

**ORDINANCE NO. 322**

ORDINANCE NO. 322 WITH THE INTENT OF REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS; COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC, AGRICULTURAL AND CONSERVATION USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE TOWNSHIP OF CONEWAGO, THE COUNTY OF YORK AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (ACT 247) AS ENACTED AND AMENDED.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CONEWAGO in the County of York and the Commonwealth of Pennsylvania, as follows:

**ARTICLE I**

**SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES**

Section 101     Short Title

This Ordinance shall be known and may be cited as the “CONEWAGO TOWNSHIP ZONING ORDINANCE OF 2008.”

Section 102     Purpose

The purpose of these regulations is to provide for the harmonious development of the Township by facilitating:

- The orderly and efficient integration of land development within the Township.
- Proper density of population.
- Adequate water and sewerage.
- Adequate police protection, schools, parks and other public grounds and buildings.
- The protection of water resources and drainageways.
- Adequate light and air.

- Adequate transportation, parking and loading space.
- The greater health, safety and welfare of the citizens of the Township.
- Protection of the agricultural resources of the Township.
- Adequate sites for recreation, conservation, scenic and other open space purposes.

Section 103. Community Development Ordinance

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Conewago Township. As such, this Ordinance is based upon the expressed or implied community development objectives as contained in the 2008 Conewago Township Comprehensive Plan.

**ARTICLE II**  
**DEFINITIONS**

Section 201. Definitions of Terms

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of the duties by appropriate officers and the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purposes of this ordinance, have the meaning as indicated below.

Words used in the present tense imply the future tense. The singular includes the plural. The word "Person" includes a corporation and/or partnership. The word "lot" includes the word "plot" or "parcel". The term "shall" is always mandatory. The words "used" or "occupied" as applied to any building shall be construed to include the words intended, arranged or designed to be used or occupied.

Access Drive – A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.

Accessory Building or Structure – A building or structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Accessory Use – A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building on a lot.

Adult Day Care Center – See Care Facilities.

Adult Regulated Facility – An establishment open to the general public, except persons under the age of 18 years, where the facility qualifies as one or more of the following:

1. Adult Book Store – An establishment in which an area greater than 5% of the occupied area offers for sale, for rent, for lease, for view on the premises or for loan, pictures, photographs, drawings, sculptures, motion picture film, or similar visual representation of sexual conduct, or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement; or offers for sale devices, equipment, stimulants or material for use in sexual conduct or sexual excitement.
2. Adult Theater – An establishment in which there is an area offered for view, motion picture film or similar visual representation of sexual conduct or excitement, commonly referred to as "X-Rated" movies, "Peep Shows", or the equivalent thereof.
3. Cabaret – An establishment, club, restaurant, theater, or hall which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
4. Adult Massage Parlor or Adult Massage Studio – A commercial establishment whose business is the administration of massage to patrons by employees without medical credentials relevant to the service provided (i.e., chiropractors, physical therapists).

Agent – Any person, other than the owner, subdivider or developer, who acting for the developer, submits subdivision and/or land development plans to the Township Planning Commission, Zoning Hearing Board or Township Board of Supervisors, for the purpose of obtaining approval thereof.

Agricultural Purposes – The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government. The use of land for a dwelling site is not an agricultural purpose.

Airport – A tract of land or water that is maintained for the landing and takeoff of airplanes and for receiving and discharging passengers and cargo and that usually has facilities for the shelter, supply, and repair of airplanes.

Airstrip – A tract of land or water that is maintained for the landing and take-off of airplanes without normal base or airport facilities.

Alteration – Construction which may change the structure, parts, or exterior openings of a building.

Altitude – The angular distance from the horizon to the sun.

Amendment – A change that includes revisions to the zoning text and/or the official zoning map.

Animal Hospital – A building used primarily for the treatment, by a Veterinarian, of domestic or livestock animals.

Applicant – Any landowner, lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township Official for the purpose of obtaining approval thereof.

Auction House – A building primarily used for the conduct of public auctions of goods by a licensed auctioneer or apprentice auctioneer.

Automobile Auction – A business that performs retail or wholesale vehicular sales by an auction format of sale.

Azimuth – The angular distance between true South and the point on the horizon directly below the sun. (Sometimes referred to as “bearing”)

Basement – A story or floor of a building, having part but not more than one-half (1/2) of its height below the average level of the adjoining ground. Also see Cellar.

Bed and Breakfast – An owner-occupied, owner operated, single-family detached dwelling, where rooms are rented to overnight guests on a daily basis for periods of not to exceed two weeks. Breakfast shall not be offered to anyone other than registered overnight guests.

Block – An area bounded by streets.

Board – The Conewago Township Zoning Hearing Board.

Building – Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals or property.

1. Detached – A building which has no party wall.
2. Semi-Detached – A building which has only one party wall in common.
3. Attached – A building which has two or more party walls in common.

Building Area – The total area of the greatest outside dimensions, on a horizontal plane, at ground level, of the principal building and all accessory buildings.

Building Coverage Area – The amount of area of a lot or parcel of property that can be covered by buildings.

Building Height – The total overall height of a building measured from the lowest finished grade level at the building foundation to the highest point of the roof.

Building Permit – A document issued by the Zoning Officer or Permit Officer signifying Township approval for construction, repair, alteration or moving of any structure, including, but not limited to, mobile homes, houses, sheds, barns, garages, swimming pools, gazebos and pavilions. Building Permits shall be applied for and issued in accordance with all applicable Township ordinances.

Building Setback – See Setback.

Campground – A lot, tract, or parcel of land upon which two (2) or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles, tents or existing cabins.

Campsite – A plot of ground within a campground intended and maintained for temporary occupation by transients using recreational vehicles, tents or existing cabins.

Car Wash – A building on a lot, designed and used primarily for the washing, cleaning and polishing of motor vehicles.

Care Facilities – Establishments which provide food, shelter, personal assistance, supervision, and/or medical or other health related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence, or physical or mental infirmity need such care.

1. Adult Day Care Center – Any premises where care is provided to elderly or disabled adults for part of a twenty-four (24) hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living, and the provision of social contact.
2. Child Day Care, Commercial – A facility licensed by the State that provides a wide range of formal day care services for remuneration to children, who are supervised by a qualified staff. The child care areas in a day care center shall not be used as a family residence.
3. Convalescent Home – A licensed establishment which provides full-time residential, intermediate, or skilled nursing care for three (3) or more individuals who, by reason of

chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. Also referred to as a nursing home.

4. Domiciliary Care Home – An existing building or structure designed as a dwelling unit for one (1) family which provides 24-hour supervised protective living arrangements by the family residing therein for not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally, or who are aged persons.
5. Day Care Home, Family – A facility, located in a single family residence, which provides supervised care for remuneration to not more than six (6) children, who are not relatives of the care giver.
6. Group Home – A type of group quarters, specifically a dwelling designed for a group of mentally and/or physically disabled persons living together in a single dwelling unit. A group home shall be directly affiliated with a parent institution which provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff, and for supervision of residents by full-time resident staff.
7. Personal Care Boarding Home – A type of group quarters, specifically a premises in which food, shelter, and personal assistance or supervision are provided, on a state or federal licensed basis, for a period exceeding twenty-four (24) consecutive hours for at least four (4) persons who are over the age of eighteen (18), are not relatives of the operator and who are aged, blind, disabled, infirm, or dependent, but do not require skilled or intermediate nursing care.

Caretaker or Watchman Dwelling – A structure, the primary purpose of which is to provide shelter or habitation to the caretaker or watchman.

Carport – An accessory building not totally enclosed which is attached to the main or primary building and primarily designed or used for parking motor vehicles.

Cemetery – A parcel or tract of land used exclusively as a burial ground, above and/or below the existing ground surface, including accessory buildings.

Certificate of Use and/or Occupancy – The certificate issued by the Zoning Officer that permits the use of a building in accordance with the approved plans and specifications and that certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

Child Day Care, Commercial – See Care Facilities.

Church – See House of Worship.

Club/Club Room – An organization catering exclusively to members and their guests, or premises or building for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

Commercial Dairy – A commercial establishment for the manufacture or processing of dairy products.

Common Open Space – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the subdivision or area, not including streets, off-street parking areas, wetlands, drainage ways, stormwater facilities and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

Communications Antenna – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, existing or hereinafter developed, including without limitation omnidirectional or whip antennas and directional or panel antennas that is owned, leased, licensed or operated by any person or entity. This definition shall not include satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas mounted on private residences.

Communications Equipment Building – An unmanned building or cabinet, whether existing or proposed, containing communications equipment required for operating communications antennas and covering an area on or under the ground not greater than 250 square feet.

Communications Tower – A structure other than a building, including, without limitation, monopole, self-supporting, or guyed towers, designed and used to support one or more communications antennas.

Comprehensive Plan – The plan, or parts thereof, if any, which have been adopted by the Conewago Township Board of Supervisors, showing the Township's recommendations for such systems as: land uses, parks and recreational facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers, and other such public improvements which affect the development and growth of the Township.

Condominium – A type of multi-family dwelling created pursuant to the standards set forth in the Pennsylvania Condominium Act as amended which has individual ownership of the single dwelling units within the building and an undivided (common) interest or ownership of the common areas and facilities serving the building, such as halls, elevators, lobbies, driveways, lawns, parking lots, storm water handling facilities, and recreational areas.

Contractor's Facility – A place or area where a contractor or tradesman, such as, but not limited to, a carpenter, plumber, or electrician, conducts business and/or where supplies and/or equipment are stored or housed, could include areas to perform administrative duties.

Contractor's Office – A place or area where a contractor or tradesman conducts administrative duties only. Not to include any area for storage.

Convalescent Home – See Care Facilities.

Conventional Energy System – Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components, which uses any source(s) of energy other than solar energy. These sources include, but are not limited to: gas, oil, coal, and nuclear materials, but exclude windmills.

Crops – Any plant that can be grown and harvested extensively for profit or subsistence.

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

Development Plan – The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities.

Distance Between Buildings – This measurement shall be made at the closest point.

Domiciliary Care Home – See Care Facilities.

Driveway – A private vehicular access between a street and a parking area or garage within a lot or property.

Drive-In Business – A commercial establishment, including a drive-in eating establishment, offering articles or services which are either purchased or consumed on the premises and which has a greater area devoted to the purchase and consumption of such articles and services on the outside than on the inside of the building.

Dwelling – A building or structure designed for living quarters for one or more families, including mobile homes, but not including: rooming houses, convalescent homes, motels, hotels, and tourist homes or other accommodations used for transient occupancy.

1. Single Family Attached Dwelling – A portion of a building containing one (1) dwelling unit, and having two (2) party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a single lot. End units which have one (1) party wall in common are included and are subject to the lot area requirements for other single family attached units but must meet setback requirements on the open side.
2. Single Family Detached Dwelling – A building containing only one (1) dwelling unit, and having two (2) side yards.
3. Single Family Semi-Detached Dwelling – A portion of a building containing one (1) dwelling unit, having one (1) side yard, and one (1) party wall in common with another dwelling unit. Each dwelling unit is located on a single lot.
4. Two Family Dwelling – A building containing two (2) dwelling units, having two (2) side yards and one (1) partition in common between the two (2) units. Both dwelling units are located on the same lot.
5. Multi-Family Dwelling – A building designed and occupied as a residence for three (3) or more families living independently of each other in separate dwelling units, having their own cooking facilities, including apartment houses, row houses, condominiums, or townhouses. All dwelling units are located on a single lot and share with other units a common yard area.

Dwelling Unit – Any structure, or part thereof, designed for occupancy by not more than one family for living purposes and having sewerage and independent cooking facilities.



Dump – See Landfill.

Easement – A limited right of use, granted or dedicated, on private land for public or quasi-public purpose.

Echo Housing – (Elder Care Housing Option) An arrangement whereby a second dwelling unit is added to a property to facilitate separate dwelling units for a dependant and care giver who are related by blood, marriage or adoption.

Electric Transmission Facilities – Electrical Public Utilities, Transmission and Distribution Facilities including substations and transmission lines.

Energy Storage Facility – Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy, including structural elements designed for use in passive solar energy systems.

Evergreen (Buffer) – A tree or shrub of the Conifer species which maintains its needles all year around (coniferous, remaining verdant, NOT deciduous). (See Screen Planting)

Family – One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and guests but not occupants of a club, fraternal lodging, rooming house, halfway house, or rehabilitation center.

Family Day Care Home – See Care Facilities.

Farm – Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and farm buildings, and the storage of equipment customarily incidental to the primary use.

Farm Buildings – Buildings erected on any parcel of land which is used for gain, in the raising of agricultural products, livestock, poultry, or dairy products, including those structures used for storage of equipment, housing of animals and other incidental uses.

Fence – Any combination of materials used to define a boundary or enclose a portion of a property. The height of all fences and walls or portions thereof shall be measured from grade level.

Financial Institution – A bank, savings and loan association, credit union, finance or loan company, etc. that specialize in furnishing banking and financing type services to the public.

Flood-Prone Area – A relatively flat and low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation of runoff of surface water from any source.

Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Floodway – The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

Floor Area, Gross – The aggregate of the horizontal areas of a building as measured to the outside surfaces of the exterior walls.

Floor Area, Habitable – The aggregate of the horizontal areas of all rooms of a dwelling unit as measured to the outside surfaces of exterior walls, used for habitation, such as living room, dining room, kitchen, bedrooms, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches. Earth-sheltered dwellings, designed as such, shall include the aggregate of area used for habitation as defined above whether or not all or a portion is below ground level.

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, that does not involve any land development.

Fraternal Lodging – Living quarters for members of a fraternity or sorority, associated with a college or university.

Frontage – The horizontal or curvilinear distance along the street line upon which a lot abuts, other than a limited access highway.

Funeral Home – A structure primarily used for the preparation and viewing of the dead prior to burial or cremation.

Future Right-of-Way – (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic load; (2) A right-of-way established to provide future access to or through undeveloped land.

Garage – An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein, or space therein for more than one automobile is leased to a non-occupant of the premises.

Greenhouse, Nursery (Agricultural) – A use primarily involved in horticulture, which includes the sale of plants grown on the premises from seeds and slips.

Greenhouse, Nursery (Commercial) – A use primarily involving the buying and reselling of plants and related goods and materials.

Group Home – See Care Facilities.

Halfway House – A structure built or modified to provide full time living facilities and 24-hour supervision for individuals that require rehabilitation to readjust to society.

Hazardous Waste – Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above but does not include solid or dissolved material in domestic sewage or solid or

dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under S.402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source, special nuclear or by-product material is defined by the O.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration or physical, chemical or infectious characteristics may:

1. Cause or significantly contribute to an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health, or the environment when improperly treated, stored, transported, exposed, or otherwise managed.

The term Hazardous Waste shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040 No. 318) known as the Coal Refuse Disposal Control Act. Hazardous Waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394) known as the Clean Streams Law.

Hazardous Waste Facility – Any structure, group of structures, aboveground or underground storage tanks, or any other area of buildings used for the purpose of permanently housing or temporary holding hazardous waste for the storage or treatment, for any time span other than the normal transportation time through the Township.

Health Club/Spa – A facility designed and operated exclusively for body building, strength improvement, and/or improved general body conditioning, using various methods including but not limited to: free weights, exercise machines, aerobics and swimming.

Height of Building – A building’s vertical measurement from the mean level of the ground surrounding the building to the highest point of the roof.

Height of a Communications Tower – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. In the case of a tower mounted on a slope, height shall be measured from the lowest point where the tower contacts the slope to the highest point on the tower.

Home Occupation – Any use of dwelling conducted solely by a member or members of the family residing therein, which is incidental or subordinate to the main use of the building for dwelling purposes, which utilizes not more than twenty (20) percent of the total floor area of the dwelling not exceeding three hundred fifty (350) square feet; which does not generate vehicular parking or nonresidential traffic to a greater extent than would normally result from residential occupancy; in connection with which no inventory or stock in trade is kept for sale; and with no evidence being visible, or audible or abnormally odoriferous activity detected from the outside of the dwelling to indicate it is being used for anything other than residential purposes.

Hospital – A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care.

Hotel – A building designed, constructed or reconstructed, for occupancy primarily as the temporary abiding place of individuals who lodge there, with or without meals being offered, in said building:

1. There are more than ten (10) sleeping rooms;

2. Fifty percent (50%) or more of the gross floor area shall be devoted to residential use;
3. Business may be conducted when accessory and incidental;
4. There may be club rooms, ballrooms, and common dining facilities;
5. Hotel services such as maid, telephone, and postal services are provided.
6. No provision is made for cooking in any individual lodging room or suite.

House of Worship – A building or facility or part thereof, used for religious worship.

Impervious Surface – Paved surfaces that do not absorb precipitation. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick or asphalt shall be considered impervious surface. In addition, all buildings and structures shall be considered as impervious surfaces for computations of lot coverage.

Indoor Recreational Establishment – An establishment exclusively used for recreational activities beyond those associated with a Health Club or Spa.

Industrial Park – A tract of land in an industrial area, that is:

1. Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries, and
2. Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

Junkyard – A lot, land or structure, or part thereof, used primarily for the collection of, storage and sale of waste paper, rags, scrap metal or discarded material, or for the abandonment, collecting, dismantling, demolition, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. (See Junkyard Ordinance No. 120, as amended.)

Kennel – Any building or buildings and/or land used for the boarding, breeding or training of any combination of four or more dogs, cats, rabbits, fowl or other small domestic animals at least four months of age but not to include riding stables or cases involving animals raised for agricultural purposes.

1. Kennel, Commercial – Kennel operated for profit, for the purpose of breeding, selling, and/or training domestic type animals and fowl, and/or boarding domestic type animals and fowl, not owned by the kennel operator.
2. Kennel, Private – Kennel owned and operated by a land owner for the exclusive raising of his own personal domestic type animals and fowl, which shall not sell more than ten (10) animals in one (1) year, and there shall not be any boarding of any animals on the premises.

Land Development – Any of the following activities:

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

Landfill – A lot, parcel, or tract of land, designated for the disposal of various waste materials, as defined and regulated by the Pennsylvania Department of Environmental Protection.

Landowner – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

Loading Space – An off-street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

Location Map – A map showing the site with relation to adjoining areas.

Lot – A tract, plot or parcel of land established by a subdivision plan or otherwise as permitted by law to be occupied or intended to be occupied by a principal building or use, or a group of buildings conforming with the regulations of this ordinance, and its accessory buildings and uses, including all open spaces required by this ordinance, and having frontage on a public road.

Lot Area – The area contained within the property lines of the individual parcels of land as shown on a land development plan, excluding any area within a street right-of-way, but including the area of easements.

Lot Coverage – A percentage which when multiplied by the lot area will determine the permitted building coverage area.

Lot Width – The distance between the side property lines, measured along the (front) minimum building setback line.

Massage Parlor – See Adult Regulated Facility.

Medical Clinic – Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

Mixed Use Building – A two or three-story building that houses nonresidential uses including retail shops and offices on the ground floor. Uses within the upper floors include multi-family units and/or professional offices.

Mobile Home – A transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) unit or in multiple units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without permanent foundation.

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

Mobile Home Park – A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots for nontransient use, whether operated for or without compensation.

Modular Home – A single family dwelling constructed of sections, which were constructed at a factory and transported to the construction site, permanently connected to each other and placed on a permanent foundation, to form a completed dwelling, ready for occupancy except for minor and incidental finishings at points of connection. This would include manufactured housing.

Motel – A building, or group of buildings, whether detached or in connected units, used as individual sleeping or living units with direct outside access, designed primarily for transient motor vehicle travelers, and provided with accessory off-street parking facilities. The term Motel includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile homes or travel trailers.

Motor Vehicle – Any self propelled device having an engine or motor to provide the power needed to move that device along any public street, road or highway, designed to transport people or goods from one place to another, and designed and built to be capable of meeting the requirements of the State of Pennsylvania for Motor Vehicles.

Multi-Family Conversion – A multi-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building. Such conversions shall be subject to review and permitting procedure by the Township Planning Commission, Board of Supervisors, Township Sewage Enforcement Officer and PA DEP where applicable.

Multi-Family Dwelling(s) – See Dwelling.

Municipal Building, Facilities or Uses – Uses, buildings, and facilities which are owned, operated or controlled by Conewago Township.

Nature Park – See Park.

