

**LANCASTER TOWNSHIP,
BUTLER COUNTY, PENNSYLVANIA**

ZONING ORDINANCE

ORDINANCE NUMBER 89

November 17, 2008

LANCASTER TOWNSHIP ZONING ORDINANCE

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LANCASTER TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 89

ZONING ORDINANCE

ARTICLE I

AUTHORITY, SHORT TITLE, PURPOSE, AND OBJECTIVES

SECTION 101. AUTHORITY.

This ordinance is enacted and adopted pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. § 10101, *et seq.*).

SECTION 102. SHORT TITLE:

This ordinance shall be known and may be cited as the “Lancaster Township Zoning Ordinance” and the zoning and overlay district map referred to herein and made a part of this ordinance shall be known and may be cited as the “Official Zoning Map.”

SECTION 103. PURPOSE.

The provisions of this ordinance are designed:

- A. To promote, protect and facilitate the following: public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds; provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; preservation of the natural, scenic and historic values in the environment; and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent the following: overcrowding of land, blight, danger, congestion in travel and transportation, and loss of health, life, or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided,

however, that this ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.

- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 104. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

This ordinance has been enacted as a means of furthering the community development objectives set forth in the Lancaster Township and Muddy Creek Township Joint Comprehensive Plan. The more particularized community development objectives of this ordinance are as follows:

- A. Land Use and Physical Considerations.
 - 1. Maintenance of the general characteristics and quality of development and of land use patterns and development features.
 - 2. Protection of the natural and environmental qualities and significant land features of the community.
- B. Municipal Considerations.
 - 1. Control of population density, consistent with the ability of the community to accommodate new and expanded growth.
 - 2. Development of street and highway patterns adequate to provide required service and access.
 - 3. Development of utility services consistent with local projected needs.
 - 4. Development and maintenance of community facilities and services adequate to meet municipal needs.
 - 5. Protection of established property values and generation of a firm tax base.
- C. Development Considerations.
 - 1. Provide a balance of residential and non-residential uses consistent with local and regional development patterns.
 - 2. Creation of a community which is an aesthetically desirable place to live.

ARTICLE II

ZONING AND OVERLAY DISTRICTS, MAPS, AND BOUNDARIES

SECTION 201. ZONING AND OVERLAY DISTRICTS.

The Township of Lancaster is hereby classified and divided into six (6) zoning districts and two (2) overlay districts designated as follows:

<u>Designation</u>	<u>District Names</u>
R-1 District	Rural Residential
R-2 District	Medium Density Residential
V District	Village
MU District	Mixed Use
I District	Industrial
CN District	Conservation
PRD District	Planned Residential Development Overlay
A&D District	Access Management and Design Overlay

SECTION 202. OFFICIAL ZONING MAP.

The Zoning and Overlay District boundaries are shown on the Official Zoning Map, Exhibit A, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this ordinance.

SECTION 203. ZONING AND OVERLAY DISTRICT BOUNDARIES.

- A. Where district boundaries approximately follow the centerline of streets or highways, or street or highway rights-of-way, or streams, the centerlines shall be construed to be such boundaries.
- B. Where district boundaries are approximately parallel to the centerline of streets or highways, or street or highway rights-of-way, or streams, the district boundaries shall be construed to be parallel to and at such distance therefrom as indicated on the Official Zoning Map.
- C. Where district boundaries approximately follow lot lines, the lot lines shall be construed to be such boundaries.
- D. Where district boundaries approximately follow a railroad, the boundary shall be deemed to be located in the middle of the railroad right-of-way.
- E. Where district boundaries follows a street, highway, stream or other body of water, lot line, or railroad abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the Township, unless otherwise indicated.

ARTICLE III

INTERPRETATIONS AND DEFINITIONS

SECTION 301. INTERPRETATIONS.

The following rules of construction shall apply to this ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for, and/or "occupied for."

SECTION 302. DEFINITIONS.

Unless otherwise expressly stated, the following words and phrases shall have the following meanings:

ACCESSORY BUILDING OR STRUCTURE - A detached building or structure which is customarily associated with and customarily incidental and subordinate to the principal building or structure and which is located on the same lot with such principal building or structure.

ACCESSORY USE - A use customarily associated with and customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

ADULT ENTERTAINMENT ESTABLISHMENT

- A. An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale, rental or other consideration, the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, cd rom discs or other computer software, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

2. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
 3. The use of viewing booths.
- B. Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- C. A nightclub, bar, restaurant, or other commercial establishment which regularly features:
1. Persons who appear in a state of nudity or semi-nudity; or
 2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 3. Films, motion pictures, video cassettes, slides or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- D. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- E. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

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

AIRPORT, PRIVATE - An airport which is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa. Const. Stat. § 5102.

AIRPORT, PUBLIC - An airport which is either publicly or privately owned and which is open to the public, as defined in 74 Pa. Const. Stat. § 5102.

ALLEY - A private right-of-way which provides a secondary access to a property or properties and which is not the only means of access to the property or properties.

ALTERATIONS - As applied to a building or structure, any enlargement or addition to an existing building or structure that increases the height, volume, lot coverage, or gross floor area of the building or structure.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders, or foundations.

AMUSEMENT ESTABLISHMENT - A facility within an enclosed building which provides amusement or entertainment activities for a fee or admission charge, including such establishments as indoor theaters, concert halls, dance halls, skating rinks, bowling alleys, billiard and pool halls, video and game arcades and similar establishments.

APARTMENT - A room or a suite of rooms in a multiple-family structure which is used as a single housekeeping unit, and which contains complete, permanently installed kitchen, bath, and toilet facilities.

APARTMENT HOUSE - A building containing three (3) or more independent dwelling units.

AREA, NET SITE - The site area, less any portions of the site located in environmentally sensitive areas, and areas designated for nonresidential uses, including but not limited to common open space and areas set aside for streets and utilities.

AREA, SITE - The total area of the lot or lots comprising a site.

ASSEMBLY HALL - A structure or area of land or water for the temporary or occasional assembly of people.

AUTOMOBILE REPAIR, MAJOR - Engine rebuilding, major reconditioning of worn or damaged motor vehicles, collision services, including body, frame, or fender straightening or repair, and overall painting of vehicles.

AUTOMOBILE REPAIR, MINOR - Incidental repairs; replacement of parts; motor service to automobiles; state inspections; but not including any operation specified under AUTOMOBILE REPAIR, MAJOR, above.

BASEMENT - A story partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the

adjoining ground is five (5) feet or more or if the basement is used for business or dwelling purposes.

BILLBOARD - Structure, building wall, or other outdoor surface used to display advertising, whether of a stabled or changeable copy nature, which pertains to a business, organization, event, person, place, service, or product which is not principally located or sold on the premises upon which the billboard is located.

BUFFER AREA - A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted, except a retaining wall or fence.

BUILDING - Any structure having a roof supported by columns or walls intended for supporting or sheltering any occupancy. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered a separate building.

BUILDING, MAIN OR PRINCIPAL - The building or structure, or group of buildings or structures, in which is conducted the principal or primary use of the lot on which it is located.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE - The line describing the extent of the area in a lot on which construction can occur. The setback distance from the front, side and rear property lines determines the building line. The building line shall limit the location of porches, patios, and similar construction but does not limit walkways, steps, or terraces.

BULK FUEL STORAGE - A place for storage of petroleum and other fuels usually transported in tanker trucks, rather than in boxes, drums, or packages.

CAMPGROUND - A seasonal recreational facility, operated for profit, which offers spaces for rent for overnight occupancy by campers utilizing trailers or recreational vehicles and which includes sanitary facilities and recreational facilities for the use of the campers.

CLUSTER DEVELOPMENT - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive features.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development and designed and intended for the use or enjoyment of

residents of a development, not including streets, off-street parking lots, and areas set aside for public facilities.

CONDITIONAL USE - A use authorized by this ordinance in a particular zoning or overlay district, granted only by the Board of Supervisors following a public hearing, subject to the express standards and criteria in this ordinance.

CONVERSION APARTMENT - A dwelling unit added to, or created within, an existing structure utilizing space previously used as part of an established dwelling unit or some other use.

CREMATORIUM - An establishment containing a furnace designed to cremate or reduce to ashes the remains of deceased humans or animals.

DAY CARE CENTER - A facility, licensed by the commonwealth, located within a building which is not used as a dwelling unit, for the care on a regular basis during part of a twenty-four hour day children under the age of 16, or mentally or physically challenged, or elderly persons.

DECIBEL - A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels."

DENSITY, SITE - A measure of the intensity of the use of land, measured by the number of dwelling units per gross acre of site area.

DEVELOPMENT - Any man-made change to land or water areas, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or in the case of floodplain regulations, the storage of materials and equipment.

DISTRICT - An area accurately defined as to boundaries and location on the Official Zoning Map and within which area only certain types of structures and land uses are permitted and within which other types of structures and land uses are excluded, as set forth in this ordinance.

DWELLING - A building or other structure used primarily for human habitation whether permanent or seasonal that includes separate kitchen and bathroom facilities and a separate entrance for each unit. Includes, but is not limited to, single-family dwelling, two-family dwelling (or duplex), and multi-family dwellings. Specifically excludes, hotels, motels, fraternity or sorority houses, boarding houses, assisted living facilities, group residential facilities, group homes, rooming houses, tourist houses, and similar uses.

DWELLING, GARDEN APARTMENT (Stacked Flat) - A multiple-family residential building, not exceeding three stories in height, in which units are arranged side to side, back to back or one above another, which may have either private external entrances or common hall access, and which may have a private exterior yard area for each unit.

DWELLING, GROUP - A group of two or more single-family, two-family, or multi-family dwellings having a yard in common on a single, commonly owned lot.

DWELLING, MULTIPLE-FAMILY (Multi-Family) - A building designed and built to contain three (3) or more dwelling units, whether side-by-side or above one another, each an independent dwelling unit relative to utilities, facilities, and access.

DWELLING, MULTIPLE-FAMILY, MULTI-STORY - A multiple-family dwelling of more than three (3) stories.

DWELLING, ROW or TOWN HOUSE - A multiple-family dwelling divided by party walls into distinct units, each dwelling unit of which has direct access to the outdoors.

DWELLING, SINGLE-FAMILY DETACHED - A detached building designed and built to contain one dwelling unit, includes mobile homes on a permanent foundation not located in a mobile home park.

DWELLING, TWO-FAMILY (also DUPLEX) - A building designed and built to contain two (2) dwelling units, whether side-by-side or above one another, each an independent dwelling unit relative to utilities, facilities, and access.

DWELLING UNIT - A group of two or more rooms designed for or occupied by one (1) family only and containing cooking and food storage facilities and, in a separate room, toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

ENVIRONMENTALLY SENSITIVE AREA - An area with one or more of the following environmental characteristics:

- 1) Steep slopes over twenty-five (25) percent;
- 2) Identified floodplain area; or
- 3) Wetlands.

FAMILY - One or more persons who live together in a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boarding house. A family may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. For purposes of this ordinance, the term "family" shall not include, nor shall it be interpreted to include a group care facility or similar activities which provide room and/or board to one or more persons who are residents by virtue of receiving services such as health, social rehabilitative, general supervision or similar services, irrespective of whether or not they are provided by governmental agencies, their licensed or certified agents, responsible non-profit social service agencies or corporations, profit oriented organizations or businesses, or private individuals.

FARM BUILDING - A structure utilized to store farm implements, hay, feed, grain, or other agricultural or horticultural produces, or to house poultry, livestock, or other farm animals, a milk house, and structure used to grow mushrooms. The term shall not include habitable space or spaces in which agricultural products are processed, treated, or packaged, and shall not be construed to mean a place of occupancy by the general public.

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.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls, or from the centerline of common walls separating buildings. For purposes of determining parking and loading space requirements, the following areas shall not be included: cellar storage space, elevator shafts and stairwells, floor space for mechanical equipment to service the building, uncovered steps, open terraces, breezeways, and unroofed open spaces, unless specifically required in the parking regulations herein.

FORESTRY - See TIMBER HARVESTING, below.

FUNERAL HOME - A building used for the embalming of deceased human beings for burial and/or for the display of the deceased and ceremonies connected therewith before burial or cremation and the display and sale of caskets, urns, and other burial items.

GARAGE, PRIVATE - An accessory building or portion of the principal building enclosed on not fewer than three sides, designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building, and not accessible to the general public.

GARAGE, PUBLIC - A building, other than a private garage, containing two or more parking spaces accessible to the general public and used for the temporary parking or storage of motor vehicles, where such vehicles are kept for remuneration. The term shall not include the temporary or long-term storage of damaged, dismantled, junked, or wrecked motor vehicles.

GARDEN CENTER - A structure, whether permanent or temporary, for the sale of plants, nursery products and stock, potting soil, hardware, power equipment, machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

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

HOME-BASED BUSINESS, LOW IMPACT - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves traffic generated by less than five (5) customers, clients or patients per day (whether vehicular or pedestrian), or pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. .

HOSPITAL - An establishment licensed by the commonwealth for the care of human patients suffering from physical or mental illness, and which may or may not include facilities for major surgery, laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL OR MOTEL - An establishment which provides transient lodging accommodations to the general public in sleeping units which have independent access to a common interior corridor or which have independent access directly to the outside and which may provide additional supporting services such as restaurants, meeting rooms, recreational facilities, and living quarters for a resident manager or proprietor.

INSTITUTIONAL HOUSE - A public or private benevolent establishment devoted to the shelter, maintenance, or education and care of minor children, or homeless, aged, or infirm persons, or members of a religious community.

KENNEL - A structure and/or premises where four (4) or more dogs or cats or similar domestic animals which are six (6) months or older are nurtured, kept, bred, trained, or boarded at any one time, whether or not for profit. For purposes of this ordinance the keeping of five (5) or more such animals for economic gain shall be deemed a commercial kennel.

LAND DEVELOPMENT - Includes any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purposes involving:
 - 1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. The following uses are excluded from the definition of land development:
 - 1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. An amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDFILL - A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

LOADING SPACE - A space inside or outside a structure used exclusively for the temporary standing of motorized vehicles while loading or unloading merchandise or materials. The space shall be on the same lot with the use or structure to which the space is being provided.

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

LOT AREA - The area of a horizontal plane measured at grade and bounded by the front, side and rear lot line as measured from the street right-of-way line, not including any part of an alley, or public or private street right-of-way.

LOT, CORNER - A lot at the junction of two or more intersecting streets and having frontage on two or more such streets. Corner lots shall be considered to have a front yard on each street and side yards on the remaining property lines.

LOT COVERAGE - That percentage of the plot or lot area covered by the principal building and all accessory buildings and structures, including, but not limited to decks, swimming pools, storage sheds, garages, and similar structures.

LOT, DEPTH - The mean horizontal distance between the front lot line and rear lot line, measured midway between the side lot lines.

LOT, FRONTAGE - That portion of a lot which joins the street right-of-way or through which access is provided to a public street.

LOT, INTERIOR - A lot other than a corner lot or a through lot, with only one frontage on a street other than an alley.

LOT LINE - A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT - For interior or through lots, the line separating the lot from the street. Where the lot does not abut the street, the lot line through which access to a street is provided.

LOT LINE, REAR - That lot line which is generally opposite the front lot line.

LOT LINE, SIDE - Any lot line which is not a front lot line or a rear lot line.

LOT, THROUGH (Double Frontage Lot) - A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

LOT, WIDTH - The total horizontal distance between the side lot lines measured along a line parallel to the front lot line.

MANUFACTURED HOUSING UNIT (Manufactured Home) - A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electronic systems contained in the structure.

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

MOTEL - See HOTEL, above.

MPC - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. § 10101, *et seq.*).

MUSIC STUDIO - Facility for teaching music skills to more than three (3) students at one time.

NON-CONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning or overlay district in which it is located by reason of such adoption or amendment.

NON-CONFORMING STRUCTURE - A structure or part of a structure which does not comply with the applicable area or bulk provisions of this ordinance or amendment, where such structure lawfully existed prior to the enactment of this ordinance or amendment, or prior to the application of this ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this ordinance or amendment, where such use was lawfully in existence prior to the enactment of this ordinance or amendment, or prior to the application of this ordinance or amendment to its location by reason of annexation. The term "Permitted Use" or its equivalent shall not be deemed to include any non-conforming use.

NURSERY SCHOOL - An establishment which offers private daytime care or instruction for two or more children of pre-school age.

NURSING HOME - An institution, licensed by the commonwealth, for the inpatient, overnight care of human patients requiring skilled nursing or intermediate nursing care, but not including surgical procedures, or care and treatment of drug or alcohol addiction.

OCCUPANCY PERMIT - A permit issued by the Township indicating that the property is in compliance with the approved zoning and building permits and is ready to be used and occupied for the approved use.

OUTSIDE STORAGE (OUTDOOR STORAGE) - The storage, whether temporary or permanent, of equipment, materials, containers, vehicles, or trailers outside of a completely enclosed structure.

PARKING LOT - A parking area for vehicles, operated by a public agency or private entity, whether for profit or not, which is available to the general public.

PARKING SPACE - An off-street space having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto, whether inside or outside a structure, available for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one motor vehicle.

PATIO HOME - A single-family detached dwelling sitting on land owned by a Condominium Group.

PERSONAL CARE BOARDING HOME - A facility, licensed by the commonwealth, located within a dwelling where room and board is provided to more than three (3) permanent residents who are not relatives of the operator and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding 24 consecutive hours, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this ordinance.

PLANNING COMMISSION - The Lancaster Township Planning Commission.

PRINCIPAL BUILDING OR STRUCTURE - The building or structure in which the principal use is conducted.

PRINCIPAL USE - The primary, main, or predominant use to which the property is or may be devoted to and to which all other uses on the premises are accessory.

POWER GENERATION PLANT - An energy conversion center that combusts coal, fuel oil, wind, solar, nuclear, or natural gas to produce electricity, designed on a large scale for continuous operation.

RECREATION, COMMERCIAL - An establishment offering recreation, sports, games of chance or skill, or leisure time activities to the general public or private membership for a fee or charge. Commercial recreation facilities include, but are not limited to, the following:

- 1) Bowling alley
- 2) Golf course
- 3) Golf driving range

- 4) Miniature golf
- 5) Baseball/softball batting cages
- 6) Baseball/softball fields
- 7) Soccer fields
- 8) Football fields
- 9) Basketball courts
- 10) Street hockey rink
- 11) Ice hockey rink
- 12) Ice or roller skating rink
- 13) Gymnastics/tumbling center
- 14) Health and fitness facility
- 15) Swimming club and pool
- 16) Tennis club and courts
- 17) Racquet/handball club and courts
- 18) Indoor shooting range
- 19) Amusement arcade

RECREATION, NONCOMMERCIAL - Facilities offering leisure time activities and recreation to the general public or private membership without a fee or charge. Non-commercial recreation facilities include, but are not limited to, the following:

- 1) Baseball/softball fields
- 2) Soccer fields
- 3) Football fields
- 4) Basketball courts
- 5) Tennis courts
- 6) Hiking and bicycle trails

SALVAGEABLE MATERIALS - Any scrap metal, or scrapped, abandoned, or junked motor vehicles, motor vehicle parts, machinery, machinery parts, equipment, paper, glass, or containers, or abandoned, dilapidated, or partially dismantled structures, or similar materials, except refuse or garbage kept in a proper container for the purpose of prompt disposal.

SALVAGE YARD - An enterprise devoted wholly or in part to the storage, buying or selling, salvaging, recycling, or otherwise handling or dealing in salvageable materials.

SELF-SERVICE LAUNDRY - A business that provides home-type washing, drying, or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

SIGN - Any surface, fabric, or device bearing lettered, pictorial, sculptured, or other matter designed to convey information visually and exposed to public view; any structure designed to carry the above visual information; any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

SLAUGHTER HOUSE/MEAT PROCESSING - An establishment for slaughtering, processing and packing livestock into meat, meat products and by-products.

STABLE, PRIVATE - An accessory building in which horses are kept for private use only, such as riding, driving, and stabling, and not for hire or sale.

STABLE, PUBLIC - An accessory building in which horses are kept for sale or hire, or boarding or training horses owned by persons other than the residents of the lot, or the purpose of providing riding instruction to persons other than residents of the lot.

STORAGE FACILITY - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for storage of personal property.

STORY - That portion of a building included between the surface of the floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

STREET - A strip of land, including the entire right-of-way, utilized as a means for vehicular or pedestrian travel for more than one lot or parking compound. Includes street, avenue, boulevard, road, highway, freeway, parkway, court, cul-de-sac, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private, however, shall not include driveway, common driveway or access drive.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. However, patios, driveways, walkways, parking pads, and minor decorative structures accessory to a dwelling unit, such as mailboxes, flagpoles, lawn ornaments, and the like, shall not be considered structures for the purposes of this ordinance.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Lancaster Township Subdivision and Land Development Ordinance, as amended.

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

TOWNSHIP - The Township of Lancaster, Butler County, Pennsylvania.

TRANSPORTATION SERVICE - A private facility providing commercial taxicab, limousine, bus service, and similar passenger service.

USE - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE - Relief from the literal terms of this ordinance granted only by the Zoning Hearing Board in accordance with the provisions of Article X.

VEHICLE SERVICE STATION - Any premises used primarily for supplying retail gasoline, oil, minor accessories, or minor service or repairs for motor vehicles direct to the consumer, excluding painting.

WETLAND - Any area meeting the criteria of the appropriate state or Federal agency to be a wetland.

WOODLAND - A plant community composed predominantly of healthy trees and other woody vegetation, well stocked and growing more or less closely together.

