

Zoning Ordinance for

Warrington Township York County, PA

Enacted: Jan. 20, 2010
Amended: _____, 2022



RothPlan

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Lancaster, PA

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ZONING MAP with roadway classifications and Airport Zone Hazard Following page161

ORDINANCE NO. 2010-01

ORDINANCE NO. 2010-01 WITH THE INTENT OF REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES; THE 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 WARRINGTON, 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 WARRINGTON in the County of York and the Commonwealth of Pennsylvania, as follows:

ARTICLE I
SHORT TITLE, PURPOSE AND
COMMUNITY PLANNING GOALS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "WARRINGTON TOWNSHIP ZONING ORDINANCE."

SECTION 102 PURPOSE

The purpose of these regulations is to promote and protect the harmonious development of the Township by facilitating:

- a) The orderly and efficient integration of land development within the Township.
- b) Proper density of population.
- c) Adequate water and sewerage.
- d) Adequate police protection, fire protection, schools, parks and other public grounds and buildings.
- e) The protection of water resources and drainageways.
- f) Adequate light and air.
- g) Adequate transportation, parking and loading space.
- h) The greater health, safety and welfare of the citizens of the Township.
- i) Protection of the agricultural resources of the Township.
- j) Adequate sites for recreation, conservation and open space.
- k) The prevention of blight and overcrowding of land.

SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Warrington Township. As such, this Ordinance is based upon the expressed or implied Community Planning Goals as expressed within Chapter 2 of the Warrington Township Comprehensive Plan.

ARTICLE II

DEFINITIONS

SECTION 201 INTENT

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this Section.

SECTION 202 GENERAL INTERPRETATION

Unless otherwise expressly stated the following shall, for the purposes of this Ordinance, be interpreted in the following manner:

- a) Words used in the present tense imply the future tense.
- b) Words used in the singular imply the plural.
- c) The word "person" includes a partnership or corporation as well as an individual.
- d) The word "shall" or "must" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

SECTION 203 SPECIFIC WORDS AND PHRASES

For the purposes of this Ordinance, the following words and phrases have the meaning given herein:

ACCESS DRIVE – A private drive, other than a driveway to a single residence, which provides for vehicular access between a street and a parking area, loading area, drive-in service window or other facility within a land development.

ACCESSORY AGRICULTURALLY RELATED ENTERPRISE - As defined herein an agricultural marketing enterprise, an agritourism enterprise, or a combination thereof.

ACCESSORY BUILDING - A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.

ACCESSORY SOLAR ENERGY SYSTEM (ASES) – An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

ACT - The Pennsylvania Municipalities Planning Code as amended and codified.

ADULT ORIENTED FACILITY - An establishment open to the general public or a private club open to members except persons under the age of eighteen (18) years, which is used and occupied for one (1) or more of the following activities:

ADULT BOOK STORE - An establishment in which twenty percent (20%) or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

ADULT CABARET - An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

ADULT MASSAGE PARLOR - An establishment whose business is the administration of massage to the anatomy of patrons regardless whether or not the same includes sexual conduct.

ADULT THEATER - A building, or a room within a building, used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURAL MARKETING ENTERPRISE - An enterprise engaged in by a farmer for the purpose of directly marketing agricultural products produced by the farmer in their natural or manufactured state. The term shall include any on-farm processing, packaging or other activity performed in the course of direct marketing of the farmer's agricultural products. The enterprise is considered an accessory use to the primary farm operation onsite. Examples include but are not limited to farm stands, creameries, and pick-your-own operations.

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

AGRICULTURE - The use of land for farming, dairying, pasturage, silviculture, 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, as well as incidental slaughtering and butchering for consumption by a resident of a dwelling on the parcel on which such animals are raised. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program. It excludes riding academies, boarding stables and kennels.

AGRITOURISM ENTERPRISE - Activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, entertainment, education or active involvement in the farm operation. These activities must be related to agriculture or natural resources and incidental to the primary farm operation onsite. Said activities may include a fee for participants. The enterprise is considered an accessory use to the primary farm operation. Examples include but are not limited to hay rides, corn mazes, and farm tours.

ALTERATIONS - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height.

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

AMBER ALERT - A method of alerting citizens of Pennsylvania when a child has been abducted developed by the Pennsylvania State Police. The Amber Alert Plan uses the Emergency Alert System (EAS), via the code CAE – Child Abduction Emergency, to warn citizens by radio and television when a child abduction has occurred. The emergency alert contains information regarding the victim, the suspect and if applicable the suspects vehicle information. This allows the citizens and the media to assist police by getting the message out immediately and reporting sightings of the child, perpetrator, or any other associated information. Properties with dynamic message signs are required to display amber alert information in accordance with Section 406.~~me-33~~. of this Ordinance.

AMENDMENT - A change which includes revisions to the zoning text and/or the official zoning map. The

authority for any amendment lies solely with the Board of Supervisors.

ANIMAL HOSPITAL - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. Boarding of such animals shall be for medical or surgical treatment only.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. Any landowner, lessee or his authorized agent who submits plans, data and/or application to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AUTOMOBILE - A self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including trucks, motor homes and motorcycles. (See Recreational Vehicle).

AUTOMOBILE DISMANTLING PLANT - A building used for the dismantling of automobiles, trucks, vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. It includes the buying, selling, or dealing in such vehicles or vehicle parts or component materials or sorting, cleaning and storage of recyclable parts and materials. Automobile dismantling shall not include the incidental storage of inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage or automobile body and fender repair shop.

BASEMENT - A story having part but not more than one-half (1/2) of its height below the average level of the adjoining ground. A basement shall be considered as a story in determining building height restrictions.

BED AND BREAKFAST INN - A single family residence or portion thereof containing not more than five (5) guest rooms which are used by not more than fifteen (15) guests where rent is paid in money, goods, labor or otherwise. (See Boarding House, Rooming House).

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

BOARDING HOUSE - A building, where for compensation, provisions are made for lodging and meals for at least three (3), but not more than fifteen (15), persons. (See Bed and Breakfast Inn, Rooming House).

BODY SHOP - A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

BREW PUB – An eating place (without drive-thru service) in conjunction with a facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the Pennsylvania Liquor Control Board.

BREWERY – A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the Pennsylvania Liquor Control Board. On-site consumption may occur in a tap room or in a permitted outdoor dining area.

BUILDING - Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels. (See Structure).

ACCESSORY BUILDING - A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.

ATTACHED BUILDING - A building which has two (2) or more party walls in common.

DETACHED BUILDING - A building which has no party wall.

PRINCIPAL BUILDING - A building in which is conducted the principal use of the lot on which it is located.

SEMI-DETACHED BUILDING - A building which has only one (1) party wall in common.

BUILDING AREA -The total area taken on a horizontal plane at the mean level of the ground surrounding the principal building and all accessory buildings.

BUILDING HEIGHT - The total overall height in feet of a building measured from the average grade level to the highest point of the roof.

BUILDING LINE - A line parallel to the front, side, or rear lot line set so as to provide the required yard.

CABIN – A seasonal building that is intended for temporary occupancy associated with leisure and recreational pastimes within an approved campground.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - A lot, tract or parcel of land upon which two (2) or more campsites are located or established, intended and maintained for occupancy by transients in cabins, recreational vehicles and/or tents.

CAMPSITE - A plot of ground within a campground intended for occupancy by a cabin, recreational vehicle or tent.

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.

ADULT DAY CARE CENTER - Any premise in which care is provided to four (4) or more elderly or disabled adults for part of a twenty-four (24) hour day excluding care provided by relatives. Care includes personal assistance, the development of skills for daily living and the provision of social contact.

CHILD DAY CARE CENTER - A facility licensed by the State that provides a wide range of formal day care services for remuneration to seven (7) or more 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.

CONVALESCENT OR NURSING 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.

DOMICILIARY CARE HOME - An existing building or structure designed as a dwelling unit for one (1) family which provides twenty-four (24) 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.

FAMILY DAY CARE HOME - 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.

GROUP DAY CARE HOME - A facility, located in a single family residence, which provides supervised care for remuneration to more than six (6) but less than twelve (12) children who are not relatives of the care giver.

GROUP HOME - A type of group quarters, specifically a dwelling designed for a group of mentally and/or physically disabled persons living and cooking 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.

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) but not more than sixteen (16) 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.

CARPORT - An accessory structure not totally enclosed which is primarily designed or used for parking automobiles.

CELLAR - A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the number of stories or building height.

CERTIFICATE OF USE AND/OR OCCUPANCY - A certificate, issued by the Zoning Officer, which permits the use of a building in accordance with the approved plans and specifications and 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 zoning permit.

CLEAR CUT – The complete or nearly complete removal of trees from a forested area which may or may not leave the stumps and root mass intact. The complete removal of all trees, stumps and part or all of the root mass is referred to as clearing. For purposes of this Ordinance, the clear cutting restrictions herein shall not apply to commercial forestry, logging or timbering operations.

CLUB ROOM/CLUB GROUNDS/MEETING HALL - 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 they are not conducting any vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

CLUSTER HOUSING DEVELOPMENT - An area of land in single ownership, to be developed as a residential community, in which the dimensions of individual lots may be reduced, but in which common areas are provided so that the overall density required in the respective zoning district is maintained. A type of Planned Residential Development (PRD).

COMMERCIAL RECREATION FACILITY – An activity operated on a commercial basis, whether indoor and/or outdoor, open to the public for a fee, for the purpose of public recreation or entertainment, including, but not limited to, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, banquet and social halls, theaters, galleries, bowling alleys, indoor recreation facilities, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, and other similar uses. This does not include adult oriented facilities, amusement arcades, or outdoor trap, skeet, rifle, pistol or archery ranges.

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 which is designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, 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 appropriate for the recreation of residents.

COMMUNITY RECREATIONAL DEVELOPMENT - An area of land in single ownership to be developed as a mixed recreational and residential development. The provisions set forth for the establishment of this use are designed to coordinate the harmonious coexistence of a cluster residential development amidst an outdoor recreational use such as a golf course or ski resort, while encouraging the preservation of open space and assuring compatibility with adjoining land uses.

COMMUNITY WATER OR SEWER SYSTEM - A central water or sewage disposal system which serves all dwelling units in a given area and is not publicly owned. For purposes of this ordinance, the minimum lot area and lot width requirements for uses served by public water and/or public sewer shall also be applicable to uses served by a community water and/or sewer system.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - ~~An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria: An agricultural use which includes an animal feeding operation that is, due to the quantities of commercial keeping and handling of livestock with certain characteristics, required to obtain NPDES permits in accordance with the Clean Water Act as set forth at 33 U.S.C. § 1251 et seq., as may be amended from time to time.~~

Three Criteria to Determine CAFO Uses

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Criteria 1

The proposed agricultural operation exceeds any of the following animal type thresholds:

- ~~700 mature dairy cows; 1,000 veal calves;~~
- ~~1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs; 2,500 swine of 55 lbs. or more;~~
- ~~10,000 swine under 55 lbs.;~~
- ~~500 horses;~~
- ~~10,000 sheep or lambs; 55,000 turkeys;~~
- ~~30,000 layers or broiler chickens using a liquid manure handling system; 125,000 broiler chickens not using a liquid manure handling system; 82,000 layer chickens not using a liquid manure handling system; 30,000 ducks not using a liquid manure handling system; and/or;~~
- ~~5,000 ducks using a liquid manure handling system.~~

Criteria 2

Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry.

Criteria 3

Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.

CONCENTRATED ANIMAL OPERATION (CAO) - ~~An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis. Animal weights shall be determined using Table A within the above described Section, which may be amended. An agricultural use which includes an animal feeding operation that is, due to the quantities of commercial keeping and handling of livestock with certain characteristics, required to develop a nutrient management plan in accordance with the Pennsylvania Nutrient Management Act as set forth at 3 Pa.C.S.A. § 501 et seq., as may be amended from time to time.~~

CONDITIONAL USE – A permission or approval granted an applicant to use land in a zone for a purpose other than that generally permitted outright in that zone. A conditional use is granted by the Board of Supervisors, upon recommendation of the Township Planning Commission, in accordance with the terms, procedures and conditions as set forth in Articles VII and VIII.

CONDOMINIUM - A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons and other parts such as halls, stairs and recreation areas are owned jointly by such persons. A condominium may be residential, commercial or industrial in nature.

CONTRACTOR'S OFFICE OR SHOP - Offices and shops for tradesmen, such as building, cement, electrical, painting and roofing contractors.

CRT – Cathode ray tube.

DECISION - Final adjudication of any board or other body granted jurisdiction under this ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

DENSITY - The number of dwelling units per acre.

DETERMINATION - Final action by an officer, body or agency charged with the administration of this ordinance or applications hereunder; except the Township Board of Supervisors and the Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

DEVELOPMENT PLAN - The provisions for development, including a planned residential development, 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.