Nightclub – Any building used for on-site consumption of alcoholic beverages, if permitted by law, or non-alcoholic beverage, and where live entertainment is offered (not including cabarets). Live entertainment is meant to include the use of disc-jockeys for the purpose of supplying musical entertainment. Additionally nightclubs may also provide for the on-site consumption of food. This is meant to include “Under 21” clubs which feature entertainment.

No Impact Home Based Business – A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves no customer,

client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Nonconformity – A use, structure, lot or dimension in conflict with the regulations of this Ordinance, (1) existing on the original effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance. Specifically, the following types of nonconformities are distinguished:

1. Nonconforming Structure – A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, 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.
2. Nonconforming Use – A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, 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.
3. Nonconformity Dimension – A lot or structure which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

Nursery – See Greenhouse.

Open Area – A percentage, which when multiplied by the lot area will determine the required unbuildable area of the lot. Paving is not to be included as part of the open area.

Outdoor Commercial Recreational Establishment – A use of open land for leisure time activities, such as a beach, swimming pool, tennis courts, or golf course, which is operated for profit.

Owner – The owner of record of a parcel of land.

Parcel – Land defined by deed as one contiguous property, even if separated by a public roadway, and having only one legal owner.

Park –

1. Nature Park – A private or public area where natural surroundings have been preserved for recreational enjoyment, with limited areas devoted to picnicking and restroom facilities that is not operated for profit.
2. Recreational Park – A private or public area with facilities designed and constructed for various outdoor recreational activities, that is not operated for profit.
3. Commercial Park – See “Outdoor Commercial Recreational Establishment”.

Parking Garage – A building where licensed passenger vehicles may be stored for short term, daily, or overnight off-street parking.

Parking Lot – An open lot where licensed passenger vehicles may be stored for short term, daily, or overnight off-street parking.

Parking Space – An off-street space available for the parking of one (1) motor vehicle and having direct usable access to a public street, and so designated by means of pavement striping, parking meters or some other Township approved method.

Paved Area – An area of a parcel of land which shall be covered with an impervious surface, excluding buildings and structures.

Personal Care Boarding Home – See Care Facilities.

Personal Service Business – A business, including but not limited to a barber shop, beauty parlor, laundry and dry-cleaning service, or similar enterprise providing personalized service to customers coming to the site.

Principal Building – A building in which a principal use on a lot is conducted.

Principal Use – The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

Professional or Business Office – Business or professional offices which generally operate on an appointment basis.

Public Hearing – A formal meeting held pursuant to Public Notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comments, prior to taking action in accordance with this Ordinance.

Public Land/Building – Owned, operated or controlled by a governmental agency (Federal, State or Local, including a corporation created by law for the performance of certain specialized governmental functions and the Board of Education).

Public Meeting – A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act”.

Public Notice – Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public Sewer – A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

Public Utility – Those uses governed by the Pennsylvania Public Utilities Commission, or use operated by a Township Authority.

Public Water – A municipal water supply system, or a comparable public water facility approved and permitted by the Pennsylvania Department of Environmental Protection.



Quarrying – Including a quarry, sand pit, gravel pit or any lot, parcel or part thereof used for the purpose of extracting rock, soil or mineral from the earth via excavation, stripping, mining, or leveling and the processing of the same for sale, exclusive of the process of grading a lot to prepare for the construction of a building or structure for which application for a building permit has been made. This term shall not apply to shallow resource recovery operations as defined in this Section.

Recreational Park – See Park.

Recreational Vehicle – Tent trailers, campers, travel trailers, and motor homes which provide for eating and/or sleeping for one or more persons. These vehicles or units shall have a fixed maximum width of eight feet (8') or less and a maximum length of fifty feet (50') or less. This shall also include portable or mobile vehicle used for recreation in operable condition such as, but not limited to, golf carts, snowmobiles, all terrain vehicles, trail bikes, boats, boat trailers, airplanes or similar vehicle.

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

Restaurant, Fast Food – An establishment that serves prepared food primarily on disposable tableware.

Retail Store or Shop – Any shop or store whose primary activities involve the selling of consumer goods or merchandise to the general public for personal use and rendering services incidental to the sale of such goods.

Right-of-Way – A corridor of publicly owned or leased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways, and sidewalks, or; a strip of land occupied or intended to be occupied by a street, crosswalk, road, electric transmission lines, oil or gas pipelines, water main, sanitary or storm sewer main, or for another special use; which shall not be obstructed by any means. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established. (Also see “Street Line”)

Roadside Stand – An accessory use of a property primarily devoted to the sale of agricultural products, of which at least 50% were grown on the premises where the stand is located.

Roadway – The portion of a street or road right-of-way which is paved, improved, designated or intended for vehicular traffic, also referred to as a cartway.

Satellite Dish Antenna – A device incorporating a receiving and transmitting surface which is solid, open mesh or bar-configured, and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to receive and/or transmit signals between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to “satellite earth stations”, “cable-less cable TV receivers”, residential satellite receivers, and satellite microwave antennas.

School – A place of instruction, either public or private.

1. School, Commercial – A school conducted by a person or organization other than the local School District, that may, or may not, be operated for a profit, including but not limited to, Vocation Trade Schools, business, art, music, handicraft, dancing, horseback riding, and any other similar special instruction.

2. School, Private – A school that offers elementary, secondary (middle or Jr. high or high), post-secondary (college) and/or graduate education, that may, or may not, be operated for profit, by a person or organization other than the local School District.
3. School, Public – A school licensed by the Pennsylvania Department of Education for the purpose of providing elementary, secondary, and adult education, operated by the local School District.
4. School, Vocational Trade – A school operated by a person or organization other than the local School District, that may, or may not, be operated for a profit, that offers instruction and training, including but not limited to the following vocations, truck driving, drafting, building construction, woodworking, general contracting, masonry, plumbing, electrical trades, electronic repairs, and any similar trades.

Screen Planting – A planted vegetative material of sufficient height and density, so as to conceal from the view of adjoining property owners, the structures, uses and activities, on the premises on which the screen planting is located. The vegetative material must be EVERGREEN or similar in that it maintains its leaves, needles or leaflets, all year round (coniferous, remaining verdant, NOT deciduous).

Service Station – Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil, and other lubricating substances, including any sales of minor motor vehicle accessories at retail price only, and which shall not include the sale of motor vehicles, major repairs, body work, painting, vehicle rental, nor automatic or self service car wash.

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

1. Setback, Front – The distance between the street right-of-way line and the front setback line projected the full width of the lot. Commonly called the “front yard”.
2. Setback, Side – The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called the “side yard”.
3. Setback, Rear – The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called the “rear yard”.

Setback Line – A line within a property and parallel to a property or street right-of-way line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street right-of-way line or property line.

Shallow Resource Recovery Operation – An operation for the removal and recovery of shallow natural resources such as shale from the earth via excavation, stripping, or leveling, which recovery shall occur above the existing water table of the ground (with the exception of local perched aquifers), and the processing of the same for sale or incorporation in a manufacturing process, exclusive of the process of grading a lot to prepare for the construction of a building or structure for which application a building or zoning permit has been made.

Shopping Mall, Shopping Center, Shopping Plaza – A group of two (2) or more stores planned and designed, to function as a unit, for the site on which it is located with off-street parking and landscaping provided, as an integral part of the unit.

Sign – Any surface, fabric, device, or structure (including billboards or poster panel) bearing lettered, pictorial, or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of public, but not including lettering or symbols that are an integral part of another structure; or any flag, badge, or other insignia of any government, government agency, or of any civic, charitable, religious, fraternal, or similar organization.

Advertising Sign – A sign whose major purpose is for directing attention to a business commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the same lot, such as billboards.

Animated Sign – A sign with action or motion, flashing, starbursts, simulated explosions, or similar displays, color changes requiring electrical energy, but not including wind-actuated elements such as flags, banners, or specialty items.

Banner – A temporary sign consisting of lightweight, flexible material, which is supported by frame, rope, wires or other anchoring devices, and may or may not include copy, a logo, or graphic symbols.

Beacon – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Business Sign – A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.

Directional Sign – A sign that directs people to a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of a commercial nature and containing no advertising matter other than an identifying name or symbol.

Freestanding Sign – A sign supported by uprights or braces placed upon or in the ground and not attached to a building.

Parallel Sign – A sign attached, painted, or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

Permanent Sign – A sign permanently attached or applied to a building or structure, or permanently anchored into the ground and that cannot easily be moved. Permanent signs may have either permanent or replaceable lettering.

Portable Sign – A temporary sign, with or without changeable lettering, illuminated or unilluminated, mounted or transported on a vehicle, trailer or similar structure; with or without wheels; and not permanently attached to the ground. Such signs are often referred to as mobile signs.

Projecting Sign – A sign that is attached to a building or other structure and extends beyond the line of a building or structure, or beyond the surface of that portion of the building or structure to which it is attached.

Roof Sign – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and/or extending vertically above the highest portion of the roof.

Temporary Sign – A sign that is anchored to the ground or attached to a building or structure with weights, cables, pins, braces, or stakes, and that can easily be moved. Temporary signs are displayed for a limited period of time and with the permission of the owner of the property that the sign will reside.

Vehicular Sign – Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the business or another business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

In instances where a sign may serve two or more purposes, for example, directional and advertising, the most restrictive regulations shall apply.

Single Family Attached Dwelling – See Dwelling.

Single Family Semi-Detached Dwelling – See Dwelling.

Skidding – dragging trees on the ground from the stump to the landing by any means.

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

Special Exception – A use that is generally compatible with a particular zone after the specified criteria have been met. Special Exception uses are listed by zone in ARTICLE III and approved by the Zoning Hearing Board in accordance with Section 504 of this Ordinance.

Stable – A facility operated for profit, usually providing buildings for housing horses, and grounds, including corrals, for the training and exercise of horses owned by persons other than the owner of the premises.

Storage – A function involving the deposition of materials, goods and/or products for safekeeping.

1. Heavy Storage – The storage of goods, material, equipment, and/or large vehicles (including, but not limited to, trucks and buses). Such storage includes warehousing and wholesale establishments and the exterior storage of the types of vehicles noted above.
2. Mini or Consumer Storage – A facility providing for the enclosed storage of household items or recreational equipment where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility. Not offices, shops, house (only dead storage). No volatile or hazardous material storage.
3. Vehicle Storage – An area devoted exclusively to storage of vehicles licensed by the Motor Vehicle Code.

Story – That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half – A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

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

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

Street Frontage – The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Grade – The official established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street Line – A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the street “right-of-way line.”

Structure – Any assembly of materials constructed or erected, having an ascertainable stationary location, on or in land or water, any portion of which is above the natural surface grade, where applicable, including but not limited to: buildings, sheds, cabins, mobile homes and house trailers.

1. Structure, Accessory – A subordinate structure or portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure, including but not limited to: swimming pools, antennas, tennis courts, gazebos and sheds. In the case of a pre-built and/or a “pre-fabricated” structure to be used as an accessory structure, the unit/structure shall have wheels and landing gear removed to be used as an accessory structure.
2. Structure, Permanent – A structure that cannot readily be removed from the lot or relocated on the lot including, but not limited to, building, cabins, garages, swimming pools, patios.
3. Structure, Principal – A structure associated with the primary use on the lot including, but not limited to, buildings and dwellings.
4. Structure, Temporary – A structure that can readily be removed from the lot.

Subdivision – The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the division of land for agricultural purposes of more than ten (10) acres not involving any new street or easement of access or any residential dwelling shall be exempted.

Major Subdivision – A subdivision involving six (6) or more lots or a land subdivision involving five (5) lots or less and requiring new streets or other public improvements.

Minor Subdivision – A subdivision involving five (5) lots or less and involving no new streets or other public improvements, except curbs and street widening required along an existing street.

Swimming Pool – Any pool or open tank intended for swimming, (not located within a completely enclosed building) and containing or normally capable of containing, water to a depth at any point, greater than one and one-half (1½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

Tavern – An establishment which primarily serves alcoholic beverages and may also serve food, for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

Theater – A building or part of a building devoted to the showing of moving pictures, movies, or theatrical productions on a commercial basis. Adult regulated facilities are not included under this title.

Theater, Outdoor Drive-In – An open lot or portion thereof with its appurtenant facilities devoted primarily to the showing of moving pictures, movies or theatrical productions on a commercial basis to patrons seated in automobiles.

Towing Service – A business, not incidental to a Vehicle Repair Shop or any other business, that provides towing services to the local police or any other person or organization needing their services, for the purpose of relocating any motor vehicle, trailer or device, from one location to another designated location, or to an impound or storage area.

Township – Conewago Township, of York County.

Trailer – A vehicle designed and constructed to haul cargo which must be towed by a motor vehicle.

Trailer Park – See Mobile Home Park.

Travel Trailer – A portable structure designed and constructed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a “travel trailer”:

1. The unit is of such size or weight as to not require a special highway movement permit from the Pennsylvania Department of Transportation when self propelled, or when hauled or towed by a standard motor vehicle;
2. The unit is mounted on or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewerage;
5. The unit contains some identification by the manufacturer as a travel trailer or camper;
6. The unit shall not be used as living quarters in place of a dwelling with the required “minimum habitable floor area” as defined in this Ordinance.

Two Family Dwelling – See Dwelling.

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

1. Use, Accessory – A use customarily incidental and subordinate to the principal use or structure and located on the same lot with this principal use or structure.
2. Use, Principal – The main or primary use of property or structures, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area. Not more than one (1) principal use shall be permitted on any lot except by Special Exception granted by the Zoning Hearing Board.

Use Certificate – A document issued by the Zoning Officer certifying compliance with this Ordinance and any conditions or restrictions established by the Zoning Hearing Board, and in accord with Section 701.b of this Ordinance.

Utility Shed – A small building designed primarily for the storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a dwelling and of the type customarily made of prefabricated materials, purchased, assembled or erected by the property owner. In the case of a pre-built and/or pre-fabricated structure, to be used as an accessory structure, the unit/structure shall have wheels and landing gear removed to be used as an accessory structure.

Variance – The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of the Zoning Provisions of this Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and intent of the Ordinance. (See Section 503)

Vehicle Rental – A business of a commercial nature primarily dealing in the rental of motorized vehicles.

Vehicle Repair Shop – A building on a lot designed and/or used primarily for mechanical and/or body repairs, servicing, or supplying of gasoline or oil to automobiles, trucks, and similar motor vehicles.

Vehicle Sales Lot – A lot (meeting all State licensing requirements) used for the outdoor display and/or sales of new and used motor vehicles, automobiles, trucks, trailers, and recreational vehicles designated for on and off road use, and where minor and incidental repair work (other than body and fender) may be done in an accessory structure on the premises.

Veterinarian's Office – See Animal Hospital.

Vocational Trade School – See School, Vocational Trade.

Watercourse – A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, whether natural or man made.

Watershed – All the land from which water drains into a particular watercourse.

Wholesale – Any distribution and sales procedure involving persons or businesses, that in the normal course of business, do not engage in sales to the general public.

Yard – The prescribed open area on a lot, unobstructed from the ground upward except as modified in Section 401 of this Ordinance.

1. Front – An area bounded by the street line and the principal building
2. Rear – An area bounded by the rear property line and the principal building
3. Side – Areas bounded by side property lines, and the principal building



**ARTICLE III**  
**ZONE REGULATIONS**

Section 301    Zones and Boundaries

- a.    Establishment of Zones: The Township of Conewago is divided into zones enumerated below and shown on the map entitled “Zoning Map of Conewago Township” which map is part of this Ordinance.

R-1	Low Density Residential
R-2	Medium Density Residential
V	Village
C	Commercial
I	Industrial
A	Agriculture
Cv	Conservation
FW	Floodway
FF	Flood Fringe
FA	General Flood Plain Area

- b.    Boundaries of Zones: Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:

1.    Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2.    Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3.    Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
4.    Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5.    Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
6.    Boundaries indicated as parallel to or extensions of features indicated in Subsection (1) through (5) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7.    Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Subsection (1) through (6), the Zoning Hearing Board shall interpret the district boundaries.

Section 302 Use Regulations

- a. Uses Permitted: The uses permitted in the zones established by this Ordinance and the permitted extent of these uses, are as shown in Sections 303 through 308. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However,
  - 1. Additional general provisions are set forth in ARTICLE IV.
  - 2. Modifications to the use or dimensional requirements are set forth in ARTICLE IV.
  - 3. Standards for Special Exception uses are set forth in ARTICLE VI.
- b. All Other Uses: Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by Special Exception provided that said use meets the requirements for a Special Exception and does not constitute a public or private nuisance.
- c. Accessory Uses and Structures: Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 401.
- d. Uses With Nuisance Effect: In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.

Section 303 Low Density Residential (R-1)

- a. Purpose: The R-1 Zone promotes the continuation of the rural, low density residential character typical in these areas of the Township while encouraging the preservation of open space. Due to natural features and other factors, these areas are not likely to be served by public sewer or water facilities within the near future.
- b. Uses by Right: The following uses are permitted by right in the R-1 Zone:
  - 1. Crops
  - 2. Forestry
  - 3. Group Home
  - 4. Municipal Buildings, facilities or uses
  - 5. No-Impact Home-Based Business
  - 6. Single Family Detached Dwelling
- c. Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
  - 1. Adult Day Care Center
  - 2. Bed and Breakfast
  - 3. Caretaker or Watchman Dwelling
  - 4. Cemetery
  - 5. Cluster Development
  - 6. Domiciliary Care Home
  - 7. Echo Housing
  - 8. Family Day Care Home
  - 9. Home Occupation
  - 10. House of Worship
  - 11. Kennel (Private)
  - 12. Nature Park
  - 13. Outdoor Commercial Recreational Establishment
  - 14. Personal Care Boarding Home
  - 15. Public Buildings and Facilities
  - 16. Public Utility Building
  - 17. Recreational Park
  - 18. School, Public or Private
- d. Lot Area and Width: Lot area and lot width not less than the following dimension shall be provided for each principal use hereafter established in this zone. See Section 412 for exceptions to minimum lot width requirements.

	<b>No Public Water or Public Sewer</b>
<b>Minimum Lot Area</b>	43,560 sq. ft.
<b>Minimum Lot Width</b>	150 ft.

- e. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
- Front setback: Thirty-five (35) feet from the street right-of-way line for minor streets, and fifty (50) feet from the street right-of-way line for arterials and expressways.
- Side setback: Twenty-five (25) feet from property line.
- Rear setback: Thirty-five (35) feet from property line.
- f. Building Height: The height limit for a main building shall be not more than thirty-six (36) feet.
- g. Lot Coverage: Not more than forty (40) percent of the lot area may be covered by buildings, structures or any impervious surface.
- h. Open Area: Not less than sixty (60) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- i. Cluster Provisions: In the case of residential developments of ten (10) acres or more, an added degree of flexibility in the placement, but an interrelationship of the buildings and uses within the development may be approved by the Board of Supervisors. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed tract abuts an existing cluster development, is within an appropriate zoning classification and will enable a compatible extension of the existing development. The following guidelines shall be followed:
1. Minimum lot area and width, lot coverage, open area and paved area requirement may be waived for individual lots. These standards shall be applied to the total tract area, exclusive of highway and utility rights-of-way, to determine the total number of permitted dwelling units.
  2. Setbacks and building height shall remain as required in Sections e. and f., respectively, except for side setbacks which can be reduced to zero where townhouses or condominiums are to be constructed using common walls between units.
  3. Public water and public sewer are required.
  4. Provisions for future maintenance of all common areas, including but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provision and any agreements, such as bylaws for a property owners association, shall be subject to approval of the Board of Supervisors.
  5. These provisions shall not apply to mobile home parks.
  6. All other provisions of this Ordinance and any other applicable Ordinance of the Township shall apply to cluster developments.

- j. Each lot shall have access to and abut a public roadway.

Section 304 Medium Density Residential (R-2)

- a. Purpose: The R-2 zone provides a gradual transition between the rural low density of the R-1 and the high density of the V district by accommodating medium density, suburban type single family residential development. Public sewer shall be utilized where available.
- b. Uses by Right: The following uses are permitted by right in the R-2 Zone:
  - 1. Cluster Development
  - 2. Forestry
  - 3. Group Home
  - 4. Municipal Buildings, facilities or uses
  - 5. No-Impact Home-Based Business
  - 6. Single Family Detached Dwelling
  - 7. Single Family Semi-Detached Dwelling
  - 8. Two Family Dwelling
- c. Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
  - 1. Adult Day Care Center
  - 2. Bed and Breakfast
  - 3. Domiciliary Care Home
  - 4. Echo Housing
  - 5. Family Day Care Home
  - 6. Home Occupation
  - 8. House of Worship
  - 8. Mobile Home Park
  - 9. Nature Park
  - 10. Public Buildings and Facilities
  - 11. Public Utility Building
  - 12. Recreational Park
  - 13. School, Public or Private
  - 14. Single Family Attached Dwelling
- d. Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone. See Section 412 for exceptions to minimum lot width requirements.