YARD - A required open space at grade on a lot between a building and the adjoining lot lines, which is unoccupied and unobstructed by any portion of any structure from the ground upward, other than certain projections expressly permitted by this ordinance.

YARD, FRONT - A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance equal to the depth of the required front yard.

YARD, REAR - A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance equal to the depth of the required rear yard.

YARD, SIDE - A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance equal to the width of the required minimum side yard, excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of this ordinance refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.

ZONING HEARING BOARD - The Lancaster Township Zoning Hearing Board.

ARTICLE IV

GENERAL PROVISIONS

SECTION 401. GENERAL RESTRICTIONS.

- A. No land, building, or structure shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered unless in conformity with all of the regulations herein specified for the district in which it is located, and then only after all permits and licenses required by all laws and ordinances are secured.
- B. No more than one (1) principal use, building, or structure shall be located on a lot, excepting multiple use retail centers, condominium developments, multiple use residential land developments, and mixed use, multiple structure developments where permitted.

SECTION 402. YARD RESTRICTIONS.

- A. No part of a yard or other open space or off-street parking or loading space required for or in connection with any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard, open space or off-street parking or loading space similarly required for another building.
- B. Side yards adjacent to streets on corner lots shall be wide enough to comply with front building setback lines as measured from the street.
- C. No yard or lot existing on the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance.
- D. All yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

SECTION 403. BUILDING RESTRICTIONS.

No building shall be erected or altered to exceed the height, accommodate or house a greater number of families, occupy a greater percentage of lot area, or have a narrower or smaller rear yard, side yard, or front yard than is specified for the district in which the building is located.

SECTION 404. BUILDINGS REQUIRING SITE PLAN APPROVAL.

Prior to the issuance of any grading or building permit for a building, a site plan may be required to be submitted to and approved by the Township. The site plan shall meet the requirements of the Township's Subdivision and Land Development Ordinance, as amended, and the applicable requirements set forth in this ordinance, and provide, at a minimum, the following information:

- 1) The location of the principal building and all accessory buildings;
- 2) Traffic circulation features within the site;

- 3) The location of vehicular access onto the site;
- 4) The height and bulk of structures;
- 5) The provision of off-street parking and loading facilities;
- 6) The provision of open space; and
- 7) The landscaping, paving, fencing, walls, and signs to be erected on the site.

SECTION 405. PUBLIC UTILITIES.

Lines for the transportation, distribution, and control of water, gas, electricity oil, steam, telegraph and telephone communications, and their supporting members, other than buildings, and railroads, shall not be required to be located in specific zoning districts.

SECTION 406. OFF-STREET PARKING REQUIREMENTS.

- A. All buildings and structures erected and all uses of land established after the effective date of this ordinance shall be provided with off-street parking spaces as set forth in this section.
- B. Whenever a building or structure constructed before the effective date of this ordinance is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the change or enlargement. If a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or number of housing units it shall be required to comply fully with the parking requirements set forth in this section.
- C. Off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not be reduced below the requirements for a similar new building or use as set forth in this section.
- D. The following regulations shall govern off-street parking spaces and areas:
 1. Detached parking spaces for all residential uses shall be located on the same lot as the use which is intended to be served. Each parking space shall have direct access to a public right-of-way.
 2. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the building or structure they are intended to serve.
 3. No parking space shall be located on a public street right-of-way.
 4. Nonresidential off street parking along State Route 19 shall not be located within the first fifty (50) feet from the right of way adjoining such lot or site. No portion of the fifty (50) foot setback shall be paved for any reason, except for access drives to the site and pedestrian walkways.

5. Nonresidential off street parking along all other public streets shall not be located within the first forty (40) feet from the right-of-way adjoining such lot or site. No portion of the forty (40) foot setback shall be paved for any reason, except for access drives to the site and pedestrian walkways. The majority of the parking shall be located in the rear of the building.
6. A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length, exclusive of driveways, aisles and other circulation areas.
7. Driveways and traffic aisles serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety-degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17.5) feet wide for sixty-degree parking and thirteen (13) feet wide for forty-five-degree parking. If parking spaces are indicated by lines with angles other than ninety degrees, then traffic lanes shall be restricted to one-way, and parking shall be limited to head-in parking only. No driveway or street used for interior circulation shall have traffic lanes less than twelve (12) feet in width.
8. Pedestrian Walkways. In parking lots with more than ten (10) parking spaces, separate pedestrian walkways shall be provided to allow safe movement within lots. Such walkways shall provide safe access from buildings to parking lots, adjacent properties, and sidewalks. These walkways shall be generally oriented perpendicular to and between parking bays. The following guidelines apply to the development of walkways:
 - a. Walkways shall be constructed in accordance with the standards of Section 603.23 of the Subdivision and Land Development Ordinance, as amended.
 - b. One walkway can serve as a collector for up to four (4) parking bays of parked cars.
 - c. Walkways shall be integrated with existing sidewalks and pedestrian ways.
9. Common Shared Parking Lots.
 - a. Common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses, buildings, or structures may be provided collectively on a single lot if the total number of spaces is not less than the sum of the spaces required for each use individually.

- b. The developer shall provide a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for common shared parking lots.
 - c. Any modification request for the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such studies.
10. On development sites where a combination of large-scale assembly uses requiring parking for 2,000 vehicles or more, including at least one commercial recreation use, are proposed, parking requirements may be met for each use through a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for such parking. In such cases, at the Township's discretion, each facility shall provide on site a minimum of fifty percent (50%) of the required number of off street parking spaces determined at peak utilization for each use. A parking needs analysis shall be submitted to the Township which documents anticipated parking needs based on the combined utilization of all facilities on site simultaneously. The analysis shall be prepared by a person or firm trained or certified to perform such studies.
11. When two (2) or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
12. All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than forty-eight (48) hours.
13. Every parcel of land used as a public or private off-street parking lot capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
- a. Each required off-street parking space shall have direct access to an aisle or driveway, and all required off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
 - b. All required off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete and shall be provided with bumper guards or barrier curbs where needed.

14. For the purpose of this section, the following minimum off-street parking space requirements shall apply:

Off-Street Parking Requirements	
Type of Use	Minimum Off-Street Parking Spaces
Adult Entertainment Establishments	1 per 65 square feet of gross floor area
Agricultural Businesses	1 per 200 square feet of gross leasable area of building used for sale of products produced on the premises
Airports	As determined by the Township following a parking needs analysis
Amusement Establishments	1 per 200 square feet of gross land area, plus 1 per each 2 amusement devices
Amusement Parks	1 per 200 square feet of gross floor area plus 1 per every 3 persons that the outdoor facilities are designed to accommodate when used to maximum capacity
Arenas	1 per each 3.5 seats plus 1 per each 2 employees on peak shift
Assembly Halls	1 per each 3 seats
Bed and Breakfast	1 per guest room plus 4
Bowling Alleys	4 per each bowling lane
Bulk Fuel Storage	1 per employee on peak shift plus 1 per each fuel service vehicle stored on site plus 3 spaces.
Cemetery/Crematorium	1 per full-time employee and 0.25 per seat of chapel or assembly room capacity
Consumer Services and Retail Stores	Less than 50,000 square feet: minimum 5 spaces per 1,000 square feet of gross floor area; between 50,000 and 300,000 square feet: minimum 4.5 spaces per 1,000 square feet gross floor area; more than 300,000 square feet: minimum 4 spaces per 1,000 square feet gross floor area In addition; outdoor/exterior display areas shall be calculated at 1 per 400 square feet gross floor area of display area
Continuing Care Facility	1 per dwelling unit, plus 1 per 2 staff positions
Contracting Establishment	1 per 1,000 square feet of gross floor area and outdoor storage area
Convention and/or Exposition Center	1 per each 3.5 seats in areas with fixed seating plus 1 per each 100 square feet of assembly or display space without fixed seats plus 1 per each 2 employees on peak shift
Day Care	1 per teacher, administrator or other employee on peak shift, plus 1 per six persons based on regulated capacity
Drive-In Establishment (unless otherwise provided)	1 per employee on peak shift plus 8 reservoir stacking spaces for the first drive-in window and 5 reservoir stacking spaces for each additional window
Dry Cleaning Plant (serving more than one outlet)	3 plus 1 for each 500 square feet of gross floor area in excess of 1,000 square feet of gross floor area
Eating Establishment, Drive-thru	1 per each 75 square feet of gross floor area, plus 1 per each 2 employees
Eating Establishment, other than drive- thru	1 per 65 square feet of gross floor area
Educational Institution - Trade school, College or University	1 per each 4 students based on design capacity of building
Educational Institution - Dance or Martial Arts School	1 per 200 square feet of gross floor area

Off-Street Parking Requirements	
Type of Use	Minimum Off-Street Parking Spaces
Educational Institution - High school	3 per room used for administrative offices or class instruction, plus 1 for each 4 students, or 1 for each 4 seats in places of assembly available to the public, whichever is greater
Educational Institution - Nursery School, Elementary School, Junior High, or Middle School	3 per room used for administrative offices or class instruction, or 1 for each 4 seats in places of assembly or facilities available to the public, whichever is greater
Emergency Service, Private	1 per emergency vehicle plus 1 per employee
Financial Institution, including Drive-in Banks	1 per each 200 square feet of gross floor area, plus 5 reservoir spaces per drive-up teller window
Fuel Generation Plant	1 per employee on peak shift but not less than 4
Funeral Home and Mortuary	1 per 6 chapel or parlor seats
Golf Course	4 spaces per green, plus 50 percent of the requirements for any other associated use except those which have otherwise adequate provisions for parking, as determined by the Township
Greenhouse, Garden Center, and Lumber Yard	1.5 per each 1,000 square feet of gross floor area
Group Residential Facility/Boarding House	1 per 4 beds, plus 1 per staff position on peak shift
Heavy Equipment Sales, Rental, and Service	1 per each 400 square feet of gross floor area of sales and office space, plus 1 per each 1,000 square feet of storage and warehouse space, plus 1 per each 5,000 square feet of outdoor equipment storage and display area.
Home-Based Business (low impact)	As determined by the Township following a parking needs analysis
Hospitals and Medical Treatment Facility	1.75 per each bed, plus 1 per each 175 square feet of office, clinic and research space, plus 1 per each 4 seats for teaching facilities
Kennel	1 per each 400 square feet of gross floor area, but not less than 4
Landfill	As determined by the Township following a parking needs analysis
Library, Art Center and Museum	1 per each 600 square feet open to the public
Machine and Repair Shop	1 per 400 square feet of gross floor area
Manufacturing, Heavy and Other Heavy Industry	1 per each 1,250 square feet of gross floor area, plus 1 per each 350 square feet of office and sales space
Manufacturing, Light and Other Light Industry	1 per each 1,000 square feet of gross floor area, plus 1 per each 350 square feet of office and sales space
Motel, Hotel, and Camp Ground	1 per each sleeping room or campsite, plus additional spaces as required by other functions, i.e., bar, restaurant, etc.
Multiple-Family Dwelling	3 per dwelling unit having two bedrooms or less; 3.5 per dwelling unit having more than 2 bedrooms
Nightclub, Private Membership Club	1 per 65 square feet of gross floor area
Office, General Business or Professional Office which contain no manufacturing, assembly, warehousing, testing, storage and transfer	1 per each 350 square feet of gross floor area
Office, including real estate offices, clinics, post offices, medical/dental offices, outpatient facilities, travel agencies	1 per each 175 square feet of gross floor area
Personal-Care Home and Nursing Home	1 per 4 beds, plus 1 per 2 staff positions on peak shift
Photographic Studio, Business or Personal	1 per each 300 square feet of gross floor area

Off-Street Parking Requirements	
Type of Use	Minimum Off-Street Parking Spaces
Printing and Publishing	1 per each 1,000 square feet of gross floor area, plus 1 per each 350 square feet of office and sales space
Public Recreation, Public Use, and Municipal Building	As determined by the Township following a parking needs analysis
Public Utility Facility	1 per each 350 square feet of gross floor area of office use and 1 per each 1,000 square feet of gross floor area per other use
Radio or Television Broadcasting Studio and Recording Studio	1 per each 400 square feet of gross floor area
Recreation, Commercial and Noncommercial, and Entertainment Facility, including swim, tennis, racquet, handball clubs and other similar uses	1 for each 2 potential customers calculated at maximum utilization, plus 1 per employee
Recycling Collection Facility	Sufficient spaces to accommodate peak load of customers and 1 per commercial vehicle operated by the facility
Religious Establishment	Sufficient spaces to accommodate peak load based on a parking needs analysis, but not less than 1 per each 3.5 seats in places of assembly
Research and Development which contains manufacturing, assembly, warehousing, testing, storage and transfer	1 per employee on peak shift
Research and Development which contains no manufacturing, assembly, warehousing, testing, storage and transfer	1 per 350 square feet of gross floor area
Residential Use, not otherwise listed	2 per dwelling unit
Salvage Yard	As determined by the Township following a parking needs analysis
Showroom/Warehouse Sales, including carpet, furniture, building supplies, mobile home sales	1 per each 400 square feet of sales and office space, plus 1 per each 1,000 square feet of storage and warehouse space
Solid Waste Disposal Site/Incinerator	As determined by the Township based on a parking needs analysis
Stable, Public	1 per each 2 horse stalls
Tavern and Pub	1 per each 100 square feet of gross floor area
Telecommunications Tower	2 per tower, plus one for each on-site personnel
Transportation Service	1 per employee on peak shift plus 1 per each service vehicle stored on the site
Truck Terminal, Freight Terminal and Truck Dispatch Office	1 per each 1,000 square feet of gross floor area, plus 1 per each 350 square feet of office and sales space
Vehicle Repair Shop	3 per repair bay not to exceed 5 per repair bay
Vehicle Sales, Rental, and Service	1 per each 700 square feet of gross floor area, plus 1 per each 400 square feet of office, sales and other space to be used by customers and sales staff
Vehicle Service Station	6 for customers, plus 1 per employee on peak shift
Vehicle Washing Facility	1 per each employee, plus reservoir space for 6 times each bay
Veterinary Facility	1 per each 250 square feet of gross floor area
Warehousing, Storage and Transfer	1 per each 1,000 square feet of gross floor area, plus 1 per each 350 square feet of office and sales space
Waste Transfer Facility	As determined by the Township based on a parking needs analysis

15. Accessible parking requirements. Accessible parking spaces for the physically challenged shall be provided for multiple-family and non-residential uses in accordance with the Americans with Disabilities Act Architectural Guidelines.

ARTICLE V

ZONING AND OVERLAY DISTRICT REGULATIONS

SECTION 501. GENERAL REGULATIONS.

- A. No land, building, or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, except for the uses authorized in this Article for the district in which the building, structure, or use is located.
- B. A single-family or two-family dwelling shall be the only principal building on a lot, except that principal farm structures may occupy the same lot as the principal dwelling on farms.
- C. In districts where multiple family dwellings are authorized, several buildings may occupy the same lot.
- D. Conditional Uses. The procedure for obtaining conditional use approval shall be in accordance with the provisions of Article IX.
- E. Variances. Any use not expressly listed as a permitted principal use, conditional use, or permitted accessory use for a district in this Article is prohibited in that district, unless a variance is granted by the Zoning Hearing Board in accordance with the provisions of Article X.

SECTION 502. RURAL RESIDENTIAL (R-1) DISTRICT.

- A. Purpose. To preserve existing agricultural areas and land use characteristics of low density development now present in many areas of the Township
- B. Permitted Principal Uses: See Article VI.
- C. Conditional Uses: See Article VI and Article IX.
- D. Permitted Accessory Uses: The following accessory uses shall be permitted:
 - 1. Storage of camping vehicles, trailers, boats, and similar equipment, owned and used solely by residents of the premises.
 - 2. On-site sales and roadside stands accessory to a farm.
 - 3. Garden house or non-commercial greenhouse.
 - 4. Private, non-commercial swimming pool and recreational court area.
 - 5. Private garage, carport, shed, and domestic storage building.

6. Children's playhouse.
7. Keeping of domestic pets.
8. Satellite dish and other antennas.
9. Signs as authorized in Article VII.
10. Fence.

E. Area Requirements:

1. A minimum of two (2) acres in the absence of municipal or community sewerage systems and municipal or community water service.
2. A minimum of one (1) acre where municipal or community sewerage systems and municipal or community water service are provided.
3. Lot width at the building line shall be a minimum of 150 feet.
4. Lot coverage shall not exceed 10% (includes accessory structures).
5. Minimum yard requirements:
Front Yard - 50 feet.
Side Yard - 25 feet.
Rear Yard - 30 feet.
6. No more than twenty (20) dwelling units are permitted on a cul-de-sac in the district.

F. Parking Requirements: All lots shall be provided with off-street parking spaces in accordance with Section 406.

G. No development in any zoning district which is situated adjacent to the CN District shall occur within one hundred fifty (150) feet of the CN District boundary.

H. Forestry operations shall be conducted in strict conformance with the standards specified in the Lancaster Township Timber Harvesting Ordinance.

SECTION 503. MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT.

A. Purpose. To preserve the character of existing residential neighborhoods and create a favorable basis for additional development of urban residential expansion in the Township.

B. Permitted Principal Uses: See Article VI.

- C. Conditional Uses: See Article VI and Article IX.
- D. Permitted Accessory Uses: The following accessory uses shall be permitted:
1. Storage of camping vehicles, trailers, boats, and similar equipment, owned and used solely by residents of the premises.
 2. Garden house or non-commercial greenhouse.
 3. Private, non-commercial swimming pool and recreational court area.
 4. Private garage, carport, shed, and domestic storage building.
 5. Children's playhouse.
 6. Keeping of domestic pets.
 7. Off-street motor vehicle parking area and loading and unloading facility.
 8. Satellite dish and other antennas.
 9. Signs as authorized in Article VII.
 10. Fence.
- E. Area Requirements:
1. Each single-family lot shall have the following minimum areas:
 - a. One (1) acre in the absence of municipal or community sewerage systems and municipal or community water service.
 - b. One-half (0.5) acre where municipal or community sewerage systems and municipal or community water service are provided.
 - c. Lot width at building line shall be a minimum of:
 - (1) One (1) acre lot - 120 feet.
 - (2) One half (0.5) acre lot - 100 feet.
 - d. Lot coverage shall not exceed 20% (includes accessory structures).
 - e. Minimum yard requirements:

Front Yard	-	50 feet.
Side Yard	-	25 feet.
Rear Yard	-	35 feet.

2. Each duplex and multi-family dwelling lot shall have the following areas:

	<u>Duplex and Town House</u>	<u>Multi-Family Apartment</u>
Minimum Lot Area/ Dwelling Unit	20,000 square feet	15,000 square feet
Minimum Floor Area/Dwelling Unit	950 square feet	800 square feet
Maximum Structure Height	35 feet	4 stories
Minimum Front Yard	40 feet	65 feet
Minimum Rear Yard	20 feet	30 feet
Minimum Side Yard	15 feet	40 feet

3. Cluster developments and multi-family dwellings shall be permitted only where municipal or community sewer facilities are available. No septic tank installations shall be permitted. In the absence of municipal sewerage facilities, the developer shall provide a sanitary sewer system which shall be subject to the standards and rules and regulations of the Environmental Protection Agency and the Department of Environmental Protection of the Commonwealth of Pennsylvania.

4. Townhouse Units per Residential Building. There shall be no more than six (6) dwelling units attached in a row.

5. No more than twenty (20) dwelling units are permitted on a cul-de-sac in the district.

6. Area Requirements for Non-Residential Uses:
- Minimum Front Yard – 50 feet.
 - Minimum Side Yard – 25 feet.
 - Minimum Rear Yard – 30 feet.
 - Maximum Structure Height – 4 stories.

F. Parking Requirements. All lots shall be provided with off-street parking spaces shall be provided in accordance with Section 406.

G. Forestry operations shall be conducted in strict conformance with the standards specified in the Lancaster Township Timber Harvesting Ordinance.

SECTION 504. VILLAGE (V) DISTRICT.

- A. Purpose. To create a residential and village style development providing varying types of housing and small to medium businesses that service the neighborhood. This district should encourage development of a mixed use main street in the village and designate public plazas and parks. Villages should be walkable and pedestrian oriented.
- B. Permitted Principal Uses: See Article VI.
- C. Conditional Uses: See Article VI and Article IX.
- D. Permitted Accessory Uses: The following accessory uses shall be permitted:
 - 1. Storage of private camping vehicles, trailers, boats, and similar equipment, owned and used solely by residents of the premises.
 - 2. Garden house or non-commercial greenhouse.
 - 3. Swimming pool and recreational court area.
 - 4. Private garage, carport, shed, and domestic storage building.
 - 5. Children's playhouse.
 - 6. Keeping of domestic pets.
 - 7. Satellite dish and other antennas.
 - 8. Signs as authorized in Article VII.
 - 9. Fence.
 - 10. Drive-through facilities.
 - 11. Off-street public parking areas, public garages and loading areas.
- E. Area Requirements:
 - 1. Each single-family lot shall have the following minimum areas:
 - a. One (1) acre in the absence of municipal or community sewerage systems and municipal or community water service.
 - b. One-half (0.5) acre where municipal sewerage systems and municipal water service are provided.

- c. Minimum yard requirements:
 - Front Yard - 50 feet.
 - Side Yard - 25 feet.
 - Rear Yard - 35 feet.

