKFAST — A single-family detached dwelling, where between one and five bedrooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Breakfast may be offered only to registered overnight guests. **[Added 5-7-2020 by Ord. No. 1-2020]**

BILLBOARDS, ADVERTISING SIGN or POSTER PANEL — Any structure or part thereof or any device attached to a structure for the painting, posting or otherwise displaying of information for the purpose of bringing to the attention of the public any produce, business, service or cause not necessarily located on or related to the premises on which the sign is situated.

BOARDING- OR ROOMING HOUSE — A dwelling or part thereof where meals or lodgings are provided for compensation for at least three but not more than 15 persons not transients.

BUILDING — Any structure, either temporary or permanent, having walls and a roof or other covering and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles, situated on private property and used for purposes stated

above. For the purpose of this chapter, the word "building" shall include gas or liquid storage tanks. If a walkway is enclosed to protect the elderly or infirmed at a health and welfare institution and said walkway is used for transport of and walking by said elderly or infirmed from one building or structure to another building or structure, said enclosed walkway shall not be considered a "building" for the purpose of this chapter. **[Amended 10-12-1988 by Ord. No. 2-88]**

BUILDING HEIGHT — The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE — A line established by law or agreement, usually parallel to the property line, beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.

- A. **FRONT SETBACK LINE** — The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the street right-of-way line.
- B. **REAR SETBACK LINE** — The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

CAMP — Any one or more of the following, other than a hospital, place of detention, school offering general instructions or a trailer camp or trailer court.

- A. Type 1: Any area of land or water of a design or character suitable for seasonal, recreational or other similar temporary living purposes;
- B. Type 2: Any building or group of buildings of a movable, temporary or seasonal nature, such as cabins, tents or shelters, which are located in a Type 1 camp area; or
- C. Type 3: Any land and buildings thereon, used for any assembly or persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or by children, either as individuals, families or groups.

CAMPING GROUND — A parcel of land used by campers for seasonal, recreational or other similar temporary living purposes in buildings of a movable, temporary or seasonal nature, such as cabins, tents or shelters, but not including a trailer camp or trailer court.

CARTWAY — The wearing or exposed surface of the roadway available for vehicular traffic.

CELLAR — A story having more than 1/2 of its height below average contact grade. A "cellar" is counted as a story, for the purpose of height regulations, only if used as a separate dwelling.

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

CHANNEL FLOW — That water which is flowing within the limits of a defined channel.

COMMUNITY SYSTEM — A central water or sewerage system, the rates and service of which may be publicly or privately controlled.

COMPREHENSIVE PLAN — The East Drumore Comprehensive Plan.

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.

CONTINUING-CARE RETIREMENT COMMUNITY — A proprietary facility licensed by a governmental authority for the accommodation of elderly persons which provides its residents with a full range of shelter, services and nursing care which they may require and which may include independent living units and more supportive living and service arrangements (known as "personal care" or "assisted living") and nursing care. In addition, "continuing-care retirement communities" may provide incidental services such as respite care in the nursing facility, hospice, home-delivered meals, an on-site or satellite adult day-care center and home health care. **[Added 10-12-1988 by Ord. No. 2-88]**

DECIBEL — The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

DENSITY — The average number of persons, families or dwellings per unit of area (acre, square mile, etc.).

- A. NET RESIDENTIAL DENSITY — Density of the building site.
- B. GROSS RESIDENTIAL DENSITY — Density of the building site plus traversing streets, alleys and drives, open space and 1/2 of bounding streets.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DRIVEWAY — A private drive providing access between a public or private street or access drive and a permitted use or structure.

DWELLING — Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, trailer or a room in a motel.

- A. DETACHED — A dwelling which is completely surrounded by permanent open spaces.
- B. SEMIDETACHED — A dwelling, one side wall of which is a party or lot-line wall.
- C. ROW — A dwelling, the walls on two sides of which are party or lot-line walls.
- D. END-ROW — Same as "semidetached."

DWELLING, FARM — A dwelling unit located on a farm used by (a) the farm owner or by a person responsible for operating the farm or (b) used by employed persons and families who receive housing in lieu of all or part of their wages. **[Added 5-7-2020 by Ord. No. 1-2020]**

DWELLING, MULTIFAMILY — A detached building or a group of attached and semidetached buildings designed for or used exclusively for residence purposes by more than two families or housekeeping units.

DWELLING, SINGLE-FAMILY — A detached building designed for or used exclusively for

residence purposes by one family or housekeeping unit.

DWELLING, TWO-FAMILY — A detached building or two semidetached buildings designed for or used exclusively for residence purposes by not more than a total of two families or housekeeping units.

DWELLING UNIT — A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT — A vested or acquired right of use, interest or privilege (other than ownership) in lands owned by another, such as an easement of light, of building support or of right-of-way.

FARM — Any parcel of land with a minimum of 20 acres which is used for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry and the necessary uses for packaging, treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. **[Added 6-15-1995 by Ord. No. 8-95]**

FARM-SUPPORT BUSINESS — An accessory use to the primary agricultural use of a property in which residents engage in a secondary business conducted on the property to provide supplemental income to support the overall farm operation. A “Farm-Support Business” does not include the operation of a special events or wedding venue on a property. **[Added 5-7-2020 by Ord. No. 1-2020]**

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 temporary inundation of normally dry land areas.

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

FRONT YARD — The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted, and the street right-of-way line.

GARAGE, PRIVATE — A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises.

GARAGE, PUBLIC — A space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of motor vehicles.

GEOHERMAL ENERGY SYSTEM — An energy generating system that uses the Earth’s thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings. **[Added 1-12-2012 by Ord. No. 1-2012]**

GRADE

A. FINISH — The top surface elevation of lawns, drives or other improved surfaces after completion of construction or grading operations.

B. NATURAL — The elevation of the original or undisturbed natural surface of the ground.

C. SUBGRADE — The elevation established to receive top surfacing or finishing materials.

HAZARDOUS MATERIAL — Materials which have the potential to damage health or impair safety. "Hazardous materials" include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, petroleum products and radioactive material; also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers.

HOME OCCUPATION — Any activity conducted entirely within a dwelling or accessory structure which is subordinate to the residential use of the building, provided that the exterior appearance of the building is maintained and there is no exterior evidence of the secondary activity other than the sign permitted herein.

INDUSTRIAL PARK — A tract of land eminently suitable for industrial use, subdivided and developed according to a comprehensive plan for occupancy by a group of industries, equipped with streets and necessary utilities and conforming in all respects with the requirements of this chapter.

JUNKYARD — Any area where waste or discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discarded or salvaged materials as part of manufacturing operations.

KENNEL — A structure for housing, boarding, breeding and rearing dogs on a commercial basis. A kennel will be presumed if five or more dogs are housed on any lot. **[Added 9-1-2005 by Ord. No. 1-2005]**

LOT — A piece or parcel of land occupied or intended to be occupied by a principal building or use or a group of buildings conforming with the regulations of this chapter and its accessory buildings and uses, including all open spaces required by this chapter, and having frontage on a road.

LOT, CORNER — A lot abutting upon two or more roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than 135°.

LOT COVERAGE — The percentage of land in any lot which may be covered with impervious surfaces such as buildings, paved parking areas, driveways, roads, sidewalks and other areas in concrete or asphalt.

LOT DEPTH — The mean horizontal distance between the front and the rear lot lines.

LOT, DOUBLE FRONTAGE — A lot having frontage on two nonintersecting roads, as distinguished from a corner lot.

LOT LINE — A legally defined line dividing one parcel of property from another.

- A. LOT LINE, FRONT — The line separating the lot from roads upon which it abuts.
- B. LOT LINE, REAR — The lot line opposite and most distant from the front lot line.
- C. LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT WIDTH — The width of the lot measured at right angles to its center line, at the front building line.

MANURE DIGESTER — A facility designed to use anaerobic digestion processes to convert livestock and poultry manure (“primary catalyst”) into biogas, which is generally burned on-site to produce electricity, heat and water. Manure digesters may include “co-digestion” in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (“secondary catalyst”). Types of manure digesters include covered anaerobic lagoons, plug-flow and/or complete mix (or continually stirred tank reactor). A Manure Digester shall include all equipment, components, structures and buildings used in the conversion, storage and distribution of the energy from the primary and secondary catalyst. **[Added 1-12-2012 by Ord. No. 1-2012]**

MANURE DIGESTER (FARM) — A Manure Digester in which at least seventy five percent (75%) of the primary catalyst used in the digester is generated either on the property where the digester is located or on properties that are owned or leased for agricultural purposes by the same person or entity who operates the digester. **[Added 1-12-2012 by Ord. No. 1-2012]**

MANURE DIGESTER (COMMUNITY) — A Manure Digester in which more than twenty five percent (25%) of the primary catalyst used in the digester is generated on properties on which the digester is not located and which are not owned or leased for agricultural purposes by the same person or entity who operates the digester. **[Added 1-12-2012 by Ord. No. 1-2012]**

MEAN SEA LEVEL — The average height of the sea for all stages of the tide using the National Geodetic Vertical Datum of 1929.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use consisting of two or more mobile home lots.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter.

NONCONFORMING USE — A building, structure, sign, premises or land legally devoted to or occupied by or for a use that does not conform with the provisions of this chapter for the district in which located.

NPDES — National Pollutant Discharge Elimination Systems as authorized by the Federal Water Pollution Control Act, known as the Clean Water Act (33 U.S. Code § 1251). **[Added 11-6-2014 by Ord. No. 3-2014]**

NURSING HOME — A proprietary facility licensed by a governmental authority for the accommodation of persons who require skilled nursing care and related medical services but are not in need of hospital care. A "housing for the elderly project" is distinguished from a nursing home in that an elderly project is primarily of a residential character with only incidental nursing facilities, while a "nursing home" is primarily designed and used for the care of convalescent or ill persons.

OBSTRUCTION — Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or other matter in, along, across, or projecting into any channel, watercourse or floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

OPEN SPACE — That portion of the land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreational use.

PARKING LOT — A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or occupants.

PARKING SPACE — A permanently surfaced area of not less than 180 square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

PENTHOUSE — A structure located on the roof of the main building for purposes of living accommodations or mechanical equipment. When the area of the penthouse exceeds 20% of the area of the roof or when the penthouse is to be occupied by persons, the "penthouse" shall be considered as another story.

PERSON — Any individual or group of individuals, corporations, partnership or any similar entity. **[Added 5-7-2020 by Ord. No. 1-2020]**

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

PLOT — A parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or by metes and bounds.

PRIME AGRICULTURAL SOILS — Soils with an agricultural land capability classification of I, II and III as defined in the most recent edition of the Soil Survey of Lancaster County,

Pennsylvania, published by the United States Department of Agriculture, Soil Conservation Service. **[Added 1-12-2012 by Ord. No. 1-2012]**

PRIVATE ROAD — A legally established right-of-way, other than a street, which provides the primary vehicular access to a lot.

PROPERTY LINE — A recorded boundary of a plot.

PUBLIC NOTICE — A notice published once each week for two successive weeks in a newspaper of general circulation in East Drumore Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. **[Amended 6-15-1995 by Ord. No. 8-1995]**

PUBLIC SYSTEM — A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority. **[added 5-7-2020 by Ord. No. 1-2020]**

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

REAR YARD — The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted, and the rear lot line.

RECREATION AREAS — Areas for playgrounds, playfields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses.

RIGHT-OF-WAY LINE — An established line marking the extent of the road or street right-of-way regardless of whether or not such right-of-way is dedicated.

ROADSIDE STAND — A structure designed or used for the display or sale of agricultural products or other goods produced on the premises upon which such a stand is located.

SCREEN PLANTING — A vegetative material of sufficient height and density to conceal from the view, in adjoining districts, the structures and uses on the premises upon which the screen planting is located.

SHORT-TERM LODGING ACCOMODATION — An owner-occupied dwelling unit that provides rooms for transient occupancy, as defined in this Part, to individuals unrelated to the occupants of the dwelling unit. On a property that contains more than one dwelling unit, short-term lodging accommodations may be offered in each dwelling unit as long as the owners of the property occupy one of the dwelling units as their primary residence. **[Added 5-7-2020 by Ord. No. 1-2020]**

SIDE YARD — The shortest distance, measured horizontally, between any part of a building, other than such parts excepted, and the nearest side lot line.

SIGN — Any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard advertising signs, poster panel or structure which is designed, intended or used to advertise or inform.

SOIL SURVEY — The latest published version of the United States Department of Agriculture's

soil survey for Lancaster County, Pennsylvania.

SOLAR ENERGY SYSTEM — Any device, facility or structure that converts solar energy into another form of energy such as electricity or heat, whether directly or indirectly. A Solar Energy System shall include all equipment, components, structures and buildings used in the conversion, storage and distribution of the converted solar energy, including control units, transformers, inverters, switching equipment, electrical cabinets, pumps, regulators and other associated components of the system. **[Added 1-12-2012 by Ord. No. 1-2012]**

SOLAR ENERGY SYSTEM (SMALL) — A Solar Energy System with a rated capacity of twenty (20) kilowatts per hour or less. **[Added 1-12-2012 by Ord. No. 1-2012]**

SOLAR ENERGY SYSTEM (MEDIUM) — A Solar Energy System with a rated capacity greater than twenty (20) kilowatts per hour but not greater than two hundred (200) kilowatts per hour. **[Added 1-12-2012 by Ord. No. 1-2012]**

SOLAR ENERGY SYSTEM (LARGE) — A Solar Energy System with a rated capacity greater than two hundred (200) kilowatts per hour. **[Added 1-12-2012 by Ord. No. 1-2012]**

SOLID WASTE — Garbage, sludge, refuse, trash, rubbish, debris and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural, residential and community activities.

STORY — That portion of the building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

STREET — Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended for use by vehicular traffic or pedestrians, whether public or private.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders.

STRUCTURE — Any assembly of materials constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including but not limited to buildings, sheds, cabins, mobile homes and trailers, fences, dams, culverts, roads, railroads, bridges, storage tanks, satellite dishes and signs. **[Amended 6-15-1995 by Ord. No. 8-1995]**

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the fair market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

TRANSIENT OCCUPANCY — Use, occupancy, and/or possession of a dwelling unit or portion thereof for a period of 30 consecutive calendar days or less. **[Added 5-7-2020 by Ord. No. 1-2020]**

TRANSIENT OCCUPANT — A person, as defined in this Part, who uses, possesses, or occupies a dwelling unit or portion thereof for a period of 30 consecutive calendar days or less. **[Added 5-7-2020 by Ord. No. 1-2020]**

TOWNSHIP — East Drumore Township, Lancaster County, Pennsylvania.

VARIANCE — An approved modification of the provisions of this chapter for a particular property and as provided in § 912 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.¹

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.

WIND ENERGY SYSTEM — Any device, facility or structure that converts wind power into another form of energy such as electricity or heat using one or more wind turbines. A Wind Energy System shall include all equipment, components, structures and buildings used in the conversion, storage and distribution of the converted wind power, including control units, transformers, inverters, switching equipment, electrical cabinets, pumps, regulators and other associated components of the system. **[Added 1-12-2012 by Ord. No. 1-2012]**

WIND ENERGY SYSTEM (SMALL) — A Wind Energy System with a rated capacity of five (5) kilowatts per hour or less. **[Added 1-12-2012 by Ord. No. 1-2012]**

WIND ENERGY SYSTEM (LARGE) — A Wind Energy System with a rated capacity of greater than five (5) kilowatts per hour. **[Added 1-12-2012 by Ord. No. 1-2012]**

YARD — The open, unoccupied space on the plot between the property line and the front, rear and side building lines.

ZONING MAP — The Zoning Map of East Drumore Township, together with all amendments thereto subsequently adopted.

ZONING OFFICER — The zoning administrative officer or his authorized representative, including zoning inspector(s), appointed by the Township.

ZONING PERMIT — A written statement issued by the Zoning Officer authorizing buildings, structures or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provision.

1. Editor's Note: Section 912 of the Municipalities Planning Code was repealed December 21, 1988, by P.L. 1329, No. 170, § 90. See now 53 P.S. § 10910.2.

ARTICLE III
Establishment of Districts

§ 120-7. Districts enumerated.

The Township is hereby divided into the classes of districts listed below:

- A Agricultural
- R-1 Residential (low density)
- R-2 Residential (high density)
- C Commercial
- I Industrial
- FP Floodplain Conservation
- SS Steep Slope Conservation

§ 120-8. Zoning map.

The boundaries of said districts are hereby established as shown on the East Drumore Township Zoning Map which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. A copy of said map, indicating the latest amendments, shall be kept up to date for the use and benefit of the public.

§ 120-9. Determination of zoning district boundaries.

In determining the boundaries of districts shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets, highways, watercourses or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.
- B. Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
- C. Unless otherwise shown, all district boundaries running parallel to streets shall be construed to be 200 feet back from the rights-of-way of said streets.
- D. In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
- E. In all cases where dimensions are not shown on the Zoning Map, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.

§ 120-10. Floodplain Conservation District Map.

The Floodplain Conservation District Map shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. Should the Floodplain Conservation District be declared inapplicable to any lot by reason of action of the Board of Supervisors in amending this chapter or

the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same or the Zoning Hearing Board or any court of competent jurisdiction in determining the legal effect of the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of § 120-11 which follows.

§ 120-11. Floodplain Conservation District boundaries.

The FP Floodplain District is hereby defined and established to be those areas that are identified in the East Drumore Township Floodplain Management Ordinance, as may be amended, as Identified Floodplain Areas.

§ 120-12. Steep Slope Conservation District Map.

The Steep Slope Conservation District Map shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. Should the Steep Slope Conservation District be declared inapplicable to any lot by reason of action of the Board of Supervisors in amending this chapter, the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same, or the Zoning Hearing Board or any court of competent jurisdiction in determining the legal effect of the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of § 120-13 which follows.

§ 120-13. Steep Slope Conservation District boundaries.

The SS Steep Slope Conservation District is hereby defined to include all land in East Drumore Township with slopes exceeding 15% as identified by the United States Department of Agriculture, Soil Conservation Service, in maps and data comprising the Soil Survey, Lancaster County, Pennsylvania, issued October 1959.

§ 120-14. Boundary disputes.

- A. Zoning district boundaries. In case of uncertainty as to the true location of a zoning district boundary line in a particular instance, the determination thereof shall be made by the Zoning Hearing Board, as provided in Article IX herein.
- B. Floodplain Conservation District boundaries. Disputes concerning the boundary of the Floodplain Conservation District shall be processed in accordance with the East Drumore Township Floodplain Management Ordinance.
- C. Steep Slope Conservation District boundaries.
 - (1) In case of any dispute concerning the boundaries of the Steep Slope Conservation District and after the applicant has provided sufficient information to the Zoning Officer and the Township Engineer regarding the disputed boundary, an initial determination of the boundary shall be made by the Zoning Officer in consultation with the Township Engineer.
 - (2) In situations where an aggrieved party challenges the decision of the Zoning Officer, an appeal may be made to the Zoning Hearing Board where it shall fall upon the appellant to provide the burden of proof whereby appropriate action may be taken.

§ 120-15. Effect of establishment of districts.

- A. Zoning districts. Following August 12, 1980, and except as hereinafter provided:
- (1) No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such building or land is located.
 - (2) No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
 - (3) No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this chapter.
 - (4) Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building complying with local laws in force prior to this chapter, if the following is found to exist:
 - (a) A building permit shall have been duly issued prior to the date of first publication of notice of the public hearing on this chapter.
 - (b) The entire building shall have been constructed in accordance with such plans as have been filed with the Township and shall have been completed within one year from the effective date of this chapter.
 - (c) Any use not permitted by this chapter shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this chapter shall not be deemed to be an exhaustive list but has been included for the purposes of clarity and emphasis and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and thus prohibited.
- B. Floodplain Conservation Districts. The provisions of this chapter create an overlay district which is applicable within floodplains in all other zoning districts established by this chapter. To the extent that the provisions of the Floodplain Conservation District regulations in Article IV of this chapter are applicable and more restrictive, they shall supersede conflicting provisions within all other district regulations of this chapter and all other ordinances of East Drumore Township. However, all other provisions of all other district regulations of this chapter and all other ordinances of the Township shall remain in full force.
- C. Steep Slope Conservation Districts. The provisions of this chapter create an overlay district which is applicable within areas of steep slopes in all other zoning districts established by this chapter. To the extent that the provisions of the Steep Slope Conservation District regulations are applicable and more restrictive, they shall supersede conflicting provisions within all other district regulations of this chapter and all other ordinances of East Drumore

Township. However, all other provisions of all other district regulations and all other ordinances of the Township shall remain in full force.

- D. Uses Not Provided For. Whenever, in this ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant for such use, the zoning officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to or compatible with the permitted uses in the district in which the subject property is located, is not permitted under any other district under the terms of this zoning ordinance, and does not conflict with the general purposes and intent of this ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets all applicable criteria and would not be detrimental to the public health, safety and welfare of the neighborhood. An applicant shall satisfy the requirements for conditional uses set forth in § 120-62.2 and establish by credible evidence that the following criteria have been met:
- (1) The application complies with all criteria establish for the respective land use proposal addressed elsewhere in this Article.
 - (2) The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
 - (3) The off-street parking provisions are in conformance with those specified in Article V of this Zoning Ordinance
 - (4) Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
 - (5) The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.
 - (6) The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
 - (7) The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
 - (8) Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.)
 - (9) Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
 - (10) The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

- (11) Operations in connection with the use not otherwise provided for will not be more objectionable to nearby properties by reason or noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.
- (12) Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.