DOMESTIC PETS - The noncommercial keeping of ~~adult~~ non-farm animals, ~~which are locally available for purchase as~~ pets. Domestic pets are permitted by right in every zone as an accessory use to a dwelling unit. Domestic pets shall include dogs, cats, birds, fish, small amphibians, small reptiles and small mammals such as guinea pigs, hamsters, gerbils, rabbits, ferrets, chinchilla, mice, rats and similar species. Domestic pets shall not include any species identified as "exotic animals" and "livestock," both as defined herein nor any animal species that, in the opinion of the Zoning Officer, poses a threat to the health, safety and/or welfare of the

community.

DOUBLE FRONTAGE LOT - A lot fronting on two (2) streets other than a corner lot.

~~**DRIVE-IN BUSINESS** — A commercial establishment, including a drive-in eating establishment, primarily offering stand-up counter, vending machine, window or in-car service, and/or offering prepared or standardized food for either on- or off-premises consumption.~~

DRIVEWAY - A private minor vehicular right-of-way providing access between a street and a garage, carport or other parking space for a single family or two family dwelling. (See Access Drive).

~~**DUMPSTER** – A container generally two or more cubic yards in capacity for the disposal of refuse, whether generated by residential, non-residential, or other use.~~

DWELLING - A building or structure designed for living quarters for one (1) or more families, including ~~manufactured~~mobile homes; but not including hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy.

MULTI-FAMILY DWELLING - A building containing three (3) or more dwelling units including apartment houses and; garden apartments ~~or townhouses~~. All dwelling units are located on a single lot and share with other units a common yard area.

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) except for end units which have only one (1) common party wall. ~~Each dwelling unit is located on a single lot.~~

SINGLE FAMILY DETACHED DWELLING - A building containing only one (1) dwelling unit and typically having two (2) side yards.

SINGLE FAMILY SEMI-DETACHED DWELLING - A portion of a building containing one (1) dwelling unit, typically having one (1) side yard, and having one (1) party wall in common with another dwelling unit. ~~Each dwelling unit is located on a single lot.~~

TWO FAMILY DWELLING - A building containing two (2) dwelling units, having two (2) side yards and having one (1) partition in common between the two (2) units. Both dwelling units are located on the same lot.

DWELLING UNIT - One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

EATING ESTABLISHMENT - A public eating place where food is prepared and sold for either on-premises or off-premises consumption.

ECHO HOUSING (ELDERLY COTTAGE HOUSING OPPORTUNITY) - An accessory dwelling unit placed on a property for temporary occupancy by the great-grandparents, grandparents, parents, children, grandchildren or great-grandchildren of the owner(s) and for one (1) such family member's spouse and children. Such use requires the finding that there is a genuine physical or medical hardship involved to either the occupant of the ECHO housing unit to be placed on the lot, or to the owner of the pre-existing residential unit on such lot, which requires that the occupant of the ECHO housing unit for which the special exception is granted live in close proximity with the owner of the lot on which the ECHO housing unit is placed and that there is no reasonable way in which the requirements of this Ordinance can be satisfied.

EXOTIC ANIMALS – Animal and bird species not native to the area and not typically domesticated. Includes, but is not limited to, All bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation. Exotic wildlife may be subject to possession permits per Title 34 Pa.CSA. Game. Chapter 29 et seq. as may be amended from time to time, and the requirements of the Pennsylvania Game Commission.

EXTRACTIVE OPERATION - Any operation engaged in by an individual, corporation or firm for the purpose of extracting minerals and substances from the earth or disposing of any substances into the earth. Extractive operations shall include, but are not limited to, the mining of minerals, gas and oil from the earth or disposing of solid waste or waste materials into the earth including, but not limited to, rock, stone, gravel, brick, blocks, concrete or materials resulting from the construction or demolition of buildings.

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 gratuitous guests, but not occupants of a club, fraternal lodging or boarding house. One (1) or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than four (4) persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit.~~

FARM - Any parcel of land which is actively used for gain in the ~~raising of agricultural products~~cultivation, agricultural operation or management of land for, crops, livestock, poultry or dairy products, including necessary farm structures and dwellings within the prescribed limits and the storage of equipment and materials customarily incidental to the primary use. For the purpose of this Ordinance, a farm shall not include a riding academy, boarding stable or kennel.

FARM OCCUPATION - A business or commercial activity that is conducted as an accessory use related to a principal agricultural or horticultural use in accordance with Section 749 of this ordinance.

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

| **FLAG LOT** - A lot meeting the requirements of Section 4~~1820~~ which abuts a street only with a narrow strip of land (handle) that provides access to the lot, and the remaining portion of which meets the minimum lot area, lot width and setback requirements of the zone in which located. Flag lots shall only be permitted in the Conservation and Rural Agricultural Zones.

| **FLOOR AREA, GROSS** - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar, basement and attic floor areas not devoted to residential use.

All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, GROSS LEASABLE - The sum of the floor areas designed for the tenants' occupancy and use. It is all that area on which tenants pay rent, including sales area and integral stock areas.

FLOOR AREA, HABITABLE - The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen, bathroom, or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, 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.

FOREST AND WILDLIFE PRESERVE - A tract of land containing at least ten (10) acres utilized in its entirety for the production of forest products and/or the maintenance of a sanctuary for wildlife (no domestic animals).

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

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

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street. Every lot created shall have frontage on a street.

GARAGE, PRIVATE - An accessory building for the storage of one (1) or more automobiles, recreational vehicles and/or similar vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein.

GLARE – The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GREENHOUSE, HORTICULTURAL NURSERY - A use primarily involved in horticulture which includes the sale of plants grown on the premises and related goods and materials as well as the storage of equipment customarily incidental and accessory to the primary use.

GROUP QUARTERS - Any dwelling or portion thereof which is designed or used for at least three (3), but not more than eight (8), persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, lodging or boarding houses, fraternity and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

GUEST ROOM - A room which is intended, arranged or designed to be occupied or which is occupied by one (1) or more guests but in which no provision is made for cooking. Residential non-commercial guest rooms shall be within or attached to the principal residence and shall be a part of the residential utility (sewer, electric, etc.) service line.

HALF-WAY HOUSE - A dwelling for the supervision of transitionally institutionalized individuals who are involved in drug or alcohol rehabilitation and/or individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center.

HEAVY SALES, STORAGE AND/OR SERVICE – A principal use involved in the display, sales and service of :

- 1.—Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks in excess of 10,000 pounds gross vehicle weight, cargo and storage containers, cargo trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).; and,

1.

~~1.~~ **B**uilding and construction materials

2.

HELISTOP – A heliport conducted as an accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of helicopter aircraft and any appurtenant areas which are used, or intended to be used, for heliport buildings or navigation facilities or rights of way, together with all heliport buildings and facilities thereon.

HOBBY FARM – A parcel of land not greater than ten (10) acres in area used primarily as a single-family residential lot whereon some crops may be raised and some small animals may be kept as an accessory use primarily for pleasure and not as a primary means of making a living.

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a detached dwelling unit as regulated by Section 721 of this Ordinance, except that any use that adheres to the definition of “no-impact home-based business”, as defined herein, is permitted by right in any dwelling unit ~~within the C, RA, R, VR-1, VC and CR Zones.~~

HOSPITAL - A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care, including such establishments as a sanitarium, sanatorium, or preventorium.

IESNA – Illuminating Engineers Society of North America.

IMPERVIOUS SURFACE - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios, and similar areas of concrete, brick bituminous products, crushed stone, or gravel shall be considered impervious surfaces. In addition, all buildings and structures shall be considered as impervious surfaces for computation of lot coverage.

~~**INDOOR COMMERCIAL RECREATION ESTABLISHMENT**— A principal business within a completely enclosed building, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, cinemas, movie theatres, amusement arcades, shooting ranges, swimming pools, health clubs, miniature golf courses, museums, off track betting and/or casinos and similar activities. This does not include adult-oriented facilities.~~

INDUSTRIAL PARK - A tract of land --

- 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.

INOPERABLE MOTOR VEHICLE - Any automobile, construction equipment, motorcycle, tractor, truck or similar apparatus or vehicle that is discarded, partially or wholly dismantled, junked or wrecked or a vehicle that is without a valid inspection sticker, registration or title required for its lawful operation on the public roads of Pennsylvania.

INTENSIVE COMMERCIAL/INDUSTRIAL USES - Any commercial or industrial use listed in Section 307.b) that is characterized by any of the following:

- 1) A site exceeding one (1) acre in size;
- 2) The outdoor storage of finished products and/or materials used in the production process; and,
- 3) A sales and/or display area exceeding three thousand, six hundred (3,600) square feet.

INVASIVE OR NOXIOUS SPECIES – Plants identified by the Pennsylvania Department of Agriculture’s Noxious Weed Control list, as may be amended. The following lists the current known species at the time of adoption of this Ordinance:

- 1) Cannabis sativa L, commonly known as Marijuana
- 2) Cirsium arvense, commonly known as Canadian thistle
- 3) Rosa multiflora, commonly known as Multiflora rose
- 4) Sorghum halepense, commonly known as Johnson grass
- 5) Polygonum perfoliatum, commonly known as Mile-a-minute
- 6) Pueraria lobata, commonly known as Kudzu-vine
- 7) Cirsium vulgare, commonly known as Bull or Spear Thistle
- 8) Carduus nutans, commonly known as Musk or Nodding Thistle
- 9) Sorghum bicolor, commonly known as Shattercane
- 10) Datura stramonium, commonly known as Jimsonweed
- 11) Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars
- 12) Heracleum mantegazzianum, commonly known as Giant Hogweed
- 13) Galega officinalis, commonly known as Goatsrue

Source: <http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=127683>, April 13, 2007.

JUNK - Discarded materials, articles or things possessing value in part, gross or aggregate and including, but not limited to, scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles, tires, and vehicles which are inoperable or do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania or current registration, but not including garbage or other organic waste, or farm machinery provided said farm machinery is used in connection with a bona fide farming operation.

JUNK YARD - Any place or establishment where junk is stored or accumulated out of doors, or where two (2) or more motor vehicles are stored outside which meet any one or more of the following criteria: 1) are unlicensed or inoperable, or 2) do not have current registration, or 3) do not have a current valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

JUNKED MOTOR VEHICLE - A motor vehicle from which parts or accessories have been removed, or that shall be inoperable as a result of damage thereto.

KEEPING OF LIVESTOCK, SMALL ANIMALS AND/OR POULTRY ON A FARM OR OTHER AGRICULTURAL PROPERTY - An accessory use to a principal detached single-family dwelling or other principal use that is not contained upon a farm, whereupon livestock, small animals and/or poultry are bred, kept or raised for commercial or recreational purposes, whether or not for profit, exclusively by the residents of the site.

KEEPING OF LIVESTOCK, SMALL ANIMALS AND/OR POULTRY ON A RESIDENTIAL PROPERTY - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock, small animals and/or poultry are kept exclusively by and for the residents of the site. Hobby farming as defined herein is permissible including limited sales of products such as dairy, eggs or honey.

KENNEL - Any building or buildings and/or land used for the sheltering, boarding, breeding or training of four (4) or more dogs, cats, fowl or other small domestic animals at least six (6) months of age ~~and kept or bred for purposes of profit~~, but not to include riding academy, boarding stable or animals and fowl raised for agricultural purposes. A kennel operation may include accessory uses such as animal grooming.

LAND DEVELOPMENT - Any of the following activities:

- a. The improvement of one (1) lot, tract or parcel or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between two (2) or more existing or prospective occupants by means of or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- b. A subdivision of land.
- c. The following activities are excluded from the definition of land development only when such land development involves:
 - 1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be condominiums; or
 - 2. The addition of a residential accessory building, or the addition of an agricultural accessory building, on a lot or lots where such a building is subordinate in use to an existing or planned principal building.
 - 3. Expansion of an existing principal structure: up to 25% of the existing gross floor area of the building as it existed on the date of this amendment; or to a cumulative total gross floor area of 20,000 square feet, whichever is lesser.

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

LCD – Liquid crystal display.

LED – Light emitting diode.

LIVESTOCK – An animal typically bred and raised associated with some form of agriculture. This term shall expressly include alpacas, ~~birds~~, beaver, bees, bison, burros, cattle, cows, deer, donkeys, emus, ~~fish, foul~~, foxes, goats, hogs, horses, lynx, mules, ~~sable~~, sheep, goats, llamas, ~~mink~~, ostriches, peacocks, ~~pot-belly pigs~~, poultry, ~~raccoons~~, seal, shellfish, swine, and other similar animals for commercial distribution.

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

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

LOT AREA - The area contained within the property lines of an individual parcel of land, excluding any area within a street right-of-way, but including the area of any easement. If a lot is traversed by a street right-of-way, whether existing or proposed, any principal building on the lot shall be located on a portion of that lot which area in and of itself contains the minimum lot area required by this Ordinance.

LOT COVERAGE (MAXIMUM) - A percentage which when multiplied by the lot area will determine the permitted area that can be covered with an impervious surface (ex.: buildings, driveways, parking areas and sidewalks).