	<b>Public Water and Public Sewer</b>	<b>Public Sewer No Public Water</b>	<b>Public Water No Public Sewer</b>	<b>No Public Water or Public Sewer</b>
<b>Minimum Lot Area</b>	10,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	37,500 sq. ft.
<b>Minimum Lot Width</b>	80 ft.	90 ft.	100 ft.	125 ft.

- e. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

Front setback: Thirty-five (35) feet from the street right-of-way line for minor streets, and fifty (50) feet from the street right-of-way line for arterials and expressways.

Side setback: Twenty-five (25) feet from property line.

Rear setback: Thirty-five (35) feet from property line.

- f. Building Height: The height limit for a main building shall be not more than thirty-six (36) feet.
- g. Lot Coverage: Not more than fifty (50) percent of the lot area may be covered by buildings, structures or any impervious surface.
- h. Open Area: Not less than fifty (50) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- i. Cluster Provisions: In the case of residential developments of ten (10) acres or more, an added degree of flexibility in the placement, but an interrelationship of the buildings and uses within the development may be approved by the Board of Supervisors. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed tract abuts an existing cluster development, is within an appropriate zoning classification and will enable a compatible extension of the existing development. The following guidelines shall be followed:
  - 1. Minimum lot area and width, lot coverage, open area and paved area requirement may be waived for individual lots. These standards shall be applied to the total tract area, exclusive of highway and utility rights-of-way, to determine the total number of permitted dwelling units.
  - 2. Setbacks and building height shall remain as required in Sections e. and f., respectively, except for side setbacks which can be reduced to zero where townhouses or condominiums are to be constructed using common walls between units.
  - 3. Public water and public sewer are required.
  - 4. Provisions for future maintenance of all common areas, including but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provision and any agreements, such as bylaws for a property owners association, shall be subject to approval of the Board of Supervisors.
  - 5. These provisions shall not apply to Mobile Home Parks.
  - 6. All other provisions of this Ordinance and any other applicable ordinance of the Township shall apply to cluster developments.
- j. Each lot shall have access to and abut a public roadway.

Section 305 Village Zone (V)

- a. Purpose: The purpose of the Village Zone is to provide for more intensive, yet compatible mix of neighborhood scale residential, commercial and public uses in and around the Township's existing traditional development centers of Strinestown and Zion View. This zone protects the character of the area and encourages the continuation and establishment of traditional small business and professions supporting and in conjunction with surrounding residential uses. Public water and sewer is required.
- b. Uses by Right: The following uses are permitted by right in the Village Zone:
  1. Forestry
  2. Greenhouses (Commercial)
  3. Group Home
  4. Municipal Buildings, facilities or uses
  5. No-Impact Home-Based Business
  6. Public Buildings and Facilities
  7. Single Family Detached Dwelling
  8. Single Family Semi-Detached Dwelling
  9. Two Family Dwelling
- c. Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
  1. Adult Day Care Center
  2. Animal Hospital
  3. Apartment or Dwelling in Conjunction with Commercial Use
  4. Bed and Breakfast
  5. Car Wash
  6. Child Day Care, Commercial
  7. Club room/club grounds/meeting room
  8. Contractor's Facility
  9. Contractor's Office
  10. Domiciliary Care Home
  11. Drive-In Business
  12. Echo Housing
  13. Family Day Care Home
  14. Financial Institution
  15. Fraternal Lodging
  16. Funeral Home
  17. Halfway House
  18. Health Club/Spa
  19. Home Occupation
  20. Hospital
  21. House of Worship
  22. Indoor Recreational Establishment
  23. Medical Clinic
  24. Multi-Family Conversion



- 25. Multi-Family Dwelling(s)
- 26. Nature Park
- 27. Parking Lot
- 28. Personal Care Boarding Home
- 29. Personal Service Business
- 30. Professional or Business Offices
- 31. Public Utility Building
- 32. Recreational Park
- 33. Restaurant
- 34. Restaurant, Fast Food
- 35. Retail Store or Shop
- 36. School, Public or Private
- 37. Service Station
- 38. Shopping Center
- 39. Single Family Attached Dwellings
- 40. Tavern
- 41. Theater

- d. Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone. See Section 412 for exceptions to minimum lot width requirements.

	<b>Public Water and Public Sewer</b>
<b>Minimum Lot Area</b>	6,000 sq. ft.
<b>Minimum Lot Width</b>	50 ft.

- e. Setbacks: Each lot shall provide front, side and rear setbacks:

Front setback: Not less than five (5) feet and not more than fifteen (15) from the street right-of-way line.

Side setback: Five (5) feet from property line.

Rear setback: Fifteen (15) feet from property line.

- f. Building Height: The height limit for a main building shall be not more than thirty-six (36) feet for residential dwellings, or fifty (50) feet for commercial or mixed use buildings.
- g. Lot Coverage: Not more than seventy (70) percent of the lot area may be covered by buildings, structures or any impervious surface.
- h. Open Area: Not less than thirty (30) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- i. Two (2) or more independent uses permitted in this district may be established within a single principal structure provided that the regulations regarding floor area established in this Ordinance for each individual use are satisfied. The principal structure itself

however shall be considered as a single unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.

- j. Each lot shall have access to and abut a public roadway.

Section 306. Commercial Zone (C)

- a. Purpose: The purpose of this zone is to provide for the development of retail and general business establishments which serve the needs of residents of the Township and surrounding areas.
- b. Uses by Right: The following uses, limited to one (1) principal use per lot are permitted by right in the Commercial Zone:
  1. Auction House
  2. Car Wash
  3. Child Day Care, Commercial
  4. Contractor's Facility
  5. Contractor's Office
  6. Crops
  7. Dairy, Commercial
  8. Drive-In Business
  9. Financial Institution
  10. Forestry
  11. Fraternal Lodging
  12. Funeral Home
  13. Greenhouse, Nursery (Agricultural)
  14. Greenhouse, Nursery (Commercial)
  15. Health Club/Spa
  16. Home Occupation
  17. Hospital
  18. Indoor Recreational Establishment
  19. Municipal Building, Facilities or Uses
  20. Nightclub
  21. No Impact Home-Based Business
  22. Parking Lot or Parking Garage
  23. Personal Service Business
  24. Professional or Business Offices
  25. Public Buildings and Facilities
  26. Restaurant
  27. Restaurant, Fast Food
  28. Retail Store or Shop
  29. School, Commercial
  30. Storage, Heavy (Ex.: Warehouse, Building Material Yard)
  31. Storage, Mini or Consumer
  32. Storage, Vehicle
  33. Tavern
  34. Theater
  35. Vehicle Sales Lot
- c. Uses by Special Exception: The following uses, limited to one (1) principal use per lot shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
  1. Adult Day Care Center

2. Animal Hospital
3. Automobile Auction
4. Caretaker or Watchman Dwelling
5. Communication Tower
6. Convalescent Home
7. Electrical Transmission Facility
8. Group Home
9. Hotel, Motel
10. House of Worship
11. Kennel (Private or Commercial)
12. Medical Clinic
13. Nature Park
14. Outdoor Commercial Recreation Establishment
15. Public Utility Building
16. Recreational Park
17. Research Laboratory
18. School (Public, Private or Vocational Trade)
19. Service Station
20. Shopping Center or Mall
21. Theater, Outdoor Drive-in
22. Towing Service
23. Transportation (Passenger) Terminal
24. Vehicle Repair Shop

d. Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	<b>Public Water and Public Sewer</b>	<b>Public Water</b>	<b>Public Sewer</b>	<b>No Public Water or Public Sewer</b>
Minimum Lot Area	10,000 sq. ft.	30,000 sq. ft.	20,000 sq. ft.	43,560 sq. ft.
Minimum Lot Width	80 ft.	100 ft.	100 ft.	150 ft.

e. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

1. Front setback - Thirty-five (35) feet.
2. Each side setback – Ten (10) feet.
3. Rear setback – Twenty (20) feet.

f. Building Height: The building height limit shall be not more than thirty-six feet (36). Building height may be increased by one foot (1') for each foot the building is distant from the building setback line up to a maximum total building height of fifty feet (50'), provided that (i) the building is set back from the nearest street right-of-way line and property lines on all sides by a distance no less than the total height of the building, (ii) no powered equipment is located on the roof of the building, unless the provisions of subsection (iii), which follows, are met, and (iii) appropriate fire prevention and suppression techniques are incorporated into the building, as approved by the official fire

and rescue service organization for the Township including, but not limited to, exterior fire stairs. The height limit for an accessory building shall be two stories, but not more than twenty-five (25) feet. No building or structure shall be constructed which will cause a shadow on the south facing wall of any dwelling measured at the first floor between the hours of 9:00 a.m. and 3:00 p.m. on any winter solstice day, December 21<sup>st</sup>.

- g. Lot Coverage: Not more than eighty-five percent (85%) of the lot area shall be devoted to buildings, structures (including accessory buildings) and paving with an impervious surface.
- h. Open Area: Not less than fifteen percent (15%) of the lot area shall be devoted to open area as defined in this Ordinance.
- i. Each lot shall have access to and abut to a public roadway.

Section 307 Industrial Zone (I)

- a. Purpose: The purpose of this zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Township and otherwise further the purposes of this Ordinance. In promoting these and the general purposes of this Ordinance, the specific intent of this zone is:
1. To encourage the development of and continued use of land for industrial purposes.
  2. To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the district.
  3. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.
- b. Uses by Right: The following uses, limited to one (1) principal use per lot are permitted by right in the Industrial Zone:
1. Car Wash
  2. Contractor's Facility
  3. Contractor's Office
  4. Crops
  5. Dairy, Commercial
  6. Enclosed Processing Establishment; e.g., laundry, large appliance or equipment repair shop
  7. Energy Storage Facility
  8. Forestry
  9. General Manufacturing: Manufacturing use including but not limited to food (except meat-packing), furniture, textiles, leather, rubber, paper, fabricated metals, machinery, stone, clay and glass which DOES NOT constitute an unusual fire or explosion hazard and DOES NOT create a nuisance by reason of smoke, odor, dust, noise, or glare.
  10. Home Occupation
  11. Light Manufacturing: Manufacturing and Storage Use including but not limited to printing and publishing, soft drink bottling, packaging products in the form of other dry state, lace manufacture, sewing apparel, assembly of electronic apparatus, instrument making, tool and die making, cabinet making, electroplating metals, molding plastics, that DOES NOT –
    - Cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.
    - Cause vibration beyond the boundaries of the lot.
    - Cause noise exceeding that of street traffic at the front, side and rear lot lines.
    - Cause glare observable from beyond the boundaries of the lot.
  12. Municipal Building, Facilities or Uses
  13. No Impact Home Based Business

14. Parking Lot or Parking Garage
15. Public Utility Building
16. Research Laboratory
17. Storage, Heavy (e.g., warehouse, building material yard)
18. Storage, Vehicle

c. Uses by Special Exception: The following uses, limited to one (1) principal use per lot shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.

1. Adult Regulated Facility
2. Airport
3. Auction House
4. Automobile Auction
5. Caretaker or Watchman Dwelling
6. Chemical Manufacturing, Processing and Storage Operations
7. Communication Tower
8. Drive-In Business
9. Electrical Transmission Facility
10. Group Home
11. Hazardous Waste Facility
12. House of Worship
13. Industrial Park
14. Junkyard, Automobile Dismantling Plant
15. Landfill
16. Quarry, Strip Mining or Similar Operations Including Drilling
17. Recreational Park
18. Restaurant
19. Restaurant, Fast Food
20. Sawmill Operation
21. School, Vocational Trade
22. Towing Service
23. Truck or Motor Freight Terminal

d. Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	<b>Public Water and Public Sewer</b>	<b>Public Water</b>	<b>Public Sewer</b>	<b>No Public Water or Public Sewer</b>
Minimum Lot Area	10,000 sq. ft.	30,000 sq. ft.	20,000 sq. ft.	43,560 sq. ft.
Minimum Lot Width	80 ft.	100 ft.	100 ft.	150 ft.

e. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

1. Front setback – Thirty-five (35) feet
2. Each side setback – Twenty (20) feet

3. Rear setback – Thirty-five (35) feet

- f. Building Height: The building height limit shall be not more than thirty-five feet (35'). Building height may be increased by one foot (1') for each foot the building is distant from the building setback line up to a maximum total building height of fifty feet (50') or extended to one hundred ten (110) feet in warehouses that incorporate high-stack technology, provided that, in either instance, (i) the building is set back from the nearest street right-of-way line and property lines on all sides by a distance no less than the total height of the building, (ii) no powered equipment is located on the roof of the building, unless the provisions of subsection (iii), which follows, are met, and (iii) appropriate fire prevention and suppression techniques are incorporated into the building, as approved by the official fire and rescue service organization for the Township including, but not limited to, exterior fire stairs. The height limit for an accessory building shall be two stories, but not more than twenty-five feet (25'). No building or structure shall be constructed which will cause a shadow on the south facing wall of any dwelling measured at the first floor between the hours of 9:00 a.m. and 3:00 p.m. on any winter solstice day, December 21<sup>st</sup>.
- g. Lot Coverage: Not more than eighty-five percent (85%) of the lot area may be covered by buildings, structures (including accessory buildings) and paving with an impervious surface.
- h. Open Area: Not less than fifteen percent (15%) of the lot area shall be devoted to open area as defined in this Ordinance.
- i. Each lot shall have access to and abut to a public roadway.



Section 308. Agricultural Zone (A)

- a. Purpose: The primary purpose of this zone is to maintain and promote the rural-agricultural character of the land within this zone. This zone is composed of those areas in the Township whose predominant land use is rural residential and agricultural. The regulations of this zone are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises and to limit development which requires highways and other public facilities in excess of those required by rural-oriented uses.
  
- b. Uses by Right: The following uses, limited to one (1) principal use per lot are permitted by right in the Agricultural Zone:
  1. Crops, Pasture
  2. Dairy, Commercial; Livestock; Poultry; Small Animals
  3. Farm Buildings
  4. Forestry
  5. Forest and Wildlife Preserve
  6. Greenhouse, Nursery (Agricultural)
  7. Group Home
  8. Municipal Buildings, facilities, or uses
  9. No Impact Home Based Business
  10. Single-Family Detached Dwellings
  11. Stable
  
- c. Uses by Special Exception: The following uses, limited to one (1) principal use per lot shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
  1. Adult Day Care Center
  2. Airstrip
  3. Animal Hospital
  4. Auction House
  5. Bed and Breakfast
  6. Campground
  7. Caretaker or Watchman Dwelling
  8. Cemetery
  9. Club Room, Club Grounds, Meeting Hall
  10. Communication Tower
  11. Contractor's Facility
  12. Contractor's Office
  13. Domiciliary Care Home
  14. Echo Housing
  15. Electrical Transmission Facility
  16. Family Day Care Home
  17. Greenhouse, Nursery (Commercial)
  18. Halfway House
  19. Home Occupation
  20. House of Worship
  21. Kennel (Private or Commercial)

- 22. Nature Park
- 23. Outdoor Commercial Recreational Establishment
- 24. Personal Care Boarding Home
- 25. Public Buildings and Facilities
- 26. Public Utility Building
- 27. Recreational Park
- 28. Sawmill Operation
- 29. School, Public or Private
- 30. Shallow Resource Recovery Operation

d. Lot Area and Width: Lot area and lot width consistent with the following dimensions shall be provided for each principal use hereafter established in this Zone. See Section 412 for exceptions to minimum lot width requirements.

Minimum Lot Area – 43,560 square feet

Minimum Lot Width – 150 feet

e. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

- 1. Front setback – Thirty-five (35) feet.
- 2. Each side setback – Twenty-five (25) feet.
- 3. Rear setback – Forty (40) feet.

f. Building Height: The building height limit shall be thirty-five (35) feet, except in the case of farm buildings, in which case there shall be no height limitation. No building or structure shall be constructed which will cast a shadow on the south facing wall of any dwelling measured at the first floor between the hours of 9:00 a.m. and 3:00 p.m. on any winter solstice day, December 21<sup>st</sup>.

g. Lot Coverage: Not more than thirty percent (30%) of the lot area may be covered by buildings, structures (including accessory buildings) and areas paved with an impervious surface.

h. Open Area: Not less than seventy percent (70%) of the lot area shall be devoted to open area as defined in this Ordinance.

i. Each lot shall have access to and abut to a public roadway.

Section 309. Conservation Zone (Cv)

- a. Purpose: The purpose of this zone is to designate those areas where, because of natural geographic factors and existing land uses it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This zone may include extensive steeply sloped areas, stream valleys, flood plains, water supply sources and wooded areas adjacent thereto.
- b. Uses by Right: The following uses, limited to one (1) principal use per lot are permitted by right in the Conservation Zone:
1. Crops, Pasture
  2. Dairy, Commercial; Livestock; Poultry; Small Animals
  3. Farm Buildings
  4. Forest and Wildlife Preserve
  5. Forestry
  6. Greenhouse, Nursery (Agricultural)
  7. Group Home
  8. Municipal Buildings, facilities, or uses
  9. No Impact Home Based Business
  10. Single-family detached dwelling on an approved lot in a minor residential land development (six or fewer existing or proposed dwelling units excluding the prime farmstead, see definition II-4); or on an individual lot the dimensions of which have not changed since (Feb. 6, 1984).
  11. Stable
- c. Uses by Special Exception: The following uses limited to one (1) principal use shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
1. Adult Day Care Center
  2. Bed and Breakfast
  3. Campground
  4. Caretaker or Watchman Dwelling
  5. Cemetery
  6. Club Room, Club Grounds, Meeting Hall
  7. Communication Tower
  8. Contractor's Office

9. Domiciliary Care Home
10. Echo Housing
11. Electrical Transmission Facility
12. Family Day Care Home
13. Halfway House
14. Home Occupation
15. House of Worship
16. Kennel, Private
17. Nature Park
18. Outdoor Commercial Recreational Establishment
19. Personal Care Boarding Home
20. Public Utility Building
21. Recreational Park
22. Rifle or Archery Range
23. Sawmill Operation

- d. Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone. See Section 412 for exceptions to minimum lot width requirements.

Minimum Lot Area - 3 acres  
Minimum Lot Width - 300 feet

- e. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

1. Front setback – Forty (40) feet
2. Side setback – Forty (40) feet
3. Rear setback – Forty (40) feet

- f. Building Height: The building height limit shall be fifty (50) feet, except in the case of farm buildings, in which case there is no height limitation.

- g. Lot Coverage: Not more than twenty percent (20%) of the lot area may be covered by buildings, structures (including accessory buildings) and areas paved with an impervious surface.

- h. Open Area: Not less than eighty percent (80%) of the lot area shall be devoted to open area as defined in this Ordinance.

- i. Each lot shall have access to and abut to a public roadway.

Section 310. Flood Plain Zones – Floodway (FW), Flood Fringe (FF), General Flood Plain Area (FA)

- a. Purpose: In addition to the provisions of Ordinance 319 of 2008, the purpose of these zones is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
  1. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
  2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
  3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
  4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- b. Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain zones, or that land uses permitted within such zones will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of Conewago Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

- c. Establishment of Flood Plain Zones
  1. Description of Zones
    - (a) Basis of Zones: The various flood plain zones shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these zones shall be the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) in accordance with the requirements of the National Flood Insurance Program.
      - The Floodway Zone (FW) is delineated for purposes of this Ordinance using the criteria that a certain area with the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

- The Flood Fringe Zone (FF) shall be that area of the one hundred (100) year flood plain not included in the Floodway Zone. The basis for the outermost boundary of this zone shall be the one hundred (100) year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study (FIS) and FIRMs as shown on the accompanying Flood Boundary and Floodway Map.
- The General Flood Plain Zone (FA) shall be that flood plain area for which no detailed flood profiles or elevations have been provided. Such areas are shown on the Flood Boundary and Floodway Map accompanying the FIS. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

(b) Overlay Concept

- The aforementioned Flood Plain Zones shall be overlays to the existing underlying zones as shown on the Official Zoning Map, and as such, the provisions for the flood plain zones shall serve as a supplement to the underlying zone provisions.
- Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Zones and those of any underlying zone, the more restrictive provisions and/or those pertaining to the flood plain zones shall apply.
- In the event any provision concerning a Flood Plain Zone is declared inapplicable as a result of any legislative or administrative actions of judicial discretion, the basic underlying zone provisions shall remain applicable.