2. Each duplex and multi-family dwelling lot shall have the following areas:

	<u>Duplex and Town House</u>	<u>Multi-Family Apartment</u>
Minimum Lot Area/ Dwelling Unit	20,000 square feet	15,000 square feet
Minimum Floor Area/Dwelling Unit	950 square feet	800 square feet
Maximum Structure Height	35 feet	4 stories
Minimum Front Yard	40 feet	65 feet
Minimum Rear Yard	20 feet	30 feet
Minimum Side Yard	15 feet	40 feet

- 3. Multi-family dwellings shall be permitted only where municipal or community sewer facilities are available. No septic tank installations shall be permitted. In the absence of municipal sewerage facilities, the developer shall provide a sanitary sewer system which shall be subject to the standards and rules and regulations of the Environmental Protection Agency and the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- 4. Townhouse Units per Residential Building. There shall be no more than six (6) dwelling units attached in a row.
- 5. Eating establishments may be provided with an outside patio, provided the patio does not exceed 25% of the floor area of the primary building.
- 6. No more than twenty (20) dwelling units are permitted on a cul-de-sac in the district.
- 7. Area Requirements for Non-Residential Uses:
 - Minimum Front Yard - 50 feet.
 - Minimum Side Yard - 25 feet.
 - Minimum Rear Yard - 30 feet.
 - Maximum Structure Height - 4 stories.

- F. Parking Requirements. All lots shall be provided with off-street parking spaces in accordance with Section 406.
- H. All non-residential uses require site plan approval and each site plan shall include, at a minimum, the following:
 - 1. A traffic study of the vicinity detailing:
 - a. Comparative analysis of the present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access and off-street parking and loading.
 - b. Circulation plan for all streets in the vicinity, existing and proposed, showing recommendations for channeling, storing, and directing traffic.
 - 2. A landscape development plan showing planting areas, entrance treatments, and screening of loading and service areas.
- I. Forestry operations shall be conducted in strict conformance with the standards specified in the Lancaster Township Timber Harvesting Ordinance.

SECTION 505. MIXED USE (MU) DISTRICT.

- A. Purpose. To provide development potential for a variety of commercial, residential, office, service, and light industrial and manufacturing uses with appropriate buffers. The district should apply parking, design, landscaping, screening, and access management standards to help control the easy flow of traffic and encourage safety.
- B. Permitted Principal Uses: See Article VI.
- C. Conditional Uses: See Article VI and Article IX.
- D. Permitted Accessory Uses: The following accessory uses shall be permitted:
 - 1. Storage of private camping vehicles, trailers, boats, and similar equipment, owned and used solely by residents of the premises.
 - 2. Garden house or non-commercial greenhouse.
 - 3. Swimming pool and recreational court area.
 - 4. Private garage, carport, shed, and domestic storage building.
 - 5. Children's playhouse.

6. Keeping of domestic pets.
7. Satellite dish and other antennas.
8. Signs as authorized in Article VII.
9. Fence.
10. Drive-through facilities.
11. Off-street public parking areas, public garages and loading areas.
12. Swimming pools.

E. Area and Site Requirements:

1. Setbacks. The setback requirements shall conform with that of a majority of structures existing within three-hundred (300) feet on either side of the parcel. In no instance shall the minimum set back of any structure be less than fifty (50) feet from the adjacent street or highway right-of-way.
2. Height. The height of the structure shall not exceed the heights permitted in the abutting districts.
3. Parking Requirements. All lots shall be provided with off-street parking spaces in accordance with Section 406.
4. Landscape Development. Where commercial use abuts a residential district, a suitably planted ten (10) foot buffer strip shall be required.
5. Ingress and Egress. All ingress and egress shall be approved by the Township prior to construction.
6. No more than twenty (20) dwelling units are permitted on a cul-de-sac in the district.
7. Minimum yard requirements:

Front Yard	-	50 feet.
Side Yard	-	25 feet.
Rear Yard	-	35 feet.

F. All non-residential uses require site plan approval and each site plan shall include, at a minimum, the following:

1. A traffic study of the vicinity detailing:
 - a. Comparative analysis of the present capacity of street(s) adjacent to the proposed business with potential capacity and volumes

generated by the proposed development, together with necessary points of access and off-street parking and loading.

- b. Circulation plan for all streets in the vicinity, existing and proposed, showing recommendations for channeling, storing, and directing traffic.
- 2. A landscape development plan showing planting areas, entrance treatments, and screening of loading and service areas.
- G. Forestry operations shall be conducted in strict conformance with the standards specified in the Lancaster Township Timber Harvesting Ordinance.

SECTION 506. INDUSTRIAL (I) DISTRICT.

- A. Purpose. To create an economically viable district, which is isolated from residential neighborhoods, for manufacturing, non-retail commercial activities and similar operation.
- B. Permitted Principal Uses: See Article VI.
- C. Conditional Uses: See Article VI and Article IX
- D. Permitted Accessory Uses: The following accessory uses shall be permitted:
 - 1. Covered storage of material, goods and merchandise used in or produced by manufacturing or non-commercial activities on the same lot with such activities, unless such storage is excluded by the district regulations.
 - 2. Off-street parking and loading areas as required by Article IV.
 - 3. Fence.
 - 4. Sign, as authorized in Article VII.
- E. Area Requirements:
 - 1. The minimum lot area required shall be 30,000 square feet where municipal sewers are available.
 - 2. The minimum lot area required shall be 40,000 square feet in the absence of municipal sewers.
 - 3. The minimum lot width required at the building line shall be 100 feet.
 - 4. No structure shall be permitted closer than 50 feet of any public right-of-way.

5. Rear yards shall be a minimum of thirty-five (35) feet.
 6. The total side yard requirement shall be a minimum of thirty-five (35) feet with no less than ten (10) feet on any side, unless there is a change in zoning district, to which the thirty-five (35) feet shall be maintained on that side.
 7. Height of structures shall not exceed 50 feet.
 8. Lot coverage shall not exceed 60% of the lot area.
- F. Parking Requirements. All lots shall be provided with off-street parking spaces in accordance with Section 406.
- G. Miscellaneous Requirements.
1. Loading areas and docks shall not be permitted to front or face on any street. Provisions for handling and loading of all freight and other materials must be on the side or rear of all buildings.
 2. Storage: Outside storage of goods, materials and merchandise shall not be permitted.
 3. All parking and loading areas shall be screened from adjoining properties and rights-of-way by a structurally sound wall or planting strip which is architecturally compatible with the main structure on the lot.
 4. All development sites shall be served by municipal or community water and sewage systems. Municipal utility systems shall be utilized where available.
 5. On-site utilities must be approved by the Township Engineer. When permitted, on-site utility systems must meet all requirements of the Commonwealth of Pennsylvania.
 6. Adequate storm drainage facilities shall be installed to insure that storm water does not flow onto abutting property, sidewalks or streets in such quantities to cause detrimental effect or inconvenience.
 7. All exterior lighting of structures, signs, and grounds shall be from shaded sources and be located so that the beams are not directed toward any lot or residential structure, or public highway.
 8. Performance Requirements.
 - a. Sound. The sound level radiating from an establishment shall not exceed 50 decibels, whether or not such noise is intermittent or

steady, at any time, measured by a sound level meter along the boundary of the property.

- b. Vibration. No vibration from any process shall be discernible at any time beyond the boundary of the property.
 - c. Smoke. There shall be no emission of smoke into the atmosphere from any heating or manufacturing process. No waste material of any kind, including but not limited to commercial wastes (i.e. junk cars, tires, etc.), shall be burned in the open air on the property.
 - d. Other Pollutants. There shall be no emission of fly ash, dust, dirt, fumes, refuse matter, vapors or gases from any operation beyond the confines of the buildings housing the equipment or operation producing such pollutants.
 - e. Odor. There shall be no emission of odorous gas or any other odorous material beyond the boundary of the property.
 - f. Radioactivity. There shall be no radioactive emissions.
 - g. Electrical Interference. No electrical disturbance shall be discernable at any time beyond the boundary of the property.
 - h. Liquid Wastes. In no case shall liquid wastes be dumped or permitted to flow or seep into a stream or drainage way, except in strict conformance with all requirements of the Pennsylvania Department of Environmental Protection for the construction and operation of on-site industrial liquid waste disposal plants. Liquid wastes that cannot be disposed of on the site shall not be permitted to accumulate.
 - i. Solid Waste. Solid wastes shall not be permitted to accumulate in an open storage area on any property, nor shall they be buried unless in conformance with Pennsylvania Department of Environmental Protection regulations.
 - j. Glare. All operations that produce glare or sky-reflected light shall be conducted within an enclosed area so that no glare is discernible beyond the boundaries of the Industrial District.
- H. No development in any zoning district which is situated adjacent to the CN District shall occur within one hundred fifty (150) feet of the CN District boundary.
- I. Forestry operations shall be conducted in strict conformance with the standards specified in the Lancaster Township Timber Harvesting Ordinance.

SECTION 507. CONSERVATION (CN) DISTRICT.

- A. Purpose. To protect, preserve, and maintain open spaces, water supply sources, woodland, marshland, wildlife, scenic areas, areas of steep slope, and other natural resources; to conserve vegetative cover particularly trees, shrubs, and ground cover on sloping ground, stream banks, flood plains, and storm water drainage channels and swales; and to discourage the scattering of residential, and other urban type uses throughout predominantly forested areas and areas of steep slope.
- B. Permitted Principal Uses: See Article VI.
- C. Conditional Uses: See Article VI and Article IX.
- D. Permitted Accessory Uses: The following accessory uses shall be permitted:
 - 1. Storage of private camping vehicles, trailers, boats, and similar equipment, owned and used solely by residents of the premises.
 - 2. On-site sales and roadside stands accessory to a farm.
 - 3. Garden house or non-commercial greenhouse.
 - 4. Private, non-commercial swimming pool and recreational court area.
 - 5. Private garage, carport, shed, and domestic storage building.
 - 6. Children's playhouse.
 - 7. Keeping of domestic pets.
 - 8. Satellite dish and other antennas.
 - 9. Fence.
 - 10. Sign, as authorized in Article VII.
- E. Area Requirements:
 - 1. Lot width at the building line shall be a minimum of 150 feet.
 - 2. Lot coverage shall not exceed 10% (includes accessory structures).
 - 3. Minimum yard requirements:
 - Front Yard - 50 feet.
 - Side Yard - 25 feet.
 - Rear Yard - 30 feet.

4. All development and/or construction proposed in the CN Conservation District shall require environmental clearances (PNDI) and be subject to approval by the Township prior to implementation.
 5. No development, in any zoning district which is situated adjacent to the CN District, shall occur within one hundred fifty (150) feet of the CN District boundary.
- F. All lots shall be provided with off-street parking in accordance with Section 406.
- G. Forestry operations shall be conducted in strict conformance with the standards specified in the Lancaster Township Timber Harvesting Ordinance.

SECTION 508. OVERLAY DISTRICTS.

Overlay Districts, as designated on the Official Zoning Map, authorize certain uses on properties in the overlay zone, subject to express standards and criteria for each Overlay District, that are in addition to the uses otherwise authorized in the underlying zoning district of the property.

SECTION 509. PLANNED RESIDENTIAL DEVELOPMENT (PRD) OVERLAY DISTRICT.

- A. Purpose. The purpose of the Planned Residential Development Overlay District is to:
1. Encourage the creation of innovative residential development and limited nonresidential uses so that the growing demand for residential communities may be met by providing for a greater variety in housing type, design and layout of dwellings as well as other complimentary nonresidential buildings and uses;
 2. Conserve and more efficiently use the open space that is ancillary to such dwellings and uses;
 3. Extend greater opportunities for better and affordable housing to all citizens and residents of the Township;
 4. Insure that the increased flexibility within the ordinance and specific design regulations provides for an efficient application review and approval process by the Township without undue delay;
 5. Reduce the excessive sprawling development and the segregation of land uses that cause unnecessary traffic congestion;
 6. Promote the creation of places which are oriented to the pedestrian thereby promoting citizen security and social interaction;

7. Promote developments where the physical, visual, and spatial characteristics are established and reinforced through the consistent use of compatible site design elements. Such elements shall relate the design characteristics of a development to other existing and planned structures or developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape;
8. Promote the creation of developments that are identifiable in the landscape, surrounded by open space and that preserve sensitive natural features; and
9. Preserve the remaining rural character of the Township by directing new development to appropriate locations and to minimize the visual impact of new development.

B. Planned Residential Development Overlay District Standards.

1. Permitted Principal Uses: See Article VI.
2. Conditional Uses:
 - a. See Article VI and Article IX.
 - b. Accessory retail dining and service facilities may be conditionally permitted, provided that such uses are primarily for the service and convenience of the residents of the PRD, and further provided that the development contains fifty (50) or more dwelling units. At least eighty percent (80%) of the total planned dwelling units of the total project must be physically constructed prior to any nonresidential use construction.
3. Screening. All structures on the perimeter of the development must be screened in a manner which is approved by the Board of Supervisors. A landscape development plan is required showing, at a minimum, planting areas, entrance treatments, and screening of loading and service areas.
4. Set Backs. All structures in the development must be set back as follows:
 - a. Minimum yard requirements in residential areas:

Front Yard	-	50 feet.
Side Yard	-	25 feet.
Rear Yard	-	35 feet.
 - b. Minimum yard requirements in non-residential areas:

Front Yard	-	50 feet.
Side Yard	-	25 feet.
Rear Yard	-	50 feet.

5. Cul-de Sacs. No more than twenty (20) dwelling units are permitted on a cul-de-sac in the district.
6. Density Requirements. The following factors shall be used to calculate the maximum number of allowed dwelling units in the district:
 - a. Maximum Net Site Density: Three (3) dwelling units per acre. Net site density requirements may be modified upon consideration of the amount, location and proposed use of common open space including, but not limited to, the amount of land devoted to active recreation facilities and the quality of the recreation facilities or fees contributed to the Township in lieu of dedication by agreement with the developer.
 - b. Maximum Percentage of Multi-Family Dwelling Units: Forty (40) percent of total number of dwellings.
 - c. No lot for a single-family dwelling shall contain less than twelve thousand five hundred (12,500) square feet.
 - d. Lot Area Requirements for Single-Family Lots:
Minimum Lot Size: 12,500 sq. ft.
Lots between 12,500 sq. ft. and 17,500 sq. ft.: Maximum 40% of total lots.
Lots greater than 17,500 sq. ft.: Minimum 60% of total lots.
Minimum lot line at building line: 150 feet.
Maximum building density on lot: 60%.
 - e. Townhouse Units per Residential Building. There shall be no more than six (6) dwelling units attached in a row.
 - f. The density requirements listed above shall be maintained in each phase of the development.
7. Site Area Limitations. The total gross land area of the site shall be devoted to specified uses as follows:
 - a. A maximum of seventy-five percent (75%) for residential use. Land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences.
 - b. A maximum of eight percent (8%) for accessory retail, dining and service facilities and parking associated with these uses.
 - c. A minimum of twenty percent (20%) for open-air recreational uses and other usable open space, Usable open space shall not include usable open space which is available for use by the general public

or by persons who do not reside in the residence or groups of residences in proximity to it and space devoted to streets and parking. Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open space as long as total impervious surfaces (paving, roofs, etc.) constitute no more than five (5) per cent of the total open space.

d. A minimum of five percent (5%) for passive or undisturbed open space such as environmentally sensitive areas, watercourses, or wooded lands. Where significant or unique natural amenities exist on the site, the Township shall have the authority to enforce its preservation. These may include, but are not limited to the following:

(1) Mature Woodlands;

(2) Historic, archeological or cultural features listed, or eligible to be listed, on the National Register of Historic Places;

(3) Wetlands; and

(4) Floodplains or other features such as rocks outcroppings, ravines, ponds, and streambeds.

e. Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications.

C. General Location and Design Standards.

1. PRDs shall be designed around contiguous common open space. Such areas shall be directly accessible to the largest practicable number of lots within the development. Safe and convenient pedestrian access to the open space shall be provided for all lots not adjoining the open space areas.
2. A perimeter buffer yard of a minimum of fifty (50) feet in width shall be provided. Such buffer yard may be used for agricultural purposes or wood lots upon approval by the Township.
3. A minimum buffer yard of twenty (20) feet shall be provided adjacent to all adjoining roads.
4. Common open space, particularly perimeter buffer yards, containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees and other areas of mature vegetation worthy of preservation may be left unimproved and in a natural state. As a

general principle, the preservation of undeveloped open space in its natural state or as existing farms is encouraged. A developer may make certain improvements, such as the cutting of trails for walking or jogging, and the provision of picnic areas.

5. No streets, emergency access roads, driveways or existing utility rights-of-way, easements, or improvements shall be within the acreage designated for the minimum common open space as required above, except as required as part of the approved common open space.
6. Street design standards shall be in accordance with the Township's Subdivision and Land Development Ordinance.
7. Erosion and Sedimentation Control shall be in accordance with the Township's Subdivision and Land Development Ordinance.
8. All improvements in the PRD shall be in accordance with the Township's Subdivision and Land Development Ordinance.
9. Parking for each use shall be provided in accordance with Section 406, above.

D. Density Bonuses and Enhanced Landscaping Features and Design Elements. The maximum density may be varied pursuant to the schedule provided below, upon a finding by the Board of Supervisors that the proposed development provides enhanced landscaping features and enhanced structural design elements and the following additional improvements:

<u>ADDITIONAL IMPROVEMENT</u>	<u>CHANGE IN DENSITY</u>
Provision by applicant to have varied building front offsets, between attached units and between separate buildings, of greater than five (5) feet.	Increase 5%
Provision by applicant to use "green building standards," incorporating environmentally sound, state-of-the-art technologies for energy efficient buildings and sustainable design principles, including the use of recycled materials.	Increase 10%
Increase open space to forty-five percent (45%); or	Increase 5%
Increase open space to fifty-five percent (55%) (not cumulative).	Increase 10%
Central activity area facility (i.e. pool, clubhouse, recreation room, plaza) (minimum 100 square foot/unit).	Increase 5%
50% of all garages facing rear of lot.	Increase 10%

Grid street pattern (inter-connectivity of streets, no dead ends/cul-de-sacs). Increase 20%

Provision by applicant to use a variety of at least three (3) permitted dwelling types (i.e. single-family detached dwelling, two-family dwelling, semi-detached, townhouse dwelling) at a minimum of 10% of the total units in each dwelling type. Increase 10%

Increase site perimeter planting/landscaping by seventy-five (75%) percent. Increase 5%

Minimum 10% dwelling units are affordable housing. Increase 10%

Add total change in density % Total: _____ %
(Multiply total % by 3.5 dwelling units per acre) +
3.5 dwelling units per acre base density =
development maximum site density

Enhanced Landscaping Features: To qualify for the density bonuses the applicant shall provide a minimum of four (4) of the following throughout the development:

- Increase all sidewalks to six (6) feet width with a nine (9) feet width planting area between sidewalk and curb.
- Specialty paving materials (i.e. brick, stone) at crosswalks.
- Decorative street lighting.
- Provisions for street benches and meeting areas.
- Street landscaping median equal in size to ten percent (10%) of the total street length.

Enhanced Structural Design Elements: To qualify for density bonus the applicant shall also provide sixty percent (60%) stone or masonry spread over four (4) sides providing varied architectural treatments and a minimum of six (6) of the following throughout the development:

- Cornice/Eave details.
- Bay windows/window treatments (keystones, stone lintels).
- Varied roof lines.
- Porch and stoop elements.
- Dormers and gables.
- Varied facade depths (building offsets creating depth and individuality of each unit).

- Screened/hidden mechanical.
- Masonry chimneys.

E. General Procedural Requirements.

1. Applications for Planned Residential Developments shall be heard and decided in accordance with the provisions of this Article.
2. All provisions of the Township Subdivision and Land Development Ordinance shall apply to Planned Residential Developments, unless otherwise specified by the Township. Where there is a conflict between the requirements of this Article and other Articles of this ordinance or other Township ordinances, the requirement of this Article shall govern.

F. Tentative Development Plan Approval Process.

1. Pre-Application Conference (optional). Before submission of an application for tentative plan approval, the applicant is strongly encouraged to have a meeting with the Zoning Officer and Township Engineer to determine the feasibility, suitability, and timing of the application. The intent of this step is for the applicant to obtain information and guidance from the Township before entering into any commitments or incurring substantial expenses with regard to the site and preparation of the PRD site plan. Pre-application conferences will follow the procedures in the Township's Subdivision and Land Development Ordinance.
2. Application Submittal. All applications for tentative plan approval, except written requests for pre-application conferences, shall be submitted to the Zoning Officer not more than thirty (30) days and not less than twenty (20) days prior to the regular meeting of the Township Planning Commission at which the plan will be formally presented.
3. Application Content. Applications for tentative plan approval shall include the following:
 - a. One (1) original and six (6) copies of the signed application form provided by the Township and completed by the applicant.
 - b. Application filing and review fees as set in the Township's Fee Schedule Resolution.
 - c. Three (3) full-size and ten (10) half-size copies of drawings and supplemental information consisting of the following:

- (1) Location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
- (2) Density of land use to be allocated to parts of the site to be developed;
- (3) Location and size of the common open space and the form of organization proposed to own and maintain the common open space;
- (4) Use and the approximate height, bulk and location of buildings and other structures;
- (5) Feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
- (6) Substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
- (7) Provisions for parking of vehicles and the location and width of proposed streets and public ways;
- (8) All requests for departures, modifications, or waivers from the municipal land use regulations otherwise applicable to the property;
- (9) Feasibility of proposals for energy conservation and the effective utilization of renewable energy sources;
- (10) In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the development are intended to be filed (the schedule must be updated annually, by the anniversary of the written decision approving the tentative plan, until the development is completed and accepted); and
- (11) A written statement, in compliance with Section 707(5) of the MPC, indicating reasons why the proposed Planned Residential Development would be in the public interest and would be consistent with the Township's Comprehensive Plan.