LOT LINES - The lines bounding a lot as described in the recorded title. Also referred to as "property lines."

LOT WIDTH (MINIMUM) - The required continuous distance between the side property lines (or in the case of corner lots, between a front and side property line) measured along a single street right-of-way line at the required front building setback, unless specified otherwise in this Ordinance. ~~If a lot is traversed by a street right-of-way, whether existing or proposed, any~~ Any principal structure on the lot shall be located on a portion of that lot which contains the minimum lot width required by this Ordinance.

MAJOR THOROUGHFARE - A street or highway designated in the Warrington Township Thoroughfare Plan as an existing or planned arterial or collector street.

MANUFACTURED HOME – A transportable, single family dwelling intended for permanent occupancy or non-transient use as a dwelling, office, or place of assembly, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site essentially complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. This term does not include motor homes. Manufactured homes shall be installed in compliance with Section ____ of this ordinance.

MANUFACTURED HOME LOT – A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

MANUFACTURED HOME PARK – A parcel or contiguous parcels of land which has been so designated and

improved that it contains two (2) or more manufactured home lots for the placement thereon of manufactured homes.

MANUFACTURED HOME SALES LOT - An open lot for the outdoor display of new or used manufactured homes.

MANUFACTURING - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

MATURE TREE - A deciduous tree with a diameter at breast height (DBH) greater than or equal to six (6) inches or a coniferous tree at least six (6) feet tall.

MEDICAL CLINIC - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

MEDICAL MARIJUANA DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act (Act 16 of 2016, 35 P.S. § 10231.101 et seq.) to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act (Act 16 of 2016, 35 P.S. § 10231.101 et seq.) to grow and process medical marijuana.

MICROBREWERY – Also microwinery and microdistillery. A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, which possesses the appropriate license from the Pennsylvania Liquor Control Board, and produces less than 15,000 barrels per year (a barrel is approximately 31 gallons). On-site consumption may occur in a tap room or in a permitted outdoor dining area.

MINI-STORAGE FACILITY - A facility providing for the enclosed storage of household items, recreational equipment and/or classic or antique automobiles and/or for the outdoor storage of recreational vehicles 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.

~~**MOBILE HOME**—A transportable, single family dwelling intended for permanent occupancy, in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.~~

~~**MOBILE HOME LOT**—A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.~~

~~**MOBILE HOME PARK**—A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.~~

~~**MOBILE HOME SALES LOT**—An open lot for the outdoor display of new or used mobile homes.~~

MOTEL OR HOTEL - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

MOTOR HOME - An automobile, trailer, or other vehicle, which includes a specifically designed, modified, or adapted sleeping area, bathroom, or kitchen. This includes campers, recreational vehicles, travel trailers, trailer coaches, and house trailers which do not have permanent foundations.

MULTI-FAMILY OR TWO FAMILY CONVERSION - A multi-family or two family dwelling constructed by converting an existing building into apartments for more than one (1) family, without substantially altering the exterior of the building.

~~**NIGHTTIME**—The hours between official sunset and official sunrise.~~

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

- 1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2) The business shall employ no employees other than family members residing in the dwelling.
- 3) There shall be no display or sale of retail goods and no stockpiling or inventorying of a substantial nature.
- 4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- 8) The business may not involve any illegal activity.

NONCONFORMITY - A use, structure, lot or dimension in conflict with the regulations of this Ordinance, (1) existing on the effective date of this Ordinance, or (2) created by any subsequent amendment of this Ordinance, or

(3) created by variance. Specifically, the following types of nonconformities are distinguished:

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of 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.

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.

NONPROFIT - An educational, religious or charitable use which qualifies as "nonprofit" under Section 501-C of the Internal Revenue Service Code.

OFFICE - A building or a space in a building the primary use of which is the conduct of the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, except that office supplies necessary for the operation may be stored as an incidental use. An office shall only involve the incidental sales or delivery of any materials, goods, or products physically located on the premises.

OFF-STREET LOADING SPACE - An off-street area provided for the loading or unloading of goods and/or materials that has direct usable access to a use's loading docks and/or doors and is connected to a street or alley by an access drive. This definition shall also expressly include any area that directly adjoins the loading docks and/or doors that is necessary for the vehicles to maneuver into place with the use's loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors. Off street loading spaces are subject to the requirements listed in Section 408 of this Ordinance.

OFF-STREET PARKING LOT - An accessory use located outside of a street right-of-way upon in which required and, potentially, additional parking spaces are provided subject to the requirements listed in Section 407 of this Ordinance.

OFF-STREET PARKING SPACE - An improved area within an off-street parking lot for the parking of one (1) motor vehicle and having usable access to a street or alley.

~~**OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT** - A use of open land for leisure time activities, such as a swimming pool, tennis court, golf driving range, miniature golf, golf course, ski slopes or drive in theater. It however excludes a trap, skeet, rifle or archery range.~~

OUTDOOR TRAP, SKEET, RIFLE, PISTOL OR ARCHERY RANGE - A facility designed and constructed outside of a completely enclosed building to allow for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

OUTDOOR WOOD-FIRED BOILER (OWB) – Also known as outdoor-wood-fired furnace, outdoor wood-burning appliance, or outdoor hydronic heater, water stove, etc. A fuel-burning device designed to burn natural wood with no paint, stains, coatings or chemical treatment or other approved solid fuels that the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such a garages and sheds; and which heats building space and/or water through the distribution , typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

OWNER - The owner of record of a parcel of land.

PARCEL - Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land shall be considered contiguous even though separated by public or private roads. Parcel shall not include those contiguous tracts separately described and contained in one (1) deed which originate from separate titles and which otherwise conform to this Ordinance.

PARENT TRACT – For the purposes of Section 311 and the Agricultural Preservation Overlay Zone, each tract of land held in single and separate ownership as of **2021**.

PARKS AND PLAYGROUNDS – Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include ~~the widest~~ range of recreational activities, ~~excluding adult-oriented facilities, off-track betting parlors, racetracks, banquet and social halls, community centers,~~ and outdoor trap, skeet, rifle, pistol or archery ranges. Such uses may include:

- 1) Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt bicycle or BMX bicycle courses, and other similar uses;
- 2) Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses;
- 2) Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, ~~navigable and intermittent waters, publicly operated scenic sites~~ and other similar uses;
- 3) Indoor community service uses and activities, including ~~meeting rooms, classrooms, theaters, auditoriums, banquet and social halls,~~ scout cabins, libraries, ~~publicly operated historic sites,~~ museums and galleries of materials that are not for sale, clubhouses, ~~accessory cafeterias and kitchens,~~ and other similar uses;
- 5) ~~Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;~~
- 6) ~~Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses; and,~~
- 4) Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

PARKING GARAGE - A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking for a fee.

PARKING COMPOUND – A commercial use where passenger vehicles may be stored for short-term, daily, or overnight off-street parking for a fee.

PAVED – A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

PERSONAL SERVICE BUSINESS - Personal service businesses shall include barber and beauty shops; self-service laundry and dry cleaning establishments; laundromats; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; photographers studio; pet grooming shop or any other establishment of similar nature providing personalized service to customers.

~~**PLANNED CENTER** – A group of uses 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.~~

PLANNED CENTER SIGN – A freestanding sign that is associated with a coordinated development of more than one land use all sharing common vehicle access and off-street parking.

PLASMA – A video display technology that relies upon the electric excitation of phosphors to emit light.

PLAT - ~~The map or plan of a subdivision or land development, whether preliminary or final. A map, plan or layout showing the subdivision of land or land development and indicating the location and boundaries of individual properties.~~

PNDI – The Pennsylvania Natural Diversity Inventory

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

- 1) Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
- 2) Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
- 3) Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES) – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

PRIVATE - Not publicly owned, operated or controlled.

PROFESSIONAL OR BUSINESS OFFICES - An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

PUBLIC - Owned, operated or controlled by a government agency (Federal, State or local -- including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Township Board of Supervisors, Planning Commission, or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

PUBLIC SEWER - A sewage disposal system which is owned and operated by a local government authority or by a local public utility company adequately controlled by a government authority. (See Community Water or Sewer System).

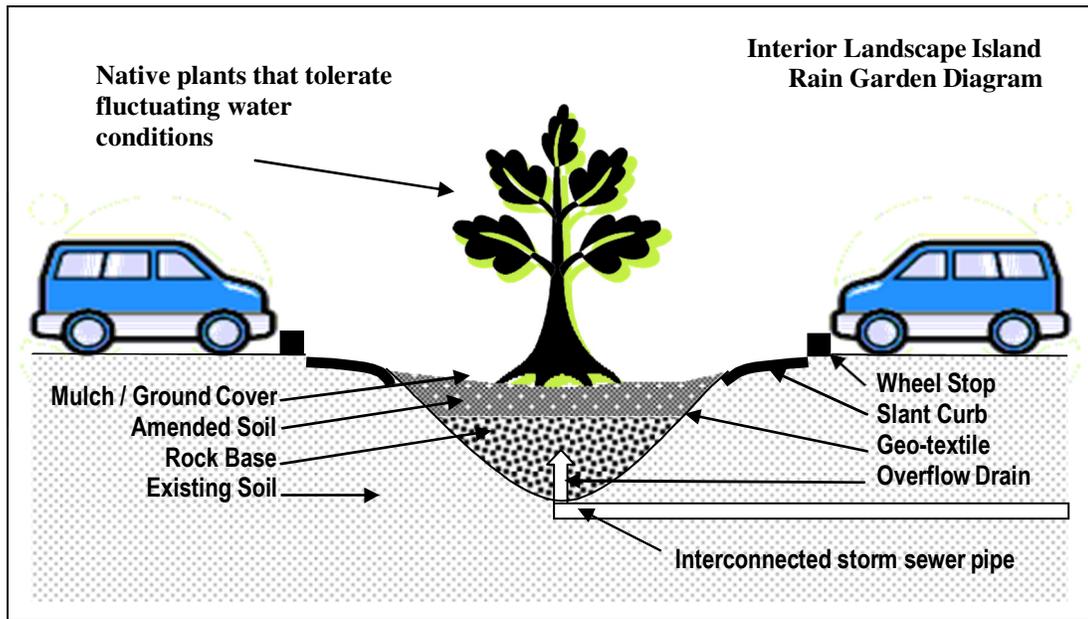
PUBLIC UTILITY - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a "Certificate of Public Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public

water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

~~**PUBLIC UTILITY TRANSMISSION TOWER** – A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission designed and used to support overhead electricity transmission lines.~~

PUBLIC WATER - A water supply system which is owned and operated by a local government authority or by a local public utility company adequately controlled by a government authority. (See Community Water or Sewer System).

RAIN GARDEN – An area of land designed and maintained to offer on-site stormwater regeneration. Within off-street parking lots the use of rain gardens must include interconnected drains with the site’s stormwater management system that prevent the overflow of stormwater at each of the respective rain garden locations.



RAISING OF CROPS - The use of land for silvicultural, horticulture, floriculture, and/or viticulture including the necessary accessory uses for packing, treating or storing produce and equipment, as well as incidental processing for consumption by a resident of a dwelling on the parcel on which such crops are raised. This use also includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program. It excludes the raising of livestock except as permitted under Section 517 of this Ordinance.

RECREATIONAL VEHICLE - A vehicle with or without motive power which may travel or which may be towed on the public highways by a passenger automobile without a special hauling permit, and which is designed for recreation and/or human occupancy solely under transient circumstances (e.g. vacations, recreation, temporary visitation, etc.; excluding residency and migrant employment). A recreational vehicle shall include travel trailer, camper, snowmobile, golf cart, three (3) or four (4) wheel all terrain vehicle, trail/dirt bike, boat, boat trailer, airplane or other similar vehicle.

REPORT - Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body

or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESEARCH AND DEVELOPMENT LABORATORY – A use devoted to the conduct of experiments, research and observation associated with scientific study.

RETAIL STORE OR SHOP - Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio, television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the uses not to be interpreted as retail stores or businesses are uses specifically provided for elsewhere in this Ordinance, including, but not limited to, service stations, vehicular sales and rental, eating establishments, adult oriented facilities, taverns, hotels and motels, business services, contractor's offices and heavy storage sales.

REVERSE FRONTAGE LOT - A lot extending between and having frontage on a minor street and either an arterial street or collector street with vehicular access solely from the minor street.

RIDING ACADEMY OR BOARDING STABLE - An establishment where horses are kept for riding or driving, or are stabled for compensation. It may be established as a principal use or as an accessory use incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY - A right-of-passage across land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. 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.

ROOMING HOUSE - A residential building, other than a hotel, containing not more than one (1) dwelling unit where lodging is provided with or without meals for compensation, for at least three (3) but not more than fifteen (15) persons in addition to the family unit. No medical or personal care is provided to roomers by the operators of the facility.