2. Inclusion in Zoning Map: The boundaries of the Flood Plain Zones are established as shown on the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) in accordance with the requirements of the National Flood Insurance Program. The said map is hereby incorporated into and made a part of the Official Zoning Map of Conewago Township. A copy of said map shall be kept on file at the Township office and be available for inspection during regular office hours.

3. Zone Boundary Changes: The delineation of any of the flood plain zones may be revised by the Board of Commissioners where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineer, or other qualified agency or individual documents the advisability for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA) or its successor agency.
  4. Interpretation of Zone Boundaries: Initial interpretation of the boundaries of the Flood Plain Zone shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the zones, the person questioning or contesting the location of the zone boundary shall be given a reasonable opportunity to present his case to the Township Zoning Hearing Board and to submit his own technical evidence if he so desires. Should the person choose to seek a variance to the zoning regulations to accommodate his development, he must follow the procedures to present his case to the Zoning Hearing Board. Should the person choose to have the zone boundary changed to reflect more accurate flooding data, he must follow the procedures to present his case to the Board of Supervisors for a zoning amendment.
- d. Zone Provisions: All uses, activities, land filling and development occurring within any flood plain zone shall be undertaken, only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Township Building Permit Ordinance and the Stormwater Management Ordinance where applicable.

Under no circumstances shall any use, activity, land filling and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the municipality, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration or its successor agency and the Pennsylvania Department of Community Affairs.

1. Floodway Zone (FW): In the Floodway Zone no development shall be permitted except where the effect of such development of flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required.
  - (a) Permitted Uses: In the Floodway Zone the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment.
    - Agricultural and farm uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, bicycling, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
  - Floating docks properly anchored and secured when either in the water or when stored on shore.
  - Accessory residential uses such as yard areas, gardens, play areas, and parking areas.
  - Accessory industrial and commercial uses such as yard areas, parking and loading areas, helicopter landing areas.
- (b) Uses Permitted by Special Exception: The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying zone and are not prohibited by any other ordinance:
- Structures, except for dwellings, accessory to the uses and activities in Section (a) above.
  - Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
  - Water-related structures such as marinas, docks, wharves, piers.
  - Extraction of sand, gravel, and other materials.
  - Temporary uses such as circuses, carnivals, and similar activities.
  - Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
2. Flood-Fringe Zone (FF): In the Flood-Fringe Zone the development and/or use of land shall be permitted in accordance with the regulations of the underlying zone provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.
3. General Flood Plain Zone (FA): In the General Flood Plain Zone no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) permitted in the underlying zone shall be permitted unless the applicant for the proposed development, use or activity has



demonstrated that the proposed undertaking when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. Increases in flood heights shall be calculated by means of current, generally accepted engineering methods.

e. Special Exceptions and Variances-Factors to be Considered: In passing upon application for Special Exceptions and Variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No Special Exception or Variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels during the one hundred (100) year flood.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood of ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. Such other factors which are relevant to the purposes of this Ordinance.

The Zoning Hearing Board with approval of the Board of Supervisors may refer any application and accompanying documentation pertaining to any request for a Special Exception or Variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to

flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Special Exceptions and/or Variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (1) unacceptable or prohibited increases in flood heights, (2) additional threats to public safety, (3) extra-ordinary public expense, (4) create nuisances, (5) cause fraud or victimization of the public, or (6) conflict with local laws or ordinances.

f. Existing Structures in Flood Plain Zones: A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

1. Existing structures and/or uses located in any floodway zone shall not be expanded or enlarged unless such expansion or enlargement meets the requirements of all applicable Township ordinances and the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain zone to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or incorporate flood-proofing measures regardless of its location in the flood plain zone. However, minor repairs shall be exempt from this provision provided that no structural changes or modifications are involved. Minor repairs shall include the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but shall not include any addition, change or modification in construction, exit facilities, or permanent fixtures or equipment.
3. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in a flood plain zone to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
4. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

## ARTICLE IV

### GENERAL PROVISIONS

#### Section 401 Accessory Uses and Structures

- a. Attached Structures: A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- b. Nonattached Structures: Any accessory structure, standing apart from a principal structure, is permitted within front, side, or rear setback line. The gross floor area of the accessory structure shall not be greater than one hundred fifty (150) sq. ft., if greater than one hundred fifty (150) sq. ft. the structure shall meet all requirements of a principal structure.
  1. Utility sheds having a floor area not greater than 150 sq. ft. may be located within a required front, side or rear setback area but shall not be located closer than ten (10) feet to any side or rear property line.
  2. Farm produce stands may be placed in a front yard area but shall not be placed within a street right-of-way. When located in a Residential Zone, such stands must be removed when products are no longer on sale.
  3. Other than as listed above, for all other requirements a nonattached structure is considered the same as a principal structure.
- c. Fences and Walls: No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than four (4) ft. in a front yard area and no more than six (6) ft. in any other yard area in a residential zone or upon any lot used for residential purposes in any other zone. For all other uses in all Industrial and Commercial zones no fence may exceed ten (10) ft. in height in any yard area. Fences may be located up to but not on the lot line. No fence may be erected which inhibits sight distance at a street intersection. In the case of a fence or wall erected adjacent to a driveway in any zone, the maximum height of such a fence or wall or portion thereof shall be such that adequate sight distance between the driveway and the street or road is provided.
- d. Solar and Wind Energy Facilities: Solar or wind energy systems either as part of a structure or as an independent structure providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints.
  1. No solar energy system located on the ground shall exceed a height of eight (8) ft.
  2. The maximum ground coverage of a structure supporting a solar collector shall not exceed twenty-five percent (25%) of the area of the ground floor of the principal building.

3. Solar Energy Systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of structures nearby.
- e. Outdoor Swimming Pools: Every outdoor swimming pool must conform to all applicable requirements of State law, all other related requirements of this ordinance including but no limited to setbacks of the zone in which the pool is located, and the requirements for Building Permits and Use Certificates, and in addition every pool must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have any openings, holes or gaps larger than four inches in any direction. An above the ground pool with a wall measuring at least four (4) ft. in height above the ground all around is not required to have separate fencing. All gates or doors opening through such enclosures shall be equipped with a self closing and self latching device to keep the gate or door securely closed at all times when not actually in use, except for dwelling doors. Farm ponds shall be excluded from the requirements of this section, however, all ponds must meet the requirements established by the PA DEP.
  - f. Satellite Dish Antennas: Receiver dishes over 36 inches in diameter are subject to the following constraints:
    1. Such devices shall not be roof mounted.
    2. Such devices shall not be placed in any required setback area.
    3. Such devices must be located to the rear of the dwelling unit on any residential lot.
    4. No dish antenna on a residential lot shall exceed an overall height of eighteen (18) feet above the ground or an overall diameter of twelve (12) feet.
    5. No more than one (1) dish antenna is permitted per building lot.
    6. Such devices must be appropriately screened or fenced so as not to be visually obtrusive to neighboring properties.
  - g. Satellite dish antennae 36 inches or less in diameter are permitted by right in all zoning districts, subject to the following criteria:
    1. Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window, if it were ground-mounted; furthermore, that such obstruction involves factors beyond the applicant's control.
    2. The satellite dish antenna must be set back at least the horizontal distance equal to its maximum height above ground, from all property lines.
    3. The allowance of a satellite dish antenna(s) shall in no way place liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

4. To protect aesthetics, such devices must be placed so that the dish is not visible from the front of the property. If this results in the obstruction of the satellite's reception window, every effort should be made to install the satellite dish in a way that is least visually obtrusive to surrounding properties.
5. A maximum of two (2) satellite dishes per structure are permitted. Installation of any additional dishes may be permitted in the case of multiple family dwellings when approved by the Township.

Section 402 Signs

a. General Regulations for All Signs

1. **Determination of Size:** The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size.
2. **Location/Projection of Signs:**
  - a. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
  - b. For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a Residential, Village, or Agricultural Zone.
  - c. No sign shall project over a public sidewalk area or over a public highway or street unless specifically authorized by other Township or State regulations.
  - d. No sign shall project more than thirty-five (35) feet above the ground.
3. **Illumination of Signs:**
  - a. Flashing, rotating, animated, and intermittent lights are permitted only in the Commercial zone within the Township. No flashing, rotating, animated, or intermittent lights, or signs with red, amber, and green light configurations that simulate traffic control signals are permitted.
  - b. Signs permitted in the Residential Zones shall be illuminated only by indirect lighting and shall not be illuminated between the hours of eleven (11) p.m. and six (6) a.m.

- c. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence, or so it does not obstruct the vision of motorists. No spotlights or floodlights shall be higher than fifteen (15) feet above ground level.
  - d. Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device or from the center of any street intersection.
- 4. Signs Painted on Buildings: Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign and the regulations pertaining thereto shall apply.
- 5. Signs Within a Building: Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window and/or door, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third percent (33 1/3%) of the total display window or door area. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.
- 6. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- 7. Termination of Enterprise: Upon termination or abandonment of a use in any district, all signs pertaining to the enterprise must be removed within thirty (30) days of such termination.
- b. Permitted Permanent Signs: Only the types of permanent signs listed on Chart A, which follows, shall be permitted throughout the Township. Permanent signs must conform to the standards set forth in Chart A as well as satisfy the general regulations of subsection A. Building permits shall be required for all permanent signs.
- c. Permitted Temporary Signs: Only the types of temporary signs listed on Chart B, which follows, are permitted throughout the Township. Temporary signs must conform to the standards set forth in Chart B as well as satisfy the general regulations of subsection A.
- d. Advertising Signs: Advertising signs shall be permitted in the Commercial Zone subject to the provision of subsection A and the following criteria:
  - 1. No advertising sign shall exceed an overall size of three hundred (300) square feet, nor exceed thirty-five (35) feet in height.
  - 2. No advertising sign or billboard shall be located within five hundred (500) feet of another advertising sign.
  - 3. All advertising signs shall be a minimum of fifty (50) feet from all side and rear property lines.

4. All advertising signs shall be set back a minimum distance from the street right-of-way line that is equal to the height of the sign or ten (10) feet, whichever is greater. Where the top of the sign is level that is perpendicular to a vertical plumb line, the height of the sign shall be determined by measuring the distance from ground level to the highest point on the sign nearest the street right-of-way. In cases where the top of the sign is slanted or of irregular elevation, the minimum required setback from the street right-of-way shall be equal to the distance from the highest point of the sign to the ground level.
  5. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.
- e. Portable Signs: Portable signs shall be permitted in a Commercial Zone subject to the following requirements:
1. A sign permit must be obtained from the Township zoning officer.
  2. The sign may be illuminated only by indirect lighting.
  3. The placement of such signs shall not interfere with traffic or sight distance at street intersections or access to a public right-of-way.
  4. No portable signs shall contain changeable copy.
- f. Prohibited Signs

It shall be unlawful for any person, firm or corporation to erect any sign in the Township unless it is specifically permitted in this Section. Unlawful signs include, but are not limited to:

1. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
2. Signs attached to rocks, utility poles, traffic signposts, traffic signal or control devices, street signs, or historical markers.
3. Signs attached to trees, shrubs or any living vegetative matter.
4. Any sign, outside of the Commercial Zone, which advertises or publicizes an activity or business not conducted on the premises, except civic event signs.
5. Signs erected without the permission of the property owner or authorized agent.
6. Signs that create hazards to operators of vehicles and pedestrian traffic. Signs which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
7. Flashing, rotating, animated, and intermittent signs, other than in the Commercial Zone, subject to the restrictions of this Section.

8. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit.
9. Signs or lettering on vehicles parked for extended periods of time to circumvent the regular sign regulations.
10. Abandoned signs.
11. Roof signs.
12. Wall signs that cover windows or architectural detail.
13. Pennants.
14. Signs with reflective backgrounds or elements.
15. Beacon lights.
16. National trademark signs and logos of companies other than the business on the premises.
17. Banners exceeding in size more than ten percent (10%) of the façade of the structure on which they are used. Banners used for more than thirty (30) days unless permission is secured from the Township Supervisors.
18. Banners suspended over roadways, public driveways, or access drives.

g. Exempt Signs

The following signs shall be allowed without a sign permit and shall not be included in the determination of the number or sign area of other signs allowed within a zoning district, subject to the restrictions of this Section.

1. Government/regulatory signs.
2. Real estate signs.
3. Political signs.
4. Public interest signs.
5. Memorial signs.
6. Yard sale signs.
7. Address signs.
8. Interior signs.
9. Civic event signs on premises.



10. Home occupation signs smaller than 2 square feet.
11. Identifying signs as listed in Tables T-1; T-4; and T-5.

h. Regulation of Legally Nonconforming Signs

Signs on the premises of legally nonconforming uses, such as an office in a residential area, may remain until the existing use of the premises is discontinued, subject to the regulations of this Section.

1. If a legally nonconforming sign lists more than one business, new businesses may be added without affecting the non-conforming status of the sign. However, the sign may not be altered in any way that extends the sign's nonconformity in any manner.
2. Nothing in this Section shall relieve the owners or users of legally nonconforming signs, or the owners of the property on which legally nonconforming signs are located, from any provisions of this Section regarding the safety, maintenance, and repair of signs.
3. Should fifty (50) percent or more of any legally nonconforming sign be damaged by any means, it shall be removed and not reconstructed except in conformity with the provisions of this Section.
4. Any business that has closed shall remove any signs associated with the business within sixty (60) days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the 60-day period.
5. The existence of a legally nonconforming sign on a single or multiple occupancy premises shall not prevent the erection or placement of another sign on the premises, if the new sign meets the requirements of this Section. However, the total number of signs and the size and area of the signs shall not exceed the requirements of this Section.
6. A legally non-conforming sign shall immediately lose its legally nonconforming designation if the sign is altered in any way. At that point, the sign shall be immediately brought into compliance with this Section and a new permit secured, or the sign shall be removed.

**CHART A  
PERMITTED PERMANENT SIGNS**

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right-of-Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection from Building (Attached sign)</u>	<u>Zones Permitted</u>
P-1: All signs & signals owned & operated by the Township	-	-	-	-	-	-	All
P-2: Identification and information for public & semi-public facilities such as schools, churches, public utilities, clubs, hospitals, libraries, historical societies and the like.	1 free-standing and/or 1 attached	20 sq. ft. per lot (total)	15 ft.	Height of building	10 ft.	12 in.	Where use is permitted
P-3A: Signs denoting livestock raising operations	1 per dwelling unit	6 sq. ft. per sign	5 ft.	-	10 ft.	12 in.	A
P-3B: Nameplates identifying owner or resident of private property (excludes mailboxes, but includes signs for home occupations)	1 per dwelling unit	2 sq. ft. per sign	5 ft.	-	6 ft.	12 in.	All
P-4: Signs indicating the private nature of a road, driveway, or other premises and signs controlling the use of private	-	2 sq. ft. per sign	-	-	6 ft.	12 in.	All

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right-of-Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection from Building (Attached sign)</u>	<u>Zones Permitted</u>
property, such as prohibition of hunting, fishing, or trespassing							
P-5: On-site directional signs	2 per street frontage used as access	2 sq. ft. per sign	2 ft.	Height of building	6 ft.	12 in.	All
P-6: Off-site directional signs	1 per lot	2 sq. ft.	2 ft.	Height of building	3 ft.	12 in.	All with permission of land-owner on whose land sign is placed. <b>Not on traffic or utility poles.</b>
P-7: Identification sign for a residential subdivision or multi-family development	1	20 sq. ft.	10 ft.	-	10 ft.	-	Where use is permitted
P-8: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use buildings, and industrial parks)							
P-8A: Freestanding business sign	1 per street frontage	50 sq. ft.	10 ft.	-	Height of building	-	Where use is permitted
P-8B: Attached business sign	1 per street frontage	15 sq. ft.	-	Height of Building	-	12 in.	Where use is permitted
P-9: Business signs for shopping centers, malls, multi-use buildings, and industrial parks (complexes)							
P-9A: Freestanding business sign for complex	1 per street frontage	300 sq. ft.	15 ft.	-	Height of building	-	I,C

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right-of-Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection from Building (Attached sign)</u>	<u>Zones Permitted</u>
<p>Note:            Individual stores or businesses are prohibited from having individual freestanding signs when located as part of a complex</p>							
P-9B: Attached business sign for complex	1 per street frontage	50 ft. sq.	-	Height of building	-	12 in.	I,C
P-9C: Attached business sign for individual stores or businesses within a complex	1 per store or business	10 sq. ft.	-	Height of building	-	12 in.	I,C
P-10: Advertising Sign (see subsection D)							I, C

**CHART B  
PERMITTED TEMPORARY SIGNS**

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right-of-Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection from Building (Attached sign)</u>	<u>Zones Permitted</u>
T-1: Signs identifying architects, engineers, contractors, or others engaged in construction work on the premises where their work is proceeding <u>SIGN TO BE REMOVED UPON COMPLETION OF WORK OR OCCUPANCY OF THE BUILDING WHICHEVER COMES FIRST</u>	1 per each separate firm involved in work on the site.	12 sq. ft. per sign	10 ft.	Height of building	10 ft.	12 in.	All
T-2: Real estate signs on individual properties that are for sale, rent or lease, or which have been sold, rented or leased <u>SIGNS TO BE REMOVED WITHIN ONE WEEK OF SALE, RENT OR LEASE AGREEMENT</u>	1 per street frontage of the lot	6 sq. ft. per sign	-	Height of building	10 ft.	12 in.	All
T-3: Signs announcing proposed housing developments, apartment complexes, or commercial, industrial or other nonresidential	1 per street frontage	20 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	Where use is permitted and development approved.

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right-of-Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection from Building (Attached sign)</u>	<u>Zones Permitted</u>
development <u>SIGNS TO BE REMOVED UPON 90% COMPLETION OF DEVELOPMENT OR WITHIN ONE YEAR OF ERECTION OF THE SIGN WHICHEVER OCCURS FIRST</u>							
T-4: Signs advertising the TEMPORARY sale of agricultural and horticultural products  <u>WILL BE DISPLAYED ONLY WHEN PRODUCTS ARE ON SALE</u>	1 per lot	6 sq. ft. per sign	-	Height of building	6 ft.	12 in.	All
T-5: Temporary Directional signs. <u>NOT TO EXCEED ONE WEEK OF PLACEMENT</u>	-	6 sq. ft. per sign	2 ft.	Height of building	3 ft.	12 in.	All, with permission of landowner on which sign is placed. <b>Not on traffic or utility poles.</b>
T-6: Signs announcing grand openings, new ownership, change of use, etc., on the site of the permitted use <u>NOT TO EXCEED 30 DAYS OF</u>	1 per lot (attached or free-standing)	20 sq. ft. per sign	30 ft. or building face	Height of building	10 ft.	12 in.	All, where use is permitted

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right-of-Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection from Building (Attached sign)</u>	<u>Zones Permitted</u>
<u>PLACEMENT</u>							
T-7: Temporary signs announcing a special event not normally associated with a location or a location's use (does not include yard/garage sales or special business promotion sales)							
T-7A: On the site of the event. <u>NOT TO EXCEED 30 DAYS AND SIGN SHALL BE REMOVED WITHIN 7 DAYS FOLLOWING THE CONCLUSION OF THE EVENT</u>	1 per frontage	20 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All
T-7B: On a location away from the site of the event <u>NOT TO EXCEED 7 DAYS PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT</u>	-	6 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the landowner on which the sign is placed. <b>Not on traffic or utility poles.</b>
T-8: Signs for a political election <u>SIGNS LOCATED ON PUBLIC PROPERTY OR RIGHT-OF-WAY SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE WITHIN 10 DAYS FOLLOWING THE PRIMARY OR GENERAL</u>	-	6 sq. ft.	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the landowner on which the sign is placed. <b>Not on traffic or utility poles.</b>

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right-of-Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection from Building (Attached sign)</u>	<u>Zones Permitted</u>
<u>ELECTION TO WHICH THEY REFER</u>							
T-9: Sidewalk sign for a commercial business <u>SHALL BE DISPLAYED ONLY DURING NORMAL BUSINESS HOURS</u>	1 per frontage	6 sq. ft. per sign	May be placed within street right-of-way, but not on a public sidewalk or between such sidewalk and the edge of the roadway	-	4 ft.	-	C
T-10: Portable Business Signs <u>SHALL NOT BE DISPLAYED MORE THAN ONCE A MONTH FOR A MAXIMUM OF 7 CONSECUTIVE DAYS</u>	1 per business or street frontage (a minimum of 75 feet must be maintained between signs)	36 sq. ft.	May be placed within street right-of-way, but not on a public sidewalk or between such sidewalk and the edge of the roadway	-	6 ft.	-	C



Section 403 Unenclosed Storage

- a. Trailers and Trucks: In the Residential Zone, unregistered vehicles, recreational vehicles and trailers, and trucks with a vehicle rating over one ton shall not be stored for a period in excess of three (3) days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot.
- b. Outdoor Stockpiling: In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards. In Commercial and Industrial Zones when outdoor storage and stockpiling of material is required and not in violation of this ordinance or any other Township ordinance the material shall be completely enclosed by a wall or fence not exceeding ten (10) feet in height, excluding building walls. In the case of pre-existing non-conforming uses of Commercial or Industrial nature, not located in the appropriate zone, that are expanded, modified, or altered, they shall be brought up to current requirements of this section at the time of the expansion, modification or alteration.
- c. Trash, Junk or Waste: Except as provided in Section 644 or other Township Ordinance, the accumulation of trash, waste or junk out-of-doors is prohibited in all zones. All accessory structures used for short term storage of such material shall be constructed and maintained in such a manner so as to prevent children, vermin and pets from having access to such material.