4. Application Review Procedures.

- a. Planning Commission. At the first regular meeting of the Planning Commission after the submission of the application, the Planning Commission shall make a written recommendation to the Township Supervisors setting forth, with particularity, the explicit reasons for its recommendation that the proposal be either approved, approved with conditions, or denied.
- b. Butler County Planning Commission. At least thirty (30) days before the public hearing to be held by the Board of Supervisors, the applicant shall submit the tentative development plan to the Butler County Planning Commission for review and comment.
- c. Board of Supervisors. Within sixty (60) days after the filing of an application for tentative plan approval, the Board of Supervisors shall hold a public hearing pursuant to public notice on the application. The Board of Supervisors may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing. The Board of Supervisors may offer a mediation option as an aid in completing the proceedings. In exercising such an option, the Board of Supervisors and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the MPC.

5. Written Decision.

- a. The Board of Supervisors, within 60 days following the conclusion of the public hearing or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:
 - (1) Grant approval of the tentative development plan as submitted;
 - (2) Grant approval subject to specified conditions not included in the tentative development plan as submitted; or
 - (3) Deny approval to the tentative development plan.
- b. Failure to act within the period, unless an extension of time is granted by the applicant in writing, shall be deemed to be an approval of the tentative development plan as submitted.

- c. In the event that approval of the tentative plan is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the decision, notify the Township of his refusal to accept all or any of the conditions, in which case, the Township shall be deemed to have denied approval of the tentative development plan. In the event the landowner does not notify the Township of his refusal to accept all of the conditions, approval of the tentative plan shall stand, with all the conditions attached.

- d. The written decision shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the decision and shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - (1) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Township;
 - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - (3) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - (4) The physical design of the development plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - (5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - (6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the

public and of the residents of the planned residential development in the integrity of the development plan.

- e. The written decision shall be certified by the Township and a certified copy shall be mailed to the landowner or developer. Where tentative approval has been granted, it shall be deemed an amendment to the Official Zoning Map, effective upon final approval, and shall be noted on the Official Zoning Map.
- f. Approval of a tentative development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits.
- g. A tentative development plan which has been approved as submitted, or which has been approved with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions attached to the tentative plan), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the time periods specified in the written decision.
- h. Where a tentative development plan has been approved but prior to final plan approval the applicant elects to abandon the development plan and notifies the Township in writing, or in the event the applicant fails to file an application or applications for final plan approval within the required time period or periods, as the case may be, approval of the tentative development plan shall be deemed to be revoked and all that portion of the area included in the development plan for which final plan approval has not been given shall be subject to those local ordinances otherwise applicable thereto, as they may be amended from time to time, and the same shall be noted on the Official Zoning Map and in the records of the Township.

G. Final Development Plan Approval Process.

- 1. General. An application for final plan approval may be for all the land included in a development plan or, to the extent set forth in the written decision granting tentative plan approval, for a section thereof. The application shall include any drawings, specifications, covenants, easements, performance bond and such other documents as may be required by any Township ordinance and the written decision granting tentative plan approval.

2. Application Submittal.

- a. All applications for final development plan approval shall be submitted to the Township within twelve (12) months after the date of the written decision granting approval to the tentative development plan or within the time or times specified by the written decision granting approval to the tentative plan.
- b. In the case of development plans which call for development over a period of years, the applicant shall submit the application for final development plan approval for the first phase of construction within twelve (12) months after the date of the written decision granting approval to the tentative development plan or within the time or times specified by the written decision granting approval to the tentative plan. Subsequently, the applicant shall schedule an annual meeting (by the anniversary date of the written decision approving the tentative plan) with the Township, to update the schedule submitted with the tentative development plan showing the proposed times within which applications for final plan approval of all sections of the development would be filed until the development is completed and accepted.
- c. All applications for final plan approval shall be submitted to the Zoning Officer not more than thirty (30) days and not less than twenty (20) days prior to the regular meeting of the Township Planning Commission at which the plan will be formally presented.

3. Application Content. All applications for final plan approval shall include the following:

- a. One (1) original and six (6) copies of the signed application form, provided by the Township and completed by the applicant.
- b. Application filing and review fees as set in the Township's Fee Schedule Resolution.
- c. Three (3) full-size and ten (10) half-size copies of the final plan drawings including floor plans and elevations (but not including working drawings for buildings) for all structures and buildings, other than single-family dwellings prepared by an architect, including all proposed signs, all exterior illumination and all outside storage areas.
- d. In addition to the drawings and supplemental information required to be submitted with the application for tentative plan approval, the application for final plan approval shall contain the following:
 - (1) Seven (7) copies of the development schedule showing:

- i. The order of construction of the proposed sections delineated in the final development plan.
 - ii. The proposed date for the beginning of construction of proposed sections delineated in the final development plan.
 - iii. The proposed date for the completion of construction of proposed sections delineated in the final development plan.
 - iv. The proposed schedule for the construction and improvement of the common areas.
- (2) Two (2) copies of deed restriction proposals to preserve the character of the common areas.
 - (3) If the developer elects the association or nonprofit corporation method of administering common areas, two (2) copies of the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation.
 - (4) If the developer elects the condominium method of ownership of common areas, two (2) copies of the proposed declaration of condominium bylaws and related documents.
 - (5) Two (2) copies of all instruments dedicating public and private rights-of-way, easements, and other public lots shown on the final development plan.

4. Final Development Plan Review Procedures.

- a. Planning Commission. The Planning Commission shall, at its next regular meeting after the filing of the application for final plan approval, examine the application and determine if the application meets the designated criteria. The Planning Commission shall forward its written report to the Board of Supervisors within thirty (30) days of the meeting following the first review of the application, setting forth its findings and recommendations.
- b. Butler County Planning Commission. At least thirty (30) days before the final development plan is presented to the Board of Supervisors, the applicant shall submit the final development plan to the Butler County Planning Commission for review and comment.

c. Board of Supervisors.

- (1) A public hearing on an application for final plan approval, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the approved tentative development plan and with any specified conditions attached thereto.
- (2) In the event the final development plan as submitted is in compliance with the approved tentative development plan and with any specified conditions attached thereto, and has been filed together with all required drawings, specifications, other supporting documents and fees, the Board of Supervisors shall, within 45 days from the date of the regular meeting next following the date the application is filed, grant the development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.
- (3) In the event the development plan as submitted contains variations from the approved tentative development plan, the Township may refuse to grant final plan approval and shall, within 45 days from the date of the regular meeting of the Board of Supervisors, next following the date the application is filed, so advise the applicant in writing of its refusal, setting forth in the notice the reasons why one or more of the variations are not in the public interest. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45 day period shall be measured from the 30th day following the day the application has been filed.
- (4) In the event of such refusal, the applicant may either:
 - i. refile his application for final approval without the variations objected; or
 - ii. file a written request with the Board of Supervisors that it hold a public hearing on the application for final plan approval.
- (5) If the applicant wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if

the time for applying for final approval shall have already passed at the time when the applicant was advised that the development plan was not in substantial compliance.

- (6) In the event the applicant shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
- (7) Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner described in this Article for public hearings on applications for tentative approval.
- (8) Within 30 days after the conclusion of the hearing, the Township shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Article.
- (9) Failure of the Township to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

5. Final Development Plan Recording Requirements.

- a. A final development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Township.
- b. The applicant shall file the certified plan of record in the office of the recorder of deeds within ninety (90) days of certification.
- c. No development shall take place in accordance with the plan until the plan is properly filed of record in the office of the recorder of deeds.

- d. No zoning, building or grading permit for the development shall be issued by the Township until the final development plan has been properly filed of record.
- e. In the event that a development plan, or a section thereof, is given final approval and thereafter the applicant abandons such plan or the section thereof that has been finally approved, and notifies the Township in writing; or, in the event the applicant fails to commence and carry out the development in accordance with the required time period or periods after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the property is reclassified by enactment of an amendment to the zoning ordinance.

SECTION 510. ACCESS MANAGEMENT AND DESIGN OVERLAY (A&D) DISTRICT.

- A. Purpose. The purpose of the Access Management and Design Overlay District is to encourage controlled, sensible development and design standards for easy and safe flow of traffic along State Route 19. The overlay promotes developing access roads, minimizing spacing between curb cuts, sharing access points, consistent signage standards, and screening development.
- B. Permitted Principal Uses: See Article VI.
- C. Conditional Uses: See Article VI and Article IX.
- D. Area and Site Requirements:

Minimum Front Yard	50 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	30 feet
Maximum Structure Height	3 stories
Edge of paved surface to side/rear property line	10 feet (minimum)
Buffering landscaping along State Route 19	25 feet planted area
Buffering landscaping along side/rear property line	15 feet planted area
<u>Interior landscaping:</u>	
Perimeter of parking area	1 tree per 10 spaces
Abutting access road	10-foot planting strip
Exterior wall materials	Stone, wood, brick, metal
- E. Eating establishments may be provided with an outside patio, provided the patio does not exceed 25% of the floor area of the primary building.
- F. Parking Requirements. All lots shall be provided with off-street parking spaces in accordance with Section 406, above.

- G. All developments require site plan approval and each site plan shall include, at a minimum, the following:
1. A traffic study of the vicinity detailing:
 - a. Comparative analysis of the present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access and off-street parking and loading.
 - b. Circulation plan for all streets in the vicinity, existing and proposed, showing recommendations for channeling, storing, and directing traffic.
 2. A landscape development plan showing planting areas, entrance treatments, and screening of loading and service areas.

ARTICLE VI

PERMITTED PRINCIPAL USES AND CONDITIONAL USES BY ZONING DISTRICT

SECTION 601. AUTHORIZED USES.

The following table, Table 601, provides a list of permitted principal uses and conditional uses by zoning district. Each use is further subject to compliance with the express standards and criteria for each use contained in Articles V, VII, and IX of this ordinance.

TABLE 601: Table of Authorized Uses by District

Uses	CN	R-1	R-2	V	MU	I	A&D Overlay	PRD Overlay
Adult Entertainment Establishment						C		
Agricultural Operation, Concentrated						C		
Agricultural Operation, Normal	P	P	C	C	C	P		
Airport, Private		C	C			C		
Airport, Public						C		
Amusement Establishment					C			
Amusement Park						C		
Apartment		C	C	C			C	P
Apartment, Conversion		C	C	C	C		C	
Arena/Amphitheater					C			
Assembly Hall				C	C	C		
Bed and Breakfast		C	C	C	P			
Billboard						C		
Boarding House		C	C	P	P			
Bowling Alley				C	C	C		
Bulk Fuel Storage						C		
Campground		C						
Cemetery		C		C				
Cluster Development								P
Consumer Services (barber, beauty, dry cleaner, tailor, etc.)				P	P		P	P
Contracting Establishment/Yard					C	P		
Convenience Store, with Fuel				C	P	P	C	C
Convenience Store, without Fuel				P	P	P	P	P
Convention and/or Exposition Center					C	C		
Crematorium						C		
Day Care/Nursery School		C	C	C	C	C	C	C
Drive-Thru Restaurant				C	P	P	C	C
Duplex		P	P	P	P			P
Eating Establishment without Liquor License				P	P		P	C
Eating Establishment with Liquor License				C	C		C	
Educational Institution		C	C		C	C		
Emergency Service		C	C	P	P	P	P	C
Financial Institution				P	P		P	C
Funeral Home and Mortuary				C	C	P	C	
Garden Apartment (stacked flat)								P
Garden Center		C		C	P	P		
Golf Course	C	C			C			
Grocery Store				C	C	P	C	C
Group Residential Facility					C			
Heavy Equipment Sales, Rental, and Service					C	C		
Heliport					C	C		
Home Based Business (no impact)	P	P	P	P	P	P	P	P
Home Based Business (low impact)	C	C	C	C	C	P		C
Hospital					C	P		
Kennel		C			C	P		
Landfill					P	C		

Uses	CN	R-1	R-2	V	MU	I	A&D Overlay	PRD Overlay
Lumber yard						P		
Machine and Repair Shop					C	P		
Manufactured Housing Unit	C	P	P	P	P			P
Manufacturing, Heavy and Other Heavy Industry						P		
Manufacturing, Light, and Assembly					C	P		
Medical Treatment Facility				C	C	C	C	
Mobile Home	C	P	P		P			P
Mobile Home Park			C		C			
Mobile Home Sales					P	P		
Motel/Hotel					P			
Multi-Family Dwelling			P	P	P			P
Municipal Facility (non-Lancaster Township)	C	C	C	C	C	P		C
Museum/Art Center				P	C		C	
Music Studio				P	C	P	C	C
Nursing Home		C			C			
Oil/Gas Well	C	C	C	C	C	P	C	C
Parking Lot, Off-Street, Private				C	C	C	C	C
Parking Lot, Off-Street, Public				C	C	C	C	C
Patio Home			P	P	P			P
Personal Care Facility					C			
Photographic Studio, Business or Personal				P	P			
PRD			C		C			P
Post Office				P	P		P	
Power Generation Plant					C	C		
Printing Facility				C	C	P		
Private Membership Club (VFW, Masonic Temple, etc.)				C	C	C	C	
Professional Office				C	P	P	C	
Public Garage				C	P	C	C	C
Public Library				P	P		P	
Real Estate or Travel Agency				P	C		P	
Recreation, Commercial Entertainment Facility						C		
Recreation, Noncommercial Entertainment Facility	C	C						
Recreational Vehicle Park					C	P		
Religious Establishment		C	C	C	P			
Research and Development Facility						P		
Retail Store				C	C	P	C	C
Salvage Yard						C		
Single-Family Dwelling	C	P	P	P	P			P
Slaughter House/Meat Processing					C	P		
Solid Waste Disposal Site/Incinerator						C		
Stable, Private	C	C			C			
Stable, Public		C			C			
Storage Facility					C	P		
Strip Mining	C	C	C	C	C	C	C	C
Tavern/Pub/Nightclub				C	C	C	C	
Telecommunications Tower					C	C		
Timber Harvesting	P	P	P	P	P	P	P	P

Uses	CN	R-1	R-2	V	MU	I	A&D Overlay	PRD Overlay
Transportation Service				C	C	C		
Truck Terminal					C	C		
Vehicle Repair Shop					P	P		
Vehicle Sales/Rental					C	P		
Vehicle Service Station					C	P		
Vehicle Washing Facility					C	P		C
Veterinary Facility		C			C	P		
Waste Transfer Facility						C		
Wholesaler						P		
Windmill, Private	C	C	C					

Codes:
P = Permitted Principal Use
C = Conditional Use

ARTICLE VII

SIGNS

SECTION 701. GENERAL REGULATIONS.

The following general sign regulations shall apply:

- A. Where a sign is permitted by provision of this ordinance, it shall be construed to permit a double-faced sign. Each face of a double-faced sign may equal the maximum size permitted for the particular type of sign under this ordinance.
- B. All signs shall comply with the requirements of the Uniform Construction Code and Federal Aviation Administration.

SECTION 702. R-1, R-2, CN, AND PRD DISTRICT REQUIREMENTS.

In the R-1, R-2, CN, and PRD Districts the following signs shall be permitted and the following regulations shall apply:

- A. One (1) identification sign for a multi-family dwelling, not to exceed twelve (12) square feet.
- B. One (1) bulletin board per church or similar place of worship, not to exceed thirty (30) square feet.
- C. Temporary non-lighted real estate sign, not to exceed thirty (30) square feet.
- D. Directional sign, not exceeding one and one-half (1.5) square feet.
- E. Traffic control signs installed and maintained by the Township, County, Commonwealth, or any other governmental authority.
- F. Residential street signs are not permitted to be illuminated.
- G. Any use other than those specified in Paragraphs A through E, above, shall not exceed twelve (12) square feet per principal building or use.
- H. Billboards are specifically prohibited in the R-1, R-2, CN, and PRD Districts.
- I. All signs shall be non-flashing and non-animated, signs not attached to a building shall be set back at least fifteen (15) feet from a road right-of-way line, and no sign shall project above the roof or be mounted on a building above the eave line of a roof.

- J. Signs used to identify the name of a residential development and located at the principle entrance of such development shall meet the following requirements:
1. External illumination of such signs shall be designed, directed, and located so that only the sign is illuminated with ground lighting. No light shall emanate past the sign or illuminate any other adjacent structure or property.
 2. Maximum number of signs per entrance on an arterial or collector street and not at a connecting street between developments – 2.
 3. Maximum Area: Thirty (30) square feet, with a supporting structure no more than 200% greater than the sign area, unless otherwise approved by the Board of Supervisors.
 4. Maximum Height: 6 feet.
 5. Minimum Front, Side, and Rear Yards: 5 feet.
 6. Shall contain no commercial message.

SECTION 703. V, MU, AND I DISTRICT REQUIREMENTS.

In the V, MU, and I Districts the following signs shall be permitted and the following regulations shall apply:

- A. Any sign permitted in R-1 District.
- B. One (1) business or identification sign, not to exceed one (1) square foot for every two (2) lineal feet of frontage occupied, but not to exceed sixty (60) square feet for any one business.
- C. One (1) business or identification sign for a group of three or more businesses on one parcel or tract, not to exceed one hundred twenty (120) square feet.
- D. Billboards. Billboards are permitted only in the I District and must meet the following requirements:
 1. Location.
 - a. The billboard shall be located within 75 feet from the right-of-way line of Interstate Route 79.
 - b. No free-standing off-site billboards shall be erected in such a manner as to block the view from the road or street of any existing business sign, logo sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements under any applicable building code.

- c. The billboard shall be set back a distance of 300 feet from any existing residence, or public or semi-public structure.
- d. No such free-standing billboard shall be constructed within the clear site triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
- e. No free-standing off-site billboard shall be erected within 500 feet of the boundary line of the R-1 or R-2 Districts.
- f. Free-standing off-site billboards shall maintain a lateral minimum spacing of 3,000 feet between billboard structures.

2. Size and Height.

- a. Billboards shall have a maximum allowable gross surface area of 376 square feet per sign face including any border and trim.
- b. Billboards shall have a maximum of two (2) sign faces per structure.
- c. Sign faces may be placed back to back or in a V-shaped configuration.
- d. Sign faces shall not exceed 35 feet to the top of the sign.
- e. The maximum height of the free-standing off-site structure shall be 40 feet as measured from the finished grade of the site to the highest point of the billboard.

3. Construction Methods.

- a. A billboard structure shall have a maximum of one (1) vertical support column.
- b. The billboard face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
- c. The vertical support column shall be constructed in accordance with the Township Building Code.
- d. A billboard with display lighting shall be constructed so that it does not produce glare upon adjoining property or roads and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.

- e. The billboard sign face or structure shall not have flashing lights or emit noise. Display lighting shall not cause distraction, confusion, nuisance, or hazard to traffic, aircraft or other properties.
 - f. The use of colored lighting is not permitted.
4. Maintenance.
- a. The base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes, at least three (3) feet in height, and placed in such manner as to screen the foundation of the structure.
 - b. All cut and fill areas shall be permanently seeded with grass or planted with shrubbery.
 - c. The billboard structure, landscaping and area surrounding the sign shall be maintained by the owner of the sign in a clean, sanitary, and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish and weeds.
 - d. The billboard structure shall be entirely painted every three (3) years.
 - e. Every ten (10) years, from the date of issuance of the building permit or the effective date of this ordinance, the owner of the billboard structure shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer or Architect and shall provide the Township with a copy of the certificate from the Engineer or Architect certifying that the billboard is structurally sound.
 - f. All billboards are subject to annual inspections conducted by the Township to determine compliance.
 - g. Billboards using removable paper or other similar materials shall be maintained in such a condition as to eliminate loose or frayed material protruding or hanging from the structure.
- E. All signs in the V, MU, and I Districts shall be non-flashing and non-animated. If illuminated, they shall utilize reflected or refracted light in such a manner as to not detrimentally affect adjacent property.
- F. Signs not attached to a building shall be set back at least five (5) feet from the road right-of-way, or any required buffer area. Free standing signs shall not exceed fifteen (15) feet in height. Signs mounted on a building shall not project above the ridge line of a sloping roof or above the eave line of a flat roof.

SECTION 704. A&D DISTRICT REQUIREMENTS.

In the Access Management and Design Overlay District the following signs shall be permitted and the following regulations shall apply:

- A. Wall-mounted, interior illumination signs shall not exceed ten percent (10%) of the wall surface (ten percent (10%) coverage), to a maximum of fifty (50) square feet, whichever is less.
- B. Monument (interior illumination) signs shall not exceed thirty-two (32) square feet, with a maximum height of 8 feet to top of sign. Monument signs shall be located outside of the road right-of-way and allow for a clear sight triangle from the entrance/exit.
- C. Free standing signs shall have a maximum of 100 square feet. Free standing signs shall be located outside the road right-of-way, and allow for a clear sight triangle from the entrance/exit.

ARTICLE VIII

NONCONFORMING USES

SECTION 801. CONTINUATION OF EXISTING NONCONFORMING USES.

- A. A lawful nonconforming use in existence on the effective date of this ordinance may be continued, so long as it remains otherwise lawful.
- B. Nothing in this Article shall be deemed to prevent normal repairs to buildings, structures, or equipment utilized in connection with a lawful nonconforming use in existence on the effective date of this Ordinance.

SECTION 802. EXPANSION OF NONCONFORMING USES.