RURAL OCCUPATION - An accessory business or commercial activity that is conducted within an accessory structure of a principal single-family detached dwelling and which serves the particular needs of residents in rural communities in accordance with Section 750 of this ordinance-

SANITARY LANDFILL - A facility licensed and approved by the Pennsylvania Department of Environmental Resources for the disposal of solid waste where there is no reasonable probability of adverse effects on the public health or the environment from such disposal. A sanitary landfill shall be regulated as an extractive operation.

SATELLITE DISH ANTENNA - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL, PUBLIC, PRIVATE OR PAROCHIAL - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania. A non-profit educational institution whether public, private or parochial that provides state-required or state-funded kindergarten, elementary and/or secondary level pupil instruction and services. Said instruction may include training in trades or vocations. This term shall not include those uses defined as commercial schools.

SCHOOL, COMMERCIAL - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing or riding.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a minimum height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight

fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal.

SCREEN PLANTING - A vegetative material of sufficient height and density to provide screening as defined herein.

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 motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.

SETBACK - The horizontal distance between a structure and a property or street line.

FRONT SETBACK - The required distance between the street right-of-way line and the front setback line projected the full width of the lot.

REAR SETBACK - The required distance between the rear lot line and the rear setback line projected the full width of the lot. Reverse frontage and double frontage lots will not have a rear setback.

SIDE SETBACK - The required distance between the side lot line and the side setback line projected from the front setback line to the rear setback line.

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

SEXUAL CONDUCT - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.

SEXUALLY EXPLICIT NUDITY - A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the postpubertal, full or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

SHOPPING CENTER OR MALL - A group of 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.

SHORT TERM RENTAL - Any dwelling that may or may not be owner-occupied and is utilized as a dwelling rented for the purpose of overnight lodging for a period of thirty (30) days or less, and which meets the definition of "Hotel" for the purpose of imposing an excise tax by the County of York as defined in the County of York Ordinance No. 2019-02, as amended.

SIGN – A device for visual communication that is used to bring the subject to the attention of the public. This term includes:

- 1) lettering, logos, trademarks, and other symbols that are an integral part of the architectural design of a building which are applied to a building or which are located elsewhere on the premises;
- 2) signs that are affixed to windows or glass doors or are otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building;
- 3) flags and insignia of civic, charitable, religious, fraternal, patriotic, and similar organizations;

4) insignia of governments and government agencies;

5) banners, streamers, pennants, spinners, reflectors, tinsel, and similar objects; and

~~5) inflatable objects.~~

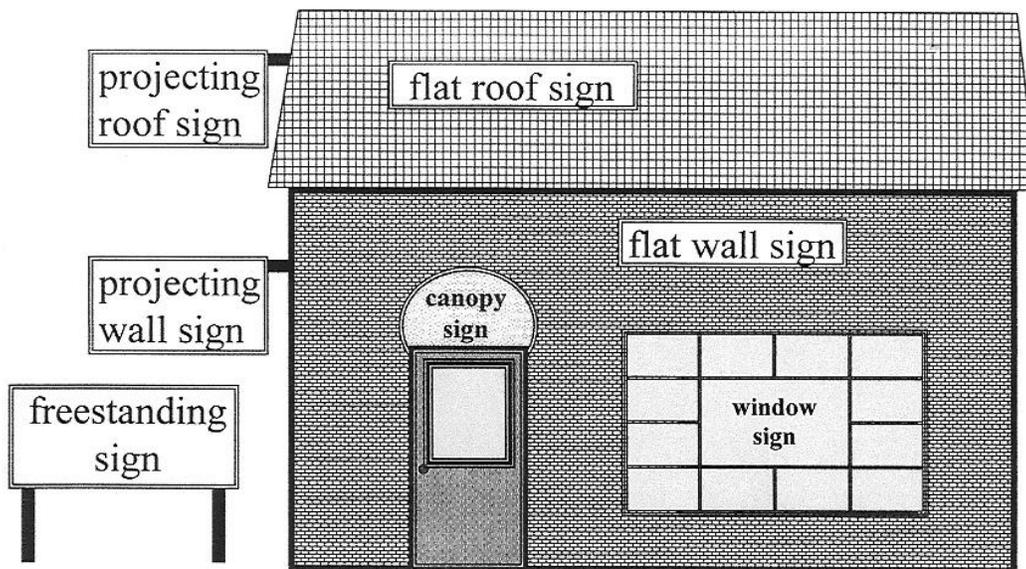
~~6) inflatable objects.~~

6)

This term shall not include:

- 1) architectural features that may be identified with a particular business;
- 2) backlit awnings that include no lettering, logos, or other symbols;
- 3) signs within a building that are obviously intended to be seen primarily from within the building;
- 4) outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-through lanes;
- 5) signs with regulations within a park;
- 6) building identification signs within a campus;
- 7) flags of governments or government agencies;
- ~~8) decorative seasonal and holiday banners on residential properties; and~~
- 8)
- 9) display of merchandise either behind store windows or outdoors.
- ~~9) display of merchandise either behind store windows or outdoors.~~

SIGN TYPES DIAGRAM



Billboard - An off-premise sign which directs attention to a product, service, business, or cause.

Canopy Sign - A sign that is incorporated into an awning or canopy that is attached to the building.

Dynamic Message Display - A sign incorporating LCD, LED, plasma, CRT, pixelized lights, other video-

like displays or other means of changing messages.

Flat Roof Sign – A sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.

Flat Wall Sign – A sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction.

Freestanding Sign – A sign that has a separate support structure and is not physically attached to a building.

Projecting Roof Sign – A sign whose support structure is attached to the roof of a building and whose face either runs generally perpendicular to the roof line or its underlying wall, or extends beyond the outside edges of the roof to which it is attached.

Projecting Wall Sign – A sign whose support structure is attached to the wall of a building and whose face either runs generally perpendicular to the wall, or extends beyond the outside edges of the wall to which it is attached.

Window Sign – A sign that is either located on the inside or outside surface of a window but whose message faces outward.

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

~~**SLASH** – Woody debris left in the woods after timber harvesting, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.~~

SMALL ANIMALS - Domestic animals generally not to be considered as livestock and also excluding those animals normally referred to as ~~household domestic pets such as dogs and cats~~. Small animals include, but are not limited to, ~~chinchillas, ferrets and rabbits, mink, raccoons, skunk and sable.~~

SOLAR EASEMENT – A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR PANEL – That part or portion of a solar energy system containing one or more receptive cells of modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SOLAR RELATED EQUIPMENT – Items including a solar photovoltaic cell, module, panel or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **SOLAR ARRAY**: A grouping of multiple solar modules with purpose of harvesting solar energy.

2. **SOLAR CELL**: The smallest basic solar electric device which generates electricity when exposed to light.

3. **SOLAR MODULE**: A grouping of solar cells with the purpose of harvesting solar energy.

SOLID WASTE - Garbage, refuse and other discarded material including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such waste shall not include biological excrements or hazardous wastes as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 PA Code Chapter 273, as amended, supplemented or revised.

SPECIAL EVENT VENUE - A permanent structure and space, with no on-site lodging or catering facilities, used for the commercial purpose of hosting weddings, receptions, parties, showers, celebrations, ceremonies, dinners, meetings, business engagements and similar non-regular, special events. Such venues are permitted only via special exception as an accessory use to the property's principal agricultural/residential use.

SPECIAL EXCEPTION - A permission or approval granted an applicant to use land in a zone for a purpose other than that generally permitted outright in that zone. A special exception is granted by the Zoning Hearing Board in accordance with the terms, procedures and conditions as set forth in Articles VI and VII.

STACK – A vertical structure enclosing a flue (or flues) that carries off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

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

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.

HALF STORY - 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 - A public or private way, excluding driveways and access drives, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and accepted public right-of-way or private right-of-way.

STREET GRADE - The officially 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 man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding driveways, walkways and parking areas. All structures must meet setback requirements. (See Building).

ACCESSORY STRUCTURE - A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

PERMANENT STRUCTURE - A structure which cannot readily be removed.

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

SWIMMING POOL - Any pool or open tank containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1.5) feet.

TAP ROOM - A room that is ancillary to the production of beer, wine or other alcoholic beverages at a brewery, microbrewery or brewpub where the public can purchase and/or consume beer, wine or other alcoholic beverages in accordance with the license issued by the Pennsylvania Liquor Control Board.

TASTING FACILITY - A facility or portion of a facility of a winery where the public may sample products provided by the winery and which has ancillary wine-related retail sales.

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

~~TELECOMMUNICATIONS 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, including without limitation omnidirectional whip antennas and directional or panel antennas owned or operated by a person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence, mounted satellite dishes, television antennas, amateur radio equipment, including without limitation ham or citizen band radio antennas, or internet access towers mounted on a personal residence for the occupant's use.~~

~~TELECOMMUNICATIONS EQUIPMENT BUILDING~~ - ~~An unmanned building or cabinet containing communications equipment required for the operation of communications antenna and covering an area on the ground not greater than 250 square feet.~~

~~TELECOMMUNICATIONS TOWER~~ - ~~A structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support communications antennas.~~

~~**TELECOMMUNICATIONS TOWER HEIGHT** – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.~~

~~**TEMPORARY SIGN** – A type of non-permanent sign located on private property that can be displayed for no more than 30 consecutive days at one time.~~

~~**TENANT** – A person with the right to live in a dwelling owned by another and with the express permission and knowledge of the property owner. For purposes of this Ordinance, tenant shall refer to a person also currently employed onsite.~~

~~**TENANT FARMHOUSE** - A single-family detached dwelling or a separate dwelling unit within the principal structure located on a farm, which may be occupied only by a tenant employed to work on the farm as their primary occupation~~

~~**TENANT QUARTERS** – Dwelling accommodations in association with an outdoor commercial recreational establishment for the housing of seasonal employees.~~

~~**TINY HOME** – A dwelling unit placed on a property for occupancy as a principal dwelling unit with a habitable floor area between 150 square feet and 400 square feet constructed with either a foundation or on wheels. Tiny homes must be served by water and sewer and shall provide a minimum of one off-street parking space. Tiny homes on foundations shall be regulated by the Uniform Construction Code. Tiny homes on wheels shall be regulated either as a manufactured home by the US Department of Housing and Urban Development or the National Organization of Alternative Housing, or as a temporary living space by the Recreational Vehicle Industrial Association.~~

~~**TRACT** - An area of land which may comprise the entire area or a sub-part of a parcel. Individual "tracts" within a parcel of land shall not constitute separate lots for the purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts contained within a parcel shall be considered descriptive only.~~

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

~~**TRUCK OR MOTOR FREIGHT TERMINAL** – A principal use contained on a single property:~~

- ~~A. to which materials and products are imported for their redistribution and export by commercial truck or other modes of transport; or,~~

B. whereby a fleet of commercial vehicles is maintained for their dispatch on an as needed or contractual basis.

TRUCK STOP – A principal use designed as one functioning site in which various services and amenities are provided for the comfort, convenience and safety of those engaged in the trucking distribution industry and other motorists. Suitable examples include vehicle filling stations, vehicle repair and services, vehicle washing, dining and lodging, laundromats, rest lounges and areas, travel-related retail shops, gift shops, locker rooms and bathing facilities and similar uses.

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

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

ACCESSORY USE - A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with this principal use, building or structure.

PRINCIPAL USE - The main or primary use of property, buildings, or structures. Only one (1) use permitted by right, by conditional use and/or by special exception shall be permitted as a principal use on an individual lot except as provided in Sections 306-hg and 307.h.

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.

VEHICLE SALES LOT - An open lot for the outdoor display of new or used automobiles, recreational vehicles and/or similar vehicles.

VEHICLE SERVICE AND REPAIR FACILITY - A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, recreational vehicles and similar vehicles.

VEHICLE WASHING FACILITY - A building on a lot, designed and used primarily for the washing and polishing of automobiles, recreational vehicles and similar vehicles and which may provide accessory services related to washing and polishing.

WAREHOUSE – A structure ~~to be~~ used for the accessory storage and safekeeping only of ~~equipment and merchandise, goods or products~~.

WAREHOUSE, DISTRIBUTION OR FULFILLMENT FACILITY – An establishment engaged in the storage and/or movement of goods including, but not limited to, manufactured products, supplies, equipment, food or other items and materials that are generally delivered to other firms or the final consumer. A warehouse used only for the accessory storage or safekeeping of goods or products where such goods or products are used as part of the property’s otherwise principal use shall not be considered part of this definition.

WHOLESALE ESTABLISHMENT - A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and non-perishable items.

| **WHOLESALE VEHICLE SALES TERMINAL OR AUCTION** - A use whereby new or used automobiles, recreational vehicles and/or similar vehicles are offered for wholesale and/or retail sales at prearranged sales which may or may not involve a competitive bidding process.

| **WIND ENERGY CONVERSION SYSTEM (WECS)** - A device which converts wind energy to mechanical or electrical energy.