Section 404 Sale of Agricultural Products

The retail sale of agricultural products is permitted in any zone on the property where they were produced.

Section 405 Parking

- a. Size of Parking Space: The parking space must have an area of not less than two hundred (200) sq. ft., exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required, the total parking area including passageways and driveways must average three hundred (300) sq. ft. per required parking space.
- b. Spaces Required: Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Residential Dwelling	½ dwelling unit (2 spaces per dwelling unit)
Rooming House	Bedroom
Hotel, Motel, Bed and Breakfast	Guest sleeping room and each employee
Group Home	Occupant
Home Occupation	Nonresident employee, plus 2 additional

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u> spaces for the home occupation
Office Building	300 sq. ft. of gross floor area
Retail Store or Shop	200 sq. ft. of gross floor area
Convenience Store	75 sq. ft. of gross floor area
Eating Establishment (eat-in)	80 sq. ft. of gross floor area and ground area (excluding parking) devoted to patron use on the property, or 3 seats, whichever requirement is greater
Eating Establishment (fast food)	2 seats and every 2 employees
Bowling Alley, Billiard Room	½ lane (2 spaces per lane or table)
Other Recreational Establishment	200 sq. ft. of gross floor area
Outdoor Athletic facility	Four seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site.
Automobile Repair, Service Station	400 sq. ft. of gross floor area and ground area devoted to repair and service facilities
Shopping Center, Shopping Mall, Shopping Plaza	200 sq. ft. of gross floor area
School	Staff member plus one (1) space per classroom in an elementary or junior high school and one (1) space per five (5) students of projected building capacity in a senior high school or college
Other Commercial Buildings	400 sq. ft. of gross floor area
Convalescent Home, Hospital	½ bed (2 spaces per bed)
Auditorium, House of Worship, Theater, and other such place of Public Assembly	200 sq. ft. of gross floor area but not less than 4 seats
Professional Office of veterinarians, physicians, or	Five spaces for each veterinarian, physician, or dentist

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
dentists	
Animal Hospital	Per employee and per 4 animals of capacity
Financial Institution	100 sq. ft. of gross floor area plus one for each employee
Industrial & Wholesale establishment	1½ employees on major shift but at least 1 space for each 5,000 sq. ft. of gross floor area
Funeral Home	100 sq. ft. of gross floor area
Adult-oriented facility	100 sq. ft. of gross floor area plus one for each employee
Club, Lodge, and Other similar place	100 sq. ft. of gross floor area
Outdoor Open Air Retail	½ Vendor (2 spaces per vendor space)
Outdoor Sales -Vehicle Sales	20% of sales area to be reserved for customer parking

In the case of an addition or enlargement of a building existing on the date of adoption of this ordinance, parking spaces must be provided to the extent to which the required spaces of the altered or enlarged building exceed those applicable to the original building or use.

- c. Location: The parking area must be on the same or nearby premises. If on nearby premises –
  - 1. The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: one hundred (100) feet in the case of a commercial use, two hundred (200) feet in the case of a residential use, and three hundred (300) feet in the case of industrial use.
  - 2. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.
- d. Layout: Parking areas must be arranged so there will be no need for motorists to back onto:
  - 1. Local streets, except in the case of residential uses.
  - 2. Major thoroughfares.
- e. Parking Area Adjacent to Street: For multi-family and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective

devices satisfactory to the Township must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.

- f. Paving: All required parking areas and all access drives for commercial, industrial or multi-family development uses shall be paved with a hard, dust-free material such as bituminous or concrete.
- g. No parking space or access drive shall be closer than three (3) feet to any property line, lot line or street right-of-way line.

Section 406 Loading

- a. Size: Surfacing: - The loading space must be not less than twelve (12) feet wide and sixty (60) feet long. It must be surfaced so as to be available in all weather.
- b. Spaces Required: Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Number of Loading Spaces</u>
Manufacturing, storage, display or sale of goods Hospitals and sanitariums	1 space for a gross floor area of 5,000 to 25,000 sq. ft. and additional space for each 10,000 sq. ft. of gross floor area in excess of 25,000 sq. ft.
Offices, hotels, theaters or similar uses	1 space for a gross floor area of 20,000 to 100,000 sq. ft. and 1 additional space for each 40,000 sq. ft. of gross floor area in excess of 100,000 sq. ft.

- c. Layout: The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area.

Section 407 Screens and Buffers

Where an Industrial or Commercial Zone abuts a Residential Zone or residential use, except for street or alley frontage:

- a. A fence or hedge or evergreen planting acceptable to the Township is required to be erected in the Industrial Zone to completely screen from view (in the Residential Zone or abutting a residential use) the industrial use.
- b. The space along the side or rear lot line in the Commercial and Industrial Zones abutting a Residential Zone, or residential use, for fifty (50) feet in depth may not be used for commercial or industrial operations. This area must be suitably landscaped and maintained. However, parking is permitted within the interior twenty (20) feet of the fifty (50) feet buffer strip.

Section 408 Illumination

The standards and requirements of this section shall apply in all zones. Lighting shall be controlled in both height and intensity to maintain community character and prevent hazardous conditions or illumination of adjacent properties and reduce atmospheric light conditions.

- a. The applicant shall provide the specifications of the proposed lighting system and its arrangement on the site with preliminary plan submission or at final plan submission if no preliminary plan is required. These specifications shall contain but not limited to, the following:
1. The location, height, make, model, lamp type and wattage of each outdoor lighting fixture; and
  2. Certification that no more than 10% of the illumination can be emitted at or above 10% below the horizontal plane; and
  3. Illumination levels must be defined on the plan. In no case shall a level of .1 (point one) foot-candles be exceeded beyond the property line, measured by line of site from adjoining property.
- b. All required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance and Zoning Ordinance #239 as amended. Lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used as a guideline for the said design.
- c. Exemption
1. Exemption – This section shall not apply to street lighting that is owned, financed or maintained by the Township or Commonwealth.
  2. Emergency and Construction Lighting – Emergency lighting, used by police, firefighting or EMS personnel or at their direction and construction lighting, is exempt from all requirements of this Section for as long as the emergency exists. Construction lighting shall be discontinued immediately upon completion of the construction work.
  3. Flags – Illumination of the Official Flag of the United States of America and/or the Official Flag of the Commonwealth of Pennsylvania or other flags flown in conjunction with, shall be exempt from all requirements of this section provided that such illumination does not adversely affect any adjoining property. The flood or spot light shall be located within five (5) feet of the base of the flag pole, directed upward to illuminate the flags only. The flood or spot light shall not be directed toward any roadway at the Township or Commonwealth.
- d. Applicability
1. New Uses and Buildings – For all proposed new land uses, developments, buildings and structures that require a permit, all lighting fixtures shall meet the requirements of this section. Change in use or resumption of use after abandonment shall constitute a new use and will require compliance with this section.
  2. Replacement of existing fixtures or addition of new fixtures – Any new lighting or replacement of existing fixtures shall be in compliance with this section.

e. Requirements

1. Areas to be Lighted – All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and directional signs.
2. Shielding – All lighting shall be hooded and/or screened so as not to permit the source of illumination or lenses to be seen from off the premises. No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture.
3. Glare – No direct or sky reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise shall be permitted.
4. Nuisances – The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to motorists and residents of the Township. No lighting intended for a specific property's illumination shall be directed upon or cast glare upon any public roadway of the Township or Commonwealth.
5. Height – The maximum height of light standards shall not exceed the maximum building height of the zone, but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.

Section 409 Demolition

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence. All evidences of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

Section 410 Minimum Habitable Floor Area

All dwelling units must conform to the minimum habitable floor area following:

- a. Single-family, Two-family, Mobile homes, Townhouse: 700 sq. ft. per dwelling unit.
- b. Other Multi-family Apartment or Multi-family Conversion: 400 sq. ft. per dwelling unit.

Section 411 Alternative Energy Requirements

a. Intent

The alternative energy requirements are designed to recognize the need for conservation of energy and natural resources to facilitate the utilization of renewable resources. These regulations are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce energy dependence by encouraging the productive use of solar and wind energy components.

b. Definitions

The following terms are specifically designed for use within this Section:

**ACTIVE SOLAR ENERGY SYSTEM** – a solar energy system that requires external mechanical power to move collected heat.

**ENERGY STORAGE FACILITY** – equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**PASSIVE SOLAR ENERGY SYSTEM** – a solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

**SOLAR COLLECTOR** – a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply.

**SOLAR ENERGY** – radiant energy (direct, diffused and reflected) received from the sun.

**SOLAR ENERGY SYSTEM** – a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

**SKYSPACE** – the open space between a solar or wind collector and the sun or prevailing wind that must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.

**WIND ENERGY CONVERSION SYSTEM** – a device that converts wind energy to mechanical or electrical energy; commonly referred to as windmills.

**WIND ROTOR** – the blades, and hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

c. Solar, Wind and Alternate Energy Standards

The use of solar, wind and alternate energy systems is encouraged within this ordinance and permitted within any zoning district. Although the installation of such systems is not mandatory, where they are utilized, the following shall apply:

1. Active and passive solar systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium that is intended for conveyance to a principal or accessory building. Systems may include the following, subject to the requirements contained herein:
  - (a) Solar panels with a combined glazing area of sixty-five (65) square feet or less may be placed in any required yard but shall not be closer than two (2) feet from any property line.
  - (b) Solar panels with a combined glazing area in excess of sixty-five (65) square feet, provided that:
    - (i) Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district;
    - (ii) Solar panels that are freestanding or attached to an accessory structure shall comply with the accessory structure requirements of this Ordinance.
  - (c) Solar greenhouses attached to principal structures shall meet all yard requirements for a principal structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall meet all yard requirements specified for accessory structures in this Ordinance.
  - (d) Detached solar greenhouses shall meet all yard requirements specified for accessory structures in this Ordinance.
  - (e) Wind Energy Conversion System (WECS) for energy uses shall be permitted as an accessory to principal use within the A and Cv Districts on lots 2 acres or greater and comply with the following regulations:
    - (i). Primary purpose shall be to provide power for the principal use and accessory uses of the property and is not for the generation of power for commercial purposes.
    - (ii). One WECS tower per lot or parcel.
    - (iii). No WECS shall be located in any required front yard area.



- (iv). Maximum height shall be 80 ft. measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
- (v). Minimum setback from all property lines, structures and above ground utility lines shall be 125 ft.
- (vi). Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution line at the point of ground attachment, guy wires shall be enclosed by a fence six feet in height.
- (vii). Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
- (viii). Blade color shall be white or light gray.
- (ix). Lighting of the tower for aircraft and helicopter will conform with FAA standards for wattage and color, when applicable.
- (x). The tower should have either:
  - a. Tower climbing apparatus located no closer than 12 ft. to the ground level at the base of the structure
  - b. A locked anti-climb device installed on the tower, or
  - c. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
- (xi). A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
- (xii). An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- (xiii). No variance shall be issued for the placement of a WECS so close to the property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.

d. Protection and Maintenance

The improvements required and permitted within this Section shall be protected and maintained to ensure the environmental benefits of nonpolluting, replenishable alternate energy. The following requirements shall apply:

1. Protection

- (a) Where a solar or wind energy system has been installed to serve an existing structure, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the sky space affecting the solar or wind energy system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a building and zoning permit for the solar or wind energy system.
- (b) Maximum height requirements of this Ordinance shall not apply to roof-mounted solar collector systems.

2. Maintenance

- (a) Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
- (b) A disconnected or abandoned energy system shall be dismantled and removed from the property within sixty (60) days of such abandonment.

d. Plans and Permits

- 1. Plans depicting solar or wind energy installations shall be submitted at the time of application for a Building and Proposed Use permit. Information may be included on the required plot plan specified in this Ordinance or submitted on a separate plan. In addition to the information required elsewhere within this Ordinance, plans shall include:
  - (a) Exact size and location of proposed solar or wind energy conversion system.
  - (b) Any associated apparatus, structures, or architectural features necessary for the efficient operation of a solar or wind energy device.
- 2. Building and Proposed Use Permits – A Building and Proposed Use Permit shall be required for installation of, expansion or alteration to any of the energy systems described within this Section. Applicable procedures of this Ordinance shall apply during the processing of such permit applications. Where desired, the Zoning Officer may refer plans to any other applicable agencies for review and comment prior to formal action on the permit application.

Section 412 Exceptions to Minimum Lot Width

The minimum lot width provisions contained in Article III for zoning districts R-1, R-2, A, and Cv may be altered such that the lot width may be measured at the established front building setback line in the following cases:

- a. Two (2) lots are to be created from an existing property to provide public road frontage to an otherwise landlocked property in which no new building lots are being created (other than the previously landlocked lot).

- b. An existing property is to be divided into no more than two (2) lots, which did not contain adequate frontage at the minimum front building setback for the creation of two (2) lots on the date of adoption of the Zoning Ordinance. In addition, the original property's lot width remains inadequate to provide frontage at the minimum front building setback for the creation of any additional lots.

If the exception to minimum lot width qualifies as one of the two (2) cases outlined above, the following additional requirements apply:

- 1. The minimum width of the lot measured at any point parallel to the public roadway, between the right-of-way line and established front building setback line, shall not be less than fifty (50) feet.
- 2. The maximum distance from the public roadway right-of-way to the established front building setback may be no greater than 500 feet.

413 Performance Standards for All Uses

All uses shall be subject to the following regulations, where applicable:

- a. All applicable Rules and Regulations of the Pennsylvania Department of Environmental Protection (PA DEP), including but not limited to: the Pennsylvania Clean Streams Law, 35 P.S. §691 et. seq., and the Sewage Facilities Act, 35 P.S. §750.1 et. seq.;
- b. All applicable state and federal regulations pertaining to the extraction of rock and minerals from the earth either by mine or quarry operations, including but not limited to the Pennsylvania Surface Mining Conservation and Reclamation Act, 52 P.S. §1396. 1 et. seq.;
- c. No use or operations shall be permitted which creates a public nuisance or hazard to adjoin properties by reason of fire, explosion, radiation, fumes, or noise or other similar cause.
- d. Outdoor Lighting: All outdoor lighting shall be so arranged and shielded so that no unreasonable glare or illumination is cast upon adjoining residential uses in any district or upon any public street.
- e. Subdivision and land developments shall be reviewed in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
- f. Each single family dwelling shall be sited on a separate lot.
- g. No more than one principal use per lot shall be allowed unless special exception approval is obtained.

Section 414 Nonconformities

a. Continuance

- 1. Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, even

though such use of land or building does not conform to the use regulations specified by this Ordinance for the zone in which such land or building is located.

2. Any nonconforming lot or structure lawfully existing at the date of the adoption of this Ordinance may be continued.

b. Expansion or Alteration

1. Upon application for a special exception, and in accordance with the provisions of this Ordinance, the Zoning Hearing Board may approve the expansion of a use of land or building that is not in conformance with the provisions of this Ordinance.
2. Any alteration that will reduce the extent of a nonconformity shall not require the approval of a special exception.

c. Replacement

1. A nonconforming use, if discontinued or abandoned for a period of one (1) year, may be replaced only by a conforming use.
2. A dimensional nonconformity may be replaced only in conformance with the provisions of this Ordinance.

d. Restoration: If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of God or a public enemy to an extent of more than seventy-five percent (75%) of the market value as appraised for tax assessment purposes, then such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored, or repaired except upon issuance of a variance in accordance with this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof that has been declared unsafe.

e. Discontinuance or Abandonment: A nonconforming use shall be judged as discontinued or abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.

f. Reversion: No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.

g. Zone Changes: Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.

h. Identification and Registration: Nonconforming uses and nonconforming structures may be identified and registered by the Zoning Officer.

Section 415 Forestry

a. Intent

It is the intent of the following regulations to conserve forested open space and its environmental, economic, recreation, wildlife and amenity values by promoting good forest stewardship; protect the rights of adjoining property owners; and minimize the potential for adverse environmental impacts.

b. Applicability

Forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. These regulations apply to all timber harvesting within the Township where the project area exceeds two (2) acres for clear cutting operations and five (5) acres for selective cutting operations. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement. These provisions apply to privately and publicly owned property. These provisions apply to any site where there will be clearing of trees for any purpose, if lumber will be removed from the site.

c. Notification and Preparation of a Logging Plan

1. Notification of commencement or completion. For all timber harvesting operations with a project area exceeding two (2) acres for clear cutting operations and five (5) acres for selective cutting operations, the landowner shall notify the Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
2. Logging Plan. Every landowner on whose land timber harvesting is to occur shall have a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The plan shall incorporate Best Management Practices (BMPs) for forestry found in the publications *Best Management Practices for Pennsylvania Forests*, *Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands*, and *Controlling Erosion and Sedimentation from Timber Harvesting Operations*.
3. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

d. Contents of the Logging Plan

1. Minimum requirements. As a minimum, the logging plan shall include the following:

- (a) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
  - (b) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
  - (c) Design, construction, and maintenance of stream and wetland crossings;
  - (d) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
2. Map. Each logging plan shall include a sketch map or drawing containing the following information:
- (a) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
  - (b) Significant topographic features related to potential environmental problems;
  - (c) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
  - (d) Location of all crossings of waters of the Commonwealth;
  - (e) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
3. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state regulations, including but not limited to, the following:
- (a) Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.). An erosion and sedimentation plan shall be on-site and shall be approved by the York County Conservation District when required.
  - (b) Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).
4. Relationships of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.

e. Forest practices. The following requirements shall apply to all timber harvesting operations in the Township.

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
2. No tops or slash shall be left within twenty-five feet of any public thoroughfare or private roadway providing access to adjoining residential property.
3. All tops and slash between twenty-five and fifty feet from a public roadway or private roadway providing access to adjoining residential property or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the ground.
4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
6. Skid trail, skid road, haul road, and landing area design shall be consistent with PA Department of Environmental Protection guidelines.
7. Routes using municipal roads shall be approved by the Township Supervisors. The Supervisors will also set the maximum gross weight permissible on municipal roads.
8. Hours during which harvesting can occur are subject to the approval of the Township Supervisors.
9. Landing or staging areas and haul or skid roads shall be restored and reseeded after the harvest is complete. Site access roads shall be closed to the general public.

f. Responsibility for road maintenance and repair: road bonding.