[Section 120-15 (D) added 5-7-2020 by Ord. No. 1 – 2020]

ARTICLE IV
District Regulations

§ 120-16. A Agricultural District.

- A. Purpose. Agriculture in East Drumore Township and Lancaster County is a special nonreplaceable resource which needs to be preserved for the benefit of the world and the nation as well as the County and this Township. This is true because:
- (1) The open space of this County is valuable for the health, safety and general welfare of its inhabitants.
 - (2) The soils and climate of this County enable its farmers to produce the largest value of agricultural goods of any non-irrigated County in the nation. Lancaster County has the greatest concentration of Class I prime agricultural soils of any County in the nation.
 - (3) The farmland of Lancaster County has cultural value to its own citizens and also is an attraction to those who are tourists. The aesthetic value of the farmland of Lancaster County is of special significance.
 - (4) The Commonwealth of Pennsylvania has, by provisions in the Pennsylvania Municipalities Planning Code,² special tax assessments, publications of various departments and statements by top officials, shown an interest in preserving agricultural land.
 - (5) The Lancaster County Planning Commission has determined by its Comprehensive Plan, Directions: A Comprehensive Plan for Lancaster County, Pennsylvania, that there is more than sufficient land available in the County for residential, commercial and industrial needs without infringing upon the agricultural areas which Directions proposes for preservation.
 - (6) The present character of the agricultural land is such that it is a valuable national economic resource necessary of preservation.
 - (7) The open space areas of Lancaster County are an integral part of the culture which has

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

attracted people and industry to the County and are thus a part of the lifestyle of the County.

- B. Specific intent. In addition to the objectives established in Article I herein, it is the specific intent of these regulations to establish districts which will:
- (1) Protect and stabilize agriculture in areas of productive soils as an ongoing, viable, major component of the economy of the Township and of Lancaster County.
 - (2) Permit only those land uses and activities which are agricultural in nature.
 - (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 building purposes.
 - (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 narrow roads used to move farm machinery and livestock; additional litter, which is a nuisance to crop farming and a danger to livestock; possible damage and loss of crops and livestock from theft, mischief or trespass; and complaints about odors, noise, dust, barbed wire or electric fences, night operations and other items which are a normal part of farming. For the residential occupant there are the nuisances and health and safety hazards alluded to above 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) Guide development incompatible with agriculture into more appropriate zoning districts.
 - (7) Provide maximum protection to existing and future agricultural enterprises.
- C. Primary use. In the A Agricultural District, agriculture is the primary use with residential uses subject to farm operations. Residential uses must accept the nuisances and hazards which are a normal adjunct to farming. Future population and housing demand projections for the Township and County have been analyzed, and future population growth and housing needs can be accommodated in other zoning districts, given their size and permitted densities.
- D. Permitted uses. The following uses and no others are permitted as uses by right:
- (1) The raising of field and garden crops, vineyard and orchard farming, forestry, the maintenance of nurseries and the sale of products thereof.
 - (2) Keeping, breeding and raising of cattle (including dairies), sheep, goats, pigs, fowl and horses and rental of horses, provided that there shall be no barn, stable or similar animal shelter or the storage of manure or other odor-producing substance or use within 200 feet of any lot or street right-of-way line. All manure pits or other manure management facilities shall comply in all respects with Pennsylvania Nutrient Management Rules and Regulations as well as all other state and federal statutes and regulations governing

same. **[Amended 9-1-2005 by Ord. No. 1-2005]**

- (3) Farm dwellings including facilities for permanently employed persons and families who receive housing in lieu of all or part of their wages and for the farm owner, whether or not he is farming the land.
- (4) Non-farm single-family dwellings are permitted on soils with any of the eight agricultural land capability classifications, subject to the area, height, parking and all other applicable provisions of this chapter and the following additional limitations:
 - (a) Maximum net density. The number of lots into which a parcel of land may be subdivided shall be determined by the acreage of the parcel of land on August 10, 1984, as such acreage is set forth either on an existing deed or on an approved subdivision plan recorded with the Lancaster County Recorder of Deeds Office. All lots created by subdivision shall conform to all other provisions of this chapter.
 - [1] Parcels containing not more than 25 acres may have one lot subdivided with a minimum lot size as determined by the results of a sewage facility planning module study approved in accordance with PADER requirements (25 Pa. Code Chapter 71, as amended) or 30,000 square feet, whichever is greater.
 - [2] Parcels containing at least 25 acres may subdivide one lot for each 25 acres or portion of 25 acres, with a minimum lot size as determined by the results of a sewage facility planning module study approved in accordance with PADER requirements (25 Pa. Code Chapter 71, as amended) or 30,000 square feet, whichever is greater.
 - (b) No parcel regardless of size, subdivided from its parent tract after August 10, 1984, shall qualify for a greater number of lots than would have been permitted under this section in the absence of such subdivision from the parent tract.
 - (c) Similarly, any subsequent owner of any parcel of contiguous land in single ownership existing on August 10, 1984, shall be bound by the actions of prior owners, and no such parcels shall qualify for a greater number of lots than would have been permitted under this section in the absence of such a change of ownership.
 - (d) The maximum lot size for any new non-farm single-family dwelling shall be two (2) acres. A lot may exceed two acres only if required to do so by the results of a sewage facility planning module approved in accordance with PADER requirements (25 Pa. Code Chapter 71, as amended).

[Section 120-16 (D) (4) added 5-7-2020 by Ord. No. 1-2020]

- (5) The following uses are permitted by right only on soils with agricultural land capability of classifications of IV, V, VI, VII or VIII, as defined by the United States Department of Agriculture.

- (a) Commercial grain or commercial feed mills.
 - (b) Commercial stockyards or commercial feedlots, provided that there shall be no barn, stable or other animal shelter or the storage of manure or other odor-producing substance or use within 200 feet of any lot or street right-of-way line.
 - (c) Riding academies or stables. [**Added 11-6-2014 by Ord. No. 3-2014**]
- E. Accessory uses. Accessory uses shall be as follows:
- (1) Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.
 - (2) Customary home occupations, provided that:
 - (a) No display of goods is visible from the street.
 - (b) Such occupation is incidental to the residential use of the premises and may be carried on in the principal building by a resident therein with not more than two nonresident assistants.
 - (c) Such occupation is carried on in an area not exceeding 33% of the floor area of the principal building. [**Amended 5-7-1998 by Ord. No. 1-1998**]
 - (d) At no time shall any premises be used in such a manner to cause the emanation therefrom of offensive or noxious odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise or radiation beyond that provided in § 120-46 or be used in such a manner as to cause injury, annoyance or disturbance to any of the surrounding properties and to their owners and occupants.
 - (e) Off-street parking must be provided for all employees and customers.
 - (3) Display and sale of farm products by a person farming land in the A Agricultural District, provided that:
 - (a) At least 1/2 of all products sold must be produced on the premises.
 - (b) Any structure which is used for the display or sale of farm products shall be at least **15** feet from any lot line and the street right-of-way line.
 - (c) Off-street parking must be provided for all employees and customers.
 - (d) The structure and requisite parking area shall not together occupy more than 2,000 square feet of area for every 10 acres in the farm.
 - (4) Processing of farm products, where such use is designed to be accessory to the raising or growing of such products and is located on the same property on which the products are raised or grown.
 - (5) Signs advertising or identifying any use which has been established in the A Agricultural District as a permitted use or special exception use. These shall be permitted subject to the following limitations:

- (a) All such signs shall be located on the same premises at which the use is located, except as specified in § 120-45 of this chapter.
 - (b) There shall be only one such sign for each use; however, such sign may have two faces.
 - (c) The maximum size of the face of any such sign shall be 20 square feet. **[Amended 5-7-1998 by Ord. No. 1-1998]**
 - (d) The maximum total height of any such sign shall be 15 feet.
- (6) Manure Digester (Farm) subject to the requirements of §120-47.1. **[Added 1-12-2012 by Ord. No. 1-2012]**
 - (7) Solar Energy System (Small) subject to the requirements of §120-47.2 (A). **[Added 1-12-2012 by Ord. No. 1-2012]**
 - (8) Solar Energy System (Medium), both rooftop and free-standing, subject to the requirements of § 120-47.2 (A) and provided that no more than one (1) acre of Prime Agricultural Soils may be utilized for such a system. **[Added 1-12-2012 by Ord. No. 1-2012]**
 - (9) Wind Energy System (Small) subject to the requirements of §120-47.2 (B). **[Added 1-12-2012 by Ord. No. 1-2012]**
 - (10) Short-term Lodging Accommodations not to exceed six (6) transient occupants in accordance with § 120-47.3. **[Added 5-7-2020 by Ord. No. 1-2020]**
- F. Uses by special exception. Only the following uses and activities may be permitted by special exception upon approval of the Zoning Hearing Board after a public hearing and recommendation by the Commission. Uses by special exception shall be subject to the area, height, and parking requirements and any other applicable provisions of Article V and this chapter.
- (1) The following uses are permitted by special exception in an agricultural district on soils with any of the eight agricultural land capability classifications as defined in the most recent edition of the Soil Survey of Lancaster County, Pennsylvania, published by the United States Department of Agriculture, Soil Conservation Service, except that no more than ten (10) acres of prime agricultural soils (classifications of I, II, or III) may be used for any of these uses:
 - (a) Processing of farm products grown in East Drumore Township, provided that the basic purpose and design of use is intended for the processing of products raised or grown on the premises, and further provided that the maximum area on which such processing occurs shall be two (2) acres.
 - (b) Public and nonprofit private schools for elementary and secondary education without residential facilities. See § 120-32.
 - (c) Home occupations in an accessory building subject to Subsection E(2)(a), (d) and (e) of this section.

- (d) Places of worship, including accessory buildings such as parish houses and church school facilities.
 - (e) Facilities for the warehousing, sale and service of agricultural equipment, vehicles, feed or supplies.
 - (f) Veterinary offices or animal hospitals.
 - (g) Kennels, provided that, in addition to all other requirements of this chapter, all kennels shall be located a minimum of 400 feet from the nearest residence and 200 feet from the nearest property line. In no event shall any kennel contain more than 25 dogs over six months old. Dogs shall not be permitted in outside yards or pens after 8:00 p.m.
 - (h) Municipal government uses.
 - (i) Farm-Support Businesses subject to the criteria set forth in § 129-39.1.
 - (j) Bed-and-Breakfasts subject to the criteria set forth in § 129-39.3
- (2) The following uses are permitted by special exception only on soils with agricultural land capability classifications of IV, V, VI, VII, and VIII as defined in the most recent edition of the Soil Survey of Lancaster County, Pennsylvania, published by the United States Department of Agriculture, Soil Conservation Service.
- (a) Membership clubs and camps and outdoor recreation facilities such as private playgrounds, golf clubs, swimming pools and tennis courts.
 - (b) Commercial camps and resorts.
 - (c) Extraction of sand, gravel and other materials and the removal of natural resources.
 - (d) Airports and landing strips.

[Section 120-16 (F) amended 5-7-2020 by Ord. No. 1-2020]

G. Area and height regulations. Area and height regulations shall be as follows:

- (1) Lot area (minimum required):
 - (a) Farms: 20 acres. **[Amended 6-19-1995 by Ord. No. 8-1995]**
 - (b) Farm dwellings:
 - [1] First dwelling: 20 acres, which may be coincidental with the 20 acres required for the permitted farm use. **[Amended 6-19-1995 by Ord. No. 8-1995]**
 - [2] Additional dwellings: two additional acres for each additional dwelling.
 - (c) Non-farm single-family dwelling: the minimum lot size as determined by the results of a sewage facility planning module study approved in accordance with PADER requirements (25 Pa. Code Chapter 71, as amended) or 30,000 square

feet, whichever is greater. A single-family dwelling may be erected on existing lots that are less than 30,000 square feet if the lot existed as of August 10, 1984 and the lot can meet the PADER requirements for an on-lot sewage disposal system. **[Amended 5-7-2020 by Ord. No. 1-2020]**

- (d) All other permitted uses and uses by special exception: two acres. **[Amended 5-7-2020 by Ord. No. 1-2020]**
- (2) Lot width (minimum required):
- (a) Farm dwellings and nonfarm single-family dwellings, 150 feet.
- (b) All other permitted uses and uses by special exception: As required by the Zoning Board after a hearing. **[Added 11-6-2014 by Ord. No. 3-2014]**
- (3) Lot depth (minimum required):
- (a) Farm dwellings and nonfarm single-family dwellings: 200 feet. **[Amended 5-6-2010 by Ord. No. 2-2010]**
- (b) All other permitted uses by special exception: as required by the Zoning Board after a hearing. **[Added 11-6-2014 by Ord. No. 3-2014]**
- (4) Yard requirements (minimum required): **[Amended 5-7-2020 by Ord. No. 1-2020]**

Type	Front (feet)	Side (feet)	Rear (feet)
Farm dwellings	50	50	50
Nonfarm single-family dwellings	50	20 (one side) 50 (two sides)	30
Poultry shelters housing less than 50 birds	50	50	50
Swine shelters housing less than 5 swine	50	50	50
Shelters housing less than 10 animals other than swine or poultry	50	50	50
Poultry shelters housing more than 50 birds, swine shelters housing more than 5 swine, other animal shelters housing more than 10 animals and all other odor- and dust-producing uses*	200	200	200
Other farm and nonfarm structures	50	20 (one side) 50 (two sides)	50

*NOTE: No poultry or swine shelter or combination of shelters with a floor area exceeding

12,500 square feet shall be located within 400 feet of any dwelling except dwellings located on the same farm.

- (5) Lot coverage (maximum permitted):
 - (a) Permitted uses: 20%. **[Amended 11-6-2014 by Ord. No. 3-2014]**
 - (b) Permitted uses and uses by special exception when located on the same or a separate lot: 20%. **[Amended 11-6-2014 by Ord. No. 3-2014]**
- (6) Building height (maximum permitted):
 - (a) Barns, silos and other agricultural buildings: none.
 - (b) All other buildings: 35 feet.

H. Parking requirements. Parking requirements shall be as follows:

- (1) All dwellings: two spaces per dwelling unit.
- (2) All other uses: as specified in § 120-42 of this chapter.

I. Buffer planting. Whenever any of the following uses are created on any property in the A Agriculture District which adjoins the boundary between said district and any other zoning district where residential structures exist as permitted or special exception on properties which adjoin that same boundary, a landscaped screen shall be provided along the district boundary by the owner of the use being created.

- (1) Facilities for the commercial processing of agricultural products.
- (2) Facilities for the warehousing, sales and service of agricultural equipment, vehicles or supplies.
- (3) Commercial grain or commercial feed mills.
- (4) Commercial stockyards or commercial feedlots.
- (5) Kennels.
- (6) Display and sale of farm products.

J. Uses by Conditional Use. Only the following uses are permitted by conditional use upon approval by the Board of Supervisors after a public hearing and recommendation by the Commission. Uses by conditional use shall be subject to all applicable requirements set forth in this chapter.

- (1) Manure Digester (Community) subject to the requirements of §120-47-1.
- (2) Solar Energy System (Large) subject to the requirements of §120-47.2 (A) and provided that such a system is mounted on the roof of an approved building and is not free standing. **[Added 1-12-2012 by Ord. No. 1-2012]**

§ 120-17. R-1 Residential District (low density).

A. Specific intent. In addition to the objectives established in Article I herein, it is the specific

intent of these regulations to establish districts which will:

- (1) Encourage planned large-lot residential development.
- (2) Provide areas for low-density residential uses in locations where on-lot utilities may be feasible.

B. Permitted uses. The following uses and no others are permitted as uses by right:

- (1) Single-family dwellings.
- (2) Two-family dwellings not to exceed one such structure per lot.

C. Accessory uses. Accessory uses shall be as follows:

- (1) Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.
- (2) Customary home occupations, provided that:
 - (a) No display of goods is visible from the street.
 - (b) Such occupation is related and/or incidental to the residential use and can be conducted in the principal building or an accessory building by a resident of the premises with not more than two nonresident assistants. **[Amended 11-6-2014 by Ord. No. 3-2014]**
 - (c) Such occupation does not use more than 33% of the floor area of the principal building or, if conducted in an accessory building, more than 50% of the size of the principal building's floor area. **[Amended 5-7-1998 by Ord. No. 1-1998; 9-1-2005 by Ord. No. 1-2005; 11-6-2014 by Ord. No. 3-2014]**
 - (d) At no time shall any premises be used in such a manner to cause the emanation therefrom of offensive or noxious odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise or radiation beyond that provided in § 120-46 or be used in such a manner as to cause injury, annoyance or disturbance to any of the surrounding properties and to their owners and occupants.
 - (e) Off-street parking must be provided for all employees and customers.
- (3) Professional offices or studios, provided that:
 - (a) Such office or studio is incidental to the residential use of the premises and is carried on by the resident thereof with not more than two nonresident assistants.
 - (b) Such office or studio shall occupy not more than 33% of the floor area of the principal building. **[Amended 5-7-1998 by Ord. No. 1-98]**
 - (c) Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
 - (d) Equipment capable of causing interference with radio or television reception in the community shall be prohibited unless also equipped with means to prevent

such interference.

- (e) Off-street parking must be provided for all employees and all clients, students or patients.
 - (4) Garden houses, tool houses, playhouses, wading pools or swimming pools incidental to the residential use of the premises and not operated for gain. All such wading or swimming pools shall be subject to the provisions of § 120-40G hereof.
 - (5) Private garages. In such garages with two or more passenger automobile spaces, one such space may be leased to persons not resident on the premises.
 - (6) The keeping of a reasonable number of customary household pets, but excluding the commercial breeding or keeping of the same. All such household pets shall not be penned or housed within the applicable minimum yard requirements of any lot. **[Amended 11-6-2014 by Ord. No. 3-2014]**
 - (7) Signs. Subject to the procedural requirements of § 120-45, entitled "Signs," no signs shall be permitted except in accordance with the provisions of § 120-45D, E and F of this chapter.
 - (8) No wrecked or junked vehicles or parts thereof may be parked or stored on any lot. **[Added 5-6-2010 by Ord. No. 2-2010]**
 - (9) Solar Energy Systems (Small) subject to the requirements of §120-47.2 (A) and provided that such a system is mounted on the roof of an approved building and is not free standing. **[Added 1-12-2012 by Ord. No. 1-2012]**
 - (10) Solar Energy Systems (Medium) subject to the requirements of § 120-47.2 (A) and provided that such a system is mounted on the roof of an approved building and is not free standing. **[Added 1-12-2012 by Ord. No. 1-2012]**
 - (11) Short-term Lodging Accommodations not to exceed six (6) transient occupants in accordance with § 120-47.3. **[Added 5-6-2020 by Ord. No. 1-2020]**
- D. Uses by special exception. The following uses and activities may be permitted by special exception upon approval of the Zoning Hearing Board after a public hearing and recommendation by the Commission. Uses by special exception shall be subject to the requirements specified in Article V and elsewhere in this chapter. **[Amended 5-7-2020 by Ord. No. 1-2020]**
- (1) Places of worship, including accessory building such as parish houses and church school facilities.
 - (2) Cemeteries.
 - (3) Schools, colleges, and other educational institutions.
 - (4) Philanthropic and religious institutions, hospitals, nursing homes and sanitarium for medical care.
 - (5) Conversions of an existing single-family dwelling structure to a two-or-more-family

dwelling.

- (6) Municipal government uses.
- (7) Boarding of Horses subject to the criteria set forth in section 129-39.2.
- (8) Bed-and-Breakfasts subject to the criteria set forth in section 129-39.3.

E. Area and bulk regulations. Area and bulk regulations shall be as follows:

- (1) Lot size (minimum required). The minimum lot size will be determined by the results of a sewage facility planning module study approved in accordance with PADER requirements (25 Pa. Code Chapter 71, as amended) or the minimum lot size listed below, whichever is greater. **[Amended 6-6-1991 by Ord. No. 3-91]**
 - (a) Single-family dwelling: 30,000 square feet.
 - (b) Two-family dwelling: 45,000 square feet.
 - (c) Uses by special exception: as specified in Article V.
- (2) Lot width (minimum required):
 - (a) Single-family dwelling: 150 feet.
 - (b) Two-family dwelling: 200 feet.
 - (c) Uses by special exception: as specified in Article V.
- (3) Lot depth (minimum required):
 - (a) Single-family dwelling and two-family dwelling: 150 feet.
 - (b) Uses by special exception: as specified in Article V.
- (4) Yard requirements (minimum required):

	Total			
Type	Front (feet)	One Side (feet)	Two Sides (feet)	Rear (feet)
Single-family dwelling and two-family dwelling	50	20	50	30
Uses by special exception		as specified in Article V		

- (5) Lot coverage (maximum permitted):
 - (a) All uses: 20%.
- (6) Building height (maximum permitted):
 - (a) All uses: 35 feet.

- (b) Towers, spires, chimneys, elevator penthouses and similar structures are exempt from height limitations (see Article VI).

F. Parking requirements. Parking requirements shall be as follows:

- (1) Single-family and two-family dwellings: two spaces per dwelling unit.
- (2) All other uses: as specified in § 120-42 of this chapter.

§ 120-18. R-2 Residential District (high density).