WINERY - A facility specially designed to allow processing of grapes and other fruit products or vegetables, to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery, and warehousing. A winery may include barrel rooms, bottling rooms, tank rooms, laboratories and offices, as well as uses that are clearly incidental to the production of wine. It may also include retail and wholesale sales of wine, catering areas, banquet areas or rooms, halls, winery events, tours, picnic areas, food service and a tasting facility. Food service is not to include a restaurant.

WIRELESS COMMUNICATIONS FACILITY (WCF) - The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure. The following definitions apply only to WCF and the associated regulations found in this Ordinance unless otherwise indicated.

ACCESSORY EQUIPMENT - Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

ANTENNA - Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

BASE STATION - A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services (i.e., wifi) and fixed wireless services (i.e. point to point microwave transmissions) such as microwave backhaul.
- (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the Township under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iv) The term does not include any structure that, at the time the relevant application is filed with the Township under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

COLLOCATION - The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

DISTRIBUTED ANTENNA SYSTEM (DAS) - A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

ELIGIBLE FACILITIES REQUEST - Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE - Any tower or base station, provided it is existing at the time the relevant application is filed.

EQUIPMENT COMPOUND - An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

FT. WORTH ATTACHMENT - A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

MINIMUM FUNCTIONAL HEIGHT - Minimum height necessary for a WCF to function satisfactorily.

MODIFICATION - The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

MONOPOLE - A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

REPLACEMENT - The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

RIGHT-OF-WAY (ROW) - The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts,

bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

SITE - For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

STEALTH TECHNOLOGY - State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

SUBSTANTIAL CHANGE OR SUBSTANTIALLY CHANGE - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) for towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) it entails any excavation or deployment outside the current site.

TOWER - Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. wifi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF) - Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.

TRANSMISSION EQUIPMENT - Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

WCF ON EXISTING STRUCTURE - Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

WIRELESS - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the Township.

YARD - A prescribed open area on a lot, unobstructed from the ground upward except as modified in Section 401 of this Ordinance.

FRONT YARD - An area bounded by the street right-of-way line, front wall of the principal building and side property lines. However, on a corner lot, the second front yard shall be an area bounded by the street right-of-way lines, side wall of the principal building and rear property line.

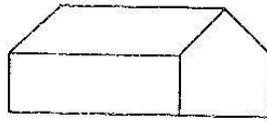
REAR YARD - An area bounded by the rear property line, rear wall of the principal building and side property lines. On corner lots, the rear yard shall be considered that area bounded by the rear wall of the principal building, the property line directly opposite the street of address, the side property line and the side wall of the principal building facing the street of non-address.

SIDE YARD - An area bounded by a side property line and the front, rear and side walls of the principal building. On corner lots, the side yard shall be considered the area between the side wall of the principal building, the property line opposite the street of non-address and the front and rear walls of the principal building.

| **YCCD** – York County Conservation District.

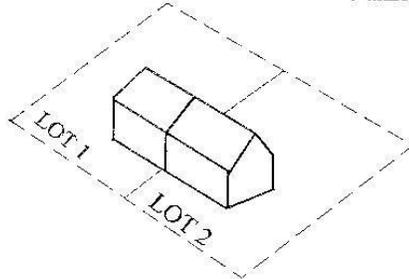
SKETCHES OF RESIDENTIAL DWELLING TYPES

SINGLE FAMILY DETACHED DWELLING



No party wall, one family, located on a single lot.

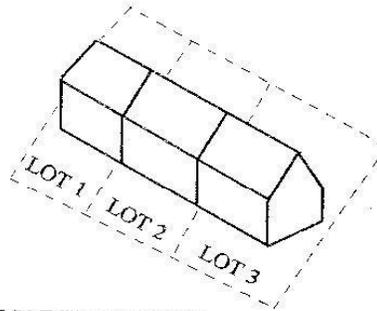
SINGLE FAMILY SEMI-DETACHED DWELLING



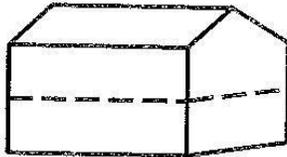
One party wall, one family per dwelling; each dwelling located on a single lot.

SINGLE FAMILY ATTACHED DWELLINGS

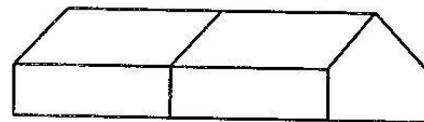
Two or more party walls, one family per dwelling; each dwelling located on a single lot.



TWO FAMILY DWELLINGS

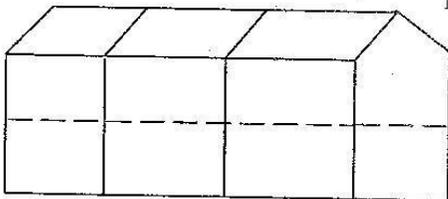


No party wall, one unit per floor; building located on a single lot.

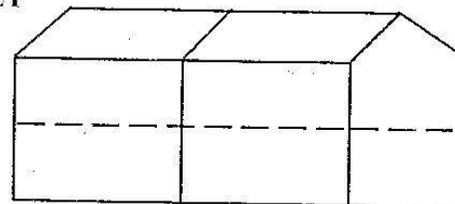


One party wall, one family per unit, both units located on a single lot.

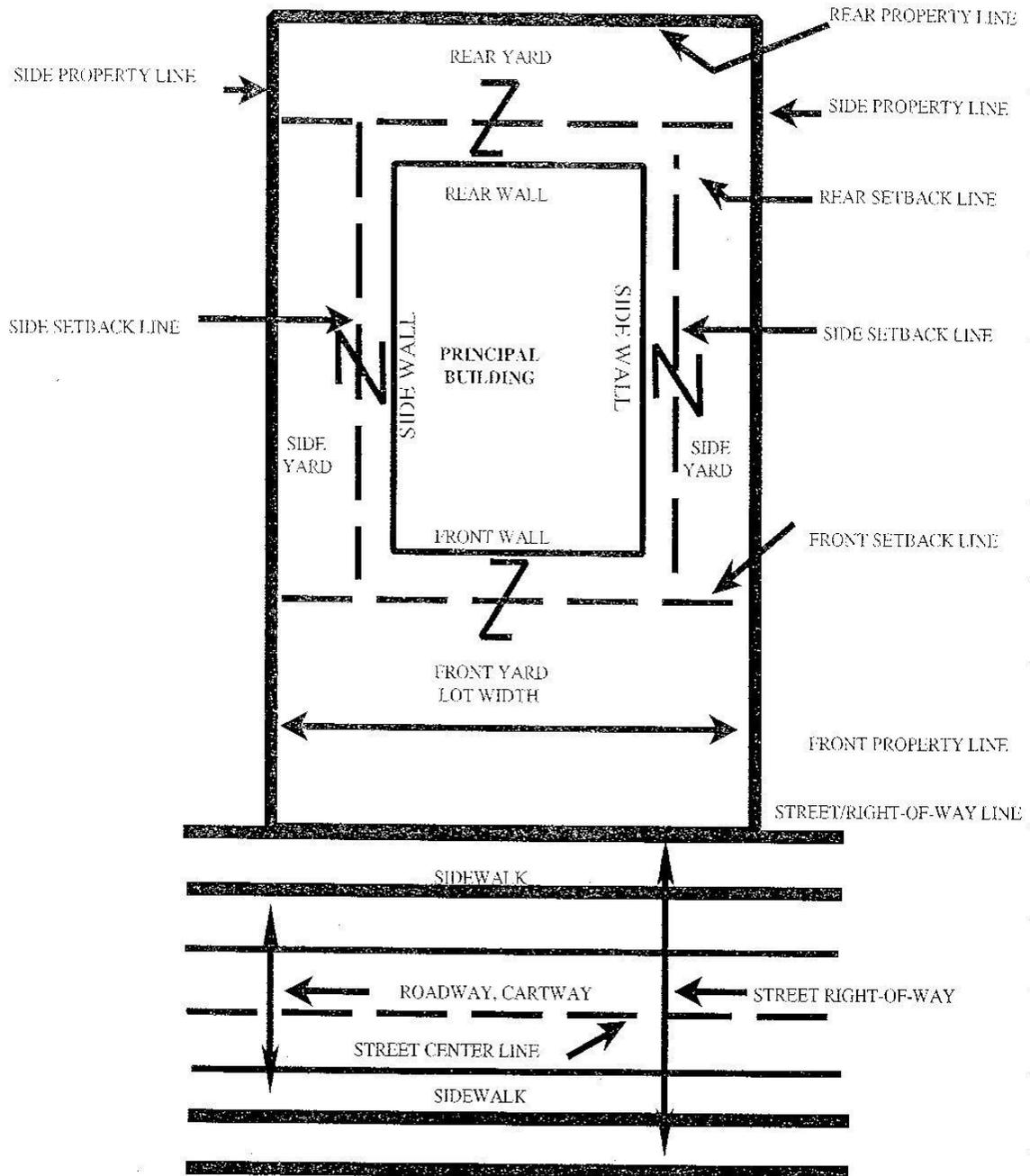
MULTI-FAMILY



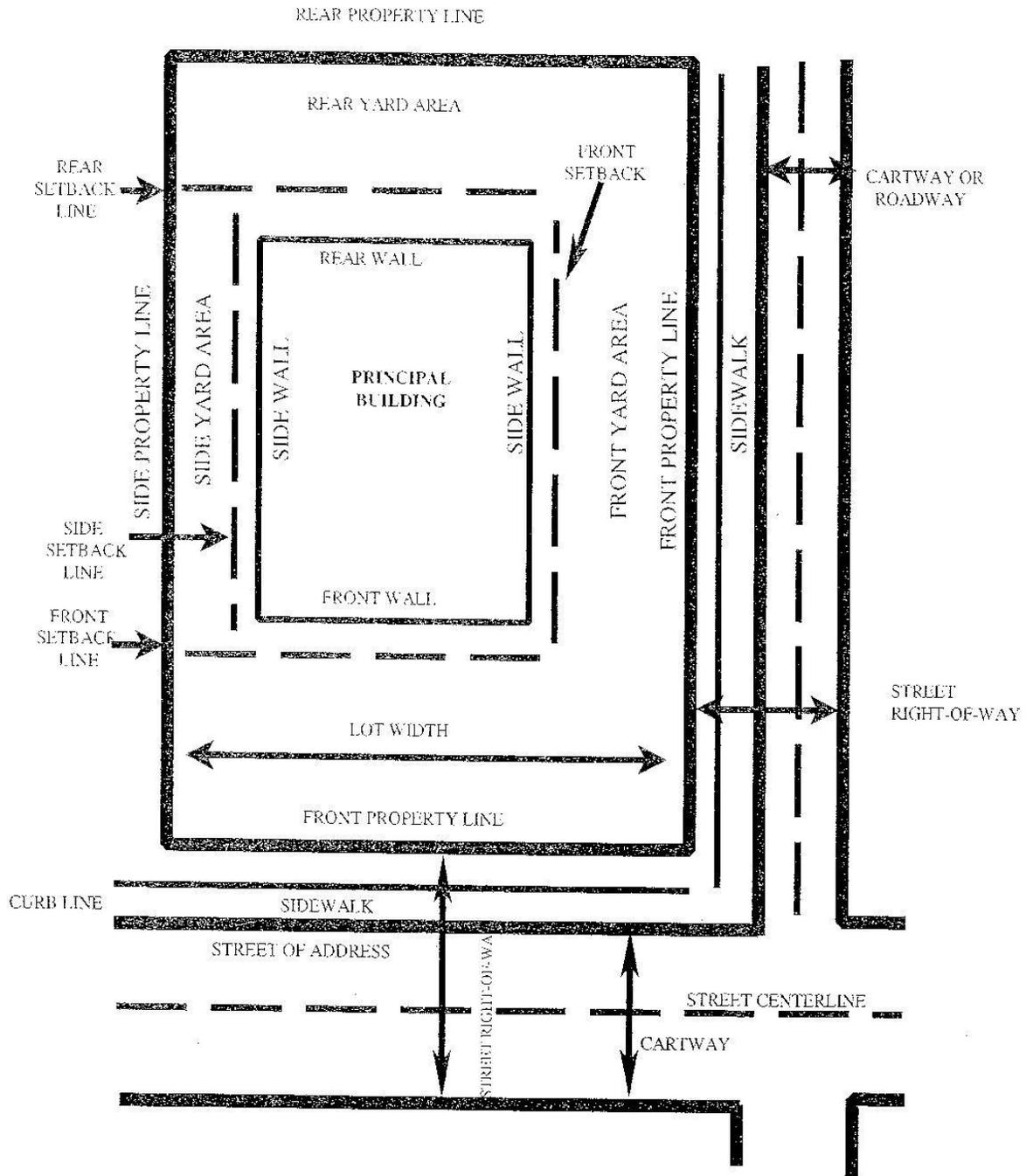
Two or more party walls, three or more families; all units located on a single lot.



One or more party walls, four or more families; all units located on a single lot.