- A. Nonconforming noncommercial uses shall be prohibited from expanding, enlarging, increasing, or extending to cover a greater land area than that covered by such use on the effective date of this Ordinance.
- B. A nonconforming commercial use may be expanded when authorized by the Zoning Hearing Board upon the board's determination, after public hearing, that the expansion is necessary to accommodate the reasonable growth of the business or the reasonable needs of the business to modernize to meet current market requirements and the expansion is not inconsistent with the public interest.
- C. Expansion of a nonconforming commercial use shall not take place on land acquired after the date the nonconforming use was created, shall be limited to 50% of the total building or structure lot coverage legally occupied on the effective date of this Ordinance, shall not displace a conforming use, and shall comply with all the setback dimensions of the zoning district in which it is located.
- D. In permitting such expansion, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the requirements of any statute or Township ordinance or regulation.

SECTION 803. ADDITION OF A NEW NONCONFORMING USE.

The addition of a new nonconforming use to an existing nonconforming use is prohibited.

SECTION 804. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER.

- A. A nonconforming use of land or structures may be changed to a conforming use. When such nonconforming use has been changed to a conforming use, the conforming use shall not thereafter revert back to a nonconforming use.

- B. If no structural alterations are made, any nonconforming use of a structure, or structure and premises may be changed to a different nonconforming use, provided that the Zoning Hearing Board, by making findings in the specific case, shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such a change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.
- C. Where a nonconforming use has been changed to another, the nonconforming use in existence on the date of application to change uses shall not be retained and the nonconforming use that replaces the existing use shall have no right to expand.

SECTION 805. ALTERATIONS AND IMPROVEMENTS TO NONCONFORMING BUILDINGS OR STRUCTURES.

- A. A nonconforming building or structure may be altered or improved to the extent necessary if such alteration or improvement is intended and will result in the conversion of such building or structure to a conforming building or structure; provided, such alterations or improvements are in conformance with this Ordinance.
- B. A nonconforming building or structure may be altered or improved; provided such alterations or improvements do not result in the expansion of the exterior dimensions of the nonconforming building or structure.

SECTION 806. REPAIR AND RECONSTRUCTION OF DAMAGED OR DEMOLISHED NONCONFORMING BUILDINGS OR STRUCTURES.

- A. A nonconforming building or structure damaged by fire, collapse, explosion, Act of God, or other casualty to the extent that fifty (50) percent or more of the total square footage of the nonconforming building or structure is damaged may not be repaired or reconstructed except in conformity with this Ordinance.
- B. A repaired or reconstructed nonconforming building or structure shall occupy no greater lot area and contain no greater cubic content than the building or structure in existence at the time of the casualty or occurrence of damage.
- C. Repair or reconstruction of a damaged nonconforming building or structure shall commence within one (1) year of the date of damage thereto and shall be completed within two (2) years of the date of the casualty.
- D. A nonconforming building or structure which has been razed or demolished must be reconstructed or rebuilt in conformity with this Ordinance.

SECTION 807. RELOCATING NONCONFORMING BUILDINGS OR STRUCTURES.

- A. A nonconforming building or structure shall not be moved or relocated in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.
- B. If a nonconforming building or structure is moved or relocated for any reason from the lot upon which it was located on the effective date of this Ordinance, the building or structure shall thereafter conform to the regulations of the district in which it is relocated.

SECTION 808. TERMINATION OF NONCONFORMING USES.

- A. A nonconforming use which has been voluntarily abandoned shall not be resumed and any subsequent use shall be in conformity with this Ordinance.
- B. The intent to abandon a nonconforming use shall be presumed when any one of the following conditions exists:
 - 1. When the characteristic equipment or furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months, unless other facts show the landowner's intention to resume the nonconforming use;
 - 2. When the nonconforming use has been discontinued for a period of one (1) year, or in the case of any nonconforming sign or billboard discontinued for a period of six (6) months;
 - 3. When the nonconforming use has been changed to a conforming use; or
 - 4. When repairs or reconstruction of a damaged nonconforming building or structure have not commenced within one (1) year of the date of damage thereto or completed within two (2) years of the date of the casualty.

SECTION 809. REGISTRATION OF NONCONFORMING USES.

- A. The Zoning Officer shall act upon all requests for registration of nonconforming uses within thirty (30) days of receipt of an application for registration and shall maintain a register of all applications for registration of nonconforming uses.
- B. The Zoning Officer may prepare a register of all nonconforming uses existing as of the effective date of this Ordinance. Such register shall include a general description of the nature and extent of the nonconformity and may include photographs. The register shall be maintained as a public record.

SECTION 810. HISTORICAL LANDMARKS.

The provisions of this Article shall not apply to any building or structure which is lawfully designated as a historical landmark.

ARTICLE IX

BOARD OF SUPERVISORS

SECTION 901. JURISDICTION.

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

- A. Applications for approval of planned residential developments;
- B. Applications for conditional use approval;
- C. Applications to amend this Ordinance; and
- D. Petitions to rezone a parcel or change zoning boundaries.

SECTION 902. CONDITIONAL USE APPLICATIONS.

All applications for conditional use approval shall be submitted to the Zoning Officer, in the form prescribed by the Township, and shall contain the following:

- A. No fewer than three (3) full scale copies and ten (10) half-scale copies of a site plan showing, at a minimum, all existing and proposed structures and buildings on the property, location and number of parking spaces, and location of all signs pertaining to the conditional use;
- B. Legal documents verifying the applicant's legal interest in the subject property (i.e. deed, sales agreement, or lease), or, if the applicant is not the landowner, a written, notarized, authorization signed by the landowner permitting the applicant to act on the landowner's behalf;
- C. Five (5) copies of a written statement describing the proposed use, including specific details addressing the manner in which the proposal meets the express standards and criteria specified in Article V, and the express standards and criteria for such use as specified in this Article relative to the appropriate Zoning District;
- D. The full application fee and/or deposit as set from time to time by resolution by the Board of Supervisors; and
- E. Where renovations or modifications of an existing building are contemplated, construction plans, showing the scope, nature, and extent of the renovation or modification.

SECTION 903. CONDITIONAL USE APPROVAL PROCEDURE.

- A. An application for conditional use approval shall be filed with the Zoning Officer, on forms prescribed by the Township, at least twenty (20) days prior to the date of

the next regular meeting of the Planning Commission. A conditional use application shall not be considered to be administratively complete until all items required by this Article, including the application fee and/or deposit, have been received by the Township.

- B. The Zoning Officer shall review the application to determine whether all materials required by this Article have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements that have not been met.
- C. Within five (5) days of receipt of an administratively complete application, the Zoning Officer shall forward a copy of the application and any materials submitted therewith to the Township Engineer and Township Solicitor.
- D. The Zoning Officer shall refer the application to the Township Planning Commission for review and comment at least thirty (30) days prior to the date set for the first public hearing.
- E. The Township Planning Commission shall review the application at its next regular meeting and forward its recommendation to the Board of Supervisors that the conditional use application be approved as presented, denied, or approved with specific conditions.
- F. The Board of Supervisors shall commence a public hearing, pursuant to public notice, within sixty (60) days of the date of the filing of an administratively complete application. If, at any time, the applicant withdraws the application and resubmits it with changes, the sixty (60) day review period shall commence with the resubmission.
- G. The Board of Supervisors shall render a written decision on the conditional use application within forty-five (45) days of the last hearing. Where the application is contested or denied, the Board of Supervisors decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this ordinance or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- H. Where the Board of Supervisors fails to render the decision within the forty-five (45) day period or fails to commence, conduct or complete the required hearing as required by this Section, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision, the Board shall give public notice of the decision within ten (10) days from the last

day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so.

- I. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of any statute or any Township ordinance or regulation.
- J. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date.
- K. Failure of the applicant to accept all conditions attached to approval within thirty (30) days of the Board's decision shall render the approval void.
- L. All subsequent development, construction, and use shall be in accordance with the approved site and/or construction plan and the conditional use decision, unless a revised plan is submitted and approved.
- M. Any development, construction, or use contrary to the approved conditional use plan shall constitute a violation of this Ordinance.
- N. Nothing in this Section shall prejudice the right of any party opposing the conditional use application to appeal the decision of the Board of Supervisors to the Butler County Court of Common Pleas.

SECTION 904. EXPIRATION OF CONDITIONAL USE APPROVAL.

The grant of a conditional use shall expire one (1) year from the date of the Board of Supervisors written decision unless the applicant has applied for and obtained a building permit and commenced construction or, in a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use approval. Expiration of the conditional use approval under this Section shall require the applicant to re-apply for conditional use approval.

SECTION 905. GENERAL STANDARDS AND CRITERIA.

Before approving a conditional use application, the Board of Supervisors shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this ordinance for a specific type of use:

- A. The proposed use will not alter the established character and use of the neighborhood or district in which it is located, and will not substantially impair the use or development of adjacent properties.

- B. The establishment, maintenance, location, and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- C. The proposed use complies with all applicable provisions and requirements for that type of use contained in this ordinance (unless a variance to any provision has been granted by the Zoning Hearing Board) and all other applicable Federal, State, County, and Township laws, statutes, ordinances and regulations.
- D. The proposed use is compatible with surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
- E. The proposed site of the conditional use is suitable in terms of topography, soil conditions, and size, based on number of projected users and the frequency of use of the proposed use.
- F. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe and efficient internal circulation and sufficient off-street parking and loading.
- G. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, stormwater management, solid and toxic waste storage and disposal.
- H. The proposed use provides landscaping, screening and buffer areas sufficient to protect the use, enjoyment and development of adjacent properties.
- I. The proposed use is in general conformity with the Comprehensive Plan.

SECTION 906. STANDARDS AND CRITERIA FOR SPECIFIC USES.

- A. In addition to the general standards and criteria for conditional uses listed above, an application for any of the following uses which are listed in any zoning district as a conditional use shall comply with the applicable standards and criteria for the zoning district in which the use is located and the standards and criteria specified below:
 - 1. Adult Entertainment Establishment.
 - a. The site shall have frontage on and direct vehicular access to a public street.

- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. No adult entertainment establishment shall be located with one thousand (1000) feet of the boundary line of property with an existing dwelling, or area zoned residential or planned residential development.
- d. No adult entertainment establishment shall be located within one thousand (1000) feet of the boundary line of any property on which is located an establishment which is licensed to and does sell alcoholic beverages, or other sexually oriented business.
- e. No adult entertainment establishment shall be located within five hundred feet of the boundary line of any property on which is located a education institution, hospital, nursing home, sanitarium, retirement or convalescent home, group home, personal care home, public park, religious establishment, or day care center.
- f. All operations shall be conducted within a completely enclosed building, and doors and windows shall remain closing during hours when adult entertainment is presented.
- g. No lighting, noise, vibration, or other aspect of the use shall, in the opinion of the Board of Supervisors, produce any nuisance factor to residential or public uses which are in proximity.
- h. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- i. The Board of Supervisors may impose restrictions upon access to the facility, parking of vehicles or storage of materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

2. Agricultural Operation.

- a. Require a contiguous property with the following minimum lot area:
 - (1) Crop Farming: Ten (10) acres.
 - (2) Dairying and Livestock: Ten (10) acres.
 - (3) Horticulture/floriculture/viticulture: Ten (10) acres.
- b. The total area of the site covered by structures and accessory buildings shall not exceed 25%.

- c. The total area of the site devoted to retail operations shall not exceed 8%.
- d. The Board of Supervisors may impose restrictions upon access to the retail operations.

3. Airport, Private.

- a. The minimum lot area required is 25 acres.
- b. All airports shall show compliance with all Federal Aviation Administration (FAA), commonwealth and any other applicable regulatory agency requirements.
- c. Fuel storage areas shall comply with all PA DEP regulations and shall be prohibited within 300 feet of any property line.
- d. The total area of the site covered by all hangers, structures, and accessory buildings shall not exceed 10%.
- e. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- f. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- g. The Board of Supervisors may impose restrictions upon access to the facility, parking of vehicles and storage of materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

4. Airport, Public – See Airport, Private, above.

- a. In addition to all the requirements for an private airport, above, a public airport shall meet all the following requirements:
 - (1) The site shall have frontage on and direct vehicular access to a public street.
 - (2) Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - (3) The site shall be designed to provide maximum accessibility for emergency and public safety services.

5. Amusement Establishment.

- a. All activities shall be conducted in a completely enclosed building.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- d. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
- e. All parking facilities facing residential use or zoning classifications shall be screened by a buffer area approved by the Board of Supervisors.
- f. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- g. The Board of Supervisors may impose restrictions upon access to the facility, parking of vehicles or and storage of materials on the premises, hours of operation, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

6. Amusement Park.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
- d. All parking facilities facing residential use or zoning classifications shall be screened by a buffer area approved by the Board of Supervisors.
- e. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- f. The Board of Supervisors may impose restrictions upon access to the facility, parking of vehicles or and storage of materials on the premises, hours of operation, and other such matters as they deem

necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

7. Apartment.
 - a. No more than four (4) dwelling units shall be permitted in any single structure.
 - b. The dwelling unit density shall not exceed six (6) units per acre.
 - c. Each dwelling unit shall contain a minimum of eight hundred (800) square feet of habitable living area.
 - d. Each dwelling unit shall contain at least one (1) private bathroom and two (2) habitable rooms.
 - e. All construction shall meet federal, state, and local fire and safety requirements.
 - f. The applicant shall provide the Township with evidence that the municipal sewerage system or proposed on-site sewage disposal facilities are adequate to serve anticipated demands of the projected use.
8. Apartment, Conversion – See Apartment, above.
9. Arena/Amphitheater - See Amusement Establishment, above.
10. Assembly Hall.
 - a. Assembly halls shall be designed to accommodate no more than 30 people.
11. Bed and Breakfast.
 - a. The operator shall be a full-time resident of the dwelling.
 - b. The maximum number of sleeping rooms allowed shall be eight (8), excluding the bedroom used by the operator.
 - c. If the property is not served by public sewers, the applicant shall provide the Township with evidence of approval from the PA DEP for on-site sewage treatment for the expanded use of the property as a bed and breakfast.
 - d. Food shall not be served to any customers who are not overnight guests.

12. Billboard.

a. Location.

- (1) All billboards shall be set back 660 feet from the state route right-of-way line.
- (2) No free-standing off-site billboard shall be erected in such a manner as to block the view from the road or street or any existing business sign, logo sign, residential or non-residential structure or limit or reduce the light and ventilation requirements under any applicable building code.
- (3) All billboards shall be set back a distance of 300 feet from any existing residence, or public or semi-public structure.
- (4) No free-standing billboard shall be constructed within the clear site triangular of the state route on which it is situated and shall not in any case obstruct or impede traffic.
- (5) No free-standing off-site billboard shall be erected within 500 feet of the boundary line of the R-1 or R-2 District.
- (6) Free-standing off-site billboards shall maintain a lateral minimum spacing of 750 feet between billboard structures.

b. Size and Height.

- (1) The maximum allowable gross surface area shall be 1200 square feet per sign facing including any border and trim.
- (2) Billboards shall have a maximum of two (2) sign faces per structure.
- (3) Sign faces may be placed back-to-back or in a V-shaped configuration.
- (4) Sign faces shall not exceed 20 feet in total height or 60 feet in total length.
- (5) The maximum height of a free-standing off-site structure shall be 40 feet as measured from the finished grade of the site to the highest point of the sign.

c. Construction Methods.

- (1) Billboards shall be freestanding, ground-mounted, single column, post supported displays which have no structural contact with any building or other structure.
- (2) The sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
- (3) The support design and construction shall meet all building code requirements.
- (4) The base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
- (5) Landscaping shall be maintained by the property or sign owner.
- (6) All cut and fill areas shall be permanently seeded with grass or planted with shrubbery.
- (7) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property or roads and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.
- (8) The billboard sign face or structure shall not have flashing lights or emit noise. No display lighting shall cause distraction, confusion, nuisance, or hazard to traffic, aircraft or other properties.
- (9) The use of colored lighting is not permitted.

d. Maintenance.

- (1) The billboard structure and the premises surrounding the sign shall be maintained in a clean, sanitary, and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish, and weeds.
- (2) The billboard structure shall be entirely painted every three (3) years.
- (3) Every ten (10) years the owner of the billboard structure shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer or Architect

and shall provide to the Township a certificate from the Engineer or Architect certifying that the billboard is structurally sound.

- (4) Billboards using removable paper or other similar materials shall be maintained in such a condition as to eliminate loose or frayed material protruding or hanging from the structure.
- (5) The Township may conduct annual inspections to determine compliance.

13. Boarding House.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. The site shall be designed to provide maximum accessibility for emergency and public safety services.
- c. No boarding home shall be located within 1,000 feet of any other boarding home, group residential facility, nursing home, or personal care facility.
- d. A boarding home may be established in an existing dwelling, however, no additions to the dwelling shall be permitted, and no new construction shall be permitted.
- e. The maximum number of residents permitted in a boarding home shall be four (4).
- f. Dwelling units in garages, basements, or accessory structures shall be prohibited.
- g. The minimum habitable floor area per resident shall be 300 square feet, exclusive of the floor area devoted to non-inhabitable areas of the dwelling such as basements, attics, and garages.
- h. Where applicable, certification or licensing shall be a prerequisite for obtaining an occupancy permit and evidence of continuing certification or licensing shall be submitted to the Zoning officer in January of each year.
- i. Any suspension or revocation of any required federal or state permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.

14. Bowling Alley – See Amusement Establishment, above.

15. Bulk Fuel Storage Facility.

- a. All federal, state, and local permits shall be acquired prior to filing the application for development.
- b. The fuel storage area shall be capable of containing at least one and one-half (1.5) times the amount of the largest storage tank.
- c. The applicant shall submit a plan for emergency procedures and fire prevention and containment to the Township for approval.
- d. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, fencing, hours of operation, and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the zoning district or adjacent parcels.

16. Campground.

- a. Campgrounds shall be developed in strict conformance with the Lancaster Township Subdivision and Land Development Ordinance requirements.

17. Cemetery.

- a. Cemeteries shall be limited to those located with, and adjacent to, an existing cemetery or church.
- b. All equipment shall be stored in an enclosed structure when not in use.
- c. Adequately funded programs and provisions, which meet the approval of the Township solicitor, shall be provided to guarantee perpetual care of all cemetery grounds.
- d. All garages, shelters, offices, and similar structures shall be screened from view from adjacent streets and residential lands by a buffer consisting of dense trees or shrubs or fencing approved by the Board of Supervisors.

18. Contracting Establishment/Yard.

- a. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- b. The property shall be at least 100 feet from any existing residential use or zoning classification.

- c. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- d. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- e. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

19. Convenience Store with Fuel.

- a. The site shall have frontage on and direct vehicular access to State Route 19.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
- d. All buildings shall be at least 100 feet from the boundary line of any existing residential use or zoning classification.
- e. The maximum number of fueling pump units is limited to eight (8).
- f. Parking areas for retail sales and gasoline services shall be separated from each other.
- g. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- h. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- i. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

20. Convention and/or Exposition Center – See Amusement Establishment, above.

21. Crematorium.

- a. The minimum lot area required is three (3) acres.
- b. Crematoriums shall not be located within five hundred (500) feet of any existing dwelling or residential zoning classification.
- c. The applicant shall obtain all required permits from federal and state authorities before commencing operations and shall maintain all required federal and state permits throughout the duration of operations.
- d. Where applicable, certification or licensing shall be a prerequisite for obtaining an occupancy permit and evidence of continuing certification or licensing shall be submitted to the Zoning officer in January of each year.
- e. Any suspension or revocation of any required federal or state permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.

22. Day Care Facility/Nursery School.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
- d. Adequate access and areas for discharging and picking up children shall be provided.
- e. Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate.
- f. The applicant shall obtain all required permits before commencing operations and shall continue to maintain all required permits throughout the duration of operations.
- g. Certification or licensing shall be a prerequisite for obtaining an occupancy permit and evidence of continuing certification or licensing shall be submitted to the Zoning officer in January of each year.

- h. Any suspension or revocation of any required permit shall constitute a violation of this section and will result in the suspension or revocation of zoning approval.
- i. Facilities located in the Industrial Zoning District must be an accessory use of a business located on the premises.
- j. Facilities located in the residential zoning districts and not developed as part of Planned Residential Development shall comply with the following additional requirements:
 - (1) Minimum lot area required shall be five (5) acres.
 - (2) Accommodate no more than six (6) individuals.
 - (3) No combination of structures and impervious surfaces including asphalt or concrete paved areas for parking, access driveways, pedestrian access walkways and rock lined storm water detention facilities, shall exceed forty (40) percent of the lot area of the lot or parcel upon which the improvements are installed.
- k. Facilities located in non-residential zoning districts shall be served by municipal water and sanitary sewer systems.
- l. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- m. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- n. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

23. Drive-Through Restaurant.

- a. Each window, bay, or area designed for drive thru service shall provide five (5) reserve vehicle stacking spaces per window, bay, or area, and such space shall not encroach into any other required isles or spaces.
- b. Drive-thru restaurants shall only be permitted in conjunction with shopping centers and vehicular access to such facility shall only utilize the internal circulation network of the center.

24. Eating Establishment (with or without a liquor license).

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
- d. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- e. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- f. The Board of Supervisors may impose restrictions upon access to the facility, parking of vehicles or storage of materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

25. Educational Institution.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
- d. All principal buildings, except dormitories, shall be located a minimum of fifty (50) feet from any property line adjoining an existing residential use or zoning classification.
- e. Dormitories shall be located at least two hundred (200) feet from any property line adjoining an existing residential use or zoning classification.
- f. All storage of equipment and materials shall be in an enclosed building or structure.

- g. The applicant shall obtain all required permits from federal and state authorities before commencing operations and shall maintain all required federal and state permits throughout the duration of operations.
- h. Certification or licensing shall be a prerequisite for obtaining an occupancy permit and evidence of continuing certification or licensing shall be submitted to the Zoning officer in January of each year.
- i. Any suspension or revocation of any required federal or state permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.