A. Specific intent. In addition to the objectives established in Article I herein, it is the specific intent of these regulations to establish districts which will:

- (1) Encourage high-density residential development in areas where it is feasible to provide centralized utilities.
- (2) Encourage planned and serviced residential subdivisions.
- (3) Provide residential environments which can create good living qualities and which will be in harmony with existing development and least detrimental to natural features and resources.

B. Permitted uses. The following uses and no others are permitted as uses by right:

- (1) Single-family dwellings.
- (2) Two-family dwellings not to exceed one such structure per lot.
- (3) Boarding-, lodging or rooming houses.

C. Accessory uses. Accessory uses shall be as follows:

- (1) Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.
- (2) Customary home occupations, provided that:
 - (a) No display of goods is visible from the street.
 - (b) Such occupation is related and/or incidental to the residential use and can be conducted in the principal building or an accessory building by a resident of the premises with not more than two nonresident assistants. **[Amended 9-1-2005 by Ord. No. 1-2005; 11-6-2014 by Ord. No. 3-2014]**
 - (c) Such occupation does not use more than 33% of the floor area of the principal building or, if conducted in an accessory building, more than 50% of the size of the principal building's floor area. **[Amended 5-7-1998 by Ord. No. 1-98; 9-1-2005 by Ord. No. 1-2005; 11-6-2014 by Ord No. 3-2014]**
 - (d) At no time shall any premises be used in such a manner to cause the emanation therefrom of offensive or noxious odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise or radiation beyond that provided in § 120-46 or be used in such a manner as to cause injury, annoyance or disturbance to any of the surrounding

properties and to their owners and occupants.

- (e) Off-street parking is provided for all employees and customers.
 - (3) Professional offices or studios, provided that:
 - (a) Such office or studio is incidental to the residential use of the premises and is carried on by the resident thereof with not more than two nonresident assistants.
 - (b) Such office or studio shall occupy not more than 33% of the floor area of the principal building. **[Amended 5-7-1998 by Ord. No. 1-1998]**
 - (c) Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
 - (d) Equipment capable of causing interference with radio or television reception in the community shall be prohibited unless also equipped with means to prevent such interference.
 - (e) Off-street parking is provided for all employees and clients, patients and students.
 - (4) Garden houses, tool houses, playhouses, wading pools or swimming pools incidental to the residential use of the premises and not operated for gain. All such wading or swimming pools shall be subject to the provisions of § 120-40G hereof.
 - (5) Private garages. In such garages with two or more passenger automobile spaces, one such space may be leased to persons not resident on the premises.
 - (6) The keeping of a reasonable number of customary household pets but excluding the commercial breeding or keeping of the same. All such household pets shall not be penned or housed within the applicable minimum yard requirements of any lot. **[Amended 11-6-2014 by Ord. No. 3-2014]**
 - (7) Signs. Subject to the procedural requirements of § 120-45, entitled "Signs," no signs shall be permitted except in accordance with the provisions of § 120-45D, E and F of this chapter.
 - (8) No wrecked or junked vehicles or parts thereof may be parked or stored on any lot. **[Added 5-6-2010 by Ord. No. 2-2010]**
 - (9) Solar Energy System (Small) subject to the requirements of §120-47.2 (A) and provided that such a system is mounted on the roof of an approved building and is not free standing. **[Added 5-6-2010 by Ord. No. 2-2010]**
 - (10) Solar Energy System (Medium) subject to the requirements of § 120-47.2 (A) and provided that such a system is mounted on the roof of an approved building and is not free standing. **[Added 5-6-2010 by Ord. No. 2-2010]**
 - (11) Short-term Lodging Accommodations not to exceed four (4) transient occupants in accordance with § 120-47.3. **[Added 5-7-2020 by Ord. No. 1-2020]**
- D. Uses by special exception. The following uses and activities may be permitted by special

exception upon approval of the Zoning Hearing Board after a public hearing and recommendation by the Commission. Uses by special exception shall be subject to the requirements specified in Article V and elsewhere in this chapter.

- (1) Places of worship, including accessory buildings such as parish houses and church school facilities.
- (2) Cemeteries.
- (3) Schools, colleges and other educational institutions.
- (4) Philanthropic and religious institutions, hospitals, nursing homes, continuing-care retirement communities and sanitarium for medical care. **[Amended 10-12-1988 by Ord. No. 2-1988]**
- (5) Conversions of an existing residential structure from a one-family dwelling to a two-or-more-family dwelling.
- (6) Multiple dwellings, including apartments, row or attached dwellings and townhouses.
- (7) Mobile home parks and trailer camps in complete compliance with Article VII of the East Drumore Township/Lancaster County Subdivision and Land Development Ordinance.
- (8) Boarding of Horses subject to the criteria set forth in section 120-39.2. **[Amended 5-7-2020 by Ord. No. 1-2020]**

E. Area and height regulations. Area and height regulations shall be as follows:

- (1) Lot size (minimum required). The minimum lot size will be as determined by a sewage facility planning module study completed in accordance with PADER (25 Pa. Code Chapter 71, as amended) or the minimum lot size listed below, whichever is greater. **[Amended 6-6-1991 by Ord. No. 3-1991]**
 - (a) Single-family dwelling and boarding-, lodging or rooming house:
 - [1] No community water or sewer service: 30,000 square feet.
 - [2] Community water or community sewer service only: 20,000 square feet.
 - [3] Both community water and community sewer service: 10,000 square feet.
 - (b) Two-family dwelling:
 - [1] No community water or sewer service: 40,000 square feet.
 - [2] Community water or community sewer service only: 25,000 square feet.
 - [3] Both community water and community sewer service: 15,000 square feet.
 - (c) Uses by special exception: as specified in Article V.
- (2) Lot width (minimum required): **[Amended 6-6-1991 by Ord. No. 3-1991]**
 - (a) Single-family dwelling and boarding-, lodging or rooming house:

- [1] No community water or sewer service: 150 feet.
- [2] Community water or community sewer service only: 100 feet.
- [3] Both community water and community sewer service: 80 feet.
- (b) Two-family dwelling:
 - [1] No community water or sewer service: 150 feet.
 - [2] Community water or community sewer service only: 120 feet.
 - [3] Both community water and community sewer service: 100 feet.
- (c) Uses by special exception: as specified in Article V.
- (3) Lot depth (minimum required): **[Amended 6-6-1991 by Ord. No. 3-1991]**
 - (a) Single-family dwelling, two-family dwelling and boarding-, lodging or rooming house:
 - [1] No community water or community sewer service: 150 feet.
 - [2] Community water or community sewer service only: 120 feet.
 - [3] Both community water and community sewer service: 120 feet.
 - (b) Uses by special exception: as specified in Article V.
- (4) Yard requirements (minimum requirement): **[Amended 6-6-1991 by Ord. No. 3-91]**

Type	Front (feet)	One Side (feet)	Total Side (feet)	Rear (feet)
Single-family dwelling and boarding-lodging or rooming houses				
No community water or community sewer service	35	20	50	30
Community water or community sewer service only	25	15	35	25
Both community water and community sewer service	25	10	25	25
Two-family dwelling				
No community water or community sewer service	35	25	50	45
Community water or community sewer service only	25	20	40	35

Both community water and community sewer service	25	15	30	35
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Uses by special exception

As specified in Article V

(5) Lot coverage (maximum permitted): **[Amended 6-6-1991 by Ord. No. 3-1991]**

(a) All uses:

[1] No community water or community sewer service: 25%.

[2] Community water or community sewer service only: 30%.

[3] Both community water and community sewer service: 35%.

(6) Building height (maximum permitted):

(a) All uses: 35 feet.

(b) Spires, chimneys, elevator penthouses and similar structures are exempt from height limitations (see Article VI).

F. Parking requirements. Parking requirements shall be as follows:

(1) All dwellings: two spaces per dwelling unit.

(2) Rooming, lodging or boarding house: one space, plus one space per rental room.

(3) All other uses: as specified in § 120-42 of this chapter.

§ 120-19. C Commercial Districts.

A. Specific intent. In addition to the objectives established in Article I herein, it is the specific intent of these regulations to establish districts which will:

(1) Permit the logical development of land for business which is designed to meet the daily needs of surrounding residential areas.

(2) Ensure a business environment of sustained desirability.

(3) Assure the suitable development of such business so that the surrounding residential development is protected.

(4) Avoid increases in traffic volumes which would be in excess of the designed capacities of any access streets.

B. Use standards. Uses permitted in the C Commercial Districts shall be subject to the following conditions:

(1) All business establishments shall be business establishments which deal directly with the customer. All goods produced on the premises shall be sold exclusively on the premises where produced.

(2) Parking, loading or service areas used by motor vehicles shall be physically separated

from all streets by a suitable barrier against unchanneled motor vehicle access or egress. The roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.

- (3) All access roads or driveways shall be located not less than 40 feet from the intersection of any street right-of-way lines and shall be designed in a manner conducive to safe ingress and egress.
- (4) Along each property line which is adjacent to a residential district or lot in residential use, the owner shall be required to maintain a buffer strip of a minimum of 10 feet wide which shall be planted with a hedge, evergreen shrubbery or suitable vegetation to provide appropriate screening against noise, glare, fumes, dust and other harmful effects consistent with the existent vegetation and the permitted use of the adjacent residential property.
- (5) The total floor area in any principal building shall not exceed 30,000 square feet.

C. Permitted uses. The following uses and no others are permitted as uses by right:

- (1) Retail businesses, such as variety stores, apparel stores, drugstores, grocery stores, eating and drinking establishments, antique shops, music shops, sporting goods stores and book, stationery, magazine, candy and tobacco shops and garden centers.
- (2) Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices, and municipal government uses. **[Amended 5-6-2010 by Ord. No. 2-2010]**
- (3) Personal services, such as barbershops, beauty salons, photographic studios, coin-operated laundromats, tailors, dress-making, millinery and dry-cleaning and laundry pickup stations where the processing is to be done elsewhere, but excluding establishments primarily designed to provide drive-in facilities.
- (4) Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops and shoe-repair shops.
- (5) Automotive vehicle and farm equipment sales and services, including service stations, repair garages and automotive and farm equipment supplies, subject to the following conditions: **[Amended 9-1-2005 by Ord. No. 1-2005]**
 - (a) The minimum lot size for such service stations shall be 40,000 square feet, and the minimum street frontage shall be 150 feet.
 - (b) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet nor more than 30 feet, shall be located not nearer than 30 feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any street right-of-way or portion thereof.
 - (c) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies shall be located within completely enclosed buildings.

- (d) The storage of gasoline or flammable fuels in bulk shall be not nearer than 50 feet away from any property line other than the street right-of-way line. **[Amended 5-6-2010 by Ord. No. 2 - 2010]**
 - (e) Except for trucks during delivery of fuel, no gasoline pump or fuel delivery truck shall be located or parked nearer than 25 feet from any street right of way line or property line. **[Amended 5-6-2010 by Ord. No. 2-2010]**
 - (f) No building permit for a motor vehicle service station or fuel storage or distribution facility shall be issued for any lot located within a distance of 200 feet from any school, church, hospital or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons, said distance to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the district where either premises are located. **[Amended 5-6-2010 by Ord. No. 2-2010]**
- (6) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products which is clearly incidental to a retail or service business and where goods so produced or processed are to be sold exclusively on the premises, provided that:
 - (a) The area used for such purposes shall be fully concealed from any street and shall be not greater in area than 20% of the square feet devoted to retail sales.
 - (b) Not more than two employees are engaged in such production or processing.
 - (7) Places of worship.
 - (8) Public utility buildings necessary to areas within the Township, subject to such conditions and safeguards as the Planning Commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed building is to be erected.
 - (9) Dwellings in which rooms are offered for transient occupancy but which are not owner-occupied (subject to compliance with the licensing requirements of § 120-47.3 for Short-Term Lodging Accommodations). **[Added 5-7-2020 by Ord. No. 1-2020]**
 - (10) Multiple dwelling units, including apartments, row or attached dwellings and townhouses subject to the area and bulk requirements set forth in § 120-18. **[Added 5-7-2020 by Ord. No. 1-2020]**
- D. Accessory uses. Accessory uses shall be as follows:
- (1) Accessory buildings, structures or uses subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses and that will not create a nuisance or hazard to life or property.
 - (2) Signs. Subject to the procedural requirements of § 120-45, entitled "Signs," no signs shall be permitted except in accordance with the provisions of § 120-45G hereof.
 - (3) Solar Energy System (Small) subject to the requirements of §120-47.2 (A).

- (4) Solar Energy System (Medium) subject to the requirements of §120-47.2 (A).
- (5) Wind Energy System (Small) subject to the requirements of §120-47.2 (B).
- E. Uses by special exception. Only the following uses are permitted by special exception upon approval of the Zoning Hearing Board after a public hearing and recommendation by the Commission. Uses by special exception shall be subject to the requirements specified in Article V and elsewhere in this chapter.
 - (1) Shopping centers.
 - (2) Motels.
 - (3) Drive-in facilities such as fast-food services and drive-in banks.
 - (4) Boarding of Horses subject to the criteria set forth in § 120-39.2 **[Added 5-7-2020 by Ord. No. 1-2020]**
 - (5) Bed-and-Breakfasts subject to the criteria set forth in § 120-39.3. **[Added 5-7-2020 by Ord. No. 1-2020]**
 - (6) Banquet halls, community centers, special event venues and similar facilities. **[Added 5-7-2020 by Ord. No. 1-2020]**
- F. Area and height regulations. Area and height regulations shall be as follows:
 - (1) Lot size (minimum required). The minimum lot size will be as determined by the results of a sewage facility planning module study approved in accordance with PADER requirements (25 Pa. Code Chapter 71, as amended) or 30,000 square feet, whichever is greater. **[Amended 6-6-1991 by Ord. No. 3-1991]**
 - (2) Lot width (minimum required): 100 feet.
 - (3) Lot depth (minimum required): 100 feet.
 - (4) Yard requirements (minimum required):

Type	Front (feet)	Side (feet)	Rear (feet)
All conditions	35	--	--
Adjacent to commercial use	--	--	15
Adjacent to residential use	--	35	35

[Amended 5-6-2010 by Ord. No. 2-2010]
 - (5) Lot coverage (maximum permitted): 50%. **[Amended 9-1-2005 by Ord. No. 1-2005]**
 - (6) Building height (maximum permitted): 35 feet.
- G. Parking requirements. Parking requirements shall be as follows:

- (1) Customer parking: as specified in § 120-42 of this chapter.
 - (2) Employee parking: one space per employee, including part-time employees.
- H. Uses by Conditional Use. Only the following uses are permitted by conditional use upon approval by the Board of Supervisors after a public hearing and recommendation by the Commission. Uses by conditional use shall be subject to all applicable requirements set forth in this chapter.
- (1) Solar Energy Systems (Large) subject to the requirements of §120-47.2 (A).
 - (2) Wind Energy System (Large) subject to the requirements of § 120-47.2 (B).
 - (3) Alternative Energy System subject to the requirements of § 120-47.2 (C).

§ 120-20. I Industrial District.

- A. Specific intent. In addition to the objectives established in Article I herein, it is the specific intent of these regulations to establish districts which will:
- (1) Consolidate the various locations of industrially related land uses which, because of their shipping, storage and other requirements, exert special demands on the Township.
 - (2) Provide locations for industrial uses which are readily accessible to established transportation routes.
 - (3) Reduce negative aesthetic impact on other land uses in the Township.
 - (4) Ensure that the land most suitable for industrial activities will be protected from intrusion of noncompatible uses.
- B. Use standards. Uses permitted in the I Industrial District shall be subject to the following conditions:
- (1) All access roads or driveways shall be located not less than 40 feet from the intersection of any street right-of-way lines and shall be designed in a manner conducive to safe ingress and egress.
 - (2) Parking, loading or service areas used by motor vehicles may be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. The roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.
 - (3) Illumination. When lot lines lie within 35 feet of a residence district boundary or any lot in residential use, any illumination or floodlighting shall be arranged so there will be no glare of lights toward such lot or district boundary line.
 - (4) All outdoor principal uses and all outdoor storage facilities, including parking and loading areas and public utility structures, shall be subject to the approval of the Commission.
 - (5) Along each property line which is adjacent to a residential district or lot in residential

use, the owner may be required to maintain a buffer strip 10 feet wide upon which shall be planted a hedge, evergreen shrubbery or suitable vegetation to provide appropriate screening against noise, glare, fumes, dust and other harmful effects consistent with the existent vegetation and the permitted use of the adjacent residential property.

(6) Landscaping.

(a) The entire lot shall be suitably landscaped (except for those areas which are covered by buildings or surfaced as parking or service areas). When lot lines are adjacent to a lot in residential use or a residence district boundary, there shall be planted along such lines trees or shrubs of such type and spacing, as shall be required by the Commission, to adequately screen all operations on the lot from the view of properties in the adjoining residence district. All landscaping shall be properly maintained throughout the life of any use on any lot.

(b) Existing landscaping, retaining walls or trees (with a diameter of eight inches measured 4 1/2 feet above the base of the trunk) located within 20 feet of any street line, lot in residential use or residence district boundary line shall not be removed except with the approval of the Commission.

C. Permitted uses. The following uses and no others are permitted as uses by right:

(1) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling or storage of products or products and materials involving the use of oil, gas or electricity for fuel, except for uses specifically prohibited in Subsection E hereof.

(2) Research, design and development laboratories.

(3) Wholesaling, storing and warehousing, including building contractors, farm supply and building material yards.

(4) Newspaper and printing establishments.

D. Accessory uses shall be as follows:

(1) Accessory buildings, structures or uses subordinate and customarily incidental to and located on the same lot with any of the foregoing permitted uses and that will not create a nuisance or hazard to life or property.

(2) Dwellings only for use of bona fide caretakers or watchmen and their families.

(3) Signs. Subject to the procedural requirements of § 120-45, entitled "Signs," no signs shall be permitted except in accordance with the provisions of § 120-45I hereof.

(4) Solar Energy System (Small) subject to the requirements of §120-47.2 (A).

(5) Solar Energy System (Medium) subject to the requirements of §120-47.2 (A).

(6) Wind Energy System (Small) subject to the requirements of § 120-47.2 (B).

E. Prohibited uses. The following uses are expressly prohibited in the I Industrial District:

- (1) Residences, except as set forth in Subsection D(2) above.
- (2) All uses that do not meet the requirements of § 120-46, entitled "Performance standards."
- (3) Uses of a heavy industrial nature, including:
 - (a) Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes. Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, plastic materials and synthetic resins, pyrosilin, rayon yarn and hydrochloric, nitric, phosphoric and sulphuric acids. Coal, coke and tar products, including gas manufacturing; explosives, gelatin, glue and animal size. Linoleum and oil cloth; matches; paint, varnishes, and turpentine. Rubber (natural or synthetic); soaps, including fat rendering; and starch.
 - (b) The following processes: nitrating of cotton or other materials, magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones.
 - (c) Bulk storage of oil, gasoline or similar flammable liquid above ground except for use on the premises in connection with light industrial activity.
 - (d) Refuse sites, except those owned and/or operated by a municipality.
 - (e) Junk- and auto-wrecking yards.

F. Area and height regulations. Area and height regulations shall be as follows:

- (1) Lot size (minimum required). The minimum lot size will be as determined by the results of a sewage facility planning module study approved in accordance with PADER requirements (25 Pa. Code Chapter 71, as amended) or two acres, whichever is greater. **[Amended 6-6-1991 by Ord. No. 3-1991]**
- (2) Lot width (minimum required): 200 feet.
- (3) Lot depth (minimum required): 200 feet.
- (4) Yard requirements (minimum required):

Type	Front (feet)	Side (feet)	Rear (feet)
Lots within 35 feet of a residence district boundary	100	100	100
Other lots	100	50	50

- (5) Lot coverage (maximum permitted): 35%.

- (6) Building height: 45 feet or three stories.
- G. Parking requirements. Parking requirements shall be as follows:
 - (1) Employee parking (minimum required): one parking space per full-time and part-time employee or one space per 300 square feet of floor area, whichever is greater.
 - (2) Visitor parking: one parking space for each executive and sales staff person.
- H. Uses by Conditional Use. Only the following uses are permitted by conditional use upon approval by the Board of Supervisors after a public hearing and recommendation by the Commission. Uses by conditional use shall be subject to all applicable requirements set forth in this chapter.
 - (1) Solar Energy Systems (Large) subject to the requirements of §120-47.2 (A).
 - (2) Wind Energy System (Large) subject to the requirements of § 120-47.2 (B).
 - (3) Alternative Energy System subject to the requirements of § 120-47.2 (C).

§ 120-21. FP Floodplain Conservation District.

- A. Purpose and intent. 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 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. The intent of the Floodplain District under this Zoning Ordinance is to coordinate the use of land in the identified floodplain areas within East Drumore Township and as defined in the East Drumore Township Floodplain Management Ordinance, as may be amended.
- B. Relationship to Other Articles and Ordinances. The applicable regulations of the East Drumore 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.
- C. Permitted Uses. The following uses and no other are permitted in the Floodplain District, and they are permitted only if done under and in accordance with the provisions of the East Drumore Township Floodplain Management Ordinance, all other applicable provisions of this Zoning Ordinance, and any other applicable local, state or federal regulations:
 - (1) Agriculture, horticulture, and forestry, all excluding any structures.
 - (2) Forestry, lumbering and reforestation, excluding storage of material and structures.

- (3) Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboretums, excluding any structures.
- (4) One or two strand wire fences, so long as all strands run in horizontal direction.