SKETCH PLAN DEPICTING SELECTED ZONING TERMS



SKETCH PLAN DEPICTING CERTAIN ZONING TERMS AS APPLIES TO CORNER LOTS

ARTICLE III

ZONE REGULATIONS

SECTION 301 ZONES AND BOUNDARIES

- a) **Establishment of Zones:** The Township of Warrington is divided into zones enumerated below and shown on the map entitled, "Zoning Map of Warrington Township" which map is part of this Ordinance.

C	Conservation
RA	Rural Agricultural
R	Residential
VR	Village Residential
VC	Village Commercial
CR	Commercial Recreation
AH	Airport Hazard Overlay
RB	Riparian Buffer Overlay Zone

- 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 Subsections (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 Subsections (1) through (6), the Zoning Hearing Board shall interpret the zone boundaries.

- c) **Lots Split by Boundaries of Zones:** When a property is contained within more than one Zone, any use is required to comply with all applicable design standards upon that portion of the property within the District in which the use is permitted. For the purposes of satisfying applicable design standards, the zoning boundary shall be treated as a property line.

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 set forth in Sections 303 through 308. The uses listed 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. Supplementary regulations for various uses are set forth in ARTICLE V.
 - 4. Standards for Special Exceptions and Conditional Uses are set forth in ARTICLES VI and VII, respectively.

- 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, buildings 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, buildings 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 unless otherwise allowed by law, as in the case of Agricultural Security Areas.

- e) **Fair Housing Act:** Any use subject to the Fair Housing Amendments Act of 1988 together with any amendments thereto will be permitted in accordance with that Act. This section takes precedence over all other provisions in this Ordinance.

- f) **Number of Uses: Only one (1) use permitted by right, by conditional use and/or by special exception shall be permitted as a principal use on an individual lot except as provided in Sections 306-g and 307.h.**

SECTION 303

CONSERVATION ZONE (C)

a) **Purpose:** The purpose of the Conservation 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 recharge or potential water storage areas, and wooded areas adjacent thereto. Within this zone only low density development will be encouraged so as to preserve the open space character as well as the physical and environmental amenities of these areas of the Township.

b) **Uses by Right:** The following uses are permitted by right in the C Zone:

1. Single Family Detached Dwelling
2. Agriculture
- ~~3. Forestry~~ Forestry use*
- ~~4.3. Wildlife Preserve~~ Forest and Wildlife Preserve
- ~~5.4. Greenhouse, Horticultural Nursery*~~
- ~~6.5. Club Room, Club Grounds, Meeting Hall*~~
- ~~7.6. Cemetery*~~
- ~~8.7. Bed and Breakfast Inn*~~
- ~~9.8. Riding Academy or Boarding Stable*~~
- ~~9. Keeping of Livestock, Small Animals and/or Poultry*~~
10. Short Term Rentals*
11. Accessory uses customarily incidental to the above permitted uses including but not limited to no-impact home based businesses and certain solar energy systems and wireless communications facilities*, as defined herein.

* Additional regulations for these uses are set forth in ARTICLE V, Supplementary Regulations.

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 ARTICLES VI and VII of this Ordinance.

1. ~~Parks and Playgrounds or Other Recreational Area of a Nonprofit Nature~~ unless required as part of a Subdivision
2. Public Buildings and Facilities
3. Home Occupation
- ~~4. Helistop, Heliport~~
- ~~5.4. Telecommunication Antennas and Towers~~
- ~~6.5. Public Utility Building and/or Service Structure~~
- ~~7.6. Group Day Care Home~~
- ~~8.7. Group Quarters~~
- ~~9.8. Family Day Care Home~~
- ~~10.9. Kennels~~
- ~~11.10. Farm Occupation~~
- ~~12.11. Rural Occupation~~
- ~~13.12. Sawmill Operation~~
- ~~14.13. ECHO Housing~~
- ~~15.14. Two-family Conversion~~
- ~~16.15. Campground or Recreational Vehicle Park~~
- ~~17. Outdoor Trap, Skeet Rifle, Pistol or Archery Range~~
- ~~16. Outdoor Commercial Recreational Establishment~~

18.17. House of Worship

d) **Conditional Uses:** The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to criteria established in Section 806 and ARTICLE VII of this Ordinance and the following.

1. Community Recreational Development

~~2. Winery~~

3. Extractive Operation

4. Tower-Based Wireless Communications Facilities (WCF) where the tower is a) more than 40 feet in height, located out of the right-of-way, and on a public, semi-public or other institutional property or b) located in the right-of-way where public service utilities are not primarily located underground within 100 feet of the tower or base station.

~~4.—~~

e) **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 the C Zone: (See Section 41820, Flag Lots)

1. Minimum Lot Area - Three (3) acres (130,680 sq. ft.). Regarding lots that are subject to a fully executed and recorded Deed of Agricultural Conservation Easement in partnership with York County, the Commonwealth of Pennsylvania, or other similarly qualified land preservation entity, the minimum required lot area may be reduced to two (2) acres per the stipulated terms and conditions of said deed. In these circumstances, proposed lots may include area within the public right-of-way to meet the minimum lot area requirement provided that said right-of-way area does not exceed fifteen percent (15%) of the total proposed lot area.

2. Minimum Lot Width - Three hundred (300) feet.

f) **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

1. Front Setback - Fifty (50) feet for principal and accessory uses.

2. Side Setback - Fifty (50) feet on each side for principal uses, ten (10) feet on each side for accessory uses.

3. Rear Setback - Fifty (50) feet for principal uses, ten (10) feet for accessory uses.

4. For lots being built upon in accordance with an approved recorded subdivision plan, the setbacks will be as outlined on the approved and recorded plan in the event they differ from those setbacks outlined in number 1 through 3.

5. For any pre-existing lot existing prior to the first enactment of zoning in the township and non-conforming, therefore, the setbacks will be ten (10) feet for the Side and Rear Setbacks and will be thirty-five (35) feet for the Front Setback.

g) **Height:** The height limit for a principal building or structure shall be thirty-five (35) feet, except in the case of farm buildings or structures in which case there is no height limitation. The height limit for accessory buildings or structures shall be two (2) stories but not over twenty-five (25) feet.

h) **Lot Coverage:** Not more than twenty percent (20%) of the lot area may be covered with an impervious surface.

i) **Land Clearing:** A maximum of one (1) acre of land may be clear cut per each three (3) acres of lot area as of the effective date of this Ordinance. Clear cutting is prohibited within 100 feet of an adjoining forested property.

j) Dwelling Unit Design Standards: In submitting an application for a subdivision or land development for a dwelling unit, the applicant shall demonstrate that measures have been used to:

1. Minimize the loss of prime agricultural land;
2. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining properties;
3. Minimize the length of property lines in common with all residential lots and adjoining farms;
4. Plan accordingly for adequate vehicular access to potential future dwelling units; and
5. Minimize potential conflicts with agricultural activities on neighboring farms.:

k) Agricultural Nuisance Disclaimer: The following notice is required to be placed on the deed of sale:

“Lands within the Conservation zone are in an area where the Township has given priority to commercial agricultural production. Owners, residents and other users of this property may be subjected to inconveniences, discomfort and annoyances arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and annoyances from normal agricultural operations, and are hereby officially notified that the Pennsylvania ”Right to Farm Law” and/or any Agricultural Security Area designation may bar them from certain legal actions to limit such normal agricultural operations.”

l) Tenant Farmhouse: Tenant farmhouses shall be permitted by right as an accessory structure in accordance with the following regulations.

1. The tenant farmhouse shall be required to meet all applicable local, State and Federal requirements for the siting of on-lot wastewater and water facilities.
2. The tenant farmhouse shall be located contiguous to existing buildings of the agricultural operation/farm and where possible utilize shared driveways. Furthermore, the tenant farmhouse shall not be located in a remote area of the farm parcel which would cause the need to cross prime farmland to provide new access to the dwelling unit.
3. If the tenant farmhouse is abandoned as an accessory use, the property owner is no longer exempt from meeting the requirements of this Chapter regarding single-family detached dwellings and shall either meet these regulations or remove the dwelling unit.
4. Tenant farmhouses are permitted as accessory structures on a farm as follows: 25 acres to 50 acres of net lot area, 1 tenant house; thereafter, 1 tenant house per each 50 acres of net lot area.

SECTION 304

RURAL AGRICULTURAL ZONE (RA)

a) **Purpose:** The primary purpose of the Rural Agricultural 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 agriculture. 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 are permitted by right in the RA Zone:

1. Single Family Detached Dwelling
2. Agriculture
3. Greenhouse, Horticultural Nursery*
4. Forest and Wildlife Preserve
5. Animal Hospital or Veterinary Office
6. House of Worship
7. Cemetery*
8. Club Room, Club Grounds or Meeting Hall*
9. Bed and Breakfast Inn*
10. Riding Academy or Boarding Stable*
11. Keeping of Livestock, Small Animals and/or Poultry*

12. Forestry use*

12-13. Short Term Rentals*

13-14. Accessory uses customarily incidental to the above permitted uses including but not limited to no- impact home based businesses and certain solar energy systems and wireless communications facilities*, as defined herein.

* Additional regulations for these uses are set forth in ARTICLE V, Supplementary Regulations.

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 ARTICLES VI and VII of this Ordinance.

1. Kennel
2. Sawmill Operation
3. ~~Parks and Playgrounds -or Other Recreational Area of a Nonprofit Nature~~ unless required as part of a Subdivision
4. Public Buildings and Facilities
5. Airport, Airstrip
6. Public Utility Building and/or Service Structure
7. Home Occupation
8. Agricultural Equipment and Machinery Sales and Service
9. Domiciliary Care Home
10. Personal Care Boarding Home
11. Campground or Recreational Vehicle Park
12. Helistop, Heliport
13. Group Day Care Home
14. Adult or Child Day Care Center or Nursery School
15. Group Quarters
16. Family Day Care Home
17. Farm Occupation
18. Rural Occupation
- ~~19. Telecommunication Antennas and Towers.~~

- 19. ECHO Housing.
- 20. Two-family Conversion

~~21. Two-family Conversion~~

~~21. Special Event Venue~~

~~22. Billboard~~

d) **Conditional Uses:** The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to criteria established in Section 806 and ARTICLE VII of this Ordinance and the following.

1. Community Recreational Development

~~1-2. Winery~~

3. Concentrated Animal Feeding Operations (CAFOs) and Concentrated Animal Operations (CAOs)

4. Tower-Based Wireless Communications Facilities (WCF) where the tower is more than 40 feet in height and located out of the right-of-way

5. Principal Solar Energy Systems

~~2-6. School, Public, Private or Parochial.~~

e) **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 the RA Zone: (See Section 4~~1820~~, Flag Lots).

1. Minimum Lot Area ~~=~~ 60,000 sq. ft.

2. Minimum Lot Width ~~=~~ One hundred fifty (150) feet.

f) **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

1. Front Setback ~~=~~ Thirty-five (35) feet for principal and accessory uses.

2. Side Setback ~~=~~ Twenty-five (25) feet on each side for principal uses, ten (10) feet on each side for accessory uses..

3. Rear Setback ~~=~~ Forty (40) feet for principal uses, ten (10) feet for accessory uses..

g) **Height:** The height limit for a principal building or structure shall be thirty-five (35) feet, except in the case of farm buildings or structures in which case there shall be no height limitation. The height limit for accessory buildings or structures shall be two (2) stories, but not over twenty-five (25) feet.

g) **Lot Coverage:** Not more than thirty percent (30%) of the lot area may be covered with an impervious surface.

~~h) **Dwelling Unit Design Standards:** In submitting an application for a subdivision or land development for a dwelling unit, the applicant shall demonstrate that measures have been used to:~~

~~1. Minimize the loss of prime agricultural land;~~

~~2. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining properties;~~

~~3. Minimize the length of property lines in common with all residential lots and adjoining farms;~~

~~4. Plan accordingly for adequate vehicular access to potential future dwelling units; and~~

~~5. Minimize potential conflicts with agricultural activities on neighboring farms.:~~

~~i) **Agricultural Nuisance Disclaimer:** The following notice is required to be placed on the deed of any new lot that is created within the RA zone and shall be disclosed to any buyer of a lot prior to a sale:~~

~~“Lands within the Rural Agricultural zone are in an area where the Township has given priority to~~

commercial agricultural production. Owners, residents and other users of this property may be subjected to inconveniences, discomfort and annoyances arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and annoyances from normal agricultural operations, and are hereby officially notified that the Pennsylvania "Right to Farm Law" and/or any Agricultural Security Area designation may bar them from certain legal actions to limit such normal agricultural operations."

j) Tenant Farmhouse: Tenant farmhouses shall be permitted by right as an accessory structure in accordance with the following regulations.