26. Emergency Service.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. No sirens, alarms, or other sound producing devices will be permitted on the premises.
- d. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.

27. Financial Institution.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The maximum site coverage for all buildings and structures shall not exceed 5%.
- d. The structure shall not exceed one story in height and shall not exceed 4,000 square feet of gross floor area.

28. Funeral Home and Mortuary – See Cemetery, above.

29. Garden Center.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. Impervious surface coverage shall not exceed 20% of the lot area.
- d. No building or greenhouse shall be located closer than 100 feet to the nearest property line.
- e. The use of all accessory structures shall be subject to the approval of the Board of Supervisors.
- f. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- g. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

30. Golf Course.

- a. The minimum lot area required shall be ten (10) acres.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- d. All structures shall be set back at least one hundred (100) feet from the front lot line and at least fifty (50) feet from all other lot lines.
- e. The use of all accessory structures shall be subject to the approval of the Board of Supervisors.
- f. Where eating and/or drinking facilities are provided, the restaurant parking requirements shall apply in addition to the golf course parking requirements.

- g. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- h. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, driving range facilities, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

31. Grocery Store.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- d. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- e. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

32. Group Residential Facility.

- a. All applicable requirements of the Pennsylvania Department of Public Welfare, as published in the Pennsylvania Social Services Manual, Chapter II, Section 30, Regulations for Personal Care Boarding Homes, effective August 29, 1981, and subsequent amendments, shall apply to group residential facilities.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. The site shall be designed to provide maximum accessibility for emergency and public safety services.

- d. No group residential facility shall be located within 1,000 feet of any other group residential facility, boarding home, nursing home, or personal care facility.
- e. A group residential facility may be established in an existing dwelling, however, no additions to the dwelling shall be permitted, and no new construction shall be permitted.
- f. The facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics, or other such activities.
- g. The total number of on-site residents in any single facility shall be limited to no more than twelve (12) persons, including clients, staff, and family of staff. The maximum number of clients in a single facility shall be limited to eight (8) persons.
- h. The minimum habitable floor area per on-site resident shall be 300 square feet, exclusive of the floor area devoted to non-inhabitable areas of the dwelling such as basements, attics, and garages.
- i. Sanitary facilities, consisting of a sink, water closet, and tub or shower, shall be provided at the ratio of one each for every four (4) on-site residents of the facility.
- j. A minimum of 80 square feet of contiguous sleeping and personal area shall be provided for each client. The area, for purposes of this requirement, shall be computed exclusive of areas used for sanitary facilities, hallways, aisles, stairwells, and other circulation areas, storage areas, dining areas, kitchen and food preparation areas, game rooms and related recreation spaces, instruction areas and other common use spaces.
- k. Any structure of more than one (1) story shall be equipped with acceptable fire escapes for each level above the ground floor. The fire escapes shall provide access for all residents on each level.
- l. All structures shall be equipped with smoke alarm devices. The quantity, type, and installation of the devices shall be subject to the approval of the Chief of the fire department serving the Township.
- m. Supervision shall be provided by responsible and appropriately qualified adults on duty, on the premises on a 24 hour-a-day basis. A minimum of one such (1) adult shall be on duty for five (5) or less clients. A minimum of two (2) such adults shall be on duty for six to eight clients.
- n. Certification, licensing or permitting shall be a prerequisite for obtaining an occupancy permit and evidence of continuing

certification, licensing, or permitting shall be submitted to the Zoning officer in January of each year.

- o. Any suspension or revocation of any required certificate, license, or permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.

33. Heavy Equipment Sales, Rental, and Service.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. Unloading space shall be provided on site without impact to local streets.
- d. A minimum 12 foot open travel lane shall be provided in access areas of the lot.
- e. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- f. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- g. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

34. Heliport – See Airport, Public, above.

35. Home-Based Business, low impact.

- a. The business shall involve no more than five (5) trips per day generated by customers, clients, or patients, whether vehicular or pedestrian, or delivery or removal functions to or from the premises.
- b. The business use shall be compatible with the residential use of the property and surrounding residential uses.

- c. There shall be no external evidence of the use other than a small nameplate attached to a wall of the residence and no larger than two (2) square feet indicating only the name and occupation of the resident.
- d. The business shall employ no employees other than family members residing in the dwelling.
- e. The business use shall be conducted only within the dwelling and shall not occupy more than ten (10) percent of the gross floor area of the dwelling.
- f. The business use shall not be permitted to occupy or be conducted in any accessory building.
- g. The business use shall not create any additional environmental impact other than those impacts normally resulting from residential use.
- h. The business use shall not generate any solid waste or sewage discharge, in volume or type, which is which is not normally associated with residential use in the neighborhood.
- i. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- j. The business use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
- k. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purpose.
- l. There shall be no display of goods for retail sale inside the dwelling.
- m. There shall be no storage or stockpiling of goods outside the dwelling or in adjacent structures.
- n. Vehicles identified with the commercial nature of the business shall not be parked on site.
- o. The use shall not reduce or render unusable areas required for off-street parking for the dwelling unit.

- p. Any need for parking or loading generated by the use shall be met off the street.
- q. The following uses shall not be considered to be home-based businesses and shall be limited to the districts in which they are specifically authorized:
 - (1) Animal hospitals, veterinary offices, or clinics.
 - (2) Arts, crafts, and ceramic studios.
 - (3) Clinics, hospitals, and nursing homes.
 - (4) Kennels and pet services.
 - (5) Mortuaries.
 - (6) Private clubs.
 - (7) Private instruction of more than two (2) students at a time.
 - (8) Vehicle repair, service, or painting facilities.
 - (9) Restaurants or tea rooms.
 - (10) Boarding stables or riding academies.
 - (11) Vehicle, appliance, or equipment rental or sales.

36. Hospital.

- a. The minimum lot area required is five (5) acres.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- d. The location of buildings and facilities, traffic circulation on the site, and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
- e. The site shall be served by municipal or community water and sewer services.
- f. The applicant shall obtain all required permits from federal and state authorities before commencing operations and shall maintain all required federal and state permits throughout the duration of operations.

- g. Any suspension or revocation of any required federal or state permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.
- h. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- i. No lighting, noise, or other aspect of the use shall, in the opinion of the Board of Supervisors, produce a nuisance factor to residential or public uses which are in proximity.

37. Kenel.

- a. No kennel may be established within one-half (0.5) mile of an existing kennel.
- b. Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
- c. The perimeter of the exterior exercise areas must be fenced with weatherproof material, a minimum of five (5) feet in height, and accessible only through a self-latching gate.
- d. Exterior exercise areas must be located a minimum of one hundred fifty (150) feet from the property line.
- e. The applicant shall obtain all required permits before commencing operations, maintain all required permits throughout the duration of operations, and submit a copy of all required permits to the Zoning officer in January of each year.
- f. Any suspension or revocation of any required permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.
- g. No lighting, noise or other aspect of the use shall, in the opinion of the Board of Supervisors produce a nuisance factor to residential or public uses which are in proximity

38. Landfill.

- a. The minimum lot area required for a landfill is 75 acres.
- b. The site shall have frontage on and direct vehicular access to a public street.

- c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- d. All operations shall be located at least 1,000 feet from any property line adjoining a residential use or district and at least 500 feet from any property line adjoining any other zoning district.
- e. The site access shall be paved for a minimum distance of 500 feet from the adjoining street.
- f. A tire washing station shall be located on the site to service trucks exiting the facility.
- g. The operator of the landfill shall post a bond or other acceptable surety in an amount determined by the Township Engineer to be sufficient to cover the cost, maintenance, repair, and reconstruction of all Township roads traveled by the collection and disposal vehicles.
- h. The applicant shall obtain all required permits from federal, state, and local authorities before commencing operations and shall maintain all required permits throughout the duration of operations.
- i. Any suspension or revocation of any required permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.
- j. Conditional use approval shall be valid for a period of one (1) year from the date of approval. The operator shall submit an application for renewal of approval to the Township prior to the expiration date. The renewal application can be approved by the Zoning Officer, upon presentation of evidence by the operator that all federal, state, and local permits remain in force and effect.
- k. A buffer consisting of dense trees, shrubs and land mounds, approved by the Board of Supervisors, shall be provided along all property lines.
- l. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- m. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

39. Lumber Yard – See Garden Center, above.
40. Machine and Repair Shop.
- a. The site shall have frontage on and direct vehicular access to a public street.
 - b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - c. The property shall be at least 100 feet from any existing residential use or zoning classification.
 - d. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
 - e. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
 - f. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.
41. Manufactured Housing Unit – See Single-Family Dwelling, below.
42. Manufacturing, Heavy and other Heavy Industry.
- a. The site shall have frontage on and direct vehicular access to a public street.
 - b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - c. All manufacturing processes and all storage of materials and equipment shall take place within a completely enclosed building.
 - d. The storage, use, or manufacture of hazardous or potentially hazardous materials shall be limited to those materials required to be used by or produced in connection with the manufacturing process and shall be stored in a secure area for the minimum period of time necessary to permit their expeditious use.

- e. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
 - f. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
 - g. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.
43. Manufacturing, Light and Assembly – See Manufacturing, Heavy, above.
44. Medical Treatment Facility.
- a. The minimum lot area required is five (5) acres.
 - b. The site shall have direct vehicular access to a public street and adequate provisions shall be made for access by emergency medical and fire vehicles.
 - c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - d. The site shall be served by municipal or community water and sewer services.
 - e. No lighting, noise or other aspect of the use shall, in the opinion of the Board of Supervisors, produce a nuisance factor to residential or public uses which are in proximity.
 - f. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
45. Mobile Home – See Single-Family Dwelling, below.
46. Mobile Home Park.
- a. The minimum site area required shall be five (5) acres.
 - b. Mobile Home Parks shall be developed in strict conformance with the standards specified in the Subdivision and Land Development Ordinance.

47. Municipal Facility (including public buildings, libraries, and emergency fire, medical, and police stations).
- a. The minimum lot area required shall be one (1) acre.
 - b. Ingress and egress to the site shall be located so as to maximize sight distance along adjacent public streets.
 - c. Buildings and structures on the site shall be located on the site so that vehicles and equipment can be maneuvered on the site without interrupting traffic flow or blocking adjacent public streets.
 - d. Any outside storage of materials or equipment shall be screened from public view.
 - e. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
 - f. A buffer consisting of dense trees and shrubs shall be provided along all property lines that adjoin residential use or zoning districts.
48. Museum/Art Center – See Amusement Establishment, above.
49. Music Studio.
- a. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - b. No lighting, noise, or other aspect of the use shall, in the opinion of the Board of Supervisors, produce any nuisance factor to residential or public uses which are in proximity.
50. Nursing Home.
- a. The minimum lot area required shall be one thousand (1,000) square feet per resident.
 - b. The site shall have direct vehicular access to a public street and adequate provisions shall be made for access by emergency medical and fire vehicles.
 - c. No nursing home shall be located within 1,000 feet of any other nursing home, group residential facility, boarding home, or personal care facility.
 - d. The maximum number of residents permitted in a nursing home shall be eight (8).

- e. A nursing home may be established in an existing dwelling, however, no additions to the dwelling shall be permitted, and no new construction shall be permitted on the site.
- f. The minimum habitable floor area per resident shall be 300 square feet, exclusive of the floor area devoted to non-inhabitable areas of the dwelling, such as basements, attics, and garages.
- g. Nursing homes shall meet all the requirements for single-family dwellings in the district in which it is located.
- h. The lot shall be served by municipal or community water and sewerage systems.
- i. The applicant shall obtain all required permits before commencing operations, maintain all required permits throughout the duration of operations, and provide copies of all required permits to the Zoning officer in January of each year.
- j. Any suspension or revocation of any required permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.

51. Oil/Gas Well.

- a. Evidence of compliance with all federal and state laws applicable to the process for which the conditional use permit is sought shall be submitted with the application for conditional use approval, along with:
 - (1) A description of the character, timing and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials, and facilities for processing, loading and transportation of minerals.
 - (2) The location of all structures, land uses, and zoning features which may be affected by the proposed operation and measures which will be taken to protect all structures, land uses and zoning features from adverse impacts of extrication.
 - (3) Measures which will be taken to ensure that any loss, diminution, or pollution of water supplies in areas affected by the operation will be corrected or replaced.

- (4) Measures which will be taken to ensure that all the applicable performance standards contained in this ordinance shall be met.
 - (5) Description of plans for the transportation of the extracted product, including routes of travel, number and weight of vehicles, and measures which will be taken to maintain all roads within the Township which are used to transport minerals and to repair any damages which may result from the use of such roads.
 - (6) Plans for the restoration of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as conditional uses in the concerned district.
- b. In deciding upon an initial application for a conditional use permit for extrication or processing, the Township shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve a permit only if the Board of Supervisors find that:
- (1) The scale, pace and duration of the proposed activity are reasonable in relationship to the ability of other portions of the community to maintain normal patterns of activity while extrication activities are ongoing;
 - (2) Adequate safeguards are provided to ensure that damage will not be done to property elsewhere in the Township or to the natural environment; and
 - (3) The proposed plan for reclamation and reuse of land is acceptable. If the proposed restoration plan is for agriculture, forestry or other undeveloped use, grading, drainage and vegetation are compatible with other such use areas in the Township. If the proposed restoration is for development, the proposed development should be compatible with the comprehensive plan and in conformance with the purposes and regulations of the district in which it is located.
- c. In deciding upon an application for any expansion or change in a processing application, the Township shall consider all of the factors listed above and in addition shall grant a conditional use permit only if the following conditions are met:
- (1) The performance of the applicant to date has been in conformance with all of the agreements made at the time of the initial conditional use approval; and

- (2) The proposed area of land and mode of operation are in full compliance with permits issued by federal and/or state authorities for the mining or processing activity.
 - d. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.
 - e. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines.
 - f. All operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
 - g. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.
52. Parking Lot, Off-Street, Public and Private.
- a. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - b. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines.
 - c. All operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
53. Personal Care Facility – See Nursing Home, above.
54. Planned Residential Development (PRD).
- a. Planned residential developments shall be developed in accordance with Section 509, above.
55. Power Generation Plant.
- a. Power generation plants shall be located at least 1,000 feet from any property line adjoining any residential use or zoning district and at least 500 feet from any property line adjoining any other zoning district.
 - b. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

- c. All operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- d. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines.
- e. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

56. Printing Facility.

- a. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- b. No lighting, noise, or other aspect of the use shall, in the opinion of the Board of Supervisors, produce any nuisance factor to residential or public uses which are in proximity.

57. Private Membership Club.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. Buildings are required to be at least 100 feet from any residential use or zoning district.
- d. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- e. No lighting, noise, or other aspect of the use shall, in the opinion of the Board of Supervisor, produce a nuisance factor to residential or public uses which are in proximity.
- f. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

58. Professional Office.
- a. The site shall have frontage on and direct vehicular access to a public street.
 - b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - c. The structure shall not exceed three stories in height and shall not exceed 10,000 square feet per floor.
 - d. No lighting, noise or other aspect of the use shall, in the opinion of the Board of Supervisors, produce a nuisance factor to residential or public uses which are in proximity.
59. Public Garage – See Parking Lot, Off-Street, Public and Private, above.
60. Real Estate or Travel Agency.
- a. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
 - b. No lighting, noise, or other aspect of the use shall, in the opinion of the Board of Supervisors, produce any nuisance factor to residential or public uses which are in proximity.
61. Recreation, Commercial and Non-Commercial.
- a. The minimum lot area required for commercial recreation sites shall be five (5) acre.
 - b. The minimum lot area required for non-commercial recreation sites shall be one (1) acre.
 - c. The site shall have frontage on and direct vehicular access to a public street.
 - d. Ingress and egress to the site shall be so situated as to not interfere with through traffic movements on adjacent street rights-of-way.
 - e. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide maximum accessibility for emergency and public safety services.
 - f. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

- g. The minimum setback for all structures on commercial recreation sites shall be 300 feet from any property line adjoining a residential use or zoning district and shall be 100 feet from any property line adjoining any other zoning district.
- h. Adequate sanitary facilities shall be provided for public use.
- i. All lighting shall be shielded away from adjoining streets or properties.
- j. If outdoor speakers are proposed for commercial recreation sites, the applicant shall present a plan for noise attenuation.
- k. Outdoor speakers are prohibited on non-commercial recreation sites.
- l. Any use which includes eating or drinking facilities shall be subject to the parking requirements for eating or drinking facilities in addition to the parking requirements of the recreational use.
- m. Trap houses and shooting station sheds or similar structures shall not be considered "buildings".
- n. Spectator seats or bleachers shall not be permanently installed on non-commercial recreation sites.
- o. Accessory uses for non-commercial recreation sites are specifically limited to the following:
 - (1) Restrooms;
 - (2) Concession stand (maximum gross floor area: 100 square feet);
 - (3) Fences;
 - (4) Safety/Security Lighting;
 - (5) Off-street parking areas; and
 - (6) Trash collection facilities.
- p. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- q. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

62. Recreational Vehicle Park.

- a. The minimum lot area required shall be ten (10) acres.
- b. Recreational Vehicle Parks shall be developed in accordance with the Land Development and Subdivision Ordinance.

63. Religious Establishment.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated that it does not interfere with traffic movements on adjacent streets.
- c. A minimum of 50 feet shall be provided for all front, side, and rear yards.
- d. Adequate parking shall be provided, as determined by the Board of Supervisors.
- e. All storage of equipment and materials shall be in an enclosed building or structure.

64. Retail Store.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. No lighting, noise or other aspect of the use shall, in the opinion of the Board of Supervisors, produce any nuisance factor to residential or public uses which are in proximity.
- d. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- e. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

65. Salvage Yard.

- a. Salvage yards shall comply with all the requirements of the Lancaster Township Junk Yard Ordinance.
- b. The minimum lot area required shall be twenty (20) acres.
- c. The manner of storage shall facilitate access for fire fighting and emergency services equipment and shall prevent accumulation of stagnant water.
- d. No junked or wrecked vehicles shall be stored or accumulated and no structure shall be constructed within 100 feet of any adjacent dwelling unit or within forty (40) feet of any property line or public street.
- e. The premises shall be enclosed with a metal chain link fence not less than eight (8) feet in height supported on steel posts with self-latching gates. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- f. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- g. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- h. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

66. Single-Family Dwelling.

- a. Densities shall not exceed one (1) dwelling unit per five (5) acres.
- b. On-site sewage installations must provide for treatment and disposal facilities which, in the opinion of the Board of Supervisors, will be adequate to eliminate all danger of pollution to local watershed areas.

67. Slaughter House/Meat Processing Facility.

- a. The minimum lot area required shall be two (2) acres.

- b. The site shall be located a minimum of 1,000 feet from any existing residential use or zoning classification, measured from the nearest property line of the site to the nearest lot line of the residential use or zoning classification.
- c. The applicant shall obtain all required permits before commencing operations, maintain all required permits throughout the duration of operations, and provide evidence of continuing certification or licensing to the Zoning Officer in January of each year.
- d. Any suspension or revocation of any required permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.
- e. No lighting, noise or other aspect of the development shall, in the opinion of the Board of Supervisors, produce any nuisance factor to residential or public uses which are in proximity.
- f. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

68. Solid Waste Disposal Sites/Incinerator.

- a. The minimum lot area required shall be 200 acres.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- d. The operator of the site shall post a bond or other acceptable surety in an amount determined by the Township Engineer to be sufficient to cover the cost, maintenance, repair, and reconstruction of all Township roads traveled by the collection and disposal vehicles.
- e. Operations shall not be conducted within 500 feet of any perimeter property line which adjoins a residential use or zoning classification.
- f. No hazardous waste or construction debris shall be accepted for storage or incineration at the site.
- g. Fencing shall be provided around all work areas and shall be at least twelve (12) feet in height.

- h. Fencing which faces any property line adjoining any residential use or zoning classification shall be supplemented by screening which is at least 80% opaque.
- i. The applicant shall obtain all required permits before commencing operations and shall maintain all required permits throughout the duration of operations.
- j. Conditional use approval shall be valid for a period of one (1) year from the date of approval. The operator shall submit an application for renewal of approval to the Township prior to the expiration date. The renewal application can be approved by the Zoning Officer, upon presentation of evidence by the operator that all federal, state, and local permits remain in force and effect.
- k. Any suspension or revocation of any required permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.
- l. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created
- m. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- n. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

69. Stable, Private.

- a. Private stables are required to have a minimum of five (5) contiguous acres.
- b. All structures, including pens, corrals, and any activity areas in conjunction with the operation of the stable shall be a minimum of eighty (80) feet from any neighboring residential use or zoning district and a minimum of fifty (50) feet from any other property line.
- c. All training areas and bridle paths shall be adequately fenced and secured to protect adjoining properties.
- d. Outdoor runs and similar facilities shall be adequately secured by a fence with a self-latching gate,

- e. All fencing shall be at least six (6) feet from adjacent property lines.
- f. A natural screen shall be planted around the stable to provide adequate buffering whenever a stable is within 200 feet of any residential use or zoning district. Plants must have the potential to grow to the full height of the stable and must be at least twenty-five percent (25%) of the stable height when planted.
- g. All animal waste shall be disposed of in a timely manner so that waste odor and runoff does not traverse property lines or interfere with drainage or surrounding water supply. All manure piles shall be screened and sprayed so as to keep insect population growth and odor to a minimum.
- h. No lighting, noise, odor, runoff, or any other aspect of the use shall, in the opinion of the Board of Supervisors, produce a nuisance factor to residential or public uses which are in proximity.