D. Standards. The regulations of uses, design standards and procedures to be followed in the Floodplain District are the applicable regulations of the East Drumore Township Floodplain Management Ordinance, which are hereby incorporated by reference.

§ 120-22. SS Steep Slope Conservation District.

- A. Specific intent. In addition to the objectives established in Article I herein, it is the specific intent of these regulations to establish guidelines which will:
- (1) Preserve a more desirable natural environment than would be possible through the strict application of the underlying zoning district regulations.
 - (2) Protect areas of steep slope from adverse effects created by overdevelopment such as erosion and loss of woodland, wildlife and other natural resources.
- B. Permitted uses. Unless a surveyor or engineer certifies, in writing, that the proposed construction or use will be on a site the percent slope of which is less than 15%, all uses proposed for areas within the Steep Slope Conservation District shall be required to obtain a special exception subject to the regulations set forth in Article V of this chapter and the standards set forth in this section. The following shall serve as a basis for evaluating all development in the Steep Slope Conservation District: **[Amended 5-7-1998 by Ord. No. 1-1998]**
- (1) All development proposals shall strive for maximum retention of the natural features and qualities of the site.
 - (2) All development proposals shall take into account and shall be judged by the application of current understanding of land use planning, soil mechanics, engineering geology, hydrology, civil engineering and environmental design. Such understanding includes, but is not limited to:
 - (a) Planning of development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site.
 - (b) Orienting development to the site so that grading and other site preparation is kept to an absolute minimum.
 - (c) Shaping of essential grading to complement the natural land forms.
 - (d) Requiring a statement of the land capabilities of the property on which development is proposed, including soil name, soil group and type, hydrologic group, slope, runoff potential, soil depth, erosion potential and natural drainage.
 - (e) Reviewing the developer's proposed erosion and sedimentation control plan and storm drainage proposals.

- C. Residential development. Where the Steep Slope Conservation District overlaps an A, R-1 or R-2 District, development shall be subject to the requirements of that district except as herein modified and provided:

Slope - Maximum Number of Dwelling Units

Percent Average Slope Maximum Number of Dwelling Units Per Acre

15	2.0
20	1.5
25	1.0
Over 30	0.5

- (1) In cases where the regulations of an A, R-1 or R-2 District are more restrictive than those of the Steep Slope Conservation District, the more restrictive regulations shall apply.
- (2) The primary source of information for the slope-density provision shall be a contour map as provided by a registered engineer or surveyor. The contour map, using contour intervals of 10 feet or less, shall supply the necessary data in determining the average slope of a parcel. Average slope, expressed as a percentage, shall be determined by the following formula:

$$S = \frac{.0023 \times I \times L}{A}$$

Where

- S = The average slope in percent.
0023 is a conversion factor of square feet to acres.
- I = Contour interval in feet.
- L = The combined length of the contour lines in scale feet.
- A = The gross area in acres of the parcel or lot.

- (3) Nonresidential development.
 - (a) Where the Steep Slope Conservation District overlaps a C or I District, development shall be subject to the requirements of that district except as herein modified and provided:

Slope-Natural State Requirements

Percent Average Slope Minimum Percent of Site to Remain in Natural State

15	40
20	65
25	85

Over 30

100

- (b) The average percent of slope shall be calculated according to the requirements stated in Subsection C(2) above.
- D. Any addition or expansion to any structure in the steep slope district is exempt from a hearing under this section if the proposed addition or expansion is smaller than the existing structure. **[Added 11-6-2014 by Ord. No. 3-2014]**

ARTICLE V
Special Exception Uses

§ 120-23. Specific intent.

- A. It is the intent of this Article to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Article III of this chapter.
- B. Each section of this Article has particular controls and/or requirements which must be satisfied before the special exception is permitted, and it is the intent of this Article that these particular controls and requirements are additional to those imposed by Article IV, District Regulations, of this chapter.

§ 120-24. Applicability, limitations and compliance.

- A. **Applicability.** The controls imposed by each section of this Article are applicable where cited specifically as a use by special exception and where cited for specific permitted uses in Article IV, District Regulations, of this chapter.
- B. **Limitations.** Special exception uses shall be permitted only when specifically cited in the district regulations in Article IV of this chapter.
- C. **Compliance.** Nothing in this Article shall relieve the owner or his agent, the developer or the applicant for a special exception use permit from receiving a subdivision plan approval in accordance with the Lancaster County Subdivision Ordinance.

§ 120-25. Application and approval procedures.

- A. **Application.** Each application for a special exception use shall be accompanied by a proposed plan showing the size and location of the lot and the location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the lot. The plan shall indicate the use of each building located within 200 feet of the lot.
- B. **Referral to East Drumore Township Planning Commission.** Special exception applications shall be referred to the Planning Commission for comments and recommendations. The Planning Commission shall consider the public health, safety and welfare and the general public's and immediate neighbor's comfort and convenience. The Planning Commission may

recommend reasonable conditions and safeguards to further the intent of this chapter and the following objectives: **[Amended 10-4-1984]**

- (1) All proposed structures, equipment or material shall be readily accessible for fire and police protection.
 - (2) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
 - (3) In the case of any use located in or directly adjacent to a residential district:
 - (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residential district or conflict with the normal traffic of the neighborhood.
 - (b) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (4) In addition to Subsection B(1), (2) and (3), special exception requests in agricultural districts regulated by § 120-16F(2) and (3), the Planning Commission and Zoning Hearing Board shall consider the following factors:
 - (a) The size and shape of the subject parcel.
 - (b) The existing land cover, e.g., forest land, meadow land or scrub vegetation unsuitable for agriculture.
 - (c) Localized wet or rocky conditions.
 - (d) Adjacent land uses.
 - (e) The potential of the proposed use interfering with any surrounding parcel's agricultural use.
 - (f) The suitability for on-site sewage disposal and the availability of on-site water supply if public services are unavailable.
- C. Planning Commission recommendation. Within 30 days, the Commission shall forward its written recommendations to the Zoning Hearing Board. The Commission may recommend approval, disapproval or modification. In the case of disapproval or modification, the Commission shall set forth the reasons for the recommendation.
- D. Zoning Hearing Board action. The Zoning Hearing Board shall conduct a hearing on each application for a special exception use. Such hearing shall be conducted in accordance with

§ 120-66 of this chapter. The recommendations and findings of the Planning Commission and the recommendations and findings of the County Planning Commission, if any, shall be read into the record of the hearing and shall become a part of the findings of fact upon which the Zoning Hearing Board makes its final decision.

§ 120-26. Conditions and safeguards.

The Zoning Hearing Board may require the special exception use permits be periodically renewed. Such renewal shall be granted upon a determination by the Zoning Hearing Board to the effect that such conditions as may have been prescribed by the Zoning Hearing Board in conjunction with the issuance of the original permit have not been or are no longer being complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of said permit.

§ 120-27. Effect of special exception approval.

Any use for which a special exception use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

§ 120-28. Membership clubs and camps.

A. Permitted uses shall be as follows:

- (1) Membership clubs and camps.
- (2) Outdoor recreational facilities such as:
 - (a) Private playgrounds.
 - (b) Golf clubs.
 - (c) Swimming pools.
 - (d) Tennis courts.

B. Area and height regulations. All area and height regulations of the prevailing zoning district shall apply with the following exceptions:

- (1) The minimum lot area shall be 10 acres.
- (2) The minimum front, side and rear yards shall be 100 feet.

C. Parking regulations. One space per two members or two accommodations (such as lockers), whichever is greater, plus one space per employee.

D. Supplemental regulations.

- (1) Such club is incorporated pursuant to the provisions of a membership corporation or unincorporated associations approved by the Township Supervisors and catering exclusively to members and their guests.
- (2) Such use shall not be conducted primarily as a business enterprise.

- (3) The use of outdoor public address systems for any purpose shall be approved by the Supervisors.
- (4) Exterior lighting other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
- (5) A densely planted buffer strip shall be required where the site abuts an existing residential use or a residential zoning district.

§ 120-29. Commercial camps and resorts.

- A. Permitted uses. A site to be used for a commercial camp or commercial resort establishment shall include an office and lobby and may include such accessory uses as restaurants, coffee shops, cafeteria dining halls providing food and drink, amusement and recreation facilities, such as a swimming pool, children's playground, tennis or other game sports, and game or recreation rooms.
- B. Area and height regulations. All area and height regulations of the prevailing zoning district shall apply with the following exceptions:
 - (1) The minimum lot area shall be 10 acres, not less than 500 feet deep, with at least 500 feet fronting on a state or federal highway.
 - (2) The minimum front, side and rear yards shall be 100 feet.
 - (3) All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site. There shall be no more than one dormitory, resort or dwelling unit for every 2,000 square feet of lot area or one second story unit for every 1,750 square feet of first-story units.
- C. Parking regulations. Points of vehicular ingress and egress shall be limited to a total of two on any street. Off-street parking shall be provided as follows: for resorts, at least one automobile parking space, carport or garage shall be provided on the site for each resort unit and shall be located within 300 feet of the resort unit which it serves; for restaurants, coffee shops or cafeterias, at least one automobile parking space shall be provided for every 100 square feet of floor area devoted to patron use and one additional space shall be provided for each employee. All off-street parking areas shall be at least 100 feet from all property lines, and parking areas serving a restaurant, cafeteria, coffee shop or dining hall shall be at least 30 feet from all dormitory, resort or dwelling units.
- D. Supplemental regulations.
 - (1) The maximum length of any such building shall not exceed 150 feet. The distance between buildings shall not be less than 25 feet, except that this distance may be reduced to 15 feet where no driveway passes between buildings.
 - (2) The total interior floor area of each dormitory unit, inclusive of bathroom and closet space, shall not be less than 250 square feet. Dormitory units shall not be interconnected by interior doors in groups of more than two units.

- (3) A densely planted buffer strip shall be required where the site abuts an existing residential use or residential zoning district.
- (4) Before the issuance of any building permit, a detailed plan for the proposed development of a site for a commercial camp or resort facilities shall be submitted to and approved by the Commission. The site development plan shall identify the location and size of existing trees, all other landscaping proposed, the architectural style, general design, colors and materials to be used on exterior surfaces and detailed plans for any signs as well as any other information, elevations or perspectives which will enable the Commission to recognize the impact of the proposed development on the area involved and to determine conformity with the purposes of this chapter.

§ 120-30. Commercial excavation.

Sandpits, gravel pits, peat bogs, removal of topsoil and landfill and the excavation, extraction or removal of any natural resource from the land or ground for any purpose shall be subject to the following conditions:

- A. Removal of forests or timber is prohibited without prior approval of the Commission.
- B. The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties nor shall it contribute to soil erosion by water or wind.
- C. Machinery and equipment such as bulldozers, shovels and other equipment used for excavation, collection of material, loading or hauling shall be subject to Commission approval.
- D. All screening, sifting, washing, crushing or other forms of processing to be conducted upon the premises shall be approved by the Commission.
- E. There shall be no operations of any kind on Sundays or legal holidays. Within 1,000 feet of any residence there shall be no operation between 7 p.m. and 7 a.m.
- F. Where any open excavation will have a depth of 10 feet or more and a slope of more than 30°, there shall be a substantial fence, approved by the Commission, with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located no less than 50 feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Commission.
- G. The slope of material in any excavation shall not exceed the normal angle of repose or 45°, whichever is less.
- H. That portion of access roads located within 100 feet of any lot in residential use or lot zoned for residence shall be provided with a dustless surface.
- I. The top of the natural slope is cut for any excavation, and any mechanical equipment shall not be less than 50 feet from any lot line.
- J. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- K. Proper measures as determined by the Planning Commission shall be taken to minimize the

nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site or the creation of a suitable landscaped buffer strip completely around the site.

- L. No buildings shall be erected upon the premises except upon the issuance of a building permit in accordance with the regulations in all sections of this chapter, including the performance standards in § 120-46. Temporary structures for machinery and field offices may be permitted subject to approval by the Commission.
- M. Before a special exception approval is granted, a plan for rehabilitation showing both existing and proposed final contours shall be submitted and approved by the Commission. After any such operations, the site shall be made reusable for a use permitted in the zoning district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth capable of supporting vegetation of at least two feet or to original thickness, whichever is less. Fill shall be of a suitable material approved by the Commission.
- N. Before a special exception approval is granted, the owner or his agent shall execute a certified check made payable to the Township or a bond sufficient in the opinion of the Township Engineer to secure the rehabilitation of the site in accordance with the approved site plan. Any such bond shall also be approved by the Supervisors as to form, sufficiency and manner of execution and shall run for the same term as the term of the special exception approval. The amount of such bond may be reduced when, in the opinion of the Zoning Hearing Board, upon a public hearing, a lower amount will be sufficient to accomplish its purposes. In the event that the owner or his agent does not fulfill the conditions of the bond, the Township shall, after due notice to the operator and to his bonding or surety company and upon their failure to comply with the terms of the special exception approval, proceed to rehabilitate the premises in accordance with the plan prescribed above, either with its own forces or by contract, and shall charge the costs to the owner, his agent or the bonding or surety company.
- O. Before special exception approval is granted, the owner or his agent shall pay the Supervisors a fee of 1/20 of \$0.01 per cubic yard for the estimated yardage to be removed during the term of the special exception approval.

§ 120-31. Airports.

Airports and landing strips shall be subject to the following conditions:

- A. Any areas to be used by an aircraft under its own power shall be provided with a dustless surface.
- B. No residential building shall be permitted within 1,000 feet of the end of any runway or within any aircraft approach zone as the same may be established by either the state or the Federal Aviation Agency, whichever area is greater.
- C. Evidence shall be presented to the Zoning Hearing Board that ample safeguards to minimize hazards and disturbance from noise of aircraft affecting residents and properties in the vicinity will be assured at all times of operation.

- D. Vending machines, newsstands, governmental installations, airport, airline and express offices and aircraft repair facilities may be permitted within completely enclosed buildings. The storage and sale of aviation gasoline may also be permitted.
- E. The proposed use shall comply with all requirements of the Federal Aviation Agency and the Pennsylvania Department of Transportation, Bureau of Aviation.
- F. The hours of operation may be limited by the Board of Supervisors to prevent disturbance to nearby residences.
- G. Additional conditions and safeguards as the Planning Commission and Board of Supervisors may request in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed use is to be erected shall be followed.

§ 120-32. Educational institutions.

- A. Permitted uses. Permitted uses shall be as follows:
 - (1) Private nursery and elementary schools.
 - (2) Public and parochial schools.
 - (3) Colleges and universities.
- B. Area and height regulations. All area and height regulations of the prevailing zoning district shall apply with the following exceptions: **[Amended 10-4-1984]**
 - (1) For schools where the building size does not exceed 3,000 square feet, the minimum lot area shall be 1,000 square feet per student or 24,000 square feet, whichever is greater.
 - (2) The minimum lot size for schools where building size exceeds 3,000 square feet shall be:
 - (a) Nursery: five acres.
 - (b) Elementary: 10 acres.
 - (c) Junior high: 20 acres.
 - (d) Senior high: 35 acres.
 - (e) Colleges and universities: 35 acres.
 - (f) In addition to the above acreage, there shall be provided one acre of land for each 100 students.
 - (3) The minimum front, side and rear yards shall be 50 feet.
 - (4) The maximum lot coverage (principal and accessory buildings) shall be 20%.
- C. Parking requirements. Parking requirements shall be as follows:
 - (1) Nursery and elementary schools: two spaces per classroom, plus one space for each

five seats in any auditorium or other place of assembly.

- (2) Junior high school: four spaces per classroom, plus one space for each five seats in any auditorium or other place of assembly.
- (3) Senior high school, college and university: eight spaces per classroom, plus one space for each five seats in any auditorium or other place of assembly.

D. Supplemental regulations.

- (1) Each site shall be landscaped in accordance with a plan approved by the Commission.
- (2) A planted buffer strip shall be required where the site abuts an existing residential use or a residential zoning district.
- (3) No parking area shall be permitted within the required front, side or rear yards.
- (4) Each site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
- (5) Each site shall be economically accessible to essential public utilities.
- (6) All play areas contiguous to any developed lot shall be fenced.

§ 120-33. Places of worship.

A. Permitted uses. Permitted uses shall be as follows:

- (1) Places of worship, including churches, synagogues, temples, chapels, halls and the like.
- (2) Religious education buildings, but not parochial schools.
- (3) Recreation buildings when accessory to worship activity.
- (4) Residences when related to worship activity, such as parish house, manor, convent and the like.

B. Area and height regulations. All area and height regulations of the prevailing zoning district shall apply with the following exceptions:

- (1) The minimum lot size shall be one acre; however, if the sanctuary shall have space for more than 500 persons, one additional acre shall be required for each additional 100 persons or portion thereof in excess of 500.
- (2) The minimum front, side and rear yards shall be 50 feet.
- (3) The maximum lot coverage (principal and accessory building) shall be 20%.
- (4) The minimum open area shall be 30%.
- (5) The maximum building height shall be three stories or 45 feet, except that steeples, towers, domes and similar architectural features may exceed this maximum by one foot in height for each two feet the building is not back from the street or front property line.

C. Parking requirements. Parking requirements shall be as follows:

- (1) Assembly halls and/or areas: one space per 200 square feet of floor space or one space per five seats, whichever is greater.
- (2) Parish house and/or similar place of residence: two spaces.
- (3) Convents and similar uses: one space for every two residents.

§ 120-34. Cemeteries.

A. Permitted uses. Permitted uses shall be as follows:

- (1) Cemeteries.
- (2) Mausoleums.
- (3) Crematories.
- (4) Caretaker residence.
- (5) Chapels.

B. Area and height regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

- (1) The minimum lot size shall be five acres.
- (2) The minimum front, side and rear yards shall be 100 feet.
- (3) The maximum lot coverage (building, driveways, parking areas and other poured surfaces) shall be 10%.
- (4) The maximum building height shall be 35 feet or 2 1/2 stories.

C. Parking requirements. Parking requirements shall be as follows:

- (1) Places of assembly: one space per 200 square feet of floor space or one space per five seats, whichever is greater.
- (2) Caretaker residence: two spaces.
- (3) Employees: one space per full-time and part-time employee.

D. Supplemental regulations.

- (1) Landscaping shall be required and set in place according to a plan approved by the Commission.
- (2) An ornamental fence or densely planted buffer strip shall be required where the lot abuts an existing residential use or a residential zoning district.
- (3) No grave markers shall be set above finished grade.
- (4) No parking area shall be located within the required front, side or rear yards.

§ 120-35. Health and welfare institutions.

- A. Permitted uses. Permitted uses shall be as follows:
- (1) Philanthropic, charitable or religious institutions.
 - (2) Hospitals.
 - (3) Nursing and convalescent homes.
 - (4) Sanitaria for general medical care.
 - (5) Continuing-care retirement communities. **[Added 10-12-1988 by Ord. No. 2-1988]**
- B. Area and height regulations. All area and height regulations of the prevailing zoning district shall apply with the following exceptions:
- (1) The minimum lot area shall be a total of five acres or 1,000 square feet per patient bed (or resident, in case of a continuing-care retirement community), whichever is greater. **[Amended 10-12-1988 by Ord. No. 2-1988]**
 - (2) The minimum front, side and rear yards shall be 50 feet. **[Amended 10-12-1988 by Ord. No. 2-1988]**
 - (3) The maximum lot coverage (principal and accessory buildings) shall be 20%.
 - (4) The maximum building height shall be 45 feet or 3 1/2 stories.
- C. Parking requirements. Parking requirements shall be as follows:
- (1) One space per three patient beds, plus one space for each employee.
- D. Supplemental regulations.
- (1) Each site shall be landscaped in accordance with a plan approved by the Commission.
 - (2) No parking area shall be located within 10 feet of any lot line or street right-of-way line. **[Amended 10-12-1988 by Ord. No. 2-1988]**
 - (3) Sufficient exterior nighttime illumination shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.
 - (4) All buildings shall be of fireproof construction.
 - (5) All permitted uses shall be served by adequate water and sewer systems.
 - (6) A planted buffer strip 10 feet wide shall be required where the site abuts an existing other residential use or a residential zoning district. **[Added 10-12-1988 by Ord. No. 2-1988]**

§ 120-36. Residential conversions.

- A. Permitted uses. Permitted uses shall be conversions of an existing residential structure from a one-family dwelling to a two-or-more-family dwelling.

- B. Area and height regulations. All area and height regulations of the prevailing zoning district shall apply with the following exceptions:
- (1) The lot on which such structure is located shall contain at least 60% of the required minimum lot area for each dwelling unit so created.
- C. Parking requirements. One and one-half off-street parking spaces shall be provided on said lot for each dwelling unit.
- D. Supplemental regulations.
- (1) Such structure shall have contained, on the effective date of this chapter, 1,000 square feet of livable floor area for the first dwelling unit, plus 600 square feet of livable floor area for each additional dwelling unit created.
 - (2) Each apartment unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
 - (3) There shall be no evidence of change in the building except as required by building and/or housing codes.
 - (4) Fire escapes, where required, shall be located at the rear or an interior side of the building.

§ 120-37. Multiple dwellings.

- A. Permitted uses. Permitted uses shall be as follows:
- (1) Apartment dwellings.
 - (2) Row or attached dwellings.
 - (3) Townhouse dwellings.
- B. Area and height regulations.
- (1) The minimum lot area shall be one acre. A minimum area per dwelling unit shall be provided as follows:
 - (a) Efficiency units: 2,000 square feet.
 - (b) One-bedroom units: 3,000 square feet.
 - (c) Two-bedroom units: 4,000 square feet.
 - (d) Three-or-more-bedroom units: 5,000 square feet.
 - (2) Minimum lot width.
 - (a) The minimum lot width for apartment structures shall be 150 feet.
 - (b) The minimum lot width for row or attached and townhouse dwellings shall be 20 feet, except that end units shall have a lot width of 35 feet.
 - (3) Lot depth.