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to municipal roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages. No mud or debris shall remain on public roads.

g. Enforcement

1. The Zoning Officer or other party designated by the Township Supervisors shall be the enforcement officer for this Section.
2. Inspections. The Zoning Officer or other designated party may go upon the site

of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this section and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

Section 416 Private Mail Boxes

- a. Private mail boxes and/or newspaper tubes are permitted provided that no portion of the mail box and/or newspaper tube or supporting structure shall extend beyond the back edge of the street curb where curbs are installed. Along streets with no curb, no portion of the mail box and/or newspaper tube shall extend to within two (2) feet of the cartway edge.
- b. If a property utilizes a curbside mailbox for mail delivery, said mailbox must comply with the manufacturer specifications under the U.S. Postal Service (USPS) Standard 7 (Mailboxes, City and Rural Curbside). The box should bear the Township designated street address and may bear the owner's name and street name. Advertising on the boxes or supports is prohibited, with the exception of newspaper names on delivery tubes attached to mailbox supports.
- c. Curbside mailbox supports must meet the height criteria established by the USPS. Any pole recommended by the manufacturers of mailboxes conforming to the appropriate governmental regulations shall be acceptable. Support structures that do not conform to postal regulations are prohibited. Box supports designed to prevent vandalism by providing protection from destruction rather than support of the box are not permitted on the right-of-way of streets, roads, and highways within the Township.
- d. Any existing mailbox structure otherwise prohibited that is located in the right-of-way of any road in the Township shall be permitted to remain if found not to be a traffic hazard by the Township Engineer. A mailbox structure shall be classified as a traffic hazard if one or more of the following conditions apply:
  1. It is located so to obstruct any part of a clear sight triangle at or within seventy-five (75) feet of any intersection.
  2. It is located in the vicinity of a road curve so that the inertia of a motor vehicle that fails to negotiate the curve could cause it to collide with the structure.
  3. If the structure impairs the view of approaching traffic or of any traffic signs, markings, or signals.
  4. The structure is so close to the cartway to present a threat of collision to oversize loads and bicyclists traveling along the road or berm of the road.

Section 417 Prohibited Uses

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



No land or structures in any zoning district shall be used or occupied in any manner that creates any nuisance in a manner or an amount that will adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.

No building or structure may be erected within a street right-of-way except for official traffic signs, utility poles, street lights, street signs, U.S. Postal Service mail boxes, and other similar structures approved by the Township Supervisors. No decorative pillars, statuary, or gates are permitted within the street right-of-way.

## ARTICLE V

### ZONING HEARING BOARD

#### Section 501. Powers and Duties - General

- a. Membership of Board: The membership of the Board shall, upon the determination of the Board of Supervisors, consist of either three (3) or five (5) residents of the Township appointed by resolution of the Board of Supervisors. The terms of office of a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office expires under prior law. The Board of Supervisors shall appoint two (2) additional members to the Zoning Hearing Board with terms scheduled to expire in accordance with the provisions of this subsection. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provision of Subsection B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for board members including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Section and as otherwise provided by law. Alternates shall hold no other office in the Township. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board or be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, unless designated as a voting alternate member pursuant to Subsection B.

- b. Organization of Board: The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 502.

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of Conewago Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors once a year.

- c. Powers: The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:
1. Substantive challenges to the validity of any land use ordinance except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
  2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.
  3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit or failure to act on the application therefore, the issuance of any cease-and-desist order, or the registration or refusal to register any nonconforming use, structure, or lot.
  4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance.
  5. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 503.
  6. Applications for special exceptions under the Zoning Ordinance or flood plain or flood hazard ordinance or such provision within a land use ordinance, pursuant to Section 504.
  7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provision of the Zoning Ordinance.
  8. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.
  9. 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 storm water management, insofar as the same is related to development not involving subdivision and land development or planned residential development applications.
- d. Board Calendar: Each application or appeal filed in the proper form with the required data must be numbered serially and be placed upon the calendar of the Board by the

Zoning Officer. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. A hearing must be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.

Section 502 Public Hearings

- a. Notice; Conduct of Meeting: Public written notice shall be given to the applicant, the Zoning Officer, to each property owner within two hundred (200) feet of the property involved, and to any person who, at least two (2) weeks prior to the scheduled hearing, has made request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs.

The first hearing before the Board or hearing officer shall commence within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 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. Upon the request of the applicant, the Board or hearing officer shall ensure that the applicant receives at least seven hours of hearings within the 100 days, including 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. An applicant may, upon request, be granted additional hearings to complete the case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials except advice from the Board's solicitor,

unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

- b. Representation; Statements: Parties to the hearings shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

The parties shall have the right to be represented by counsel and be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

Statements are to be made in the following order or as the Chairman may direct:

1. Applicant or appellant.
2. Zoning Officer and other officials.
3. Any private citizen.

The applicant or appellant must be given an opportunity for rebuttal.

- c. Witnesses: The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- d. Decision Procedure: The Board or the hearing officer as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or of any Ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in 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 its report and recommendations available to the parties within forty-five (45) days, 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. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct, or complete the required hearing as provided in subsection 502.A of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time

When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public

notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection A of this Section. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

A copy of the final decision of the findings shall be delivered to the applicant personally or mailed to him or her, even if no decision is called for, not later than the day following the date of the decision. A copy of said decision shall also be delivered or mailed to the Township Zoning Officer in the same manner as noted for the applicant. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

- e. Records: The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing 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.

#### Section 503 Variances

- a. Filing of Variance: An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be made on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Township Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of the decision authorizing the variance.

- b. Referral to Planning Commission: All applications for a variance shall be referred to the Planning Commission for a report.
- c. Standards for Variance: Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made:

1. There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
  2. Because of such physical circumstances or conditions, no possibility exists that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. The unnecessary hardship has not been created by the appellant.
  4. The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located or substantially or permanently impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
  5. The variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.
- d. Conditions: In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

Section 504 Special Exceptions

- a. Filing of Special Exceptions: For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show:
1. Ground floor plans and elevations of proposed structures.
  2. Names and addresses of adjoining owners.

Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.

- b. Temporary Special Exceptions: A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity that is, or will be, seasonal or temporary. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, that:

Is beneficial to the public health or general welfare or necessary to promote the proper development of the community and is seasonal in nature.

The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Township.

- c. Referral to Planning Commission: All applications for a special exception shall be referred to the Township Planning Commission for a review.
- d. Conditions: The Zoning Hearing Board in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions that are more restrictive than those established for other uses in the same zone.
- e. Application of Extent-of-Use Regulations: The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
- f. The Zoning Hearing Board may issue, upon application, only such special exceptions that the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of his or her application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.
  - 1. Such use shall be one that is specifically authorized as a use by Special Exception in the zoning district wherein the applicant seeks a special exception. The use shall meet all applicable regulations of this Zoning Ordinance.
  - 2. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
  - 3. Such use shall not adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the general neighborhood, or the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
  - 4. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use.
  - 5. Services and utilities such as water supply, sewage disposal, and storm water drainage shall be made available to adequately service the proposed use by the applicant.



6. There shall be control of the development of highway frontage so as to limit the number of points for ingress and egress and consider their location with due regard for safety factors.
  7. Consideration shall be given to the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.
  8. Consideration shall be given to such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.
  9. The proposed use shall not have an adverse effect upon the logical and economic extension of public services and facilities, such as public water, sewer, police and fire protection, and public schools.
  10. The proposed use does not impair the achievement of any Township Comprehensive Plan. In granting a special exception, the Board 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 this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight or sound barrier, and the minimizing of potentially noxious, offensive, or hazardous elements.
- g. The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance or the Pennsylvania Municipalities Planning Code, as amended.
  - h. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.
  - i. Special Standards: In addition to the general standards for all special exceptions as contained in Section 504 (F), the specific standards for particular uses as listed in Article VI must be met prior to the granting of a special exception.

Section 505     Procedures for Application to the Zoning Hearing Board

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Zoning Officer. As a minimum, all material required for a

Proposed Use Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards, or other potentially harmful activities.

Section 506     Submission of Applications for Special Exceptions and Variances to Township Supervisors

The Zoning Officer shall forward a copy of any application for a Special Exception or Variance to the Township Board of Supervisors prior to the hearing held by the Zoning Hearing Board on such application.

## ARTICLE VI

### STANDARDS FOR SPECIAL EXCEPTION USES

#### Section 601 Requirement of Specific Standards

In addition to the general standards for all special exceptions as contained in Section 504.f., the specific standards for the particular uses allowed by special exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

#### Section 602 Adult Day Care Center

In the R-1, R-2, V, C, A, or Cv Zones and subject to the requirements of that zone except as herein modified and provided:

- a. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Township prior to occupancy approval by Conewago Township.
- b. At least one (1) parking space for each employee plus one (1) space for each one hundred (100) sq. ft. of habitable floor area shall be provided.
- c. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.
- d. Water and sewerage needs must be adequately addressed.

#### Section 603 Adult Regulated Facility

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a. No materials, merchandise, film, or service offered for sale, rent, lease, loan, or for view shall be exhibited, displayed, or graphically represented outside of a building or structure.
- b. Any building, structure, or room used and occupied as an Adult Regulated Facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- c. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
- d. Each and every entrance to the structure shall be posted with a notice that the use is an Adult Facility, that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.

- e. Parking shall be established at the minimum ratio of one (1) parking space for each one hundred (100) square feet of gross floor area and one (1) parking space for each employee.
- f. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.
- g. Such Adult Regulated Facility shall not be located within one thousand (1000) feet of any public, private or commercial school, nor a House of Worship, nor a private residence of any kind.

Section 604 Airport

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 10 acres minimum.
- b. The approach zone to any of the proposed runways or landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
- c. There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
- d. Any building, hangar or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
- e. Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the useable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The final five hundred (500) feet of the glide path shall be wholly within the airport property.
- f. Access to the property containing the airport must be via an arterial street as designated by the Township Comprehensive Plan.

Section 605 Airstrip

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 10 acres minimum.
- b. The approach zone to any of the proposed runways or landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.

- c. There shall be no existing flight obstructions such as towers, chimneys or other tall structure or natural obstructions outside of the airstrip and located within the proposed approach zones.
- d. Any building, hangar or structure shall be located a sufficient distance way from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
- e. Building heights in airstrip approach zones shall be limited to provide a clear glide path from the end of the usable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airstrip is designed. The final five hundred (500) feet of the glide path shall be wholly within the airstrip property.

Section 606     Animal Hospital

In the C or A Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot area – One (1) acre minimum in the Commercial Zone and three (3) acres minimum in the agricultural zones.
- b. Setbacks – All dog runs, fenced enclosures and similar structures shall be located at least one hundred fifty (150) feet from all property or street lines. In the Agricultural Zone buildings must be fifty (50) feet from property lines; however in the Commercial Zones they may be up to thirty-five (35) feet from all property lines. No outside runs are permitted in a Commercial Zone.
- c. All animals must be housed within a structure except while exercising.
- d. All outdoor running or activity areas must be enclosed to prevent the escape of the animals.
- e. Satisfactory evidence must be presented to indicate that adequate disposal or animal waste will be provided daily in a manner that will not create a public health hazard or nuisance.
- f. Screening shall be provided to buffer adjacent properties from visual and audible nuisances.
- g. All buildings to be built in a manner to prevent noises from the interior to escape outside.

Section 607     Apartment or Dwelling in Conjunction with Commercial Use

In the V Zone and subject to the requirements of the zone in which it is located, except as herein modified and provided:

- a. Apartments are permitted as an accessory use above the first floor of a commercial use.
- b. A separate entrance must be provided for the residential use.
- c. The open area, that is, that part of the lot not covered by buildings or structures, provided for the lot must include a minimum of four hundred (400) square feet of area for each dwelling unit.

- d. All parking, habitable floor area, and other applicable requirements of this Ordinance shall be satisfied in addition to those required for the commercial use.
- e. Apartments in cellars are prohibited.
- f. Apartments in detached accessory buildings are prohibited

Section 608 Auction House

In the I or A Zones and subject to the requirements of that zone except as herein modified and provided:

- a. An Auction House shall be permitted as an accessory use or a principal use of the lot.
- b. Lot Area and Bulk Regulations.

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

- 1. The minimum lot area (principal and accessory uses) shall be five (5) acres.
- 2. The building setback shall be at least fifty (50) feet from any lot or street line.
- 3. The maximum lot coverage to be in accordance with the appropriate zone.
- 4. The maximum building height for new structures shall be one (1) story.

c. Parking Requirements

- 1. One (1) parking space per 100 sq. ft. of gross floor area shall be required.
- 2. One (1) off-street loading berth shall be required.

d. Supplemental Regulations

- 1. No parking area shall be located within the exterior twenty-five (25) feet, measured from the street or property lines.
- 2. The auction house site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
- 3. The use of outdoor public address systems for any purpose must be approved by the Board of Supervisors before use or installation.
- 4. Exterior lighting, other than that essential for the safety and convenience of the users of the premises, or security, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
- 5. A sign identifying the auction house use shall be permitted in accordance with Article IV, General Provisions, Section 402.

6. A temporary sign advertising a particular sale event shall be permitted in accordance with the provisions of Article IV, Section 402.c.
7. Auctions shall not be held more frequently than one in a 7-day period.

Section 609 Automobile Auction

In the I or C Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. All access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- b. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).
- c. Vehicle loading and unloading is prohibited between 11:00 p.m. and 6:00 a.m.

Section 610 Bed and Breakfast

In the R-1, A or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Guest stays shall be limited to a maximum of fourteen (14) days.
- b. A minimum of one (1) off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.
- c. One (1) sign may be erected on the property. The maximum size shall be two (2) square feet and it may be illuminated only by indirect lighting.
- d. The Inn must comply with local regulations including, but not limited to, fire, health, and building codes where applicable.
- e. Bed and Breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family dwelling.
- f. Meals shall be served only to overnight lodgers.
- g. Water and sewerage needs must be evaluated and deemed satisfactory by the Township Sewage Enforcement Officer and or PA Department of Environmental Protection.

Section 611 Campground

In the A or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot area – 5 acres minimum.

- b. Setbacks – All campsites shall be located at least forty (40) feet from any property line and sixty (60) feet from any street line.
- c. The proposed campground must comply with the appropriate health, sanitary and safety regulations of Conewago Township and the Commonwealth of Pennsylvania.
- d. Each campsite shall provide a minimum of fifteen hundred (1,500) sq. ft., and shall either provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common area or lot.
- e. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- f. Consideration shall be given to traffic problems. If the nature of the campground is such that it will generate a high volume of vehicular traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), then access should be via an arterial or collector street as designated by the Township Comprehensive Plan.
- g. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line.
- h. An internal road system shall be provided. The pavement width for the access drive entrance way shall be at least twenty-four (24) feet. The pavement width for internal drives shall be a minimum of sixteen (16) feet. All internal drives must be improved to a mud-free, dust-free condition.
- i. Any accessory retail or service commercial uses shall be set back at least one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for such uses shall have vehicular access from the campground's internal road rather than the public street. The parking requirements for such uses shall be those required for the retail stores in Section 405 (b) of this Ordinance.
- j. Sewer and water facilities approved by the PA Department of Environmental Protection must be utilized.
- k. The use must comply with all applicable State and local laws and regulations.

Section 612 Caretaker or Watchman Dwelling

In all Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Water and sewerage needs must be satisfactorily addressed.
- b. The dwelling must be clearly incidental to the facility to be watched or cared for.
- c. All regulations pertaining to single-family residences such as minimum habitable floor area, public roadway access and parking shall be addressed.



Section 613 Car Wash

In the V Zone and subject to the requirements of the zone in which the use is located except as herein modified and provided:

- a. All structures housing washing apparatus shall be set back at least fifty (50) feet from any street right-of-way line and twenty-five (25) feet from any side property line.
- b. Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- c. The facility shall be limited to the washing, waxing, and cleaning of automobiles.
- d. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, that is, in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation standard and the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers), access shall be by an arterial or collector street as designated in the Township's Comprehensive Plan.
- e. Sufficient on-site stacking lanes shall be provided to prevent vehicle back-up on adjoining roads: 100 feet for self-service, and 300 feet for full service.
- f. A drying area shall be provided.
- g. Public sewer must be utilized if available; otherwise, all waste water must be deposited in a disposal system approved by the PA Department of Environmental Protection.
- h. A water feasibility study must be submitted to ensure that adequate water supply is available and that the use will not adversely affect the water supply of neighboring properties.
- i. If the facility is adjacent to a residential use, the hours of operation shall be limited to one hour past dawn to one hour prior to dusk.

Section 614 Cemetery

In the R-1, R-2, A, or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. All burial plots or facilities shall be located at least thirty (30) feet from all property or street lines.
- b. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- c. No burial plots or facilities are permitted on land subject to flooding.
- d. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.

Section 615 Chemical Manufacturing, Processing and Storage Operations

In an I Zone and subject to the requirements of that district except as herein modified and provided:

- a. Lot area – 2 acres minimum.
- b. Lot width – 250 feet minimum.
- c. Setbacks – all buildings must be set back at least seventy-five (75) feet from a street line.
- d. Access must be via an arterial or collector street as designated by the Township Comprehensive Plan. Traffic entrances and exits must be evaluated with regard to distance from residential dwellings so that truck noise and vibration to these dwellings will be minimized.
- e. A buffer yard fifty (50) feet wide must be located on the site in all instances where the site adjoins a Residential Zone or a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- f. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).

Section 616 Child Day Care, Commercial

In the V Zone and subject to the requirements of that zone, except as herein modified and provided:

- a. This use may be considered as an accessory use to an existing or proposed principal use in the I zone provided that all applicable provisions for its establishment are satisfied.
- b. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and provide a copy of said certificate to the Township.
- c. Outdoor play areas for children, including at least 65 square feet per individual enrolled, must be located in a side or rear yard and be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. All outdoor play areas shall be wholly or partially shaded by trees or a pavilion(s).
- d. At least one (1) parking space for each employee plus one (1) space for each one hundred (100) square feet of habitable floor area shall be provided.
- e. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, that is, in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation standard and the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers), access shall be by an arterial or collector street as designated in the Township's Comprehensive Plan.

Section 617 Club Room, Club Grounds, Meeting Hall

In the A or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.
- b. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- c. The use shall not constitute a public or private nuisance.

Section 618 Communication Tower

In the C, I, A, or Cv Zones telephone or telegraph exchange, radio or television broadcasting towers, micro-relay stations, and similar facilities are permitted subject to the requirements of that zone in which located except as herein modified and provided:

- a. In an Agricultural Zone, such uses shall be permitted only if essential to service the zone in which located.
- b. The use may be considered as an accessory use to an existing or proposed principal use in the Commercial and Industrial Zones provided that all applicable provisions for its establishment are satisfied.
- c. Climbing access to the tower shall be secured from use by unauthorized persons.
- d. Buffers and screens shall be provided as necessary to adequately protect neighboring properties.
- e. Any exterior lighting shall be directed away from all adjacent properties.
- f. Height requirements shall be the height of any communication tower or structure above its base or the average grade level if self supporting shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line.

Section 619 Contractor's Facility

In the R-1, R-2, V, or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. All stored material and equipment must be contained within an enclosure or screened area so as not to be visible from adjacent properties.
- b. One (1) parking space must be provided for each employee.
- c. One (1) off-street loading berth shall be required.

- d. Access to the facility shall be via an arterial or collector street as designated in the Township Comprehensive Plan.
- e. One (1) sign may be erected on the property. The maximum size shall be two (2) square feet and may be illuminated only by indirect lighting.

Section 620 Contractor's Office

In the R, A, or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Two (2) parking spaces must be provided beyond the requirements for the normal residential requirements.
- b. One (1) sign may be erected on the property. The maximum size shall be two (2) square feet and may be illuminated only by indirect lighting.
- c. No outside storage or product/equipment delivery is permitted.
- d. The office must be clearly accessory to the primary (residential) use of the property.

Section 621 Convalescent Home

In the C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot area – 1 acre minimum.
- b. Lot width – 175 feet minimum.
- c. Setbacks – All buildings shall be located at least fifty (50) feet from all property or street lines.
- d. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- e. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.

Section 622 Dairy, Commercial

In the A Zone and subject to the requirement of the zone in which located except as herein modified and provided:

- a. One (1) off-street loading berth shall be required for every five thousand (5,000) sq. ft. of gross floor area.
- b. One (1) parking space for each employee.

- c. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic; i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township Comprehensive Plan.
- d. Water and sewerage needs shall be addressed in a satisfactory manner.

Section 623 Domiciliary Care Home

In the R-1, R-2, V, A, or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. If applicable, the facility must be certified by the York County Area Agency on Aging or Pennsylvania Department of Public Welfare prior to occupancy approval by Conewago Township.
- b. Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single family residence.
- c. The domiciliary care home must be owner occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.
- d. No facilities for cooking or dining shall be provided in individual rooms or suites.
- e. The home must comply with all local regulations including but not limited to fire, health, and building codes.
- f. One (1) parking space shall be provided for every two (2) persons residing at the home, beyond the residential parking requirements.