70. Stable, Public.

- a. Public stables are required to be accessory to a permitted farm use.
- b. Public stables are required to have a minimum lot area of ten (10) contiguous acres, and are required to maintain a minimum density of two (2) acres per animal.
- c. All structures, including pens and corrals, and any activity areas in conjunction with the operation of stable, shall be a minimum of 200 feet from any neighboring residential use or zoning district and a minimum of 100 feet from any other property line.
- d. All training areas and bridle paths shall be adequately fenced and secured to protect adjoining properties.
- e. Outdoor runs and similar facilities shall be adequately secured by a fence with a self-latching gate.
- f. All fencing shall be at least six (6) feet from adjacent property lines.
- g. A natural screen shall be planted around the stable to provide adequate buffering whenever a stable is within 300 feet of any residential use or zoning district. Plants must have the potential to grow to the full height of the stable and must be at least twenty-five percent (25%) of the stable height when planted.

- h. All animal waste shall be disposed of in a timely manner so that waste odor and runoff does not traverse property lines or interfere with drainage or surrounding water supply. All manure piles shall be screened and sprayed so as to keep insect population growth and odor at a minimum.
- i. No lighting, noise, odor, runoff, or any other aspect of the use shall, in the opinion of the Board of Supervisors, produce a nuisance factor to residential or public uses which are in proximity.

71. Storage Facility.

- a. The minimum lot area required shall be five (5) acres.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. Ingress and egress to the site shall be situated that it does not interfere with traffic movements on adjacent streets.
- d. Buildings and structures on the site shall be located on the site so that vehicles and equipment can be maneuvered on the site without interrupting traffic flow or blocking adjacent public streets.
- e. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
- f. The maximum building height shall be twenty (20) feet.
- g. The minimum distance from the end of one storage building to the end of any adjacent storage building shall be twenty (20) feet.
- h. The maximum length of any storage building shall be 200 feet.
- i. The maximum lot coverage of all buildings shall be 40%.
- j. Office space may be provided which shall not exceed 5% of the total floor area devoted to storage.
- k. No business other than rental of storage units shall be conducted on the premises.
- l. No storage shall take place outside a completely enclosed building.
- m. No hazardous materials or substances shall be permitted to be stored in the storage buildings.

- n. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- o. The design of the storage buildings shall be sealed by a Pennsylvania registered architect.
- p. No signs shall be placed on the buildings or rooftops.
- q. The perimeter of the site shall be fenced with a minimum eight foot high fence with a self latching gate. The fence shall be supplemented with screening material which creates a visual barrier that is 80% opaque.
- r. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- s. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- t. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

72. Strip Mining.

- a. Surface removal of coal, topsoil, rock, and similarly mined substances may be permitted as a conditional use subject to the owner or operator of such proposed use submitting to the Township an application which demonstrates compliance with the following conditions, requirements, and performance standards:
 - (1) A description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps, plans, and other application documents to be submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits.
 - (2) Identification of seams of coal, rock, or ore, or beds of sand or gravel, or strata of soil or other material to be removed.
 - (3) Analysis of the possible impact of operations upon ground water supplies in all affected areas of the Township and the measures which will be taken to guarantee that any loss, diminution, or pollution of water supply will be corrected or replaced by the operator.

- (4) Full and complete compliance with all local, state, and federal laws, regulations, rules, and enforcement orders applicable to the proposed operation.
 - (5) Identification of ownership and location of all structures and land uses which may be affected by the proposed operation and the measures which will be taken to protect all such structures and land uses from adverse impacts.
 - (6) Submittal of plans for the restoration or reclamation of all land affected by the operation to a condition which will support agricultural or other permitted uses.
 - (7) Certification from state and/or federal authorities having enforcement jurisdiction that the owner or operator has fully complied with all requirements for the issuance of required permits, licenses or grants of authority and that such will be granted.
 - (8) A description of plans for the transportation of materials, product and equipment to be used, removed from or marketed in connection with the proposed operation, including routes of travel, number and weight of vehicles and the measures which will be undertaken to maintain all roads within the Township used for such transport during the operation.
- b. Prior to beginning operation, the operator shall deposit a bond issued by a reputable bonding company, in an amount specified by Board of Supervisors, for each mile of Township road or portion thereof proposed to be traversed for removing minerals from the site. The period designated for the bond shall start with the issuance date of the permit. The bond shall be returned to the operator upon completion of all activity, operations, backfilling, and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this section shall result in the forfeiture of the required bond. Those portions of Township roads which have been damaged shall be as determined by inspection of the Township Engineer and shall be reconstructed to the current Township specifications for public street construction.
 - c. No top-of-slope or quarry wall shall be located closer than one hundred (100) feet to any adjacent property or street line.
 - d. No mineral removal shall be conducted within 100 feet of the outside right-of-way line of any public road.

- e. No mineral removal shall be conducted within 300 feet of any public building, school, church, community or institutional building, commercial building, public park or recreation facility.
- f. No mineral removal shall be conducted within 500 feet of any occupied dwelling or residential zoning classification.
- g. Above ground structures shall not be located within 500 feet of any existing dwelling unit or residential zoning classification.
- h. All operations which are within 300 feet of, and abut or parallel a residential use or zoning classification, whether or not separated by a street or similar right-of-way, shall have a corridor or buffer of at least twenty (20) feet in width, unless already screened from the residential use or zoning classification by natural or physical manmade barriers. This corridor or buffer shall be developed in a manner which will provide year-long screening of all such adjacent pre-existing permitted residential uses.
- i. The applicant shall obtain all required permits from federal and state authorities before commencing operations and shall maintain all required federal and state permits throughout the duration of operations.
- j. Any suspension or revocation of any required federal or state permit shall constitute a violation of this section and will result in the suspension or revocation of zoning approval.
- k. Approval of the conditional use shall expire ninety (90) days from the date of approval if work authorized in the application for conditional use approval is not commenced, unless the applicant submits a written request for an extension of time prior to the expiration of the ninety (90) day period and an explanation for the delay in initiating work and the request is approved, in writing, by the Township.
- l. Conditional use approval shall be valid for a period of one (1) year from the date of approval. The applicant shall submit an application for renewal of approval prior to the expiration date. The renewal application can be approved by the Zoning Officer, upon presentation of evidence by the applicant that all federal, state, and local permits remain in force and effect.
- m. No lighting, noise or other aspect of the operation shall, in the opinion of the Board of Supervisors, produce any nuisance factor to residential or public uses which are in proximity.

- n. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

73. Tavern, Pub, Nightclub.

- a. Outdoor activities are permitted and must be conducted within a secluded area such as a deck, porch, or patio as long as the area is located in the rear of the principal structure and does not exceed 20% of the principal structure floor area.
- b. Dumpsters shall be vermin-proof and shall be properly screened from adjoining residential areas and the refuse collection area must be kept clean and free of nuisance or health hazards.
- c. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- d. A buffer consisting of dense trees and shrubs shall be provided along all property lines that adjoin residential use or zoning classification.
- e. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

74. Telecommunications Tower.

- a. Site and Setbacks.
 - 1. Single towers must be setback from any property line or public street right of way a distance equal to the height of the structure measured from the outside perimeter of the base.
 - 2. All guy wires shall be clearly marked so as to be visible at all times. All guy wires shall be located a minimum of 25 feet from any property line.
 - 3. Any existing or proposed site shall not be located within 2,000 feet of any other existing or proposed tower site, measured from the nearest property line to the nearest property line.

b. Construction Requirements.

1. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
2. The structure shall be subject to any applicable Federal Aviation Administration (FAA) regulations. No sign or other structure shall be mounted on the tower except as may be required or approved by the FCC, FAA, or other governmental agency.
3. The tower and related equipment must meet or exceed all applicable building codes, including but not limited to, the applicable Electronics Industry Association and BOCA regulation as well as those regulations of Lancaster Township.
4. Any communications tower and all equipment and structures related thereto must be enclosed by a chain-link fence at least eight (8) feet high with an additional three (3) strands of barbed wire constructed atop the entire length of the chain-link fence.
5. Any structures related to the communications tower shall be equipped with a 24-hour security system.
6. Any emergency electric generator shall be located within an enclosed equipment building, which building shall be designed to completely contain any possible liquid fuel spill or leak from the generator.

c. Non-Interference.

1. The communications facility shall not cause any interference, including but not limited to interference with radio, television or satellite dish reception, citizens band communications or any other two-way communications. If any interference is detected, the owner of the communications facility must correct the condition immediately at the owner's sole expense.
2. All lighting shall be shielded and deflected from adjoining properties.

3. Shared use of towers and tower sites shall be encouraged. If shared use of an existing or approved tower or an existing or approved tower site is not proposed, the applicant shall demonstrate that the proposed equipment cannot be accommodated on an existing or approved tower or an existing or approved tower site for the following reasons:
 - i. The proposed equipment would exceed the structural capacity of the existing or approved towers and reinforcement of the existing or approved towers cannot be accomplished at a reasonable cost.
 - ii. The proposed equipment will cause RF (Radio Frequency) interference with other existing or proposed equipment for that tower or that existing or approved tower site and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers or existing or approved tower sites do not have adequate space to accommodate the proposed equipment.
 - iv. Addition of the proposed equipment would result in NIER (Nonionizing Electro-magnetic Radiation) levels which exceed any adopted Federal, State, or emission standards.
 - v. There are other valid reasons that make it impractical to place the proposed equipment on any existing or approved tower or any existing or approved tower site.
- d. Registration. In July of each year, the owner or operator of any commercial communication tower shall pay the required registration fee established from time to time by resolution of the Board of Supervisors and shall register with the Township, on forms provided by the Township, indicating, at a minimum, the following information:
 - (1) Name and address of the property owner on which the communications tower is located;
 - (2) Name and address of the owner of the commercial communications tower and name and telephone number of owner's contact person;

- (3) Location of the tower by geographic coordinates indicating latitude and longitude;
 - (4) Output frequency of transmitter;
 - (5) Type of modulation and class of service;
 - (6) Antenna gain;
 - (7) Effective radiated power of antenna;
 - (8) Number of transmitters and antennae;
 - (9) Copy of Federal Communications Commission (FCC) authorization; and
 - (10) Annual certificate of inspection by independent inspection agency not more than thirty (30) days old.
- e. Termination. If operation is terminated, the owner shall completely remove the facility, including the fence, within six (6) months.
 - f. Additional Requirements. The Board of Supervisors shall have the right to impose such additional standards and criteria as appropriate under the circumstances including, but not limited to bonding requirements.

75. Transportation Service.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- d. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- e. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

76. Truck Terminal.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The emissions of dust, dirt, fumes, vapors, or gases which can cause any damage to human health, animals, vegetation or property, or which can cause any soiling, or staining of persons or property beyond the lot line of the use creating the emission is prohibited.
- d. No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.
- e. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.
- f. No activities involving the storage or transport of materials or products which could decompose by detonation shall be permitted. Such materials shall include, but need not be limited to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDX, tetryl and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate, and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate; and nuclear fuels and reactor elements such as uranium 235 and plutonium.
- g. No warehouse or storage building, or part thereof, may be used for a dwelling purpose at any time.
- h. All maintenance operations and storage of materials shall be conducted inside a building.
- i. No loud speakers shall be permitted outside any enclosed structures.
- j. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.

- k. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- l. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operations, fencing, and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district, Township infrastructure, or adjacent land uses.

77. Vehicle Repair Shop – See Vehicle Service Station, below.

78. Vehicle Sales/Rental.

- a. The minimum lot area required shall be two (2) acres.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- d. Unloading space shall be provided on site without impact to local streets.
- e. A minimum twelve (12) foot open travel lane shall be provided in access areas of the lot.
- f. The area used for display of vehicles offered for sale or rental and the areas used for customer and employee parking shall be paved in accordance with the requirements of the Subdivision and Land Development Ordinance.
- g. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line.
- h. No vehicle or other merchandise displayed outdoors shall be parked on adjacent property or in any public street right-of-way.
- i. All light and light poles shall be located at least ten (10) feet from any street right-of-way or property line and shall be shielded and reflected away from adjacent streets or properties.
- j. All lots shall have a completely enclosed building, with a maximum gross floor area of 2,000 square feet, where all sales, repairs, servicing, car washing, and customer services are preformed.

- k. The applicant shall obtain all required permits before commencing operations, maintain all required permits throughout the duration of operations, and submit evidence of such permits to the Zoning Officer in January of each year
- l. Any suspension or revocation of any required permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permits.
- m. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- n. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- o. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

79. Vehicle Service Station.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. Setbacks for all buildings shall be 100 feet from any property line adjoining a residential use or zoning classification.
- d. Gas pumps and other devices shall be located at least twenty (20) feet from any street right-of-way.
- e. Unloading space shall be provided on site without impact to local streets.
- f. All repair work shall be performed within a completely enclosed building with adequate ventilation and fire protection.
- g. All vehicles waiting or in process of servicing or repair, shall be stored in off-street parking stalls which are situated so that no traffic hazards or blocking of traffic will occur.

- h. All storage of dismantled or wrecked vehicles or new, used, or discarded parts shall be inside a completely enclosed structure or inside an 80% opaque fence or hedge six feet in height.
- i. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- j. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- k. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

80. Vehicle Washing Facility.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. The ingress and egress shall not create hazardous conditions or undue traffic congestion in the immediate area.
- c. No vehicle repair work shall be performed on the property.
- d. All automated washing facilities shall be located in a completely enclosed building. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
- e. Drainage water from the washing operation shall be controlled so as not to become a nuisance or hazard to adjoining properties and so that it does not drain onto berms or streets.
- f. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- g. The applicant shall obtain all required permits from federal, state, and local authorities before commencing operations and shall maintain all required federal, state, and local permits throughout the duration of operations.
- h. Any suspension or revocation of any required federal, state, or local permit shall constitute a violation of this section and will result in the suspension or revocation of the zoning and/or occupancy permit.

- i. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- j. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

81. Veterinary Facility.

- a. The minimum lot are required shall be five (5) acres.
- b. All structures shall be set back a minimum of 100 feet from all property lines.
- c. Any exterior fenced area for animals shall be located a minimum of 150 feet from all property lines.
- d. In addition, all provisions listed under "Kennel", above, shall apply.

82. Waste Transfer Facility.

- a. The site shall have frontage on and direct vehicular access to a public street.
- b. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- c. The site must be located at least three hundred (300) feet from an existing residential use or zoning classification.
- d. All buildings and structures shall be located at least fifty (50) feet away from any lot line.
- e. All loading, unloading, storage, compaction, and related activities shall be conducted in an enclosed building.
- f. The applicant shall obtain all required permits from federal and state authorities before commencing operations, maintain all required federal and state permits throughout the duration of operations, and submit evidence of continuing certification or licensing to the Zoning Officer in January of each year.

- g. Any suspension or revocation of any required federal or state permit shall constitute a violation of this section and will result in the suspension or revocation of zoning approval.
- h. Operations shall be conducted so that nuisances such as visual blight, glare, noise, vibration, blowing debris and dust shall not be created.
- i. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- j. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

83. Wholesaler.

- a. The minimum lot area required shall be one (1) acre.
- b. The site shall have frontage on and direct vehicular access to a public street.
- c. Ingress and egress to the site shall be situated such that it does not interfere with traffic movements on adjacent streets.
- d. All operations, other than deliveries, shall be conducted in a completely enclosed building.
- e. All materials and equipment shall be stored within a completely enclosed building, or shall be limited to storage in the rear yard, if screened from the street or adjoining properties by a six (6) foot hedge or 80% opaque fence.
- f. Operations shall be conducted so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- g. A buffer consisting of dense trees and shrubs, approved by the Board of Supervisors, shall be provided along all property lines that adjoin residential use or zoning classification.
- h. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, fencing, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

84. Windmill, Private.

- a. The minimum lot size shall be five (5) acres.
- b. Towers shall be located or placed in rear yards, a minimum of 150 feet from any property line.
- c. Guy wires and anchors for towers shall not be located closer than one-half (1/2) of the height of the tower to any property line.
- d. Energy-deriving towers shall be so placed that the base portion of the tower, if visible from any right-of-way, shall be suitably screened from view.
- e. Energy-deriving towers shall not produce a level of noise at any lot line greater than the ambient nighttime level. Noise reduction technology shall be installed as a condition of approval if it is determined by the Board of Supervisors that the ambient nighttime noise levels are exceeded after installation occurs.
- f. Towers used solely for energy-deriving purposes shall not exceed a total height of one hundred fifty (150) feet from the ground to the top of the tower.
- g. No lighting, noise or other aspect of the use shall, in the opinion of the Board of Supervisors, produce a nuisance factor to residential or public uses which are in proximity.

ARTICLE X

ZONING HEARING BOARD

SECTION 1001. JURISDICTION.

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
1. Substantive challenges to the validity of any land use ordinance, except substantive challenges together with a request for a landowner curative amendment which must be brought before the Board of Supervisors.
 2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the ordinance.
 3. Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of a zoning permit, failure to act on a zoning permit application, issuance of any zoning related cease and desist order, or the registration or refusal to register any nonconforming use, structure, or lot.
 4. Appeals from a determination by the Township Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 5. Applications for variances from the terms of this Ordinance, or floodplain or flood hazard ordinance, or such provisions within a land use ordinance.
 6. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. § 10916.2.
 7. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.
- B. Nothing contained in this Section shall be construed to deny the applicant the right to proceed directly to the court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

SECTION 1002. MEMBERSHIP AND REMOVAL.

- A. The Township Zoning Hearing Board shall consist of five (5) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. Members shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be made by resolution by the Board of Supervisors and shall only be for the unexpired portion of the term.
- B. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 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.

SECTION 1003. APPOINTMENT OF ALTERNATE MEMBERS.

The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this ordinance and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including membership on the Planning Commission or as a Zoning Officer nor shall any alternate be an employee of the Township. Any alternate may participate in any proceedings or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member pursuant to Section 1004 C, below.

SECTION 1004. ORGANIZATION OF THE ZONING HEARING BOARD.

- A. For the Zoning Hearing Board to conduct any hearing or take any action, a quorum is required. For the purposes of this Section, a “quorum” is defined a majority of all the regular members of the Zoning Hearing Board.
- B. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- C. The Chairman of the Zoning Hearing Board may designate alternate members of the board to replace any absent or disqualified member, and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman shall designate as many alternate members to sit on the Zoning Hearing Board as may be needed to reach a quorum. Any alternate member shall continue to serve on the board in all proceedings involving the matter or case for which the

alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

- D. The Zoning Hearing Board may make, alter, and rescind rules and forms necessary for its procedure, consistent with the ordinances of the Township and laws of the Commonwealth. Meetings shall be scheduled as needed and may also be called by the Chairman. The Zoning Hearing Board shall keep full public records of its business and shall submit an annual report of its activities to the Board of Supervisors in December of each a calendar year.
- E. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the Township solicitor. The board may also employ or contract for and fix the compensation of experts or technical consultants and may contract for services as it shall deem necessary. The compensation of legal counsel, experts, technical consultants, and the sums expended for services shall not exceed the amount appropriated by the Board of Supervisors for this use.

SECTION 1005. APPLICATION PROCEDURES.

- A. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs.
- B. An application to the Zoning Hearing Board shall be filed with the Zoning Officer, on forms prescribed by the Township. An application shall not be considered to be administratively complete until all the information and supporting documents required by the application form, including the application fee and/or deposit, have been received by the Township.
- C. The Zoning Officer shall review the application to determine whether all required information and materials have been submitted by the applicant. If all such information and materials have not been submitted, the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this application that have not been met.
- D. Within five (5) days of receipt of an administratively complete application, the Zoning Officer shall notify an officer of the Zoning Hearing Board that the complete application is available for review and shall forward a copy of the application and any materials submitted therewith to the Township Engineer and Township Solicitor.

SECTION 1006. HEARINGS.

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

- A. The hearing shall be conducted by the Zoning Hearing Board or the board may appoint any member or an independent attorney as hearing officer.
- B. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for notice. Written notices shall be sent by regular mail to all property owners of record within 200 feet of the exterior boundaries of the property which is the subject of the application or appeal. In addition, written notice shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- C. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the administratively complete application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person permitted to appear by the Zoning Hearing 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 Zoning Hearing Board for that purpose.
- E. 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.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Zoning Hearing Board or hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the board

or hearing officer, or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- I. 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, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Zoning Hearing Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the board or the hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provision of this ordinance or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the board prior to the final decision or entry of findings, and the board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.
- K. Where the Zoning Hearing Board fails to render the decision within the required time period or fails to commence, conduct, or complete the required hearing as required by this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision, the board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- M. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision of the Zoning Hearing Board to the Butler County Court of Common Pleas.

SECTION 1007. MEDIATION OPTION.

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

SECTION 1008. ZONING HEARING BOARD FUNCTIONS; VARIANCES.

- A. Requests for variances may be filed with the Zoning Hearing Board by the landowner affected or any tenant with the written permission of such landowner.
- B. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this ordinance inflict unnecessary hardship upon the applicant. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this ordinance in the neighborhood or district in which the property is located.
 - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3. That such unnecessary hardship has not been created by the landowner or applicant.
 - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- C. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of any statute or Township ordinance or regulation.
- D. In granting any variance, the Zoning Hearing Board shall prescribe a time limit within which the action for which the variance is required shall be commenced or completed, or both. Failure to commence or complete, or both, such action within the time limit set shall void the variance.

SECTION 1009. TIME LIMITATIONS.

- A. No person shall be allowed to file any proceeding before the Zoning Hearing Board later than thirty (30) days after an application for preliminary or final

development 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 had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

- B. The failure of anyone other than the landowner to appeal from an adverse decision on an application for tentative approval of a planned residential development or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.2, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1010. STAY OF PROCEEDINGS; BONDS.