- (a) The minimum lot depth for apartment dwellings shall be 150 feet.
 - (b) The minimum lot depth for row or attached and townhouse dwellings shall be 100 feet.
- (4) The minimum yard requirements shall be as follows:

Type	Front (feet)	One Side (feet)	Total Side (feet)	Rear (feet)
Apartment dwelling	40	25	50	30
Row or attached and townhouse dwellings				
Row or attached and				
End units	25	35	--	35
Other units	25	--	--	35

- (5) The maximum lot coverage permitted shall be 25%.
 - (6) The maximum building height shall be 35 feet or 2 1/2 stories.
- C. Parking regulations. Parking regulations shall be as follows:
- (1) Efficiency units: 1.5 spaces per unit.
 - (2) One-bedroom units: 1.75 spaces per unit.
 - (3) Two-bedroom units: 2.0 spaces per unit.
 - (4) Three-or-more-bedroom units: 2.5 spaces per unit.
- D. Supplemental regulations.
- (1) The maximum number of dwelling units per row or attached and townhouse buildings shall be six.
 - (2) The maximum depth of a row or attached or townhouse unit shall be 25 feet.
 - (3) No building shall exceed 140 feet in length.
 - (4) The minimum distance between principal buildings shall be equal to two times the height of the highest building and between a principal and an accessory building shall be at least 20 feet.
 - (5) Any inner court shall have a minimum dimension of 60 feet, any outer court shall have a minimum of 20 feet, and its depth shall not exceed its width.
 - (6) There shall be provided on the same lot suitably equipped and landscaped play spaces and usable open space subject to Commission approval and in accordance with the following schedule:

Type	Play Space (square feet)	Open Space (square feet)
Efficiency unit	75	360
One-bedroom unit	100	785
Two-bedroom unit	125	895
Three-or-more-bedroom unit	175	1,125

§ 120-38. Shopping centers.

- A. Specific intent. The purpose of this section shall be to permit development of commercial centers consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged pedestrian and vehicular movement and accommodation, with landscaping which will provide an integrated, efficient, convenient, pleasant and safe area for shopping and which will fit harmoniously into and will have no adverse effect upon the adjoining or surrounding development.
- B. Permitted uses. Permitted uses shall be uses normally associated with shopping centers, such as supermarkets, drugstores, variety stores, clothing stores, gift shops and personal services.
- C. Accessory uses. Accessory uses shall be as follows:
- (1) Gasoline service stations limited to one per shopping center.
- D. Area and height regulations.
- (1) Building heights. No building shall exceed two stories or 25 feet in height in the case of a neighborhood shopping center and three stories or 40 feet in height in the case of a community shopping center.
 - (2) Yards. No building shall be less than 100 feet from the center line of a road and less than 50 feet distance from any other boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any residential district and, except for necessary entrances and exits, from all properties located across the road and within 100 feet from such center in a residential district by a solid wall, fence or compact evergreen hedge at least six feet in height. Such wall, fence or hedge shall be placed at least five feet from the property line, and the space between such property line and the wall, fence or hedge shall be properly landscaped and maintained.
 - (3) Tract coverage. The ground area occupied by all the buildings shall not exceed in the aggregate 25% of the total area of the lot or tract.
- E. Special requirements.
- (1) Signs. In addition to signs permitted in Article VI, each center shall be permitted two freestanding signs not over 25 feet in height, having a maximum total area of 100 square feet. All signs within the center shall be controlled by written agreement between the owners and tenants of the center or otherwise to avoid excessive advertising and ensure

a harmonious appearance to the center as a whole. In a neighborhood shopping center, all signs shall only be indirectly illuminated with white lights. All signs shall conform to the distance requirements from property lines for the buildings in the center.

- (2) Customer parking space. Notwithstanding any other requirements of this chapter, there shall be provided one off-street parking space for each 200 square feet of rental floor space, not including basement storage space, in a neighborhood shopping center and one off-street parking space for each 100 square feet of rental floor space, not including basement storage space, in a community shopping center.
- (3) Loading space. Notwithstanding any other requirements of this chapter, there shall be provided one off-street loading and unloading space for each 20,000 square feet or fraction thereof of aggregate floor space of all buildings in the center. At least 1/3 of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

§ 120-39. Motels.

- A. Permitted uses. Permitted uses shall be as follows:
 - (1) Motels.
 - (2) Restaurants, cocktail lounges, gift and novelty shops, newsstands and similar specialty shops, which may be operated in conjunction with motels.
- B. Area and height regulations. All area and height regulations of the prevailing zoning district shall apply except for the following:
 - (1) The minimum open area shall be determined by multiplying the number of rental units by 1,000 square feet.
 - (2) The maximum paved area shall be determined by multiplying the number of rental units by 500 square feet.
 - (3) The minimum open area requirements may be reduced by 300 square feet per parking space if all required off-street parking is provided in an underground or aboveground parking garage.
- C. Special regulations.
 - (1) No rental unit shall be located on the same floor as an indoor parking facility.
 - (2) At least two recreation activities for guests shall be provided on the grounds or in the building. Such activity shall be approved by the Planning Commission with regard to adequacy.
 - (3) Each guest room shall have toilet and bathing facilities.
 - (4) All vending machines shall be located inside the building.
 - (5) Any additional standards deemed necessary by the Zoning Hearing Board to protect and preserve the health, safety and general welfare of the community shall be followed.

§ 120-39.1 Farm-Support Businesses. [Added 5-7-2020 by Ordinance No. 1 – 2020]

- A. Within the A Zone, farm-support businesses may be permitted by special exception if the proposed use is incidental and secondary to the principal agricultural use of the property, and satisfies the following standards.
- B. The property must have a minimum lot size of ten (10) acres.
- C. The land area of the farm-support business is not permitted to be subdivided from the farm property.
- D. No more than one (1) farm-support business may be operated on a property.
- E. For the purposes of this section, farm-support businesses may involve any one of a wide range of uses, provided that such use remains secondary to and compatible with the active use of the property for agricultural purposes. A farm-support business may include:
 - (1) Farm equipment, farm vehicle or buggy repair;
 - (2) Barber/beauty shop;
 - (3) Office used as part of a farm-support business;
 - (4) Music, hobby, trade or art instruction for up to 10 persons at a time;
 - (5) Small engine repair;
 - (6) Custom woodworking or wood refinishing;
 - (7) Custom blacksmithing or sharpening services;
 - (8) Custom butchering, not including a commercial slaughterhouse or stockyard;
 - (9) Processing and storage of agricultural products;
 - (10) Corn mazes and educational tours;
 - (11) Rental storage, such as for boats, recreational vehicles, or personal property within existing buildings. No commercial activities or operations shall be permitted within the storage areas.
 - (12) Conversion of a barn that existed prior to January 1, 2020 into one dwelling unit or into an office.
 - (13) Construction tradesperson's or landscaping business' headquarters;
 - (14) Processing and storage of agricultural products not produced on premises;
 - (15) Welding and custom machining of parts;
 - (16) Similar uses of the same general character as those uses listed above.
- F. The farm-support business must be operated either by the owner of the property (if the owner resided on the property) or by a resident of the property.

- G. No more than the equivalent of three (3) nonresidents shall be employed by the farm support business.
- H. The use must be conducted within one completely enclosed existing building, except up to 5,000 square feet or a fenced outdoor storage area may be used as part of the farm-support business. No outdoor areas may be used as rental storage.
- I. The farm-support business shall occupy no more than a total of four thousand (4,000) square feet of gross floor area within all buildings.
- J. Up to one thousand (1,000) square feet of area within the buildings used for the farm-support business may be used for the retail sales of items produced or manufactured as part of the farm-support business. No other retail sales are allowed.
- K. No more than one (1) acre of lot area may be used as part of the farm-support business. All buildings, parking facilities, storage areas and storm water management facilities shall be contained within the one-acre area serving the farm-support business. Any existing access drive serving the farm-support business and the farm shall not be calculated as land serving the farm-support business for purpose of calculating the one-acre limitation.
- L. No part of a farm-support business shall be located within one hundred (100) feet of any side or rear lot line, nor within three hundred (300) feet of any land within a residential zoning district. Such distances shall be measured as a straight line between the closest points of any physical improvements associated with the farm-support business and the property/zoning line. As part of the special exception review, the Zoning Hearing Board may allow a farm-support business to be operated in an existing building located within the required setbacks as long as the Applicant establishes that the proposed farm-support business will adequately protect the neighboring property from lights, glare, noise, dust, odor and other impacts associated with the farm-support business.
- M. An outdoor sign(s) for a farm-support business shall not exceed ten (10) square feet in area and shall otherwise conform to the provisions of Section 120-45, Signs, herein. Such sign(s) shall require a permit as set forth in Section 120-45 (C).
- N. Information shall be provided describing the nature of the farm-support business, materials used in the process and waste products generated.
- O. Evidence shall be provided indicating that the disposal of materials and wastes associated with the farm-support business 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 as identified in Section D, above. 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-support business 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.

- P. The farm-support business shall provide sufficient off-street parking for vehicles associated with the farm-support business (including at least one parking space for each non-resident employee, adequate parking spaces for customers and loading areas for delivery vehicles). Applicant shall have the burden of justifying as part of the special exception application the number of parking spaces proposed for the farm-support business in addition to any parking otherwise required for the property.
- Q. The farm-support business shall utilize the existing impervious areas on the property for satisfying access, parking and loading requirements. These areas are not required to meet all of the design requirements of § 120-42 for parking facilities, as long as all parking stalls proposed meet the requirements of § 120-42.A(3) and are readily accessible and marked on the property with sufficient lighting to provide for safe and efficient ingress and egress. The Zoning Hearing Board also may approve the use of properly stabilized and maintained grass areas if additional parking is required beyond what can be accommodated on the existing impervious areas.
- R. Access to a farm-support business shall not present a hazard to or obstruction of public roads, not track mud or manure upon such public roads. The use of existing access drives is encouraged and the Zoning Hearing Board as part of its special exception review may approve access drives that do not meet all of the design requirements of the Ordinance as long as Applicant established it can obtain all required permits and the existing access drives will provide a safe means of ingress and egress suitable to the projected number and type of vehicular trips for the proposed use.
- S. No additional impervious surface may be installed for a farm-support business, except as may be required to provide for safe and efficient access into and out of the property.
- T. When there is a change in the ownership of the farm, the continuation of the farm-support business shall be subject to review by the Zoning Officer, and if the use is of the same character and scope, the Zoning Officer will issue a zoning permit. If in the opinion of the Zoning Officer the farm-support business no longer meets the original criteria and order issued by the Zoning Hearing Board as part of the special exception application, the existing permit will no longer be valid and the new landowner will have to reapply for special exception approval.

§ 120-39.2. Boarding Horses. [Added 5-7-2020 by Ord. No. 1-2020]

- A. Within the A, R-1, R-2, and C Zones, the boarding of horses is permitted by right on lots used for agricultural operations that are twenty acres or larger pursuant to the requirements of § 120-16.D. On all other lots within the R-1, R-2 and C Zones and on residential lots in the A zone, the boarding of horses is permitted by special exception subject to the following standards.
- B. Driving Horses. Boarding of horses that are used as the primary means of transportation by the residents of the property is permitted as long as the lot area is a minimum of one (1) acre or greater. There shall not be more than one driving horse per acre based on the lot area of the property. For example, a property with a lot area of two acres or more, may have two driving horses and a property with a lot area of three acres or more may have

three driving horses. In no event shall there be more than a total of four (4) driving horses on a property within the R-1, R-2 and C Zones.

- C. Pleasure Horses. Boarding of horses that are used for pleasure by the residents of the property (and not as the primary means of transportation) is permitted as long as the lot area is minimum of two (2) acres or greater. An additional pleasure horse may be kept at the property for each additional acre of lot area over the minimum of two acres. For example, a property with a lot area of three acres or more may have two pleasure horses and a property with a lot area of four acres or more may have three pleasure horses. In no event shall there be more than a total of four (4) pleasure horses on a property within the R-1, R-2 and C Zones.

- D. Performance Criteria. The boarding of driving horses and pleasure horses shall meet the following criteria.
 - (1) All pasture and pen areas shall be located in the rear or side yards and enclosed with private or semi-private fencing consistent with the character of a residential neighborhood. The fencing shall be at least five (5) feet in height and at least five (5) feet from any property line.
 - (2) All pasture and pen areas shall be maintained with suitable grass cover and be large enough to safely and humanely accommodate the horses on the lot. Pasture and pen areas may not be located in any well head protection area and may not include any areas used for an on-lot disposal drain field or septic system. For properties that are less than two (2) acres, a horse barn or appropriate building must be available to house the horse in the event adequate grass cover cannot be maintained in the designated pasture area.
 - (3) All horses boarded on the property shall be owned by the residents of the property or immediate family members. No commercial boarding of horses shall be permitted.
 - (4) A manure management plan must be prepared and a copy filed with the Township Zoning Officer.
 - (5) All animal waste shall be stored in an enclosed building in the rear yard and set back at least thirty (30) feet from an adjoining property line unless it is stored inside a stable or other structure housing horses.
 - (6) There shall be no grazing or hitching posts in the front yard.
 - (7) No horse barn, stable or other structure for horse boarding on the property may exceed 900 square feet in area and may no exceed twenty-five (25) feet in height. The calculation of the size of the horse barn, stable or other structure shall include any area covered by an overhang, even if not fully enclosed. Such structure must be located in the rear yard or side yard at least thirty (30) feet from any adjoining lot line and at least 100 feet from the nearest residential dwelling. No horse barn, stable or other structure for horse boarding may be located closer to the front property line than the existing dwelling on the property.

- (8) Applicants shall prepare and present a site plan identifying the location of all existing buildings and structures, proposed stables or structures for housing horses, all pasture areas, the location of property's well and drain field and all adjoining residences. The site plan shall be to scale and show all required setbacks.

§ 120-39.3. Bed-and-Breakfast. [Added 5-7-2020 by Ord. No. 1-2020]

- A. Bed and breakfasts shall only be permitted within single-family detached dwellings.
- B. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
- C. All floors above or below grade shall have a permanently-affixed, direct means of escape to ground level.
- D. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- E. All parking areas shall be set back a minimum of ten feet (10') from all property lines, and shall be screen from adjoining lots and streets.
- F. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size which must be set back ten feet (10') from all lot lines.
- G. Breakfast is the only meal that can be served, and only to registered, overnight guests.
- H. The applicant shall furnish evidence that an approved means of sewage disposal and water supply will be use.
- I. The applicant shall furnish proof of any required approval from the Pennsylvania Department of Labor and Industry.

ARTICLE VI
Common Regulations

§ 120-40. Common regulations applying to all districts. [Amended 10-4-1984]

- A. Accessory buildings.
 - (1) An accessory building may be located in any required side or rear yard, provided that:
 - (a) Such building shall not exceed 20 feet in height.
 - (b) Such buildings shall be set back five feet from any lot line.
 - (c) All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear or side yard.

- (2) Accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots in the required rear or side yard along the common side lot line or rear lot line.
- (3) Any accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings.
- (4) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Zoning Hearing Board may authorize the erection of such garage under the following conditions: **[Amended 6-15-1995 by Ord. No. 8-95]**
 - (a) If the natural slope is from 10% to 20% within 25 feet of the street line, the Zoning Hearing Board may permit a garage not closer than 10 feet to the street line.
 - (b) Where such slope exceeds 20%, a garage may be permitted not closer than five feet to the street line.

B. Corner lots.

- (1) Obstruction of vision at street intersections. At all street intersections in all residential districts, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection.
- (2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others side yards.

C. Through lots. Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

D. Exceptions to lot depth requirements. The required lot depth at any point may be decreased by 25% if the average lot depth conforms with the minimum requirement.

E. Exceptions to yard requirements.

- (1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls not over 6 1/2 feet in height may be erected anywhere on the lot, except as set forth in Subsection B(1). Fences or walls with a height in excess of 6 1/2 feet shall conform to the requirements set forth herein for buildings. Paved areas (other than such as are needed for access to the buildings on the lot) shall not project to within 15 feet of a street line or five feet of a lot line.
- (2) Entries and porticoes. A roofed-over or unenclosed projection in the nature of an entry or portico not more than eight feet wide and extending not more than six feet out from the wall of the building shall be exempt from front yard requirements when the building

otherwise complies with all other yard restrictions of this chapter.

- (3) Existing setback. No proposed one- or two-family dwelling need have a setback greater than the average of the two existing dwellings with the greatest setbacks located within 200 feet on each side of said proposed dwelling on the same side of the street, within the same block and the same district.
 - (4) Front yards on narrow streets. On streets with less than a fifty-foot right-of-way, the front yard setback shall be measured from the center line of the existing street, and 25 feet shall be added to the front yard setback.
- F. Uniformity of design. In order to avoid monotony of architectural design, the Commission may require that no building permit be issued for the erection of a dwelling located within an approved major subdivision plat if it is substantially like any neighboring building which is existing or for which a building permit has been issued or is being concurrently considered.
- (1) A building shall be considered neighboring if it fronts on the same street as the building being considered and which is the first or second house along the street in either direction or which faces the building site being considered from across the street.
 - (2) In considering those items listed in Subsection F(3), buildings shall be considered substantially alike in any dimension for which they differ by less than two feet, except 20 feet for setback differences. Buildings between which the only difference in relative location of elements is end-to-end or side-to-side reversal of elements shall be deemed to be alike in related location of such elements.
 - (3) Buildings shall be considered substantially alike unless they differ in at least three of the following respects or dimensions:
 - (a) Their setback from the street (twenty-foot difference).
 - (b) The relation of a garage visible from the street to the main structure.
 - (c) The length of the main roof ridge.
 - (d) The height of the roof ridge above the first floor elevation.
 - (e) Their width, measured perpendicular to the main roof ridge, if the building has a gable extending from the main roof visible from the street.
 - (f) Their relationship to each other of either windows, doors, chimney or any porch in the front elevation.
 - (4) The Commission may waive or vary any requirement of this subsection where the layout of the neighborhood, road pattern, topography, observation of natural features, views and the siting of individual structures is such to avoid monotony to appearance despite similarity of buildings.
- G. Private outdoor swimming pools. **[Amended 10-4-1984; 6-6-1991 by Ord. No. 3-91]**
- (1) No building permit shall be granted for the installation or construction of any such swimming pool unless the zoning officer approves the plan showing that the pool will

- not interfere with any domestic water facilities, any sanitary sewage facilities or other existing features on the lot.
- (2) Application for permit. Application for the permit shall be made to the Township, in writing, upon forms prescribed and provided by the Township, and shall contain the following information: **[Amended 5-7-1998 by Ord. No. 1-98]**
- (a) The name, address and telephone number of the applicant.
 - (b) The location of existing buildings, impermeable surfaces, wells and sewage facilities.
 - (c) A description or sketch showing position on the lot, existing improvements and proposed improvements; showing pool position in relation to streets and property lines; providing details of fence construction and placement; showing and describing access protection gate requirements; and showing area for a potential septic system replacement in case of failure of the existing system.
 - (d) The written consent of the owner of the proposed pool and land on which it will be erected in the event that the applicant is not the owner.
 - (e) A description of the design and location of the sewage system.
 - (f) A check payable to East Drumore Township in the amount requested by a predetermined fee structure.
- (3) A single private outdoor swimming pool may be permitted on the same lot with a residence, subject to the following conditions.
- (a) The edge of such pool shall not be located nearer than 20 feet to any lot or street line.
 - (b) If said pool is located within 50 feet from any lot or street line, such pool shall be screened from the view of abutting properties. Any such screen shall be at least five feet high.
 - (c) Any such pool with a surface area of 150 square feet or more or a depth in excess of two feet shall be completely surrounded by a fence or wall that is not less than four feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool. However, if said pool is located more than 3 1/2 feet above ground level, then a fence is not required, provided that all points of access to said pool are adequately protected by a self-closing, self-latching gate, or a removable ladder or a lift-and-lock style ladder. **[Amended 7-1-1999 by Ord. No. 1-99; 11-6-2014 by Ordinance No. 3-2014]**

§ 120-41. Common regulations applying to nonresidential districts.

A. Height regulations.

- (1) Where a lot has frontage on two or more streets or other public rights-of-way, the height

limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level.

- (2) Structures such as chimneys, flues, towers and spires shall be exempt from height limitations, provided that they occupy not more than 20% of the roof area.
- B. Waiver of yards. No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.
- C. Courts. The minimum dimension of an inner court shall not be less than twice the height of all surrounding walls. However, in no case shall an inner court have a dimension of less than 30 feet. (The height of walls surrounding an inner court shall be measured from finished grade at the base thereof to the top of such wall, except that, in the case of roofs with a slope exceeding five inches vertical to 12 inches horizontal, the height shall be measured to the mean point between the top of said wall and the highest point of the roof.) The minimum dimension of an outer court shall be 20 feet, and its depth shall not exceed its width.

§ 120-42. Off-street parking and loading regulations in all districts.