Section 624 Drive-In Business

In the I Zone and subject to the requirement of the zone in which located except as herein modified and provided:

- a. The subject property shall front on an arterial or collector road.
- b. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
- c. All drive-thru window-lanes shall be separated by curb from the parking lot's interior driveways.
- d. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- e. All exterior seating/play areas shall be completely enclosed by a minimum six (6) foot high fence.

- f. No part of the subject property shall be located within three hundred (300) feet of any residentially-zoned land.

Section 625 Echo Housing

In the R-1, R-2, V, A, or Cv Zones and subject to the requirement of the zone in which located except as herein modified and provided:

- a. The secondary dwelling (ECHO housing structure) shall be of portable construction and may not exceed eleven hundred (1,100) sq. ft. of floor area.
- b. The total building coverage for the principal dwelling, any existing accessory structures, and the secondary dwelling together shall not exceed the maximum lot coverage requirement for the respective zone.
- c. The secondary structure shall be occupied by either: a) at least one (1) person who requires care, by the occupants of the principal dwelling, due to being handicapped, disabled or requiring financial support, b) at least one (1) person who administers care to the occupants of the primary dwelling, who are handicapped, disabled or requiring financial support. The occupants of the primary and secondary dwellings must all be related by blood, marriage or adoption.
- d. The dwelling occupying the care recipients shall be occupied by a maximum of two (2) people.
- e. Utilities:
  - 1. For sewage disposal and water supply and all other utilities, the secondary dwelling shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.
  - 2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the secondary dwelling will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.
- f. A minimum of one (1) off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the secondary dwelling, in addition to that required for the principal dwelling.
- g. The secondary dwelling shall generally be installed and located to the side or rear of the principal structure, and shall adhere to all setback requirements for principal uses.
- h. The secondary dwelling shall be removed from the property within three (3) months after the care described above is no longer required.

- i. Upon the proper installation of the secondary dwelling, the Zoning Officer shall issue a temporary use certificate. Such permit shall be reviewed every twelve (12) months until such time as the secondary dwelling is required to be removed.
- j. At no time shall the owners of the property and principal dwelling collect any rent for profit from the occupant(s) of the secondary dwelling.

Section 626 Electrical Transmission Facility

In the C, I, A, and Cv Zones and subject to the requirement of the zone in which located except as herein modified and provided:

- a. The facilities must be screened from view from all adjacent properties.
- b. Access to the facilities must be maintained in a mud-free, dust-free condition and provided with area sufficient to prevent backing onto the public right-of-way.

Section 627 Expansion or Alteration of a Nonconformity

In all zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Continuance
  - 1. Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, even though such use of land or building does not conform to the use regulations specified by this Ordinance for the zone in which such land or building is located.
  - 2. Any nonconforming lot or structure lawfully existing at the date of the adoption of this Ordinance may be continued.
- b. Expansion or Alteration
  - 1. Upon application for a special exception, and in accordance with the provisions of this Ordinance, the Zoning Hearing Board may approve the expansion of a use of land or building that is not in conformance with the provisions of this Ordinance.
  - 2. Any alteration that will reduce the extent of a nonconformity shall not require the approval of a special exception.
- c. Replacement
  - 1. A nonconforming use, if discontinued or abandoned for a period of one (1) year, may be replaced only by a conforming use.
  - 2. A dimensional nonconformity may be replaced only in conformance with the provisions of this Ordinance.

- d. Restoration: If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of God or a public enemy to an extent of more than seventy-five percent (75%) of the market value as appraised for tax assessment purposes, then such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored, or repaired except upon issuance of a variance in accordance with this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof that has been declared unsafe.
- e. Discontinuance or Abandonment: A nonconforming use shall be adjudged as discontinued or abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.
- f. Reversion: No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
- g. Zone Changes: Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.
- h. Identification and Registration: Nonconforming uses and nonconforming structures may be identified and registered by the Zoning Officer.

Section 628 Family Day Care Home

In the R-1, R-2, V, A, and Cv Zones and subject to the requirements of that zone except as herein modified and provided:

- a. All family day care facilities shall be conducted within a detached single family dwelling. The day care center shall be conducted as an accessory use to the primary use of the property as a single family residence.
- b. A family day care facility shall offer care and supervision to no more than six (6) different minors, during any calendar day.
- c. All client and passenger drop off and pick up areas shall be provided on the premises and located so that passengers do not cross any traffic lanes on or adjacent to the site, and no vehicles shall stop or stand on any roadway of any kind while depositing or taking on passengers.
- d. An outdoor play and exercise area shall be provided having no less than four hundred (400) sq. ft. per individual being cared for. Such play and exercise area shall not be located in any front yard nor any vehicle parking area. All outdoor play and exercise areas shall be set back at least twenty-five (25) feet from all property lines and completely enclosed with a four (4) foot high fence to provide a visual barrier for adjoining properties and to provide safety for the occupants. All outdoor areas shall provide adequate shade by means of shade trees or pavilions.



- e. No more than thirty (30) percent of the dwelling shall be used for the Family Day Care Facility.
- f. The day care center must be owner occupied and only family members residing on the premises shall provide care.
- g. At least one (1) parking space for every two (2) children being supervised in addition to the parking for the dwelling unit.

Section 629 Financial Institution

In the V Zone, Financial Institutions shall comply with the following requirements.

- a. All drive-through window lanes shall be separated from the parking lot's interior driveways.
- b. All automated teller machines shall be located, or contain convenient parking spaces, so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machine(s).
- c. Sufficient stacking lanes shall be provided associated with drive-through windows, to prevent vehicle backups on adjoining roads.
- d. Any exterior microphone or speaker system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- e. The use shall comply with all other applicable regulations of this and other Township ordinances, including but not limited to, the requirements for landscaping, off-street parking, and signage.

Section 630 Fraternal Lodging

In the C Zone and subject to the requirements of the zone in which located, except as herein modified and provided:

- a. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, that is, in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation standard and the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers), access shall be by an arterial or collector street as designated in the Township's Comprehensive Plan.
- b. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces.
- c. The use shall not be in association with adult oriented facilities.
- d. The use shall not constitute a public or private nuisance.

Section 631 Funeral Home

In the R-1, R-2, and V Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Access must be on an arterial or collector street as designated in the Township Comprehensive Plan.
- b. Sufficient off-street parking must be provided in accordance with Section 405 b.
- c. A plan for biowaste must be submitted and approved by the appropriate agencies.

Section 632 Greenhouse, Nursery (Commercial)

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.
- b. No sale of general hardware, power tools or motorized equipment is permitted. No outdoor display of tools or equipment is permitted.
- c. Sufficient off-street parking must be provided.

Section 633 Group Homes

In all Zones and subject to the requirements of those Zones except as herein modified and provided:

- a. A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
- b. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
- c. Off-street parking shall be provided for each group home based upon one (1) parking space for each occupant.
- d. All group homes shall comply with all applicable building, health, and fire codes.
- e. Group homes may be an accessory or principal use but must be directly affiliated with a parent institution which provides for the administration of the residents.
- f. Group homes must provide proof of state licensure.
- g. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.

- h. Water and sewerage needs must be appropriately addressed.

Section 634 Halfway House

In the A or Cv Zones and subject to the requirements of that zone except as herein modified and provided:

- a. A minimum of two hundred fifty (250) sq. ft. of habitable floor area must be provided for each occupant, including any staff.
- b. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require any kitchen and dining facilities if an affiliated institution provides them elsewhere.
- c. All half-way houses shall be connected to water and sanitary sewage facilities approved by the Pennsylvania Department of Environmental Protection.
- d. All half-way houses shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the Federal, State, or local government.
- e. Off-street parking shall be provided for all half-way houses based upon one (1) parking space for each occupant and employee.

Section 635 Hazardous Waste Facility

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a. The regulations adopted by the Environmental Quality Board, Municipal Waste Management Regulations as provided in Paragraph 273.202, entitled "Areas Where Municipal Waste Landfills are prohibited," as reported in the Pennsylvania Bulletin, Volume 18, Number 15, dated April 9, 1988, are incorporated herewith as the minimum standards of the Township as if said regulations were set forth in detail. Any modification, amendment and/or deletion by the Board of the regulations are further adopted as the then current regulations of the Township.

Section 636 Home Occupation

In the R-1, R-2, V, A, and Cv Zones and subject to the requirements of that zone except as herein modified and provided:

- a. Regulations for Permitted Businesses:
  - 1. Employees: No person other than a resident of the dwelling unit may practice the occupation. No more than two persons shall be employed to provide secretarial, clerical or other assistance.
  - 2. Coverage: Not more than thirty (30) percent of the ground floor area of a dwelling unit may be devoted to a home business or profession. (The business must be contained in the dwelling unit, it may not be located (in part or whole) in an accessory or non-attached structure.

3. Appearance: The character or external appearance of the dwelling unit must be that of a dwelling. No display or products may be shown so as to be visible from outside the dwelling. A name plate not larger than two square feet in area is permitted. It must be illuminated only by indirect lighting.
4. Parking: Besides the required parking for the dwelling unit, additional parking is required as follows:
  - (a) One (1) space for the home business and one (1) space for each nonresident employee, and
  - (b) Two (2) additional spaces for patrons.
  - (c) Each space shall not have direct access to the street to avoid vehicles backing into the flow of traffic.
5. Storage:
  - (a) In no case shall any exterior storage be allowed.

Section 637 Hospital

In the V zone and subject to the requirements of the zone in which located, except as herein modified and provided:

- a. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, that is, in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation standard and the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers), access shall be by an arterial or collector street as designated in the Township's Comprehensive Plan.
- b. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces.
- c. Setbacks: All buildings shall be located at least 50 feet from all property or street lines.
- d. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
  1. All entrances to parts of the building in which these accessory services are provided shall be from within the building, and any direct access from the street is prohibited.
  2. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
  3. Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that one (1) sign not

exceeding two (2) square feet in area may be attached to the building. Any illumination of the sign must be white, non-flashing, and limited to an enclosed lamp design.

Section 638 Hotel, Motel

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.
- b. Water and public sewer approved by the Pennsylvania Department of Environmental Protection must be utilized.
- c. All structures shall be set back at least thirty (30) feet from the side property lines or equal to the height of the structure (whichever is greater).

Section 639 House of Worship

In all zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.

Section 640 Industrial Park

In the I Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot Area: 10 acres minimum.
- b. Streets & Highways: The industrial park site must have access to a major thoroughfare. Traffic going to and from the industrial park will be permitted on non-residential streets only: traffic routes and exits will be far enough away from houses so that truck noise and vibration will not be perceived.
- c. No Harmful Effects: Satisfactory provision will be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors, and gases, electrical emissions, and industry wastes).
- d. Appearance Is Harmonious: This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, low structural density, and architectural controls.

- e. Buffers: The distance separating all park uses and buildings from surrounding properties will be great enough to constitute in fact a buffer: e.g., loading docks and truck maneuvering areas and terminals must be further from residential areas than buildings. In addition to the extent-of-use requirements in the Use Regulations, the Board must require that from a Residential Zone boundary –
  - 1. A truck terminal or motor freight depot be at least five hundred (500) feet distant.
  - 2. A shipping or receiving dock to be at least three hundred (300) feet distant.

In any case, a buffer yard of not less than one hundred fifty (150) feet must be along any Residential Zone boundary line.

Section 641 Junkyard, Automobile Dismantling Plant

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 5 acres minimum.
- b. Lot width – 300 feet minimum.
- c. Setbacks – Any area used for this purpose must be at least seventy-five (75) feet from any property line and one hundred (100) feet from any street line.
- d. The area to be used must be completely enclosed with an eight (8) foot high fence so constructed as not to have openings greater than six (6) inches in any direction and shall include appropriate screening, to block the view of the interior property.
- e. Must comply with any applicable Township Junkyard Ordinance and all other applicable State regulations.

Section 642  kennel, Commercial

In the C or A Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot area – 1 acre minimum in the Commercial Zone and three acres minimum in the Agricultural zones.
- b. Setbacks – All dog runs, fenced enclosures and similar structures shall be located at least one hundred fifty (150) feet from all property or street lines. In the Commercial Zones buildings must be thirty-five (35) feet from all property lines; however, in the Agricultural Zone, buildings must be fifty (50) feet from property lines. No outside runs are permitted in a Commercial Zone.
- c. All animals must be housed within a structure except while exercising.
- d. All outdoor running or activity areas must be enclosed to prevent the escape of the animals.
- e. Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

- f. Screening shall be provided to buffer adjacent properties from visual and audible nuisances.
- g. All buildings to be built in a manner to prevent noises from the interior to escape outside.

Section 643 Kennel, Private

In the C, A, or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot area – 3 acres minimum in Agricultural and Conservation Zones, 1 acre in a Commercial Zone.
- b. Setbacks – All dog runs, fenced enclosures and similar structures shall be located at least one hundred fifty (150) feet from all property or street lines. In the Commercial Zones buildings must be thirty-five (35) feet from all property lines; however, in the Agricultural Zone, buildings must be fifty (50) feet from property lines. No outside runs are permitted in a Commercial Zone.
- c. All animals must be housed within a structure except while exercising.
- d. All outdoor running or activity areas must be enclosed to prevent the escape of the animals.
- e. Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- f. Screening shall be provided to buffer adjacent properties from visual and audible nuisances.
- g. All buildings to be built in a manner to prevent noises from the interior to escape outside.

Section 644 Landfill

In the I Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot area – 50 acres minimum.
- b. The following general operational requirements must be met:
  1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
  2. May not adversely affect any existing or potential public or private water supply source.
  3. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township.
  4. May not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.

5. May not result in the land area being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the operations.
  6. Must comply with all applicable State regulations.
- c. Fencing: A substantial fence measuring at least eight (8) feet in height must surround the area of actual landfill to prevent unauthorized persons from entering the area to their potential endangerment.
  - d. Screens: Where adjacent to a residential or a public street right-of-way or where a landfill operation will substantially impair the beauty and character of the surrounding countryside, trees and shrubs must be planted, or attractive earth barriers erected to screen the operation, as far as practical, from normal view.
  - e. Access: Truck access to any landfill operation shall be so arranged as to minimize danger to traffic and nuisance to neighboring properties.
  - f. Setbacks from Residential Zones or Uses:
    1. No processing equipment may be closer than one thousand (1,000) feet to the Residential Zone or use.
    2. No part of the landfill, private access road, truck parking area, scales, or operational equipment, may be closer than five hundred (500) feet to the Residential Zone or use.
  - g. Setbacks From Public Streets: No part of a landfill, processing equipment, scales, operational equipment or truck parking area may be closer than one hundred (100) feet to a public street line.
  - h. Other Setback Requirements:
    1. No part of a landfill, or processing equipment may be closer than two hundred (200) feet to a property line.
    2. No private access road, truck parking area, scales, or operational equipment, may be closer than one hundred (100) feet to a side property line.
  - i. Rehabilitation Requirements for Landfills:
    1. Rehabilitation Required: The area of actual landfill operations must be covered daily.
    2. Rehabilitation Standards: In rehabilitating the area of actual landfill operations, the owner or operator must comply with the following standards:
      - Slope: The slope of earth material must not exceed the angle of slippage.
      - Top-Soil and Ground Cover: The cover must be a kind and depth to sustain grass, plants or trees and such must be planted.



- Drainage: To prevent any silt, erosional debris, or other loose material from filling any existing drainage course or encroaching on State or Township roads or private property, all surface drainage existing or developing by or through the site must be controlled by dikes, barriers, or drainage structures. All measures to control natural drainage or flood water must meet with the approval of the Board of Supervisors.

j. Reporting of Operational and Rehabilitation Information for Landfills:

In order to keep the Zoning Officer abreast of impending termination of landfill operations and plans for rehabilitation as well as operational activities which he has a duty to check, each landfill owner or operator must submit to the Zoning Officer, annually in the month of October, the information following:

1. Ownership and acreage of the land which is the site of landfill operations, including all land held under contract or lease.
2. Type of refuse handled.
3. The probable effect of excavation methods upon existing and permitted uses in the area surrounding the landfill site.
4. Map, at a scale of 1 inch = 100 feet, or such other scale acceptable to the Township, showing
  - All land owned or under option, contract or lease.
  - Lot or land being filled.
  - As practical, contours at twenty (20) feet intervals extending beyond the site to the nearest public street or highway.
  - Private access roads and abutting streets and highways.
  - Location of all structures.
  - Title, scale, north point, and date.
  - Fencing and screen planting.
5. The proposed reuse of the land to be filled.
6. Plantings or other planned special features of rehabilitation.

Section 645 Medical Clinic

In the C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Lot area – 1 acre minimum.

- b. Lot width – 175 feet minimum.
- c. Setbacks – All buildings shall be located at least fifty (50) feet from all property or street lines.
- d. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- e. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
  - 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
  - 2. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
  - 3. Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one sign not exceeding six square feet in area attached to the building, any illumination thereof being white, nonflashing, and limited to an enclosed lamp design.

Section 646     Mobile Home Park

In the R-2 Zone and subject to the requirements of that zone except as herein modified and provided:

- a. The minimum tract area shall be ten (10) acres.
- b. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot (not including street right-of-way) must be not less than seven thousand five hundred (7,500) sq. ft. in area and not less than seventy (70) feet wide at the building setback line.
- c. Regardless of lot size, the side yard distances measured from outside each mobile home to the lot side lot lines shall not be less than thirty (30) feet in total and no one side yard distance less than ten (10) feet. Front yards shall not be less than thirty (30) feet and rear yards shall not be less than twenty-five (25) feet and in no case shall the distance between any two mobile homes be less than thirty (30) feet. The total number of mobile homes shall not exceed an average density of five (5) per acre.
- d. The Zoning Hearing Board may require additional suitable screen planting, or may further restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguard to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- e. A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

- f. A mobile home park must also comply with all requirements outlined in the Conewago Township Subdivision and Land Development Ordinance as well as all State and/or Federal requirements.

Section 647 Multi-Family Conversion

In the R-2 and V Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Sewer and water systems approved by the Pennsylvania Department of Environmental Protection must be utilized. Conversions shall be reviewed by the Township Sewage Enforcement Officer to determine the adequacy of the existing system.
- b. There shall be a minimum of four thousand (4,000) sq. ft. of lot area per dwelling unit.
- c. Where an existing dwelling is converted to a multi-family dwelling, the character of the existing structure shall be maintained except for the addition of a fire escape if necessary.
- d. Parking, minimum habitable floor area, and all other applicable requirements of this Ordinance shall be met.
- e. The structure shall comply with all applicable rules and regulations including, but not limited to, fire, health, safety, and building codes.

Section 648 Multi-Family Dwelling(s)

In the R-2 and V Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- 1. Lot area – 43,560 square feet minimum.
- 2. Lot width – 150 feet minimum.
- 3. Side setback – Minimum side setbacks of twenty (20) feet each shall be provided.
- 4. Density – The maximum density shall be eight (8) dwelling units per acre of lot area.
- 5. Public sewer and public water must be utilized.
- 6. Distance between buildings – where two or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 40 feet.
- 7. All parking areas shall be located at least ten (10) feet from any property line or street line.
- 8. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.

Section 649 Nature Park

In the R-1, R-2, V, A, C or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided.

- a. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.

Section 650 Outdoor Commercial Recreational Establishment

In the R-1, R-2, V, A, C, or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Setbacks – In a Cv zone the area to be used for recreational purposes must be set back at least fifty (50) feet from any property or street line.
- b. The use must have access on an arterial street or collector street as designated in the Township Comprehensive Plan.
- c. Where an outdoor recreational use, other than a golf course, adjoins a Residential Zone or use, trees or shrubs must be planted on the site of this use so as to form an effective visual and/or noise barrier between the outdoor recreational use and adjoining residential properties.

Section 651 Parking Lot

In the V Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Not more than forty-five (45) percent of the lot shall be covered with impervious surfaces. None of the paved area shall be closer than ten (10) feet from any property line, lot line or street line, except for entrance or exit drives.
- b. To protect other vehicles and pedestrians in the immediate area of such a use, railing, fencing, posts and chains, or similar protective barriers must be located on the perimeter of the parking areas except at access drives or exits.
- c. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces.

Section 652 Personal Care Boarding Home

In the R-1, R-2, V, A, or Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. The applicant must secure a license from the Pennsylvania Department of Public Welfare and submit a copy of said license to the Township prior to occupancy approval by Conewago Township.
- b. No kitchen or dining facilities shall be permitted in individual rooms or suites.
- c. The facility must meet all applicable fire, health, safety, and building codes.