1. The tenant farmhouse shall be required to meet all applicable local, State and Federal requirements for the siting of on-lot wastewater and water facilities.
2. The tenant farmhouse shall be located contiguous to existing buildings of the agricultural operation/farm and where possible utilize shared driveways. Furthermore, the tenant farmhouse shall not be located in a remote area of the farm parcel which would cause the need to cross prime farmland to provide new access to the dwelling unit.
3. If the tenant farmhouse is abandoned as an accessory use, the property owner is no longer exempt from meeting the requirements of this Chapter regarding single-family detached dwellings and shall either meet these regulations or remove the dwelling unit.
4. Tenant farmhouses are permitted as accessory structures on a farm as follows: 25 acres to 50 acres of net lot area, 1 tenant house; thereafter, 1 tenant house per each 50 acres of net lot area.

SECTION 305

RESIDENTIAL ZONE (R)®

- a) **Purpose:** The Residential Zone provides space for day-to-day living activities. The purpose of this Residential Zone is to provide for the orderly expansion of residential development, to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities and the preservation of open space; and to exclude any activities not compatible with residential development.
- b) **Uses by Right:** The following uses are permitted by right in the R Zone:

- 1. Single Family Detached Dwelling
- 2. Raising of Crops
- 3. Keeping of Livestock, Small Animals and/or Poultry*
- 4. Forestry use*
- 4.5. Short Term Rentals*
- 5.6. Accessory uses customarily incidental to the above permitted uses including but not limited to no-impact home based businesses and certain solar energy systems and wireless communications facilities*, as defined herein.

* Additional regulations for ~~these uses~~ single-family attached dwellings are set forth in ARTICLE V, Supplementary Regulations.

- 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 ARTICLES VI and VII of this Ordinance.

- ~~1. Two Family Dwelling~~
- 2.1. House of Worship
- 3.2. Cemetery
- 4.3. Parks and Playgrounds ~~or Other Recreational Area of a Nonprofit Nature~~ unless required as part of a Subdivision
- 5.4. Home Occupation
- 6.5. Public Utility Building and/or Service Structure
- 7.6. Public Buildings and Facilities
- 8.7. Group Day Care Home
- 9.8. Bed and Breakfast Inn
- 10.9. Domiciliary Care Home
- 12. Group Quarters
- 13. Family Day Care Home
- 14. ~~Telecommunications Antennas when attached to a structure that existed on the effective date of this Ordinance.~~
- 15.14. ECHO Housing

- d) **Conditional Uses:** The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to criteria established in Section 806 and ARTICLE VII of this Ordinance.

- 1. Manufactured mobile Home Park
- 2. Tower-Based Wireless Communications Facilities (WCF) where the tower is a) more than 40 feet in height, located out of the right-of-way, and on a public, semi-public or other institutional property or b) located in the right-of-way where public service utilities are not primarily located.

underground within 100 feet of the tower or base station.
4.3. School, Public, Private or Parochial.

e) **Design Requirements:** The following lists required design standards for uses within the (R) Zone.

REQUIRED DESIGN STANDARDS FOR THE RESIDENTIAL ZONE						
Use	Min. Lot Size (sq. ft.)	Min. Lot Width	Front setback	Side setbacks	Rear setback	Maximum Permitted Height
Single Family Detached Dwellings & All Other Uses without public sewer utilities	43,560*	125 ft.	40 ft.	15 ft. each	25 ft.	35 ft.
Single Family Detached Dwellings with public water	43,560*	125 ft.	40 ft.	15 ft. each	25 ft.	35 ft.
Single Family Detached Dwellings with public sewer	20,000	100 ft.	40 ft.	10 ft. each	25 ft.	35 ft.
Single Family Detached Dwellings with public sewer & public water	20,000	100 ft.	40 ft.	10 ft. each	25 ft.	35 ft.
Single Family Semi-Detached & Two Family Dwellings with public sewer	20,000	100 ft./unit	40 ft.	40 ft. one side	50 ft.	35 ft.
Accessory structures	Included in above		40 ft.	10 ft. on each side	10 ft.	(2) stories, but not over twenty-five (25) feet.
* Those uses relying upon on lot sewers shall comply with Section 421 of this Ordinance. When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Sewage Enforcement officer or the Department of Environmental Protection for factors relating to health and sanitation.						

f) **Lot Coverage:** Not more than thirty-five percent (35%) of the lot area may be covered with an impervious surface.

SECTION 306 VILLAGE RESIDENTIAL ZONE (VR)

a) **Purpose:** The purpose of the Village Zone is to provide reasonable standards for the orderly development and the preservation of a variety of residential and public uses in areas where a nucleus of such uses already exists. The standards of this zone are designed to prevent the overcrowding of land by restricting maximum housing densities, to exclude any activities not compatible with the Village Residential environment; to provide for the public convenience; to minimize traffic congestion and to otherwise fulfill the purposes and objectives of this Ordinance.

b) **Uses by Right:** The following uses are permitted by right in the VR Zone:

1. Single Family Detached Dwelling
2. Public Buildings and Facilities
3. Raising of Crops
4. Funeral Home*
5. Bed and Breakfast Inn*
6. House of Worship*
7. Forestry Use*
8. Keeping of Livestock, Small Animals and/or Poultry*
- ~~7-9.~~ Short Term Rentals*
- ~~8-10.~~ _____ Accessory uses customarily incidental to the above permitted uses including but not limited to no- impact home based businesses and certain solar energy systems and wireless communications facilities*, as defined herein.

* Additional regulations for these uses are set forth in ARTICLE V, Supplementary Regulations.

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 ARTICLES VI and VII of this Ordinance.

1. Public Utility Building and/or Service Structure
2. Home Occupation
3. Group Day Care Home
4. ECHO Housing.
5. Adult or Child Day Care Center or Nursery School
6. Rooming House or Boarding House
7. ~~Parks and Playgrounds, or Other Recreational Area of a Nonprofit Nature~~ Unless Required as Part of a Subdivision
8. Personal Care Boarding Home
9. Group Quarters
10. Family Day Care Home
- ~~10-11.~~ Single Family Semi-Detached Dwelling
- ~~11-12.~~ Two-family Dwelling
- ~~12-13.~~ Domiciliary Care Home
- ~~13-14.~~ Multi-Family Dwelling

d) **Conditional Uses:** The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to criteria established in Section 806 and ARTICLE VII of this Ordinance.

1. Cluster Housing Developments
2. Manufactured mobile Home Parks
3. Convalescent Home, Nursing Home or Hospital

4. Tower-Based Wireless Communications Facilities (WCF) where the tower is a) more than 40 feet in height, located out of the right-of-way, and on a public, semi-public or other institutional property or b) located in the right-of-way where public service utilities are not primarily located underground within 100 feet of the tower or base station.

3.5. School, Public, Private or Parochial.

e) **Design Requirements:** The following lists required design standards for uses within the (VR) Zone.

REQUIRED DESIGN STANDARDS FOR THE VILLAGE RESIDENTIAL ZONE						
Use	Min. Lot Size (sq. ft.)	Min. Lot Width	Front setback ²	Side setbacks	Rear setback	Maximum Permitted Height
Single Family Detached Dwellings & All Other Uses without public sewer utilities	43,560 ¹	125 ft.	40 ft.	15 ft. each	25 ft.	35 ft.
Single Family Detached Dwellings with public water	43,560¹	125 ft.	40 ft.	15 ft. each	25 ft.	35 ft.
Single Family Detached Dwellings with public sewer	20,000	100 ft.	40 ft.	10 ft. each	25 ft.	35 ft.
Single Family Detached Dwellings with public sewer & public water	10,000	80 ft.	40 ft.	10 ft. each	25 ft.	35 ft.
Single Family Semi Detached & Two Family Dwellings with public sewer & public water	5,000	40 ft./unit	40 ft.	10 ft. one side	25 ft.	35 ft.
Accessory structures	Included in above		40 ft.	5 ft. on each side	5 ft.	(2) stories, but not over twenty-five (25) feet.
<p>¹Those uses relying upon on lot sewers shall comply with Section 421 of this Ordinance. When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Sewage Enforcement officer or the Department of Environmental Protection for factors relating to health and sanitation.</p> <p>² Front yard setbacks are subject to modification under Section 403.b) of this Ordinance.</p>						

- f) **Lot Coverage:** Not more than sixty percent (60%) of the lot area may be covered with an impervious surface.
- g) **Number of Uses.** Two (2) or more independent uses permitted in this zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied, e.g. parking, special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; and, such provisions shall not be cumulative for the individual uses established.

SECTION 307 VILLAGE COMMERCIAL ZONE (VC)

a) **Purpose:** This Zone is intended to provide for the Township's commercial and industrial land use needs. Given the rural character of the Township, this Zone only provides for (as permitted uses) limited commercial and/or industrial uses that relate to the local retail, service and employment needs of the Township. Other larger and more intensive uses, while provided for, must obtain specific approval by special exception or conditional use. These intensive uses will need to demonstrate the need or demand for such facilities, as well as be conducted in a manner that is most compatible with the Township's rural atmosphere. Areas within this Zone have been deliberately located close to the Township's planned residential growth areas to minimize vehicular traffic congestion and conserve energy. This strategy also helps to preserve the outlying pastoral character of the Township.

b) **Uses by Right:** The following uses are permitted by right in the VC Zone provided their individual site sizes do not exceed one (1) acre; no outdoor storage is permitted and any sales and/or display area for any individual use does not exceed three thousand, six hundred (3,600) square feet:

1. Any use by right permitted within the VR subject to the applicable standards contained within Section 306 of this Ordinance.
2. Retail Store or Shop
3. Personal Service Business
4. Professional, Business or Contractor's Office
5. Public Buildings and Facilities
6. Parking Compound or Parking Garage
- ~~7. Indoor Commercial Recreational Establishment~~
- ~~8.7.~~ Raising of Crops
- ~~10.8.~~ Service Station or Convenience Store Dispensing Fuel*
- ~~11.9.~~ Vehicle Sales, Service, Repair and/or Body Shop*
- ~~12.10.~~ Medical Clinic
- ~~13.11.~~ Animal Hospital or Veterinary Office
- ~~14.12.~~ Commercial School*
- ~~15.13.~~ Shopping Center or Mall*
14. Forestry Use*
- ~~16.15.~~ Keeping of Livestock, Small Animals and/or Poultry*
- ~~17.16.~~ Accessory uses customarily incidental to the above permitted uses including but not limited to no-impact home based businesses and certain solar energy systems and wireless communications facilities*, as defined herein.

* Additional regulations for these uses are set forth in ARTICLE V, Supplementary Regulations.

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 ARTICLES VI and VII of this Ordinance.

1. Public Utility Building and/or Service Structure
2. Home Occupation
3. Group Day Care Home
4. Adult or Child Day Care Center or Nursery School
5. Rooming House or Boarding House
6. ~~Parks and Playgrounds -or Other Recreational Area of a Nonprofit Nature~~ Unless Required as Part of a Subdivision
7. Personal Care Boarding Home
8. Mini-Storage Facility
9. Vehicle Washing Facility
10. Research and Development Laboratory

- 11. ECHO Housing
- 12. Two-family Conversion
- ~~12,13.~~ Commercial Recreation Facility

- ~~13-14.~~ Half-way house
- ~~14-15.~~ Hotels, Motels and Similar Lodging Facilities

d) Conditional Uses: The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to criteria established in Section 806 and ARTICLE VII of this Ordinance and the following.

1. Convalescent Home, Nursing Home or Hospital
2. Intensive Commercial / Industrial Use, as defined herein.
3. ~~Manufactured~~ mobile home Sales Lot
4. Wholesale Vehicle Sales Terminal or Auction
5. Adult Oriented Facility
6. Heavy Storage, Sales and/or Service (ex: Building Material Yard, Accessory Warehouse, Commercial Vehicles, Buses, Construction Equipment)
7. Wholesale Establishment
8. Truck or Motor Freight Terminal and Truckstops
9. Junkyard or Automobile Dismantling Plant
10. Industrial Activities involving manufacturing, processing, packaging, printing, publishing, production, repair or testing of materials, goods and products including those industries performing conversion and assembly, industrial laundries, and/or the repair of large appliances and equipment.
11. Industrial Park
12. Chemical Manufacturing, Processing and/or Storage Facility
13. Solid Waste Processing Facility
- ~~14.~~ Eating Establishment, including the serving of alcoholic beverages.
- ~~15.~~ Brewery, Microbrewery, Tavern, Brew Pub or Tap Room
- ~~16.~~ Tower-Based Wireless Communications Facilities (WCF) where the tower is more than 40 feet in height and located out of the right-of-way
- ~~17.~~ Medical Marijuana Dispensary
- ~~18.~~ Medical Marijuana Grower/Processor
- ~~19.~~ Warehouse, Distribution or Fulfillment Facility

14.

e) Minimum Lot Area, Lot Width and Maximum Lot Coverage Requirements — See following table:

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None*	43,560 sq. ft.	200 ft.	35%
Public Sewer	20,000 sq. ft.	125 ft.	45%
Public Water	35,000 sq. ft.	150 ft.	55%
Both Public Sewer & Public Water	15,000 sq. ft.	100 ft.	70%

*~~Those uses relying upon on lot sewers shall comply with Section 421 of this Ordinance. When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Sewage Enforcement officer or the Department of Environmental Protection for factors relating to health and sanitation.~~

f) Minimum Setback Requirements (Principal and Accessory Uses)

1. Front yard setback — All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least thirty-five feet (35') from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of twenty feet (20') from the street right-of-way. Residential

accessory uses shall be set back at least thirty-five feet (35') from the street right-of-way.