- A. Off-street parking requirements. Accessory off-street parking spaces, open or enclosed, are permitted accessory to any use subject to the following provisions:
 - (1) Schedule of parking requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any use where specified in the district regulations, §§ 120-16 through 120-22, or in the regulations governing uses by special exception, §§ 120-28 through 120-39 of this chapter. Where not so specified, off-street parking shall be provided in accordance with the following schedule:

Type of Use	Parking Spaces Required
Multifamily dwellings, townhouses	1 space per unit, plus 1/2 space for each bedroom in the dwelling
Rooming house	2 for each sleeping room
Office buildings	1 for each 300 square feet of floor area
Retail store or shop, including banks (except barbershop or beauty salons)	1 for each 200 square feet of gross floor area, plus 2 additional spaces for every 3 full-time employees
Beauty salon, barbershop	1 space for every barber chair or beautician station, plus 1 space for each full- and part-time employee
Sit-down restaurant, tavern, tearooms, nightclub, cafeteria, etc.	1 space for every 100 square feet of gross floor area, plus 2 additional spaces for every 3 full-time employees
Bowling alley	4 spaces for each alley or lane, plus 1 additional space for each 100 square feet of area used for restaurant, cocktail lounge or similar use
Other recreational establishments	1 space for every 100 square feet of gross floor area

Automobile repair, gasoline station	1 space for every 300 square feet of gross floor area devoted to repair and service facilities
Other commercial buildings	1 space for every 300 square feet of gross floor area
Hospital	1 space for each bed, plus 1 space for every staff doctor
Medical and dental clinic, laboratory or office	1 space for every 100 square feet of floor area of examination, treating room and waiting room
Convalescent homes, nursing homes, homes for the aged	2/3 space per bed
Auditorium, theater and other similar places of public assembly	1 space for every 4 seats
Food market, grocery store	1 space for every 100 square feet of floor area for retail use
Coin laundry	2 spaces for every 3 washing or dry-cleaning machines
Funeral home, mortuary and similar types of uses	1 space for every 150 square feet of floor area devoted to viewing

- (2) Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space other than on a corner lot as provided in § 120-40B(1).
- (3) Size of spaces. Two hundred square feet shall be considered one parking space (to provide room for standing area and aisles for maneuvering). Entrance and exit lanes shall not be computed as parking space except for driveways for one-family and two-family residences as set forth in Subsection A(2). Minimum parking stall width shall be 10 feet, and minimum length shall be 20 feet.
- (4) Parking facilities design. Parking facilities for other than detached one-family and two-family residences shall be designed in accordance with Section 603.01.4 of the Lancaster County Subdivision and Land Development Ordinance.
- (5) Large parking areas. In parking areas on 1/2 acre or more, at least 5% of the total area shall be devoted to landscaping within the interior of the parking area.
- (6) Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one ten-foot lane for parking areas with less than 20 spaces, and at least two ten-foot lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area shall be located within 50 feet of any street intersection.
- (7) Drainage and surfacing. All open parking areas shall be properly drained, and all such areas shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.
- (8) Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces

designed to serve jointly two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

- (9) Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Commission may reduce the total parking spaces required for that use with the least requirement.
 - (10) Multiple uses in single structure. When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.
 - (11) Location and ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 200 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in any residential district unless the use to which the spaces are accessory are permitted in such residential districts or open approval by the Commission. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, approved by the Commission, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of such use to which they are accessory or until such spaces are provided elsewhere.
 - (12) Lots divided by district boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to all of the lot. Parking spaces on such a lot may be located without regard to district lines, provided that no such parking spaces shall be located in any residential district unless the use to which they are accessory is permitted in such district or upon approval of the Commission.
- B. Off-street loading requirements. Off-street loading berths, open or enclosed, are permitted accessory to any use (except one- or two-family residences) subject to the following minimum provisions:
- (1) Uses for which required. Accessory off-street loading berths shall be provided for any use specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.
 - (a) For a public library, museum or similar quasi-public institution or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged or school, with floor area of 10,000 square feet, one berth; for each additional 25,000 square feet or fraction thereof, one additional berth.

- (b) For buildings with professional, governmental or business offices or laboratory establishments, with floor area of 10,000 to 25,000 square feet, one berth; for each additional 25,000 square feet or fraction thereof up to 100,000 square feet, one additional berth; for each additional 50,000 square feet or fraction thereof, one additional berth.
 - (c) For buildings with offices and retail sales and service establishments, one berth for 8,000 to 25,000 square feet of floor area and one additional berth for each additional 25,000 square feet of floor area or fraction thereof so used.
 - (d) For undertakers and funeral homes, one berth for each chapel. **[Amended 6-15-1995 by Ord. No. 8-95]**
 - (e) For hotels, motels and resorts, one berth for each 25,000 square feet of floor area.
 - (f) For manufacturing, wholesale and storage uses and for dry-cleaning and rug cleaning establishments and laundries, one berth for 5,000 to 10,000 square feet of floor area in such use and one additional berth for each additional 20,000 square feet of floor area or fraction thereof so used.
- (2) Size of spaces. Each required loading berth shall be at least 12 feet wide, 33 feet long and 14 feet high.
 - (3) Location and access. Unobstructed access at least 10 feet wide to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in Subsection B(4). No entrance or exit for any off-street parking area shall be located within 50 feet of any street intersection. No off-street loading berth shall be located in any front yard.
 - (4) Joint facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements unless the provisions of Subsection A(8) apply.
 - (5) Lots divided by district boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of loading berths shall apply to all of the lot. Loading berths on such a lot may not be located in any residential district unless the use to which they are accessory is permitted in such district or upon approval by the Commission.
- C. Parking regulations in multiple-dwelling or attached dwelling developments. Wherever space is provided for the parking of five or more vehicles in the open, such spaces shall be individually identified by means of pavement markings. No parking space shall be located within 10 feet of any lot line in side or rear yards. The parking of motor vehicles is prohibited within 15 feet of any wall or portion thereof of a two-or-more-family dwelling, which wall contains windows (other than bathroom or kitchen windows) with a sill height of less than eight feet above the level of said parking space. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or fueling, and no

gasoline, oil, grease or other supplies shall be stored or sold in any such lot or in any garage on such lot. Parking areas shall be screened by a substantial wall, fence or thick hedge approved by the Commission. Generally, such screening shall not be less than three nor more than eight feet in height.

- D. Regulations for parking spaces adjacent to lots in any residential district.
- (1) Wherever a parking area of over five spaces abuts or is within 15 feet of the side or rear lot line of a lot in any residential district, said parking lot shall be screened from such adjoining lot by a substantial wall, fence or thick hedge approved by the Commission. Generally, such screen shall be not less than three nor more than eight feet in height.
 - (2) Whenever a parking area of over five spaces is located across the street from other land in any residential district, it shall be screened from the view of such land by a thick hedge, wall or fence approved by the Commission, located along a line drawn parallel to the street and a distance of 20 feet therefrom; such screening shall be interrupted only at points of ingress and egress. Generally, no such screening shall be less than three feet nor more than eight feet in height. The open area between such screening and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. Two identification and directional signs located on the street side of such screening shall be permitted; however, they shall not exceed an area of three square feet each.
- E. Driveways. No driveway shall provide access to a lot located in another district in which such driveway is located.
- F. Commercial vehicles.
- (1) One commercial vehicle not exceeding 25 feet in length may be parked on an occupied lot in any residential district between the street line and the principal building.
 - (2) One commercial vehicle not exceeding 25 feet in length may be parked within a private garage in any residential district.
 - (3) Commercial farm vehicles are permitted as accessory to a commercial farm use in any residential district.
- G. Storage of mobile homes, trailers and boats.
- (1) The storage or parking of a mobile home, trailer or boat by any other person or persons is hereby prohibited in all districts except as provided elsewhere in this chapter and except that:
 - (a) One camping trailer or mobile home not over 25 feet in length and one travel trailer may be stored, but not used for any purpose, on an occupied lot in any residential district, and provided that such trailer is not stored between the street line and the principal building.
 - (b) Where a building permit has been issued for the construction or alteration of a building, a temporary permit for one mobile home or camping trailer may be issued for a period not to exceed six months. Said temporary permit may be

extended for one additional period of six months if it can be shown that construction has been diligently pursued and that justifiable circumstances require such an extension. Said residence may be occupied during the term of the temporary permit and shall be situated upon the lot for which the building permit has been issued. **[Amended 11-6-2014 by Ordinance No. 3-2014]**

- (2) Not more than one boat per residence may be stored on an occupied lot in any residential district, provided that such boat is not stored between the street line and the principal building.

§ 120-43. Prohibited uses in all districts.

- A. Uses with the following characteristics are prohibited in all districts unless otherwise noted. A use is prohibited if it: **[Amended 10-4-1984]**
- (1) Is noxious, offensive or objectionable due to the emission of smoke, dust, gas, odor or other forms of air pollution other than that associated with normal farm operations.
 - (2) Causes permanent damage to the soil and or watercourses through the deposition or disposal of organic or hazardous waste.
 - (3) Presents a hazard of fire, explosion or radioactivity.
 - (4) Creates a disturbance due to excessive noise, vibration, electromagnetic waves and artificial light, both direct and reflected, other than that associated with normal farm operations.
 - (5) Is detrimental to the community's health, safety or general welfare.
- B. Amusement parks and circuses and related activities are prohibited, except for a temporary period on special license from the Township Supervisors.
- C. A junkyard, dump or disposal site is prohibited, except a refuse disposal site established as an official Township refuse disposal site.
- D. The excavation, extraction or removal of any natural resources from the land or ground for any purposes without prior approval of the Township Supervisors is prohibited.
- E. No structure or any part of a storm drainage or sewage disposal system shall be located within 100 feet of either the legally established high water line or either a surface reservoir for domestic water supply or any streams tributary thereto to a floodplain area, subject to approval of the Pennsylvania Department of Environmental Resources.
- F. Storing of more than one unregistered vehicle is prohibited, except in a completely enclosed building.
- G. Parking on a road in a cul de sac is prohibited.
- H. Road and rights-of-way prohibitions:
- (1) No person shall plow, cultivate, plant crops or in any way disturb the surface of the land (except in common mowing), within six (6) feet of any Township Road cartway or within the right-of-way, whichever is greater.

- (2) No person shall erect, create or maintain a fence, wall or any building or other structure, nor shall they plant, nurture or maintain trees or shrubbery within the rights-of-way of any Township road.
- (3) No person or persons shall deposit field stone or debris within the rights-of-way of any Township roads.
- (4) No person shall deposit on or allow by runoff excessive deposits of earth, mud, silt, corn, fodder, manure and other debris to remain on Township cartways. As used herein the term "excessive" shall mean a deposit that is of a sufficient density or size as to be picked up by tires or wheels of the traveling public.
- (5) In addition to the civil penalties provided for in Section 120-61, each person, partnership or corporation violating this provision shall pay the Township's costs and expenses (including reasonable overhead) to repair or reinstate the right-of-way or cartway (and their surfaces or facilities) back to the former condition in which it was prior to the offense.

[Added 11-6-2014 by Ordinance No. 3-2014]

§ 120-44. Arterial road and interchange development.

Proposed uses fronting on arterial roads as defined in the East Drumore Township Comprehensive Plan or located in the vicinity of grade separated highway interchanges shall be subject to the following requirements:

- A. **Setback.** All structures fronting on arterial roads or on an approach ramp leading to a grade separated highway interchange shall be set back not less than 75 feet from the right-of-way line of such road or highway.
- B. **Driveway access points.** All structures fronting on arterial roads or approach ramps which lead to a grade separated interchange shall be limited to no more than two driveway access points, except that properties which are less than 200 feet wide shall be limited to only one driveway access point; such driveway access points shall be designed in a manner which will minimize their interference with any through traffic on the arterial road or the approach ramp. Such driveway access points shall not exceed 30 feet in width at any such point and shall not be located nearer than 150 feet to one another.
- C. **Interchange ramp protection.** Individual driveway access points and intersecting roads on any approach ramp are prohibited for a distance of 300 feet from the end of any interchange ramp which intersects with the approach ramp.
- D. **Interchange development.** No structure other than directional signs and/or other traffic control signs or devices erected by a governmental body shall be erected within 200 feet of the right-of-way of any grade separated interchange providing access to any approach ramp. Such area may, however, be used in providing required lot area or yard space. No activity or use shall be established within 75 feet of any such interchange except as provided above, and the natural vegetation and terrain within said 75 feet shall remain undisturbed.

§ 120-45. Signs.

The purpose of this section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It also protects property values, creates a more attractive, economic and business climate, enhances and protects the physical appearance of the community, preserves the scenic and natural beauty of designated areas and provides a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space and curb the deterioration of natural beauty and community development.

- A. Existing signs. Any sign which lawfully existed and was maintained at the effective date of this chapter may be continued, provided that such sign is constructed of durable materials and is kept in good condition and repair.
- B. General regulations applying to all signs.
 - (1) No sign shall be located in the established right-of-way of any street.
 - (2) No sign shall project beyond any property line.
 - (3) No sign in any district shall be placed closer than 15 feet from the cartway of any street, nor closer than 35 feet from any property line. **[Amended 6-15-1995 by Ord. No. 8-95; 5-7-1998 by Ord. No. 1-98]**
- C. Permit procedure. No person shall erect any permanent sign without first obtaining a sign permit from the Township.
 - (1) Application for permit. Application for the permit shall be made to the Township, in writing, upon forms prescribed and provided by the Township, and shall contain the following information: **[Amended 5-7-1998 by Ord. No. 1-98]**
 - (a) The name, address and telephone number of the applicant.
 - (b) The location of the building, structure or land to which or upon which the sign is to be erected.
 - (c) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign, position or lighting or other extraneous devices, a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway.
 - (d) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected in the event that the applicant is not the owner thereof.
 - (e) A copy of any required or necessary electrical permit issued for said sign or a copy of the application therefor.

- (f) Such other pertinent information as the Township may require to ensure compliance with this chapter.
 - (2) Fees. Fees for sign permits shall be as determined from time to time by resolution of the Township Supervisors. Such fees shall cover the cost of enforcing this section.
 - (3) Permit exceptions.
 - (a) The following operations shall not be considered as creating a sign and shall not require a sign permit:
 - [1] Replacing copy. The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - [2] Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
 - (b) Window signs and signs exempt under the definition of signs in this chapter are also exempt from permit requirements.
 - (4) Revocation of permit.
 - (a) No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this chapter. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose fastenings and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.
 - (b) In the event of a violation of any of the foregoing provisions, the Township shall give written or personal notice specifying the violation to the named owner of the sign and the named owner of the land on which the sign is erected. Written notice shall be sent to the addresses as stated in the application for the sign permit, to conform or remove such signs. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 30 days from the date of said notice. In the event that such sign shall not be made to conform within 30 days, the Township shall thereupon revoke the permit and the sign shall be removed by the named owner of the sign and/or the named owner of the land.
- D. Temporary signs. Signs of a temporary nature shall not be required to have permits, provided that the following criteria are met:
- (1) No temporary sign shall exceed 16 square feet. **[Amended 5-7-1998 by Ord. No. 1-98]**
 - (2) No temporary sign shall be illuminated.
 - (3) The advertisement shall pertain to one of the following categories and shall be removed by the time periods specified:

- (a) The seasonal sale of farm produce on the premises. Such signs shall be removed no later than 15 days after the cessation of sales operations.
 - (b) The election of political candidates. Such signs shall be removed no later than 15 days after the election.
 - (c) An event (sports, entertainment, etc.) which shall occur no later than once during any calendar year.
 - (d) The sale of real estate or personal property on the premises. Such signs shall be removed no later than 15 days after said property is sold.
 - (e) The name of the architect, engineer or general contractor of any project involving construction, repair, renovation or demolition of a structure on the premises. Such signs shall be removed no later than 15 days after said project is completed.
- (4) Nothing in this section shall be construed to permit the erection, construction or attachment of any sign on or to private property, including but not limited to fences, trees and utility poles, without prior permission of said property owner.
 - (5) No temporary sign shall be placed in such a manner so as to create a hazard or disturbance to the health and welfare of the general public.
 - (6) Signs posted by property owners to inform passersby of restrictions against hunting, trespassing or other unauthorized use shall be considered to be temporary signs, except there shall be no limit to the period of time they may remain posted.
 - (7) In residential districts, there shall be no more than one temporary sign per lot. This restriction does not apply to temporary signs allowed under Subsection D(6). **[Amended 6-15-1995 by Ord. No. 8-95]**
- E. Signs permitted in all districts. Subject to the other conditions of this chapter, the following signs shall be permitted within any district in the Township.
- (1) Civic and religious signs. Signs or bulletin boards customarily incidental to places of worship, libraries, colleges, other educational institutions, philanthropic and religious institutions, hospitals, nursing homes, sanitariums, membership clubs and camps, social clubs and other civic organizations, which signs or bulletins shall not exceed 50 square feet in area. Such signs shall be located on the premises of such organizations, except by approval of the Commission. **[Amended 5-7-1998 by Ord. No. 1-98; 7-1-1999 by Ord. No. 1-99]**
- F. Signs permitted in residential districts.
- (1) One home, residence, name, address or professional occupation sign not exceeding four square feet in area shall be permitted per single-family dwelling. **[Amended 5-7-1998 by Ord. No. 1-98]**
 - (2) One premises sign advertising a permitted customary home occupation shall be permitted, provided that such sign shall not exceed eight square feet in area. **[Amended 5-7-1998 by Ord. No. 1-98]**

- (3) One premises sign advertising a permitted professional office or studio shall be permitted, provided that such sign shall not exceed eight square feet for each office or studio. **[Amended 5-7-1998 by Ord. No. 1-98]**
 - (4) Premises signs advertising agricultural and agriculturally related operations, including crop farming and animal husbandry, on an active farm upon which said operations are conducted shall be permitted. No single sign shall exceed 12 square feet.
 - (5) Signs indicating only the name of an active farm and not exceeding a total area of 12 square feet shall be permitted.
- G. Signs permitted in agricultural districts. **[Added 5-7-1998 by Ord. No. 1-98]**
- (1) Premises signs advertising agricultural and agriculturally related operations, including crop farming and animal husbandry, on active farm upon which said operations are conducted shall be permitted. No single sign shall exceed 16 square feet.
 - (2) Signs indicating only the name of an active farm and not exceeding a total area of 16 square feet shall be permitted.
 - (3) One premises sign advertising a permitted customary home occupation shall be permitted, provided that such sign shall not exceed 16 square feet in area.
- H. Signs permitted in commercial districts.
- (1) Premises or point-of-sale signs shall be regulated as follows:
 - (a) Not more than one such sign shall be permitted for each tenant on the premises on each building wall on a street or parking area.
 - (b) The aggregate area in square feet of all signs on any building wall shall not exceed one square foot for every one foot in length of such building wall.
 - (c) Such sign or signs shall be parallel to the face of the building, and no part thereof, including any illuminating devices, shall project more than 12 inches beyond the face of the building in any direction.
 - (d) Whenever the building is located more than 35 feet back from the street line, one freestanding premises sign shall also be permitted. Said sign shall not be located closer than six feet to any building, and the total area of all faces of said sign shall not exceed 60 square feet. No such freestanding sign shall encroach on any required yard. **[Amended 5-6-2010 by Ord. No. 2 - 2010]**
 - (e) On any motor vehicle service station, not more than one pole sign shall be erected on the premises for the purpose of advertising the brand of gasoline sold at such service station, provided that such pole sign shall have a maximum area of not more than **60** square feet and a maximum height not to exceed the height limitations of the district in which said service station is located. Said single standard sign may be erected in a required front yard for purposes of identification. **[Amended 5-6-2010 by Ord. No. 2 - 2010]**
 - (f) No neon sign or similar illuminated advertisement shall be of such color or

located in such fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.³

- (2) Commercial advertising signs, including directional signs other than official directional signs, are prohibited, except that where large numbers of either directional or commercial advertising signs are justified, a sign plaza may be established wherein all such signs shall be consolidated and confined within a single frame or as a combination of sign panels. **[Amended 6-15-1995 by Ord. No. 8-95; 11-6-2014 by Ordinance No. 3-2014]**
- I. Signs permitted in industrial districts.
 - (1) Premises or point-of-sale signs shall be permitted and regulated in accordance with Subsection G(1) herein.
 - (2) Identification and directional signs shall be permitted and regulated in accordance with Subsection G(2) herein.
 - (3) Commercial advertising signs shall be permitted and regulated in accordance with Subsections G(2) and I herein.
 - J. Commercial advertising signs. Commercial advertising signs, outdoor advertising structures or billboards which advertise products or businesses not connected with the site or building on which they are located shall be permitted and regulated as separate uses on undeveloped property in the commercial and industrial districts except as otherwise provided under the establishment of sign plazas.
 - (1) No commercial advertising signs shall be located closer than 100 feet to any property line nor located closer than 200 feet to the right-of-way line of any street. **[Amended 6-6-1991 by Ord. No. 3-91]**
 - (2) There shall not be more than one commercial advertising sign structure displaying a maximum of 72 square feet of advertising space for each 500 linear feet of street frontage. A backup structure facing in the opposite direction and conforming with the general lines and measurements of the first structure shall also be permitted, provided that the aggregate advertising space thereon shall not exceed 72 square feet.
 - (3) Any commercial advertising structure shall have an open space of not less than three feet between its lower edge and the ground. However, this space may be shielded by an ornamental lattice.
 - (4) No commercial advertising structure shall be more than 20 feet in height from ground level; provided, however, that an increase in height may be allowed if it can be shown to the Zoning Hearing Board that excessive grades, building interference, bridge obstruction and the like exist; thereby the height may be increased to 40 feet. **[Amended 6-15-1995 by Ord. No. 8-95]**

3. Editor's Note: Former Subsection G(1)(g), pertaining to freestanding signs, which immediately followed this subsection, was repealed 5-7-1998 by Ord. No. 1-98.