- A. Upon filing of any proceeding 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.
- B. 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.
- C. 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.

SECTION 1011. REHEARING.

If an application for a variance or appeal from a determination of the Zoning Officer is denied by the Zoning Hearing Board, another application shall not be filed within a period of one year from the date of denial, except upon the concurrence of the Zoning Hearing Board after the applicant or appellant demonstrates a change of circumstances which would warrant a rehearing.

ARTICLE XI

AMENDMENTS

SECTION 1101. APPLICATION AND REVIEW PROCEDURES.

- A. The Board of Supervisors may prescribe reasonable fees from time to time with respect to all applications to amend this ordinance. For purposes of this ordinance, “applications to amend this ordinance” include but are not limited to petitions to rezone a parcel or change a zoning boundary and landowner curative amendments.
- B. All amendment applications shall be filed with the Zoning Officer, on forms prescribed by the Township, at least twenty (20) days prior to the date of the next regular meeting of the Planning Commission. An application shall not be considered to be administratively complete until all required items on the application form, including the application fee and/or deposit, have been received by the Township.
- C. The Zoning Officer shall review the application to determine whether all required materials have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements that have not been met.
- D. Within five (5) days of receipt of an administratively complete application, the Zoning Officer shall forward a copy of the application and any materials submitted therewith to the Township Engineer and Township Solicitor.
- E. The Zoning Officer shall submit each such application to the Butler County Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to provide the County Planning Commission an opportunity to submit recommendations.
- F. In the case of an amendment other than that prepared by the Planning Commission, the Zoning Officer shall submit each amendment application to the Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- G. The Township Planning Commission shall review the application at its next regular meeting and forward its recommendation to the Board of Supervisors that the application be approved with or without revisions or denied.
- H. Before voting on the enactment of any amendment to this Ordinance, the Board of Supervisors shall hold a public hearing, pursuant to public notice. The Board of Supervisors shall commence its public hearings within sixty (60) days after the

administratively complete application is filed, unless the landowner requests or consents to an extension of time.

- I. Where the proposed amendment involves a zoning map change:
 - 1. The Zoning Officer shall conspicuously post notice of the public hearing along the tract or area which is the subject of the application at least one (1) week prior to the date of the hearing, and shall send written notice of the hearing by regular mail to all property owners of record within 200 feet of the exterior boundaries of the property; and
 - 2. Except when the amendment constitutes a comprehensive rezoning, notice of the public hearing shall be mailed by the Zoning Officer at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing.
- J. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land not previously affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- K. The findings and determination of the Board of Supervisors resulting from the public hearing shall be made in writing with copies transmitted to the applicant, the Township Planning Commission, and the Butler County Planning Commission within fifteen (15) days after such hearing.
- L. Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Butler County Planning Commission and Butler County law Library.

SECTION 1102. SUBMISSION OF LANDOWNER CURATIVE AMENDMENTS.

- A. Any landowner who wishes to challenge on substantive grounds the validity of this ordinance or zoning map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors, with a written request that his challenge and proposed amendment be heard and decided.
- B. The Board shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, and natural resources and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- C. If, after a public hearing held on the curative amendment, the Board of Supervisors determines that a validity challenge has merit, the Board may accept the amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects.
- D. If the Board of Supervisors determines that the challenge does not have merit, the Board may reject the curative amendment. If the Board rejects the curative amendment and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance or map, but only for those provisions which specifically relate to the curative amendment and challenge.

SECTION 1103. PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENTS.

If the Board of Supervisors determines that the Zoning Ordinance, zoning map or any portion thereof is substantially invalid, it shall take the following action:

- A. The Board shall declare, by formal action, that the Zoning Ordinance, zoning map or portion therefore is substantively invalid and propose to prepare a curative amendment to overcome such invalidity.
- B. Within thirty (30) days following such declaration and proposal, the Board shall by resolution make specific findings setting forth the declared invalidities and shall commence preparation of the curative amendment to correct the declared invalidity.
- C. Within 180 days from the date of the declaration and proposal, the Board shall enact a curative amendment to validate, or reaffirm the validity of the Zoning Ordinance as it stood prior to the declaration. During the 180 day period, the

Board shall not be required to entertain any requests for landowner curative amendments nor shall any landowner claim rights as a result of the declared invalidity resolved by the curative amendment.

- D. Having used the municipal curative amendment procedure, the Board may not again utilize such procedure for a 36 month period following the date of the enactment of a curative amendment or reaffirmation of the validity of the Zoning Ordinance, unless a state statute or court decision imposes a substantially new duty or obligation on the Township to prepare a curative amendment to fulfill the duty or obligation.

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

SECTION 1201. APPOINTMENT AND POWERS OF ZONING OFFICER.

- A. The Board of Supervisors shall appoint a Zoning Officer who serves at the convenience and pleasure of the Board of Supervisors.
- B. The Zoning Officer shall not hold any elective office in the Township.
- C. The Zoning Officer shall meet the qualifications set by the Board of Supervisors and be able to demonstrate, to the satisfaction of the Board, a working knowledge of municipal zoning.
- D. The Zoning Officer shall administer and enforce this ordinance in accordance with its literal terms and conditions, and shall have all powers incident thereto, including instituting civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

SECTION 1202. ZONING PERMITS.

- A. An owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the use of a building or structure in any zoning district shall first apply to the Zoning Officer and obtain the required zoning permit.
- B. All applications for zoning permits shall be accompanied by a copy of a site plan, drawn to scale, showing at a minimum the size and location of the new construction and existing structures on the site and the structure's distance from lot lines. If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of structures and construction that will remain on the site or plot.
- C. The Zoning Officer may require submission of additional construction documents, plans, and/or specifications in special circumstances. Such information may include but is not limited to existing or proposed uses of building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; and conditions existing on the lot.
- D. A zoning permit will not be issued until all the required fees are collected by the Zoning Officer.
- E. Zoning permits become invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for a reasonable extension of time to commence construction for just cause. The Zoning Officer may grant, in writing, a timely request for an extension of time to commence construction work.

- F. Zoning permits may not be transferred to a third party unless authorized, in advance and in writing, by the Zoning Officer.
- G. Zoning permits issued on the basis of applications and/or plans approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved applications and plans. Uses, arrangements, or construction other than that authorized in the permit shall be deemed a violation of this Ordinance.
- H. Construction of buildings or structures for which a zoning permit has been issued may not commence until a separate building permit is issued by the Township or a determination has been made by the Township that a building permit is not required.

SECTION 1203. CERTIFICATE OF OCCUPANCY.

- A. A new structure or building or addition thereto or alteration thereof may not be used or occupied without a certificate of occupancy issued by the Township.
- B. Prior to the issuance of a certificate of occupancy, the Township shall inspect the building or structure to ensure compliance with the zoning permit, building permit, the Township Building Code, and other applicable ordinances and regulations.

SECTION 1204. SPECIAL PERMIT REQUIREMENTS FOR DEVELOPMENT IN FLOODPLAIN AREAS.

Development in floodplain areas shall be further subject to the regulations and permit requirements of the Lancaster Township Floodplain Management Ordinance.

SECTION 1205. FINANCE; EXPENDITURES; FEE SCHEDULE; AND PAYMENT OF FEES.

- A. The Board of Supervisors shall make provision in the Township's annual budget and appropriate funds for the preparation, amendment, administration, and enforcement of this ordinance, for the operation of the Zoning Hearing Board, and for actions to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board.
- B. The Board of Supervisor shall prescribe reasonable fees for the preparation, amendment, administration, and enforcement of this ordinance and for hearings before the Zoning Hearing Board. The fee schedule shall be set and may be revised from time to time by resolution of the Board of Supervisors and shall be available for public inspection in the Township office.
- C. No zoning permit shall be issued unless or until all costs, charges, fees, and expenses have been paid in full by the applicant.

- D. No action shall be taken on any proceedings before the Zoning Hearing Board or applications to amend this ordinance unless or until all costs, charges, fees, and expenses have been paid in full by the applicant.

SECTION 1206. REVOCATION OF PERMITS AND CERTIFICATIONS.

- A. A zoning permit may be revoked by the Township if it determines that the permit holder has failed to comply with the requirements of this ordinance, any condition(s) attached to the issuance of the permit, or any other applicable ordinance or regulation.
- B. Upon revocation, the permit holder may also be subject to the enforcement remedies specified in Section 1208, below.

SECTION 1207. VIOLATIONS; COMPLAINTS; ENFORCEMENT NOTICE; AND CAUSES OF ACTION.

- A. Failure to comply with any provision of this ordinance shall constitute a violation of this Ordinance.
- B. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint, stating fully the causes and basis thereof, with the Zoning Officer. The Zoning Officer shall properly record the complaint, and immediately investigate and take action on the complaint.
- C. Enforcement Notice.
 - 1. If it appears to the Township that any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this ordinance, the Zoning Officer shall initiate enforcement proceedings by immediately sending a written enforcement notice to the owner of record of the parcel by certified mail or personal service. The enforcement notice shall state at least the following information:
 - a. The name of the owner of record and any other person against whom the municipality intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this ordinance.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
2. In the event a timely appeal is not filed or the violation(s) is (are) not corrected within time frame set by the enforcement notice, the Zoning Officer shall immediately issue a written revocation of the zoning permit and institute an appropriate action or proceeding to prevent, in or about such premises, any act, conduct, business, or use constituting a violation of this ordinance.
- D. In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this ordinance, the Board of Supervisors, or Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

SECTION 1208. ENFORCEMENT REMEDIES.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00), plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Judge. If the defendant neither pays nor timely appeals judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Judge determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Ordinance.

ARTICLE XIII

APPEALS TO COURT

SECTION 1301. JURISDICTION AND VENUE ON APPEAL; TIME FOR APPEAL.

All appeals from all land use decisions rendered pursuant to this ordinance shall be taken to the Butler County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of the deemed decision is given.

SECTION 1302. STAY OF PROCEEDINGS.

The filing of an appeal in court shall not stay the action appealed from, but the appellants may petition the court for a stay.

ARTICLE XIV

ENACTMENT

SECTION 1401. CONFLICTS.

Whenever there is a difference between the standards specified herein and those indicated in other applicable regulations, the more stringent requirement shall apply.

SECTION 1402. SEVERABILITY.

The provisions of this ordinance are severable. Should any section, sentence, clause, part or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not effect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been enacted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included herein.

SECTION 1403. REPEALER.

- A. The Lancaster Township Zoning Ordinance, Ordinance Number 29, is hereby amended; provided however, that the amendment shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have been constituted a violation of Ordinance Number 29, and all provisions of Ordinance Number 29 shall remain in full force and effect, and are not repealed hereby, as they pertain to such acts.
- B. The provisions of this ordinance, so far as they are common to those regulations in force immediately prior to the enactment of this ordinance, are intended as a continuation of such prior regulations and not as new enactments.
- C. All ordinances or regulations, or parts of such ordinances or regulations, in conflict with this ordinance or inconsistent with its provisions, are hereby repealed to the extent necessary to give this ordinance full force and effect.
- D. The adoption of this ordinance does not make legitimate development activity in the Township under provisions of the prior regulations illegal, nor does it annul any litigation currently being pursued or that may be pursued in the future against such illegal activity.

SECTION 1404. EFFECTIVE DATE.

This ordinance shall take effect and be in force five (5) days after adoption.

DULY ORDAINED AND ENACTED by the Board of Supervisors of the Lancaster Township, Butler County, Pennsylvania, on this the 17th day of November 2008, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF LANCASTER

Cindy Watson, Secretary

By: _____
Dennis C. Kerr, Chairman

SEAL

By: _____
John H. Meyer

By: _____
James R. Aiken

ORDINANCE NO. 105

LANCASTER TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE TOWNSHIP'S ZONING ORDINANCE, ORDINANCE NO. 89, TO ADD AND REVISE DEFINITIONS AND CLARIFY USE STANDARDS, EXPAND REGULATORY PROVISIONS FOR CERTAIN PERMITTED AND DISCRETIONARY USES, REVISE DIMENSIONAL STANDARDS IN CERTAIN ZONING DISTRICTS, ELIMINATE INTERNAL TEXT INCONSISTENCIES AND CROSS-REFERENCES TO OTHER TOWNSHIP REGULATIONS, AND REVISE ADMINISTRATIVE CRITERIA FOR CONDITIONAL USES.

WHEREAS, continued residential and nonresidential development necessitates the periodic review and revision, addition and deletion of current zoning standards in order to facilitate the effective management of growth; and

WHEREAS, the Lancaster Township Supervisors have directed the Planning Commission to address land use issues affecting the health, safety and welfare of current and future Township residents and to make recommendations regarding proposed revisions and amendments; and

WHEREAS, such revisions, additions, and deletions to provisions in the current zoning ordinance provide for the consistent and effective administration of said regulations;

NOW, THEREFORE, be it ordained and enacted by the Board of Township Supervisors, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. In Article III, Interpretations and Definitions, Section 302, Definitions, the following terms and definitions are hereby added or amended:

FENCE or WALL

A structure, including entrance and exit gates or openings, designed and constructed for the purpose of enclosing space or separating parcels of land, screening, protection, confinement and/or privacy. The term "fence" or "wall" shall not include a retaining wall. The permitted height of a fence shall be governed by the Zoning District of the property as follows:

- Rural Residential (R-1) – Six (6) feet maximum height
- Medium Density Residential (R-2) – Six (6) feet maximum height
- Village (V) District – Four (4) feet maximum height.
- Mixed Use (MU) District – Six (6) feet maximum height
- Industrial (I) District – Eight (8) feet maximum height
- Conservation (CN) District – Six (6) feet maximum height

LOT LINE, FRONT

That lot line that is contiguous with the street center line or the street right-of-way line or, in the case where the lot does not abut a street, that lot line through which access to a street is provided.

PUBLIC INFRASTRUCTURE SERVICES

All production, storage, transmission, and recovery facilities (underground, surface or overhead) for water, sanitary, sewerage, telephone, gas, electricity, steam, stormwater drainage, communications systems, and similar utilities owned or operated by any public agency or any utility subject to the jurisdiction of the Public Utilities Commission. The utility itself does not include business offices, yards or buildings for the storage or maintenance of equipment used by the utility, unless such structures are expressly permitted in the zoning district; and does not include transmission facilities that are not subject to the Public Utilities Commission’s jurisdiction, and does not include facilities for fire protection, emergency medical services or other services designed to protect the health, safety and welfare of the residents of the Township.

SETBACK

The required minimum horizontal distance that a structure can be located from a right-of-way or property front, rear or side line, thereby creating a required open space on the lot. Where the lot property line and the right-of-way line are not the same, the setback shall be the minimum horizontal distance between the right-of-way line and the building line.

SHED, MOVABLE

A small, portable (nonpermanent) accessory structure used to store household goods, tools and/or equipment. A shed may not be used as a dwelling. To be considered a movable shed, the structure must not exceed 144 square feet in area, may not exceed 12.5 feet (including roof panels), and shall be limited to one floor. Irrespective of zoning district, a movable shed may be placed within the side or rear yards only and no closer than ten (10) feet from the property line.

SHED, NON-MOVABLE

A small, permanent accessory structure used to store household goods, tools and/or equipment. A non-movable shed may not be used as a dwelling. To be considered a non-movable shed, the structure must be anchored to the ground or have a foundation or cement or paved floor. Irrespective of zoning district, a non-movable shed may be placed within the side or rear yards only and no closer than ten (10) feet from the property line.

SECTION 2. In Article V, Zoning and Overlay District Regulations, the following amendments and additions are being made:

Section 502. Rural Residential (R-1) District, Subsection D. is amended by adding the following subsection 11:

- 11. Movable Shed and Non-movable Shed.

Section 503. Medium Density Residential (R-2) District, Subsection D. is amended by adding the following subsection 11:

11. Movable Shed and Non-movable Shed.

Section 504. Village (V) District, Subsection D. is amended by adding the following subsection 12:

12. Movable Shed and Non-movable Shed.

Section 504. Village (V) District, Subsection E. is amended by adding the following as subsection 8.:

8. Lot coverage shall not exceed 30% (including accessory structures).

Section 505. Mixed Use (MU) District, Subsection D. is amended by adding the following subsection 13:

13. Movable Shed and Non-movable Shed.

Section 505. Mixed Use (MU) District, Subsection E. is amended by adding the following as subsection 8., 9., 10 and 11.:

8. Each lot shall have the following minimum areas:
 - a. One (1) acre in the absence of municipal or community sewage systems and municipal or community water service
 - b. One-half (1/2) acre where municipal or community sewage systems and municipal or community water service are provided.

9. Lot coverage shall not exceed 30% (including accessory structures).

Section 505. Mixed Use (MU) District, Subsection E. is amended by adding the following subsections 10. and 11.:

10. Each duplex and multi-family dwelling lot shall have the following areas:

Duplex and Town House

Multi-Family Apartment

Minimum Lot Area/

Dwelling Unit	20,000 square feet	15,000 square feet
Minimum Floor Area/ Dwelling Unit	950 square feet	800 square feet
Maximum Structure Height	35 feet	4 stories
Minimum Front Yard	40 feet	65 feet
Minimum Rear Yard	20 feet	30 feet
Minimum Side Yard	15 feet	40 feet

11. Multi-family dwellings shall be permitted only where municipal or community sewer facilities are available. No septic tank installations shall be permitted. In the absence of municipal sewage facilities, the developer shall provide a sanitary sewer system which shall be subject to the stands and rules and regulations of the Environmental Protection Agency and the Department of Environmental Protection of the Commonwealth of Pennsylvania.

Section 506. Industrial (I) District, Subsection D. is amended by adding the following subsection 5:

- 5. Movable Shed and Non-movable Shed.

Section 507. Conservation (CN) District, Subsection D. is amended by adding the following subsection 11:

- 11. Movable Shed and Non-movable Shed.

Section 509. Planned Residential Development (PRD) Overlay District is removed in its entirety.

SECTION 3. Article VI, Permitted Principal uses and Conditional Uses by Zoning District, Section 601, Authorized Uses, Table 601 is amended as follows:

Convenience Store, without Fuel is a Conditional Use in a Village (V) district.

Drive-Thru Restaurant is a Conditional Use in a Mixed Use (MU) district.

Home based Business (low impact) is a Permitted Use in all zoning districts except for the A&D Overlay District.

“Municipal Uses” is added as a category and is a permitted use in all zoning districts.

“Public Infrastructure Services” is added as a category and is a conditional use in all zoning districts, except the Industrial (I) District where it is a permitted use.

SECTION 4. Article VIII, Nonconforming Uses, Section 802. Expansion of Nonconforming Uses, Subsection C. is amended as follows:

No such nonconforming use of lands shall be enlarged or increased nor extended to cover a greater land area than that covered at the date of adoption or amendment of this Article, except when authorized by the Zoning Hearing Board upon the Board’s determination that the enlargement, increase or extension is necessitated by the natural growth or expansion of the use, provided that no expansion of a nonconforming use shall take place on land acquired after the nonconforming use was created.

SECTION 5. Article VIII, Nonconforming Uses, Section 805. Alterations and improvements to nonconforming Buildings or Structures, Subsections A. and B. are amended as follows:

A. No existing structure or structure and premises in combination devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located, unless the Zoning Hearing Board, after a public hearing, determines that the enlargement or extension is necessitated by the natural expansion and growth of the trade of the nonconforming use. Approval of the Zoning Hearing Board shall not be required for routine maintenance, repairs to strengthen or restore the structure to a safe condition or any other cosmetic alteration which does not change the use of the structure or increase the area of the structure devoted to the nonconforming use.

B. Except in the case of natural expansion approved by the Zoning Hearing Board, a repaired or reconstructed nonconforming building or structure shall occupy no greater lot area and contain no greater cubic content than the building or structure in existence at the time of the casualty or occurrence of damage.

SECTION 6. Article VIII, Nonconforming Uses, Section 806. Repair and Reconstruction of Damaged or Demolished Nonconforming Buildings and Structures, Subsection C. is amended as follows:

C. Unless otherwise approved by the Zoning Hearing Board, repair or reconstruction of a damaged nonconforming building or structure shall commence within two (2) years of the date of damage thereto and shall be completed within three (3) years of the date of damage.

SECTION 7. Article IX, Board of Supervisors, Section 903. Conditional Use Approval Procedure, Subsection F. is amended as follows:

F. The Board of Supervisors shall commence a public hearing pursuant to public notice and written notification to all property owners within two-hundred (200) feet of the subject property, within sixty (60) days of the date of the filing of an administratively complete application. The owner of the subject property, or his or her legal representative, for which a conditional use application has been filed must attend the public hearing. If, at any time, the applicant withdraws the application and resubmits it with changes, the sixty (60) day review period shall commence with the resubmission.

SECTION 8. Article IX, Board of Supervisors, Section 906 Standards and Criteria for Specific Uses, Subsection A. 69., Stable, Private is amended by removing subsection e.

SECTION 9. Article IX, Board of Supervisors, Section 906 Standards and Criteria for Specific Uses, Subsection A. 70., Stable, Public is amended by removing subsection f.

SECTION 10. Repealer: All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 11. Severability: Should any sentence, section, clause, part or provision of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 12. Effective Date: This Ordinance amendment shall take effect immediately upon its passage.

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Duly presented and adopted at a regular meeting of the Lancaster Township Board of Supervisors, Butler County, Pennsylvania, held on the _____ day of _____, 2015.

LANCASTER TOWNSHIP
BOARD OF SUPERVISORS

Dennis C. Kerr, Supervisor

Joseph D. Plesniak, Supervisor

Cindy L. Watson, Supervisor

ATTEST

Cindy L. Watson, Secretary