- d. Water and sewer systems approved by the Pennsylvania Department of Environmental Protection must be utilized. If existing sewage disposal facilities are to be utilized, certification must be submitted to assure that such facilities are capable of adequately servicing the proposed use.
- e. At least one (1) parking space for each employee plus one (1) parking space for each bedroom shall be provided.

Section 653 Public Buildings and Facilities

In the A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Setbacks: As specified in the zone in which located provided, however, that no setback (front, side or rear) is less than forty (40) feet.
- b. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Township Comprehensive Plan.

Section 654 Public Utility Building

In the R-1, R-2, V, C, A, and Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. In a Residential Zone, the permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- b. Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six inches in any dimension. In a Residential Zone, such fence must be surrounded by evergreen plantings.
- c. Housed equipment – When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the zone in which the building is located.

Section 655 Quarry, Strip Mining or Similar Operations Including Drilling

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a. The following general operational requirements must be met:
  - 1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
  - 2. May not adversely affect any existing or potential public or private water supply source.

3. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township.
  4. May not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.
  5. May not result in the land area subject to quarrying being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation.
  6. Must comply with all applicable State regulations.
- b. Fencing: A fence measuring at least eight (8) feet in height must surround the area of actual quarrying to prevent unauthorized persons from entering the area to their potential endangerment.
  - c. Screens: Where adjacent to a residential or a public street right-of-way or where a quarry operation will substantially impair the beauty and character of the surrounding countryside, trees and shrubs must be planted and maintained, or earth barriers erected to screen the operation, as far as practical, from view.
  - d. Access: Truck access to any quarry operation shall minimize danger to traffic and nuisance to neighboring properties.
  - e. Setbacks from Residential Zones or Residential Uses: Where the lot or parcel of land which is the site of quarrying operations is adjacent to the Residential Zone or residential uses –
    1. No stockpiles, waste piles, or processing equipment may be closer than one thousand (1,000) feet to the Residential Zone or use.
    2. No part of the quarry pit, private access road, truck parking area, scales, or operational equipment, may be closer than five hundred (500) feet to the Residential zone or use.
  - f. Setbacks from Public Streets: No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment or truck parking area may be closer than 100 feet to a public street line.
  - g. Other Setback Requirements
    1. Except for setbacks specified in s.655 (e) and (f), no part of a quarry pit, stockpiles, waste piles, or processing equipment may be closer than two hundred (200) feet to a property line.
    2. Except for setbacks specified in s.655 (e) and (f), no private access road, truck parking area, scales, or operational equipment, may be closer than one hundred (100) feet to a property line.

Section 656 Recreational Park

In all zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Township Comprehensive Plan.
- b. There shall be a twenty-five (25) ft. setback for front, side and rear yards, for all uses in a Recreational Park.
- c. There shall be a planted visual barrier, including landscaping, planted and continually maintained in all front, side and rear yards.

Section 657 Research Laboratory

In the C Zone and subject to the requirements of that district except as herein modified and provided:

- a. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- b. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors fumes, glare, vibration, smoke). Toxic materials may only be stored or disposed of in a manner that will not be a public health hazard or a public nuisance.
- c. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.

Section 658 Restaurant

In the C or I Zone and subject to the requirements of that district except as herein modified and provided:

- a. Minimum lot area – One (1) acre; and
- b. No restaurant shall be within five hundred (500) feet of another restaurant (except one accessory to a hotel) within the Industrial Zone.
- c. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.

Section 659     Restaurant, Fast Food

In the C or I Zone and subject to the requirements of that district except as herein modified and provided:

- a.     Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter.
- b.     All drive-through window lanes shall be separated from the parking lot's interior driveways.
- c.     Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- d.     All exterior seating/play areas shall be completely enclosed by a six (6) foot high fence.
- e.     No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land.
- f.     For restaurants with drive-thru windows, sufficient on-site stacking shall be provided to prevent vehicle-back-ups onto adjoining roads.
- g.     Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the Township's Comprehensive Plan.

Section 660.     Retail Store or Shop

In the V Zone and subject to the requirements of the zone in which located, except as herein modified and provided:

- a.     The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the store.
- b.     A minimum of one (1) parking space for each seventy-five (75) square feet of gross floor area shall be provided. In addition, any accessory uses shall also require those spaces required by Section 405 of this Ordinance.
- c.     Exterior trash/recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and continuously implement a working plan for the cleanup of litter and debris.
- d.     The subject property shall have a minimum width of one hundred twenty-five (125) feet.
- e.     The subject property shall front on an arterial or collector road as defined herein.
- f.     The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital, or nursing, rest or retirement home.



- g. All structures (including gasoline pump islands, but not permitted signs) and machinery shall be set back at least fifty (50) feet from any street right-of-way line.
- h. Access driveways shall be a minimum of twenty-eight (28) feet wide and separated by one hundred (100) feet from one another if located along the same frontage as measured from edge to edge.
- i. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residential uses.
- j. Any exterior microphone/speaker system and external lighting shall be arranged and/or screened to comply with those regulations contained within the Conewago Township Subdivision and Land Development Ordinance.

Section 661 Rifle or Archery Range

In the Cv Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 5 acres minimum.
- b. Lot width – 500 feet minimum.
- c. Adjacent areas must be predominately undeveloped and the range area must be at least two hundred (200) feet from any property line or street line.
- d. Must be located at least one thousand (1,000) feet from an existing residential dwelling. If not contained within a suitable structure, then the target area must have an earthen background of at least ten (10) feet above the targets and extending at least 10 feet horizontally from the end targets.
- e. Sunday operations may only be from 1:00 – 6:00 p.m.

Section 662 Sawmill Operation

In the I, Cv, and A Zones and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 3 acres minimum.
- b. Lot width – 300 feet minimum.
- c. No saw or other machinery shall be less than fifty (50) feet from any property or street line.
- d. All power saws and machinery will be secured against tampering and locked when not in use.
- e. All machinery used in the sawmill operation shall be located at least five hundred (500) feet from any existing adjoining residence or Residential Zone.

Section 663 School, Private

In the R-1, R-2, V, C, or A Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Township Comprehensive Plan.

Section 664 School, Public

In the R-1, R-2, V, C, or A Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Township Comprehensive Plan.

Section 665 School, Vocational Trade

In the C or I Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Township Comprehensive Plan.

Section 666 Service Station

In the C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a. Buildings must be set back at least thirty-five (35) feet from the street line.
- b. Pumps must be set back at least fifteen (15) feet from the street line.
- c. Access drives must be located as follows:
  - Minimum offset from intersection of street right-of-way lines: 40 feet.
  - Side lot line offset: 10 feet.
  - Minimum width: 12 feet.
  - Maximum width: 35 feet.
  - Minimum separation of drives on same lot: 50 feet.
- d. Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.

- e. All lights must be diverted toward the service station or downward on the lot.
- f. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence and screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- g. At least ten (10) percent of the lot on which the service station is situated must be devoted to natural landscaping.

Section 667     Shopping Center or Mall

In the V and C Zones and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 3 acres minimum.
- b. Lot width – 300 feet minimum.
- c. All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line, except in the case of side setbacks which can be waived where the store structure is owned by the individual vendor rather than the owner of the mall or shopping center of which it is a part.
- d. Parking must be provided to comply with Section 405.
- e. Access must be via an arterial street or collector street as designated in the Township Comprehensive Plan.
- f. A buffer yard at least fifty (50) feet wide must be provided on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

Section 668     Single Family Attached Dwellings

In the R-2 and V Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – Each lot shall have a minimum area of two thousand (2,000) sq. ft.
- b. Lot width – Each lot shall have a minimum width of twenty (20) feet.
- c. There shall not be more than four (4) dwelling units in any one row.
- d. Dwelling units at the end of a row shall have a minimum side setback of twenty (20) feet.
- e. Public sewer and public water must be utilized.
- f. Density – the maximum density shall be four (4) dwelling units per acre for the tract.

Section 669. Tavern

In the V Zone and subject to the requirements of that zone, except as herein modified and provided:

- a. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, that is, in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation standard and the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers), access shall be by an arterial or collector street as designated in the Township's Comprehensive Plan.
- b. Buffers and screens shall be provided as necessary to adequately protect neighboring properties from any adverse effects of the use or vehicular traffic. This includes but is not limited to fences, walls, plantings, and open spaces.
- c. The use shall not constitute a public or private nuisance.
- d. The use must be more than three hundred (300) feet from any church, hospital, charitable organization, school, or public playground.
- e. The use must be more than two hundred (200) feet from any other facility licensed by the Pennsylvania Liquor Control Board.

Section 670 Theater, Outdoor Drive-In

In the V and C Zones and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 5 acres minimum.
- b. Setbacks – All associated structures shall be located at least fifty (50) feet from any property line and sixty (60) feet from any street line.
- c. The proposed theater must comply with the appropriate health, sanitary and safety regulations of Conewago Township and the Commonwealth of Pennsylvania.
- d. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- e. Consideration shall be given to traffic problems. Access must be via an arterial or collector street as designated by the Township Comprehensive Plan.
- f. All theaters shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line.

Section 671 Towing Service

In the C or I Zone and subject to the requirements of that district except as herein modified and provided:

- a. Minimum total lot area shall be two (2) acres.
- b. Minimum lot width shall be two hundred (200) feet.
- c. Access shall be via an arterial or collector road as designated by the Township Comprehensive Plan.
- d. A buffer yard fifty (50) feet wide shall be located on the site in all instances where the site adjoins a Residential Zone or residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading, unloading or storage, of any kind.
- e. If an impound or storage area is to be included on the premises, it shall be completely enclosed with a security wall or fence, having a maximum height of ten (10) feet and being a visual barrier to all persons outside the enclosed area. The fence or wall shall not be placed within the buffer yard, where required, and in no case shall it be closer than ten (10) feet to any property line, street line or right-of-way line. The space between the wall or fence and the adjacent property line shall be naturally landscaped and shall not be used for any building, parking, loading, unloading, or storage, of any kind.
- f. There shall not be any Vehicle Repair, Junkyard, Service Station, Parking Lot or Garage, or any other use in conjunction with the Towing Service, unless specifically approved and granted by the Zoning Hearing Board.

Section 672 Transportation (Passenger) Terminal

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- b. A buffer yard at least fifty (50) feet wide must be provided on the site in all instances where the site adjoins a Residential Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

Section 673 Truck or Motor Freight Terminal

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Lot area – 10 acres minimum.
- b. Lot width – 500 feet minimum.
- c. Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- d. A buffer yard at least one hundred fifty (150) feet wide must be located on the terminal site in all situations where the site adjoins a Residential Zone. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for parking, building, loading or storage purposes.

- e. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).

Section 674     Vehicle Repair Shop

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a. Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- b. A buffer yard fifty (50) feet wide must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- c. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).
- d. No outdoor stockpiling of tires or outdoor storage of trash exposed to view from any location is permitted. An area enclosed by an 8 ft. high wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- e. The operator shall create and maintain a log or register of all vehicles entering, departing or residing on the premises, including, but not limited to customers, personal, wrecks towed for police or insurance companies, and all vehicles that are considered “junk” as described in the Township “junkyard ordinance”. The log shall include date vehicle arrived on premises; make; model; year of manufacture; license number; name of owner; and reason for vehicle on premises. This log shall be available for inspection at all times by the Township Zoning Officer.

Section 675     Shallow Resource Recovery Operation

In the A Zone as a Conditional Use and subject to the requirements of that zone except as herein modified and provided:

- a. The minimum lot size on which a shallow resource recovery operation may be conducted shall be 80 acres, but if the shallow resource recovery operation is conducted or proposed to be conducted on more than one (1) contiguous tract by the same operator, then the combined minimum lot size for all such contiguous lots shall be 100 acres.
- b. The applicant shall provide the Board of Supervisors with copies of any and all approved permits issued by any regulatory agency or body having jurisdiction regarding the property and relating to the proposed shallow resource recovery use.
- c. The following general operational requirements must be met:
  - 1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
  - 2. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township.

3. The use is not likely to cause any significant damage to the health, safety, or welfare of the Township and its residents and property owners.
  4. May not result in the land area subject to shallow resource recovery being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion and restoration of the shallow resource recovery operation.
  5. Resource removal shall only be conducted above the normal groundwater table of the property, with the exception of local perched aquifers.
  6. The shallow resource recovery operation shall be one that typically and in normal operation does not require the use of explosives for blasting, and which utilizes bulldozers and other surface excavating equipment for resource recovery.
  7. All property boundaries must be posted with no trespassing signs.
  8. Must comply with all applicable State and Federal laws and regulations.
  9. There shall be no appreciable noise, vibration, dust, mist, fumes, vapors, or gases that adversely affects the use and enjoyment of neighboring properties. Blasting may be used only when there is no other reasonable means for extracting shale or reclamation operations. Any blasting shall comply with all state and federal laws, regulations, rules and standards.
- d. Screens and Buffers: Where adjacent to a Residential Zone or residential use or a public street right-of-way, earth barriers with grasses must be erected or, if insufficient, trees and shrubs must be planted to screen the operation, as far as practical, from view.
- e. Access:
1. Access roads must have a gate with a lock to limit access to the property. Access roads must be located, to the extent practical, to minimize traffic hazards and nuisance to neighboring properties. The access drive to the facility shall be paved within 200 feet from the street line.
  2. Truck access to any excavation shall be arranged to minimize danger to traffic, nuisance to surrounding properties, and detrimental effects on local roads.
  3. As part of the application, applicant shall describe procedures for the removal of mud or debris on any public road resulting from the ingress or egress of vehicular traffic from the operation.
  4. As part of the application, applicant shall describe whether the roads serving the proposed site are collector status or non-collector status. Truck and heavy equipment routes shall be configured to use collector status roads to the extent feasible. Where the site is served by non-collector status roads, the Board of Supervisors, in its discretion, may require a review of the suitability of the proposed routes over non-collector roads and determine if any problems exist with the proposed traffic, and condition the use of the non-collector roads on proper road

maintenance or improvement measures reasonably related to the proposed use.

- f. Setbacks From Residential Zones or Residential Uses: Where the lot or parcel of land used for shallow resource recovery operations is adjacent to the Residential Zone or residential uses, except where separated by a public street:
1. The space along the side or rear lot line abutting a Residential Zone, or residential use, for 100 feet in depth shall not be used for shallow resource recovery operations. This area must be suitably landscaped and maintained. However, parking is permitted within the interior 25 feet of the 100 foot buffer strip. No portion of the use (except the entrance to the property), including soil or product stockpiling, shall occur within ten (10) feet of any property or street right-of-way line.
  2. In the event that a shallow resource recovery operation is conducted or proposed to be conducted on more than one (1) contiguous tract by the same operator, then for purposes of the shallow resource recovery operation, the contiguous tracts shall be treated and considered as one (1) tract, and no side or rear setbacks from the operation shall be required between those tracts.
  3. No part of a shallow resource recovery pit may be within 300 feet of any residence in existence at the time of the initial use approval for the shallow resource recovery operation or any scheduled extension of the operation.
- g. Setbacks From Public Streets: No part of a shallow resource recovery pit, stockpiles, waste piles, processing equipment, scales, operational equipment or truck parking area may be closer than 100 feet to a public street line, not including earth barriers pursuant to subsections (d) and (f)(1).
- h. Reclamation: To qualify as a shallow resource recovery operation, the operation must be:
1. reclaimable at the conclusion of the operation to the preexisting use of the property and/or a use permitted in the Agricultural Zone;
  2. reclaimable such that no permanent impoundments are created and positive drainage can be restored to natural drainage courses, except for approved sediment basins;
  3. reclaimable such that all final grades at the site of any resource recovery are sloped 35 degrees or less; and
  4. subject to a reclamation plan approved by the Pennsylvania Department of Environmental Protection.



## ARTICLE VII

### ADMINISTRATION AND ENFORCEMENT

#### Section 701 Permits

- a. Building Permits: Where required by the Conewago Township and the Pennsylvania Uniform Construction Code for the erection, enlargement, repair, alteration, moving or demolition of any structure, a permit must be obtained from the Zoning Officer. A permit expires twelve (12) months from the date of issuance. The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance:
1. Lot: The location and dimensions of the lot.
  2. Streets: Names and widths of abutting streets and highways.
  3. Structures & Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot.
  4. Improvements: Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.

For lots less than ½ acre, the site plan must be at the scale of 1 inch = 20 feet; for larger lots, the site plan must be at scale of 1 inch = 40 feet. The north point must be shown on all site plans.

- b. Use Certificate: A use certificate, certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use of change of use is occupied or established:
1. Use of a structure erected, structurally altered or extended, or moved after the effective date of this Ordinance.
  2. Use of vacant land except for agricultural purposes.
  3. Any change in a conforming use of a structure or land.
  4. Any change from a nonconforming use of a structure or land to a conforming use.
  5. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.

Section 702     Erroneous Permit

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

Section 703     Enforcement – Zoning Officer

- a.     Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall administrate this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer may identify and register nonconforming uses and nonconforming structures. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.
  
- b.     Forms: The Zoning Officer must provide a form or forms prepared by the Township Solicitor for:
  - 1.     Building permits.
  - 2.     Special exceptions.
  - 3.     Use certificates.
  - 4.     Appeals.
  - 5.     Variances.
  - 6.     Registration of nonconforming uses and nonconforming structures.
  
- c.     Transmittal of Papers: Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Township Planning Commission, copies of all papers constituting the record upon the special exception, variance, or appeal.
  
- d.     Action on Building Permits: Within fifteen (15) days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. The Zoning Officer shall require that the application for a building permit contains all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the Zoning Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan. If the application conforms to the applicable requirements of the Building Permit Ordinance and this Ordinance, the Zoning

Officer must grant a permit. If the permit is not granted, he must state in writing the ground of his refusal.

- e. Action on Use Certificates: Within fifteen (15) days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.
  
- f. Enforcement: Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer must send an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
  - 1. The name of the owner of record and any other person against whom the Township intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
  - 4. The date before which the steps for compliance must be commenced (within fifteen (15) days of issuance of notice) and the date before which the steps must be completed (within forty-five (45) days of issuance of notice).
  - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of issuance of said notice in accordance with procedures set forth in Article V.
  - 6. That failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation in accordance with Section 710 of this Ordinance.
  
- g. Records: The Zoning Officer must keep record of –
  - 1. All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
  - 2. All complaints of violations of provisions of this Ordinance and the action taken on them.
  - 3. All plans submitted.
  - 4. Nonconforming uses and nonconforming structures.All such records and plans shall be available for public inspection.

- h. Reports: At intervals of not greater than six (6) months, the Zoning Officer must report to the Township Supervisors –
  - 1. The number of building permits and use certificates issued.
  - 2. The number of complaints of violations received and the action taken on these complaints.

Section 704 Modifications

The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Township may impose stricter standards.

Section 705 Amendments

- a. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance.
- b. Public Hearing(s): Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice before proceeding to vote on the amendment.
- c. County Planning Commission Review: At least thirty (30) days prior to the hearing on any amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the York County Planning Commission for recommendations.
- d. Amendments Involving Zoning Map Changes: If the proposed amendment involves a zoning map change, notice of the required public hearing shall be conspicuously posted by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition, written notice of the hearing shall be sent to the property owner and all adjoining property owners.
- e. Enactment of Amendments: Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then –

1. A copy thereof shall be supplied to the newspaper in general circulation in the Township at the time the public notice is published, and
2. An attested copy of the proposed ordinance shall be filed in the York County Law Library or other County offices designated by the York County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the Ordinance.

In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Within thirty (30) days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the York County Planning Commission.

- f. Landowner Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as amended.
- g. Municipal Curative Amendments: If the Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, the Township shall declare by formal action, its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for and in accordance with the procedures set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

#### Section 706 Fees

The Township Supervisors must set fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be available from the Zoning Officer or Township Secretary.

#### Section 707 Appeals

Any person aggrieved or affected by provisions of this Ordinance or decision of the Zoning Officer, may appeal in the manner set forth in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

#### Section 708 Repealer

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 709     Interpretation

The provision of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

Section 710     Violations

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

Section 711     Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provision of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the 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 Justice 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 not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

Section 712     Validity

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining section, clauses, provisions or portions of this Ordinance.

Section 713 Effective Date

This Ordinance shall take effect five days after publication of adoption according to law.

Adoption by the Board of Supervisors of Conewago Township, York County, Pennsylvania into an ordinance on the 3<sup>rd</sup> Day of August, 2009.

BOARD OF SUPERVISORS  
CONEWAGO TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_