- K. Prohibited signs. The prohibitions contained in this section shall apply to all signs, all artificial lighting and districts, regardless of designation, within the Township.
- (1) No sign, including projecting signs, shall be located in or project over any street right-of-way except an official sign.
 - (2) No advertisement, advertising structure, billboard, building structure or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the state, by the County or municipality or by any railroad or public utility or similar agency concerned with the protection of the public health or safety.
 - (3) No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.
 - (4) No sign or combination of signs shall be constructed or arranged so as to constitute a hazard to the safety of motorists or pedestrians. The following advertisements are specifically forbidden:
 - (a) Any advertisement which uses a series of two or more freestanding signs placed in a line parallel to the highway or, in similar fashion, all carrying a single advertising message, part of which is contained on each sign.
 - (b) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers or spinners. The devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not part of a sign.
 - (c) In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
 - (5) Permanent signs made of cardboard, paper or similar impermanent material are specifically prohibited. **[Amended 11-6-2014 by Ordinance No. 3-2014]**
- L. Removal of signs. Any sign erected on or after the effective date of this chapter which does not comply with the applicable provisions of this section shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. The Township, upon determining that any such sign exists, shall notify the owner of the premises, in writing, to remove said sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the Township may remove or cause removal of such sign and shall assess all costs and expenses incurred in said removal against the land or building on which such sign is located.
- (1) If the Township shall find that any sign regulated by this chapter is unsafe or insecure or is a menace to the public, written notice may be given to the named owner of the sign and the named owner of the land upon which the sign is erected, who shall remove or repair said sign within 30 days from the date of said notice. If said sign is not removed or repaired within the time period, the Township shall revoke the permit

issued for such sign as herein provided and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located.

- (2) The Township may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

§ 120-46. Performance standards.

No land or building in any Zoning District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

- A. Enforcement provisions applicable to other uses. Even though compliance with performance standards procedure in obtaining a building permit is not required for some particular uses, initial and continued compliance with the performance standards themselves is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Township against any use if there are reasonable grounds to believe that performance standards are being violated by such use.
- B. Performance standards procedure. An application for a building permit or a certificate of occupancy for a use subject to performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this § 120-46. The applicant shall also file with such plans and specifications an affidavit acknowledging his understanding of the applicable performance standards and stating his agreement to conform with the same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential. The Township may employ qualified experts to review such plan, description and specification at the cost of the applicant.
- C. Performance standard regulations.
 - (1) Fire and explosion hazards. All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of state and local laws and regulations shall also apply.
 - (2) Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot line nor shall any vibration produced exceed 0.002g peak at up to 50 cycles per second frequency,

measured at or beyond the lot line using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 cycles per second frequency or a periodic vibration shall not induce accelerations exceeding 0.001g. Single impulse aperiodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g.

- (3) Noise.
- (a) The maximum sound pressure level radiated by any use or facility (other than transportation equipment) at any lot line shall not exceed the values in the designated octave bands given in Table I after applying the corrections shown in Table II, below. The sound pressure level shall be measured with a sound level meter and associated octave bank analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds Z24, 3-1954, American Standards Association, Inc., New York, New York, and American Standard Specification for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds Z24, 10-1953, American Standards Association, Inc., New York, New York, shall be used.)
- (b) Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9:00 p.m. and 7:00 a.m. shall be in accordance with the following table:

Table I

Frequency Band (cycles per second)	Sound Pressure Level (decibels re 0.0002 dyne/cm)
20 to 75	69
75 to 150	60
150 to 300	56
300 to 600	51
600 to 1,200	42
1,200 to 2,400	40
2,400 to 4,800	38
4,800 to 10,000	35

- (d) If the noise is not smooth and continuous and is not radiated between the hours of 9 p.m. and 7 a.m., one or more of the corrections in Table II shall be applied to the decibel levels given in Table I.

Table II

Type or Location of Operation or Character of Noise	Correction (decibels)
Daytime operation only Noise source operates less than:	+ 5
20% of any 1-hour period	+ 5*
5% of any 1-hour period	+ 10*
1% of any 1-hour period	+ 15*
Noise of impulsive character (hammering, etc.)	- 5
Noise of periodic character (hum, screech, etc.)	- 5

*NOTE: Apply one of these corrections only.

- (4) Smoke. No emission shall be permitted at any point from any chimney or otherwise or visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity.
- (5) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in Chapter 5, Air Pollution Abatement Manuals, copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual, and/or table as subsequently amended.
- (6) Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property or which can cause any excessive soiling at any point on the property of others, and in no event shall any emission from any chimney or otherwise of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.
- (7) Electromagnetic radiation. It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection,

topographical survey, personal pleasure or for any other use directly or indirectly associated with these purposes which does not comply with the then-current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.

- (8) Radioactive radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in conformance with the regulations of the Atomic Energy Commission as set forth in Title 10, Chapter One, Part 20, Standards for Protection Against Radiation, as amended, and all applicable regulations of the State of Pennsylvania.
- (9) Heat. For the purposes of this chapter, "heat" is defined as thermal energy of a radiative, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 10° F.; whether such change is in the air or in the ground, in a natural stream or lake or in any structure on such adjacent property.
- (10) Glare.
 - (a) Direct glare. "Direct glare" is defined for the purpose of this chapter as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be 60° drawn perpendicular to the ground, with the exception that such angle may be increased to 90° if the luminary is less than four feet above the ground. Such luminaries shall be placed not more than 16 feet

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

(b) Indirect glare.

[1] "Indirect glare" is defined for the purpose of this chapter as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

[a] Three footcandles (maximum).

[b] One footcandle (average).

[2] Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

(11) Liquid or solid wastes. No discharge shall be permitted at any point into any sewage disposal system or watercourse or lake or into the ground except in accord with standards approved by the Department of Environmental Resources or other regulating department or agency of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

§ 120-47. Telecommunications and utility towers. [Added 10-4-1984]

A. All telecommunications and utility towers, antennas or other structures of a similar nature above 35 feet in height shall:

- (1) Be located a distance equal to the structure's height, plus 50 feet from the nearest property line. For example, a tower 85 feet high must be 85 feet (its height) plus 50 feet, or 135 feet, from the nearest property line.
- (2) Be located a distance equal to three times the structure's height from the nearest residence on adjoining lot(s).
- (3) Not be located in residential districts.
- (4) Not be located within an airport approach zone.
- (5) Not be lit nor carry a sign other than that required for aircraft safety.
- (6) Be fenced in by a locked, secure barrier or fence at least six feet high.

B. The applicant shall provide drawings and information demonstrating that the above conditions have been met and that the proposed structure is reasonably necessary for the convenience and welfare of the public.

C. The owner of a telecommunications facility and the owner of the property where the facility is located shall remove any abandoned telecommunications facility within 30 days of abandonment. Any telecommunications facility that is not operated for a continuous period

of 12 months shall be considered abandoned. **[Added 9-1-2005 by Ord. No. 1-2005]**

- (1) If the telecommunications facility is not removed within 30 days of abandonment, the Township may notify the owners to remove the telecommunications facility within 30 days of receipt of such notice.
- (2) Failure to remove the telecommunications facility pursuant to such notice shall constitute a violation of this chapter and all other applicable Township ordinances and regulations issued pursuant thereto and of the Second Class Township Code and the Pennsylvania Municipalities Planning Code.
- (3) If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this chapter as if such tower or antenna was a new tower or antenna.

§ 120-47.1. Manure Digesters. [Added 3-1-2012 by Ord. No. 1 – 2012]

A. All Manure Digesters shall meet the following requirements:

- (1) The proposed use shall be located on a Farm with a minimum lot area of 20 acres.
- (2) The proposed use shall comply with all the lot, yard, set back, coverage and height requirements of the Agricultural district.
- (3) The proposed use shall comply with all applicable requirements of the Agriculture Code, 3 Pa. C.S.A. § 101, *et seq.*, including but not limited to the subchapter regulating nutrient management and odor management, 3 Pa. C.S.A. § 501, *et seq.*. If a nutrient management plan or an odor management plan has been developed for the proposed digester, a copy of the plan(s) shall be provided to the Township prior to the operation of the digester.
- (4) All buildings, structures and facilities used as part of the manure digesting operation shall be setback two hundred (200) feet from any property line and three hundred (300) feet from any existing residential building unless the owner of such residence waives this restriction in writing to the Township. If there is a state law or regulation that establishes a different setback distance for the proposed use, then the state law or regulation shall govern.
- (5) The applicant shall provide a written description of the nature of the on-site activities and operations and identify what materials will be stored and used in the process.
- (6) All electrical and mechanical equipment of a manure digester system shall be secured in a fenced area or enclosed structure.

B. Manure Digesters (Community) shall meet the following additional requirements:

- (1) The applicant shall prepare a site plan to scale showing the size and location of the lot and the location of all buildings, structures, bridges and proposed facilities, including access drives, parking areas and all streets within 200 feet of the lot. The

site plan shall also demonstrate that there is proper ingress, egress and internal truck circulation for the proposed use.

- (2) The applicant shall prepare a traffic impact study (a) documenting the peak number of trips during a twenty-four hour period and identify the number of trips during the a.m. and p.m. peak hours for the proposed use; (b) establishing that the proposed use will not have a materially adverse impact on congestion or safety on the surrounding roadways; (c) evaluating the physical characteristics of the surrounding roadways to determine if the roadways are capable of handling the projected truck traffic generated by the proposed use and (d) preparing a plan depicting the internal circulation of trucks on the property, including how trucks will enter and exit the property.
- (3) In the case of a proposed community manure digester located directly adjacent to a residential district or adjacent to property used for residential purposes, the applicant shall also meet the following requirements:
 - (a) Applicant shall prepare a landscaping plan that shows buffering consisting of evergreen trees, solid vinyl fencing or a combination of both that will screen the manure digester and associated operations from the neighboring residential district or residential use.
 - (b) The proposed use shall not be hazardous or inconvenient to or incongruous with said residential district or residential use, shall not conflict with the normal traffic of the neighborhood and shall not hinder or discourage the appropriate development use of adjacent land and buildings.
- (4) The applicant shall obtain land development approval and secure all regulatory permits necessary to construct and operate the facility.

**§ 120-47.2. Solar Energy System, Wind Energy System and Alternative Energy System.
[Added 3-1-2012 by Ord. No. 1 – 2012]**

A. Solar Energy System.

- (1) All Solar Energy Systems, regardless of the size, shall comply with the following requirements:
 - (a) The layout, design and installation of a Solar Energy System shall conform to applicable industry standards and shall comply with the Township Building Code and with all other applicable fire and safety requirements.
 - (b) All Solar Energy Systems shall be subject to the lot, yard, set back, coverage and height requirements of the applicable zoning district.
 - (c) No free standing Solar Energy System may be located between the front of a principal building and the Front Lot Line (even if it is located outside of the front yard setback) unless the Solar Energy System is completely screened from the street.

- (d) All on-site utility and transmission lines and any pipes associated with a Solar Energy System shall, to the extent feasible, be placed underground.
 - (e) All solar panels shall be situated in such a manner as to prevent concentrated solar radiation or glare from being directed onto adjacent properties, roads or public gathering places.
 - (f) Free standing solar panels, including arrays of solar panels, shall not be considered impervious surface subject to the maximum lot coverage requirements of the underlying zone if the Applicant can demonstrate by credible evidence that stormwater will infiltrate into the ground beneath the solar panels at a rate equal to that of the infiltration rate prior to the placement of the system and that there will not be an increase in the rate or volume of stormwater runoff from the Property as a result of the solar panels. All other structures or equipment associated with the Solar Energy System shall be considered impervious surface that is subject to the maximum lot coverage limitations of the applicable zoning district.
 - (g) Signage or text on solar energy systems may be used to identify the manufacturer, equipment information, warning or ownership but shall not be used to display any commercial advertising message or anchor any streamers, balloons, flags, banners, ribbons or other materials to attract attention.
 - (h) Applicant shall remove the Solar Energy System when it becomes functionally obsolete or is no longer in use for a period of more than one (1) year. The owner shall notify the Township within one month from the cessation or abandonment of the system and shall remove the Solar Energy System within six (6) months from the date the system is no longer used or becomes obsolete.
- (2) Solar Energy System (Large) shall meet the following additional requirements:
- (a) Submission of a concept plan that includes the following information: (1) a sketch plan at a readable scale with contours shown at two foot intervals, all existing and manmade features, existing zoning, a vicinity map and flood zone designations; (2) a written narrative outlining the need and benefits of the proposed facility, the anticipated life of the facility, and proposed measures and financial sureties for decommissioning the facility at the end of its useful life; (3) an operations and maintenance plan that explains how the system will be maintained, general operation of the system and any shutdown or emergency procedures; (4) schematics and elevations of the various components of the Solar Energy System, including solar panels, arrays, inverters and associated equipment and components; and (5) a landscaping plan establishing a suitable buffer or fence around the area containing the solar panels.
 - (b) All mechanical equipment of Solar Energy Systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum

eight (8) foot high fence with a self-locking gate, and shall include vegetative screening around the fence.

- (c) Applicant shall provide financial security in the form and amount acceptable to the Township to secure the expense of decommissioning, dismantling and removing the Solar Energy System in the event that the Applicant fails to do so.

B. Wind Energy System

- (1) All Wind Energy Systems, regardless of the size, shall comply with the following requirements:
 - (a) The layout, design and installation of a Wind Energy System shall conform to applicable industry standards and shall comply with the Township Building Code and with all other applicable fire and safety requirements.
 - (b) All Wind Energy Systems shall be set back from all property lines, buildings, structures, public rights-of-way and public utility lines a distance equal to one and one tenth (1.1) the total extended height of the turbine.
 - (c) No Wind Energy System may be located between the front of a principal building and the Front Lot Line (even if it is located outside of the front yard setback).
 - (d) The minimum height of the lowest position of a wind turbine shall be thirty (30) feet above the ground. The maximum height of a wind turbine in the A - Agricultural District shall be forty (40) feet above the ground. There shall be no specific height limitation within the C-Commercial District and I-Industrial District except as imposed by the Federal Aviation Administration regulations.
 - (e) All on-site utility and transmission lines and any pipes associated with a Wind Energy System shall, to the extent feasible, be placed underground.
 - (f) Signage or text on a Wind Energy System may be used to identify the manufacturer, equipment information, warning or ownership but shall not be used to display any commercial advertising message or anchor any streamers, balloons, flags, banners, ribbons or other materials to attract attention.
 - (g) No portion of a Wind Energy System shall be artificially lighted or illuminated except to the extent required by the Federal Aviation Administration.
 - (h) Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
 - (i) No portion of a Wind Energy System shall extend over parking areas, access drives, driveways or sidewalks.

- (j) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
 - (k) Applicant shall remove the Wind Energy System when it becomes functionally obsolete or is no longer in use for a period of more than one (1) year. The owner shall notify the Township within one month from the cessation or abandonment of the system and shall remove the Wind Energy System within six (6) months from the date the system is no longer used or becomes obsolete.
- (2) Wind Energy System (Large) shall meet the following additional requirements:
- (a) Submission of a concept plan that includes the following information: (1) a sketch plan at a readable scale with contours shown at two foot intervals, all existing and manmade features, existing zoning, a vicinity map and flood zone designations; (2) a written narrative outlining the need and benefits of the proposed facility, the anticipated life of the facility, and proposed measures and financial sureties for decommissioning the facility at the end of its useful life; (3) an operations and maintenance plan that explains how the system will be maintained, general operation of the system and any shutdown or emergency procedures; (4) schematics and elevations of the various components of the Wind Energy System, including all wind turbines, inverters and associated equipment and components; and (5) a noise study documenting the ambient noise level, known as the “A-weighted sound level” and the noise level of the proposed system to demonstrate that the system will meet the noise limitations set forth below. Noise shall be measured from the property line of the closest neighboring inhabited structure or nearest habitable structure setback on an abutting property.
 - (b) Wind Energy System (Large) shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. This level may be exceeded during short term events such as utility outages and / or severe wind storms.
 - (c) All mechanical equipment of a Wind Energy System including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and shall include vegetative screening around the fence.
 - (d) Applicant shall provide a detailed plan on how the components of the Wind Energy System will be transported to the property and what provisions will be taken to prevent damage to area roads and infrastructure. Applicant shall agree to repair any damage to local roads or other infrastructure caused by the transporting or installation of a Wind Energy System to the same or better condition than what existed prior to the damage. The Township may require an Applicant to post financial security to repair roadways and

infrastructure related to the transportation and installation of a Wind Energy System.

- (d) Applicant shall provide financial security in the form and amount acceptable to the Township to secure the expense of decommissioning, dismantling and removing the Wind Energy System in the event that the Applicant fails to do so.

C. Alternative Energy System

- (1) All Alternative Energy Systems, regardless of the size, shall comply with the following requirements:
 - (a) Submission of a concept plan that includes the following information: (1) a sketch plan at a readable scale with contours shown at two foot intervals, all existing and manmade features, existing zoning, a vicinity map and flood zone designations; (2) a written narrative outlining the need and benefits of the proposed facility, the anticipated life of the facility, and proposed measures and financial sureties for decommissioning the facility at the end of its useful life; (3) an operations and maintenance plan that explains how the system will be maintained, general operation of the system and any shutdown or emergency procedures; (4) schematics and elevations of the various components of the system, including all associated equipment and components; and (5) a landscaping plan establishing a suitable buffer or fence around the area containing the proposed system.
 - (b) The layout, design and installation of the system shall conform to applicable industry standards and shall comply with the Township Building Code and with all other applicable fire and safety requirements.
 - (c) All Alternative Energy Systems shall be subject to the lot, yard, set back, coverage and height requirements of the applicable zoning district.
 - (d) No Alternative Energy Systems may be located between the front of a principal building and the Front Lot Line (even if it is located outside of the front yard setback) unless the Solar Energy System is completely screened from the street.
 - (e) All on-site utility and transmission lines and any pipes associated with an Alternative Energy System shall, to the extent feasible, be placed underground.
 - (f) Signage or text on an Alternate Energy System may be used to identify the manufacturer, equipment information, warning or ownership but shall not be used to display any commercial advertising message or anchor any streamers, balloons, flags, banners, ribbons or other materials to attract attention.

- (g) All access doors to electrical equipment and associated components shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- (h) Applicant shall remove the Alternative Energy System when it becomes functionally obsolete or is no longer in use for a period of more than one (1) year. The owner shall notify the Township within one month from the cessation or abandonment of the system and shall remove the Alternative Energy System within six (6) months from the date the system is no longer used or becomes obsolete.
- (i) All mechanical equipment of an Alternative Energy System, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and shall include vegetative screening around the fence.
- (j) Applicant shall provide financial security in the form and amount acceptable to the Township to secure the expense of decommissioning, dismantling and removing the Alternative Energy System in the event that the Applicant fails to do so.

§ 120-47.3. Short-term Lodging Accommodations. [Added 5-7-2020 by Ord. No. 1-2020]

Operators of short-term lodging accommodations shall conform to the following standards:

- A. Shall not provide meals for compensation.
- B. Shall annually apply for and receive a short-term lodging license that will be effective for a calendar year and subject to the Operator complying with these standards. The Zoning Officer may revoke the license should an operator violate any of these standards.
- C. The length of stay per transient occupant shall be limited to a maximum of thirty (30) days.
- D. Short-term lodging accommodations shall not exceed the number of transient occupants allowed within the applicable zoning district.
- E. Operator(s) of short-term lodging accommodations shall not operate more than 150 cumulative days in a year and must operate such uses in strict conformance to all applicable provisions of the East Drumore Township Code of Ordinances.
- F. Short-term lodging accommodations of up to six (6) transient occupants are permitted in an existing and approved residential dwelling located within the Commercial district and without a limitation on the number of cumulative days in a year but subject to all applicable provisions of the East Drumore Township Code of Ordinances.
- G. The number of bedrooms permitted for short-term lodging accommodations shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit

issued for such property. Where there is no sewage permit on record, the short-term lodging accommodations shall be limited to three bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows.

- H. As part of applying for short-term lodging license, the Operator shall provide a parking plan showing where the vehicle(s) of transient occupants will be parked.
- I. Before a short-term lodging license is issued, the Operator shall have a life-safety inspection done by an inspection company approved by the Township.
- J. The commencement of short-term lodging accommodations shall be considered a change in use of the property, and shall not occur without the property owner first applying for, and receiving, a zoning permit from the municipality for such change in use.

ARTICLE VII
Nonconforming Uses
[Amended 10-4-1984]

§ 120-48. Continuation of nonconforming uses.

The lawful use of any structure or land existing at the effective date of this chapter may be continued although such use does not conform with the provisions of this chapter except as otherwise provided in this article.

§ 120-49. Enlargement, alteration or expansion to nonconforming uses. [Amended 12-3-1992 by Ord. No. 2-92; 5-7-1998 by Ord. No. 1-98]

Enlargement, alteration or expansion of nonconforming uses or buildings shall be subject to the approval of the Zoning Hearing Board according to the provisions of Article IX, provided that:

- A. Such enlargement or alteration of a building or expansion of a nonconforming use shall conform with the area, height, yard and lot coverage requirements of the zoning district in which it is located and shall also comply with the off-street parking and off-street loading areas required by this chapter unless regulated by § 120-50;
- B. The enlargement or alterations of a nonconforming building is to an existing building upon the lot occupied by such building or upon a lot adjoining said building as per § 120-50; or
- C. The expansion of a nonconforming use is throughout an existing building originally designed for the intended use or presently used for the proposed use.
- D. Such alteration, enlargement or completion of a building shall conform with the area, height, yard and lot coverage requirements of the zoning district in which it is located and shall also comply with off-street parking and off-street loading areas required by this chapter for such

particular use; provided, however, that buildings in all zoning districts which are nonconforming as to yard requirements may be enlarged despite such nonconformity, even when the enlarged portion of the building is partially or wholly within the required yard area, so long as no part of the enlarged building is nearer to a lot line than the original nonconforming building and the enlarged building complies in all other respects with the provisions of this chapter. [Amended 9-1-2005 by Ord. No. 1-2005]

§ 120-50. Nonconforming residential lots in agricultural districts.

- A. Construction of and additions to residential uses are permitted on lots of record and on lots located within approved recorded subdivisions in existence at the time of the adoption of this chapter. For the purposes of this section, "residential uses" shall only include single-family dwellings.
- B. Such construction and additions shall either comply with the area, bulk and parking requirements of the R-1 District or the prevailing area, bulk and parking within the subject subdivision.
- C. However, in all cases, the area, bulk and parking requirements will be governed by the following standards:
 - (1) Minimum lot size, single-family dwelling: 20,000 square feet.
 - (2) Minimum lot width, single-family dwelling: 100 feet.
 - (3) Minimum lot depth: 150 feet.
 - (4) Minimum yard and setback requirements:
 - (a) Front: 50 feet.
 - (b) Side: 20 feet on one side, and the total must be 50 feet.
 - (c) Rear: 30 feet.
 - (5) Maximum lot coverage: 20%.
 - (6) Maximum building height: 35 feet.
 - (7) Minimum parking requirements: two spaces per dwelling.
- D. For the purposes of this section, accessory uses, signs, pets, home occupations, professional offices, studios and uses by special exception shall be regulated under the provisions of the R-1 District (see § 120-17C and D).

§ 120-51. Restoration of nonconforming buildings.

- A. A nonconforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon or legally condemned may be reconstructed and used for the same nonconforming use, provided that building reconstruction is commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption, or, provided that the owner of such property shall, within one year from the date the building was destroyed or condemned, file with the Zoning Officer a notice of intention

to reconstruct. Such notice shall be valid for one year and shall be renewable annually. The Zoning Hearing Board, for cause shown, may authorize reconstruction in cases where notice is not filed.

- B. In no case shall the building or use as reconstructed exceed the area, height or land coverage of the original building or use nor shall any nonconforming yard be further reduced in size.
- C. Restoration of Non-Conforming Buildings within the Floodplain District shall comply with the East Drumore Township Floodplain Management Ordinance.

§ 120-52. Use changes.

A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification. Whenever a nonconforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

§ 120-53. District changes.

Whenever the boundaries of a district shall be changed so as to transfer land from one district to another district of another classification, the foregoing provisions shall apply to any uses which become nonconforming as a result of such change.

§ 120-54. Discontinuance of nonconforming use.

No building, structure, premises or land where a nonconforming use has ceased for one year or more shall again be put to such use. Subsequent use of such building or land shall conform to the provisions of this chapter.

§ 120-55. Registration of nonconforming uses.

In order to protect the rights given hereunder to each owner of property upon which there is a nonconforming use or nonconforming structure, such owners shall identify and register such nonconforming uses and nonconforming structures with the Zoning Officer, and such registration shall be a matter of official public record. Failure to register, however, shall not subject such owner to any penalty provided by § 120-61.

ARTICLE VIII
Administration and Enforcement

§ 120-56. Appointment of Zoning Officer.

For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Township Supervisors. The Zoning Officer shall administer this chapter in accordance with its literal terms. The Zoning Officer shall issue all permits required by this chapter, but he shall not have the power to permit any construction or any

use or change of use which does not conform to this chapter and other applicable Township codes and ordinances.

§ 120-57. Powers and duties of Zoning Officer.

- A. It shall be the duty of the Zoning Officer, who shall be appointed by the Township Supervisors, to enforce the provisions of this chapter and of all rules, conditions and requirements adopted or specified pursuant thereto.
- B. The Zoning Officer or his duly authorized assistant(s) shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of his duties, provided that:
 - (1) The Zoning Officer shall notify the owner and tenant before conducting any inspection.
 - (2) The Zoning Officer or his duly authorized assistant(s) shall display identification signed by the Supervisors upon commencing an inspection.
 - (3) Inspections shall be commenced in the presence of the owner or his representative or tenant.
- C. The Zoning Officer shall maintain files, open to the public, of all applications for certificates of occupancy and building permits, along with plans submitted therewith, as well as final certificates and permits.
- D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of this chapter as well as action taken as a result of such complaints.
- E. The Zoning Officer shall submit to the Township Supervisors for insertion in the Supervisors' minutes a written report summarizing for the month all building permits and certificates of occupancy issued by him as well as complaints of violations and action taken as a result of such complaints.
- F. The Zoning Officer shall maintain up-to-date records of nonconforming uses, nonconforming structures, changes in use and other nonconformities.
- G. The zoning officer shall be appointed as floodplain administrator as identified in the East Drumore Township Floodplain Management Ordinance.

§ 120-58. Building permits.

- A. No building in any district shall be erected, constructed, improved, altered, moved, extended, replaced or restored without a building permit duly issued upon application to the Township, provided that no such building permit shall be required when the fair market value of said work is less than \$2,500; provided, further, that a building permit shall not be required for roof or window repair or replacement or for painting or for fences. No building permit shall be issued unless the proposed construction or use is in conformity with all the provisions of this chapter and in conformity with the East Drumore Township Subdivision and Land

Development Ordinance.⁴ The permit shall be obtained by the landowner or his agent. In the case of the moving of a building, a permit shall be obtained by the owner or his agent of the land to which the building is moved. **[Amended 4-2-1987 by Ord. No. 4-87; 5-7-1998 by Ord. No. 1-98; 7-1-1999 by Ord. No. 1-99; 9-1-2005 by Ord. No. 1-2005; 5-6-2010 by Ord. No. 2 - 2010]**

- B. Every application for a building permit shall contain the following information and be accompanied by the required fee and by a plot plan signed by the person responsible for such drawing. If no such plot plan is available, a survey is required. Such survey shall be prepared by a licensed engineer or land surveyor. **[Amended 5-6-2010 by Ord. No. 2 - 2010]**
- (1) The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or of the lot in which it is situated if an existing building.
 - (2) The parcel ID number as they appear on the latest tax and property records. **[Amended 5-7-2020 by Ord. No. 1-2020]**
 - (3) The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot.
 - (4) The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot.
 - (5) The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.
 - (6) Such topographic or other information with regard to the building and the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.
- C. No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway.
- D. No building permit shall be issued for any building where the site plan of such building is subject to approval by the Township Supervisors, except in conformity with the plans approved by said Township Supervisors.
- E. No building permit shall be issued for a building to be used for any use by special exception in any district where such use is allowed only by approval of the Zoning Hearing Board unless and until such approval has been duly granted by the Zoning Hearing Board.
- F. The building permit application and all supporting documentation shall be made in triplicate. On the issuance of a building permit, the Zoning Officer shall return one copy of all filed documents to the applicant.
- G. The Zoning Officer shall, within 10 days after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied, the Zoning Officer shall state, in writing, to the applicant the reasons for such denial.

4. Editor's Note: See Ch 102, Subdivision and Land Development.

- H. Every building permit shall expire if the work authorized has not substantially commenced within six months after the date of issuance or has not been completed within 12 months from such date for construction costing less than \$1,000,000 and has not been completed within 36 months from such date for construction costing in excess of such amount. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Zoning Officer may authorize, in writing, the extension of either above periods of an additional six months, following which no further work is to be undertaken without a new building permit. **[Amended 6-15-1995 by Ord. No. 8-95]**
- I. As soon as the foundation of a building or of any addition to any existing buildings is completed and before first-story framing or wall construction is begun, the permittee shall request of the Zoning Officer an inspection of the foundation to determine compliance with the information stated on the permit application. There shall be filed with the Township an accurate survey signed by the person responsible for said survey, showing the exact location of such foundation with respect to the street and property lines of the lot.
- J. The Zoning Officer shall have the right to enter upon any construction site, property or grounds or into any building under construction, alteration, repair or removal at all reasonable hours upon showing his badge or credentials of office for the purpose of inspection to determine whether the work being performed thereon is in violation of any provision of this chapter or any other applicable ordinance, regulation or law. Any person or persons interfering with the inspection shall be guilty of violating the provisions of this chapter and liable to the penalties provided therefor.
- K. The requirements for obtaining a building permit shall apply to the construction of any structure or other improvement on a Property, including, but not limited to the installation of an Alternative Energy System, Solar System, Wind System and / or Manure Digester.

§ 120-59. Certificate of occupancy.

- A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Zoning Officer.
 - (1) Occupancy and use of a building, including residences erected, reconstructed or moved or any change in use of an existing building.
 - (2) Occupancy, use or any change in the use of any land.
 - (3) Any change in the use of nonconforming uses.
- B. No certificate of occupancy shall be issued for any use of a building or of land requiring approval by the Zoning Hearing Board unless and until such approval has been duly granted. Every certificate of occupancy for which use by special exception has been granted or in connection with which a variance has been granted by the Zoning Hearing Board shall contain a detailed statement of any condition to which the same is subject.
- C. On a form furnished by the Township, application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made after the erection of such building or part thereof has been completed in conformity with the provisions of this chapter, and, in the case of a new building, shall be accompanied by an accurate plot plan or,

if not available, by a survey prepared by a licensed land surveyor or engineer showing the location of all buildings as built.

- D. If the proposed use is in conformity with the provisions of this chapter and of all other applicable codes and ordinances, a certificate of occupancy for the use of vacant land or for a change of use of a nonconforming use shall be issued by the Zoning Officer within 15 days after receipt of a properly completed application. If a certificate of occupancy is denied, the Zoning Officer shall state the reasons, in writing, to the applicant.
- E. In regard to those uses which are subject to performance standards procedure, the following requirements shall also apply:
- (1) Any normal replacement or addition of equipment and machinery not affecting the operations or the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use.
 - (2) After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the performance standards and other provisions for a period of five days without bona fide and immediate corrective work, the Zoning Officer shall suspend or revoke the occupancy permit of the use and the operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the occupancy permit shall be reinstated.
 - (3) The Zoning Officer shall investigate any alleged violations of performance standards, and if there are reasonable grounds to believe that a violation exists, the Zoning Officer shall investigate the alleged violation and for such investigation may employ qualified experts.
 - (4) A copy of said findings shall be forwarded to the Township Supervisors. The services of any qualified experts employed by the Township to advise in establishing a violation shall be paid for by the violator if it shall be determined that a violation is proved and otherwise by the Township. No new certificate of occupancy shall be issued unless such charges have been paid to the Township.
- F. A certificate of occupancy shall be deemed to authorize and is required for both initial occupancy and the continuance of occupancy and use of the building or land to which it applies.
- G. Upon written request by the owner and upon fee payment, the Zoning Officer shall, after inspection, issue a certificate of occupancy for any building or use thereof or of land existing at the time of adoption of this chapter, certifying such use and whether or not the same and the building conforms to the provisions of this chapter.
- H. A record of all certificates of occupancy shall be kept by the Zoning Officer, and copies shall be furnished on request to any agency of the Township or to any persons having a proprietary or tenancy interest in the building or land affected.

§ 120-60. Fees.

The Board of Supervisors shall set fees, payable in advance, for all applications, permits or appeals

provided for by this chapter to defray the cost of advertising, processing, inspecting, mailing notices, charges of a stenographer for taking the notes of testimony and copying applications, permits and occupancy certificates. [Amended 4-2-1987 by Ord. No. 4-87]

§ 120-61. Violations and penalties.

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. [Amended 6-15-1995 by Ord. No. 8-95]
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

§ 120-62. Enforcement remedies.

In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this chapter or prior enabling laws, the Board of Supervisors or an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

§ 120-62.2. Conditional Uses. [Added 3-1-2012 by Ord. No. 1 – 2012]

- A. Filing of Conditional Use. For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required to show that the Applicant meets the objective criteria of the Ordinance, the conditional use application must show:
- (1) Ground floor plans and elevations of proposed structures.
 - (2) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

- (3) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance;
 - (4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
 - (5) The application satisfies the applicable requirements for special exception uses permitted in the same zoning district as well as the requirements for special exception uses set forth in § 120-25.
 - (6) Conditional Use applications shall be referred to the Township Planning Commission for comments and recommendation according to the criteria set forth in § 120-25 for reviewing special exception uses.
- B. General Criteria. Each applicant must demonstrate compliance with the following:
- (1) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - (2) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - (3) The proposed use will not affect a change in the character of the subject property's neighborhood;
 - (4) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protections, sewer, water, and other utilities, vehicular access, etc.)
 - (5) For development within the Floodplain Conservation District, that the application complies with those requirements listed in section 120-21.
 - (6) The proposed use will not substantially impair the integrity of the Solanco Regional Comprehensive Plan; and,
 - (7) The burden of establishing compliance with all specific and general criteria and procedures in both conditional uses and special exceptions shall remain with the applicant.
- C. Conditions. The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same District. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.
- D. Site Plan Approval. Any site plan presented in support of the conditional use application 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 use of the property, the applicant shall obtain another conditional use approval.

- E. Expiration of Conditional Uses. Unless otherwise specified by the Board, a conditional use which has been authorized shall expire if the applicant fails to obtain a building or use and occupancy permit within two (2) years from the date of authorization of the conditional use.

ARTICLE IX
Zoning Hearing Board

§ 120-63. Creation and appointment.

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code,⁵ the East Drumore Township Board of Supervisors does hereby create a Zoning Hearing Board consisting of three members who shall be residents of the Township. Members of the Zoning Hearing Board shall hold no other office in the Township except that one member may also be a member of the East Drumore Township Planning Commission.

- A. Terms of office. The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- B. Removal of members. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it, in writing.

§ 120-64. Organization of Zoning Hearing Board.

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the 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 of the Board as provided in § 120-66 of this chapter. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure consistent with ordinances of East Drumore Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Township Supervisors once a year.

§ 120-65. Expenditures for services.

Within the limits of funds appropriated by the Township Supervisors, the Zoning Hearing Board

5. Editor's Note: See 53 P.S. § 10901 et seq.

may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.

§ 120-66. Hearings.

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

- A. Notice. Notice shall be given to the public, the applicant, the Township Zoning Officer, the Lancaster County Planning Commission and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting a notice not required by ordinance. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.
- B. Conduct of hearing. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- (1) The parties to the hearing shall be East Drumore Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations, permitted to appear before the Board. The Zoning Hearing Board shall have the 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.
 - (2) The Chairman or Acting Chairman of the Zoning Hearing 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.
 - (3) 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.
 - (4) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 - (5) The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written material received in evidence shall be made available to any party at cost.
 - (6) The Zoning Hearing Board or hearing officer shall not communicate directly or

indirectly with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

C. Decision.

- (1) The Zoning Hearing 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 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with reasons therefor. Conclusions based on any provisions of this chapter or any Township ordinance, rule or regulation or the Pennsylvania Municipalities Planning Code, Act 247, amended,⁶ 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 Zoning Hearing Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 45 days after the decision of the hearing officer.
- (2) Where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within 10 days in the same manner as provided in Subsection A of this section. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.
- (3) A copy of the final decision or, where no decision is called for, of the finding 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 Zoning Hearing Board shall be provided, 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.

§ 120-67. Functions of Zoning Hearing Board. [Amended 6-15-1995 by Ord. No. 8-95]

The Zoning Hearing Board shall have those powers and duties and provide those functions

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

authorized in the Pennsylvania Municipalities Planning Code.⁷

§ 120-68. Time limitations; persons aggrieved.

The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:

- A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Zoning Hearing Board later than 30 days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- B. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

§ 120-69. Stay of proceedings.

Upon filing of any proceeding referred to in § 120-67 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing, evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay, it shall grant the petition. 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.

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

ARTICLE X
Amendments

§ 120-70. Power of amendment.

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter or any part of this chapter, including the Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in this Article.

§ 120-71. Procedure.

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Proposals for amendment, supplement, change or modification to this chapter, including the Zoning Map, may be made by the Board of Supervisors on its own motion at any time. All other proposals for amendment, supplement, change or modification to this chapter, including the Zoning Map, will be accepted semiannually for review and recommendation by the Planning Commission. The regularly scheduled January and July meetings of the Planning Commission are hereby established as the meetings at which such aforementioned proposals shall be considered. All proposals for amendment, supplement, change or modification to this chapter shall be submitted to the Township Zoning Officer for referral to the Planning Commission not later than 14 days prior to the regularly scheduled January or July meeting of the Planning Commission. **[Amended 6-15-1995 by Ord. No. 8-95]**
- B. Proposals originated by the Planning Commission. The Planning Commission may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this chapter. Such proposals shall be prepared in accordance with the time schedule prescribed in Subsection A.
- C. Proposal originated by citizen petition. Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change or modification shall be submitted, in writing, for referral to the Planning Commission as prescribed in Subsection A.
 - (1) A fee shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a petitioner. Said fee shall be in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time.⁸
 - (2) On receipt of said petition and the requisite fee, the Zoning Officer shall transmit a copy of the petition to the Planning Commission.

8. Editor's Note: The fee schedule is on file in the Township offices.

- D. Planning Commission action. Within 30 days from the meeting at which the Planning Commission first considers a proposal (petition or otherwise) for amendment, supplement, change, modification or repeal, the Planning Commission shall make a report and recommendation to the Board of Supervisors.
- (1) The report shall set forth in detail reasons wherein public necessity, convenience, general welfare and the objectives of the East Drumore Comprehensive Plan do or do not justify the proposed change and may include any additions or modifications to the original proposal.
 - (2) At its discretion, the Planning Commission may hold a public hearing before making such report and recommendation.
- E. Board of Supervisors action. Within 30 days after receipt of the Planning Commission's report and recommendation, the Board of Supervisors shall either fix a time for public hearing or, in the case of a proposal originating from a petition, notify the petitioner of its decision not to consider the proposal.
- F. Referral to County Planning Commission. At least 30 days prior to the public hearing on a proposal for amendment, supplement, change, modification or repeal of this chapter, the Board of Supervisors shall submit the proposal to the Lancaster County Planning Commission for recommendation. The County Planning Commission shall report to the Board of Supervisors, in writing, its advisory opinion on said proposal within 30 days. Failure of the County Planning Commission to report to the Supervisors within the prescribed time period shall constitute a favorable opinion on said proposal by the County.
- G. Notice of hearings. No zoning ordinance amendment, supplement, change, modification or repeal shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Notice shall be given prior to the date fixed for the public hearing. Such notice shall include a brief summary of the proposal setting forth the principal provisions in reasonable detail, a reference to a place within the Township where copies of the proposal may be examined and the time and place of the hearing. Notice shall be given as follows: **[Amended 6-15-1995 by Ord. No. 8-95]**
- (1) By publication of the notice once each week for two successive weeks in a newspaper of general circulation in the Township. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
 - (2) When such hearing concerns a Zoning Map change, written notice shall be given to parties in interest, who shall be at least those persons whose properties adjoin or are across the street from the property in question. In addition, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. **[Amended 6-15-1995 by Ord. No. 8-95]**
 - (3) When such hearing concerns a proposal affecting property within 500 feet of the boundaries of any adjacent municipality or County, written notice shall be given to the

secretary of such municipality or County.

- H. Board of Supervisors approval. The Board of Supervisors shall act to approve or disapprove any proposal to amend, supplement, change, modify or repeal this chapter within 45 days after the date of the public hearing.
- (1) When the Planning Commission disapproved, or in the case of a protest against any proposal, signed by the owners of 33 1/3% or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear or adjoining on the sides thereof, extending 100 feet therefrom, or of those directly opposite thereto, extending 100 feet from the street frontage of such opposite lots, or of any other property within 150 feet of the property included in the proposed change, is presented to the Board of Supervisors before passage of an amending ordinance, the ordinance providing for such amendment, supplement, change or modification shall not become effective except by a favorable vote of all the members of the Board of Supervisors.
 - (2) If a petition for a change of the Zoning Map is denied by the Board of Supervisors after public notice and public hearing, no subsequent petition shall be accepted which involves the same classification change for the same property or any part thereof within a two-year period next following such denial.

§ 120-72. Curative amendments.

A curative amendment may be initiated by either a landowner or by the Board of Supervisors.

- A. Landowner. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in § 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.⁹
- B. Board of Supervisors. The Board of Supervisors, by formal action, may declare this chapter or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Upon such declaration, the Board of Supervisors shall take steps to prepare a curative amendment as permitted by § 609.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.¹⁰

9. Editor's Note: See 53 P.S. § 10609.1.

10. Editor's Note: See 53 P.S. § 10609.2.

ARTICLE XI
Legal Status Provisions

§ 120-73. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specifically provided to the contrary, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of a building or premises or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation or permit or by any easement or agreement, the provision of this chapter shall control.