2. Side yard setback— All buildings and structures shall be set back at least twenty-five feet (25') from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen feet (15') from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
- ~~3.~~ Rear yard setback— All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty feet (20') from the rear lot line.

4.3. Residential buffer strip — Any lot adjoining land within a RA, R and/or VR Zone shall maintain a fifty foot (50') setback for nonresidential buildings, structures, off-street parking lots, loading areas, and outdoor storage areas from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen.

- g) **Maximum Permitted Height** — Thirty-five feet (35').
- h) **Number of Uses.** Two (2) or more independent uses permitted in this zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied, e.g. parking, special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; and, such provisions shall not be cumulative for the individual uses established.
- i) **Commercial and Industrial Operations Standards** — All commercial and industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

SECTION 308 COMMERCIAL RECREATION (CR)

a) **Purpose:** The purpose of this Zone is to accommodate development associated with the Roundtop Ski Resort and other nearby areas that exist within the Township. Because of the potential impacts of commercial recreation developments, and their proximity with nearby residences, such uses will be scrutinized via the conditional use process.

b) **Uses by Right:** The following uses are permitted by right in the CR Zone:

1. Single Family Detached Dwelling
2. Agriculture
- ~~3. Forestry*Forestry use*~~
- ~~4.3. Wildlife PreserveForest and Wildlife Preserve~~
- ~~5.4. Greenhouse, Horticultural Nursery*~~
- ~~6.5. Club Room, Club Grounds, Meeting Hall*~~
- ~~7.6. Cemetery*~~
- ~~8.7. Bed and Breakfast Inn*~~
- ~~9.8. Riding Academy or Boarding Stable*~~
9. Keeping of Livestock, Small Animals and/or Poultry*
10. Short Term Rentals*
11. Accessory uses customarily incidental to the above permitted uses including but not limited to no-impact home based businesses and certain solar energy systems and wireless communications facilities*, as defined herein.

* Additional regulations for these uses are set forth in ARTICLE V, Supplementary Regulations.

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 ARTICLES VI and VII of this Ordinance.

1. Home Occupations.
2. Rural Occupations.
- ~~3. Telecommunication Antennas and Towers~~
- ~~4.3. Group Day Care Home~~
- ~~5.4. Parks and Playgrounds or Other Recreational Area of a Nonprofit Nature~~ Unless Required as Part of a Subdivision
- ~~6.5. Public Utility Building and/or Service Structure~~
- ~~7. Billboards~~
- ~~8.6. ECHO Housing~~
- ~~9.7. Indoor Commercial Recreational Establishment Facility-~~
- ~~8.10. Hotels, Motels and Similar Lodging Facilities~~
- ~~9.11. Two-family Conversion~~

d) **Conditional Uses:** The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to criteria established in Section 806 and ARTICLE VII of this Ordinance and the following.

1. Campground or Recreational Vehicle Park
- ~~2. Outdoor Trap, Skeet, Rifle, Pistol or Archery Range~~
3. Outdoor Commercial Recreational Establishment
3. Eating Establishment, including the serving of alcoholic beverages
4. Microbrewery, Brewpub, or Tap Room
5. Winery
- ~~4.6. Tower-Based Wireless Communications Facilities (WCF) where the tower is more than 40 feet in~~

height and located out of the right-of-way

e) **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 the CR Zone: (See Section 4~~1820~~, Flag Lots)

1. Minimum Lot Area - Three (3) acres (130,680 sq. ft.)

2. Minimum Lot Width - Three hundred (300) feet.

f) **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

1. Front Setback - Fifty (50) feet for principal and residential accessory uses
2. Side Setback - Fifty (50) feet on each side for principal uses, ten (10) feet on each side for accessory uses.
3. Rear Setback - Fifty (50) feet for principal uses, ten (10) feet for accessory uses.
4. For lots being built upon in accordance with an approved recorded subdivision plan, the setbacks will be as outlined on the approved and recorded plan in the event they differ from those setbacks outlined in number 1 through 3.
5. For any pre-existing lot existing prior to the first enactment of zoning in the township and non-conforming, therefore, the setbacks will be ten (10) feet for the Side and Rear Setbacks and will be thirty-five (35) feet for the FrontSetback.

g) **Height:** The height limit for a principal building or structure shall be thirty-five (35) feet, except in the case of farm buildings or structures in which case there is no height limitation. The height limit for accessory buildings or structures shall be two (2) stories but not over twenty-five (25) feet.

h) **Lot Coverage:** Not more than twenty percent (20%) of the lot area may be covered with an impervious surface.

i) **Land Clearing:** A maximum of one (1) acre of land may be clear cut per each three (3) acres of lot area as of the effective date of this Ordinance. Clear cutting is prohibited with 100 feet of an adjoining forested property.

j) **Commercial and Industrial Operations Standards** - All commercial and industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

k) Tenant Quarters: Tenant quarters shall be permitted by right as an accessory structure to an approved outdoor commercial recreational establishment only in accordance with the following regulations.

1. The tenant quarters shall be required to meet all applicable local, State and Federal requirements for the siting of on-lot wastewater and water facilities.

2. The tenant quarters shall be located contiguous to existing buildings of the outdoor commercial recreational establishment and where possible utilize shared driveways. Furthermore, the tenant quarters shall not be located in a remote area of the parcel which would cause the need to cross prime farmland, steep slopes or mature woodlands to provide new access to the dwelling unit.

3. If the tenant quarters is abandoned as an accessory use, the property owner is no longer exempt from meeting the requirements of this Chapter regarding single-family detached dwellings and shall either meet these regulations or remove the dwelling unit.

SECTION 309 FLOODPLAIN PROTECTION

- a) All uses within Warrington Township shall be required to comply with the Warrington Township Floodplain Ordinance, as may be amended.

SECTION 310 AIRPORT HAZARD OVERLAY ZONES (AH)

- a) **Purpose:** The purpose of these zones is to prevent injury and/or the loss of property and life and to avoid safety hazards by:
 - 1. Regulating the height of buildings, structures, and natural plant growth within all AH Zones which might otherwise have the potential for endangering the lives and property of the users of the Kampel Airport, and the property or occupants of land in the vicinity of the Airport. (Such hazards might be created by an obstruction which could reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airport).
 - 2. Encouraging and/or requiring the removal, alteration, or marking and lighting of obstructions, whether man-made or natural, which are potential hazards to air navigation in the vicinity of the Kampel Airport.
 - 3. Endeavoring to protect individuals who intend to buy or acquire interest in lands, buildings, or structures which are located within an Airport Hazard Zone.
- b) **Warning and Disclaimer of Liability:** The degree of protection from danger, loss, or injury sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on information provided by the Pennsylvania Department of Transportation's Bureau of Aviation pursuant to Act 164 (1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. § 5915(a)]). This Ordinance does not imply that accidents involving aircraft utilizing the Kampel Airport and hazards or obstructions in the vicinity of that Airport will be or can be avoided solely by the adoption and/or enforcement of the regulations contained herein.

This Ordinance shall not create liability on the part of Warrington Township or any officer or employee thereof for any airport and/or airport hazard related damage, loss, or injury that results from reliance on this Ordinance or any administrative decision lawfully made thereunder.

c) Establishment of Airport Hazard Zones:

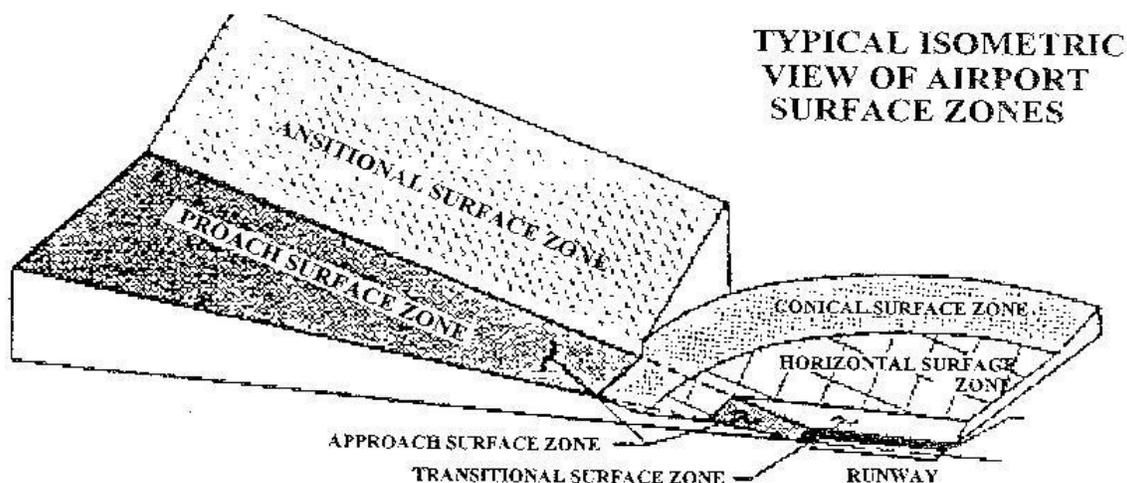
- 1. Description of Zones
 - a. Basis of Zones: The various Airport Hazard Zones shall include all defined areas delineated below with height limitations based on elevations specified in this Section of the Ordinance.
 - 1) Utility Runway Visual Approach Surface Zone: Established beneath the ~~airport's visual non-precision instrument~~ approach surface. The inner edge of this zone coincides with the width of the primary surface and is ~~two hundred fiftyfive hundred~~ (2550) feet wide. The zone expands outward uniformly by a width of ~~one-two~~ thousand ~~two hundred fifty~~ (1,252,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - 2) Transitional Surface Zone: Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Zoning Map.
 - 3) Horizontal Surface Zone: Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway

and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

- 4) Conical Surface Zone: Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward there from a horizontal distance of four thousand (4,000) feet.

b. Overlay Concept

- 1) The aforementioned Airport Hazard Zones shall be overlays to the existing underlying zones as shown on the Official Zoning Map of Warrington Township, and as such, the provisions for the Airport Hazard Zones shall serve as a supplement to the underlying zone provisions.
 - 2) Where there exists any conflict between the provisions of any of the Airport Hazard Zones and those of any underlying zone the more restrictive provisions shall apply.
2. Inclusion in Zoning Map: The boundaries of the Airport Hazard Zones are established as shown on the Height Limitation and Zoning District Map dated Spring, 1989, prepared by the Pennsylvania Department of Transportation's Bureau of Aviation. This Map is hereby incorporated into and made a part of the Official Zoning Map of Warrington 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 Airport Hazard Zones may be revised by the Board of Supervisors only in instances where natural or man-made changes have occurred or corrections are required and detailed studies have been conducted by the Pennsylvania Department of Transportation's Bureau of Aviation, the Federal Aviation Administration or another qualified agency(s) or individual(s) approved by the Bureau and the FAA, and both the Bureau and the FAA recommend and document the advisability of such change.
 4. Interpretation of Zone Boundaries: Initial interpretations of the boundaries of the Airport Hazard Zones 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.



5. Status of Airport: If a change in the Airport is proposed, through improvements to lighting, runways, etc., that would affect airport hazard zoning (i.e. that would necessitate a modification of height and/or distance requirements), the owner and/or operator of the Airport must notify the Township's Board of Supervisors in order that this Ordinance may be amended to reflect such changes.
- d) **Zone Provisions:** All uses, activities, and development occurring within an Airport Hazard 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 Zoning permit Ordinance) where applicable.
 - e) **Use Restrictions:** Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
 - f) **Nonconforming Uses:**
 1. Regulations Not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently executed.
 2. Nonconforming Uses Abandoned or Destroyed: Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Ordinance.
 - g) **Permits:** Except as specifically provided in 1, 2, or 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any Airport Hazard Zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Subsection I) of this Section.
 1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

- h) **Existing Uses:** Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the Township authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made.
- i) **Variances:** Any person, desiring to erect any structure, increase the height of any structure, permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations, may apply to the Zoning Hearing Board for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of this Section and Section 603 of this Ordinance are satisfied.

If the proposal is anticipated to be 200 feet above ground level (AGL) or located within one mile of a public airport then, the developer will determine if the proposed construction meets the notification requirements set by the FAA and the Commonwealth of PA by utilizing the FAA's online Notice Criteria Tool.

If the Notice Criteria Tool determines that notification is required, The application for variance from a provision of this Section shall be accompanied by a determination from the Federal Aviation Administration (based on Form 7460-1, Notice of Proposed Construction or Alteration, or other form acceptable to that Administration) and a determination from the Bureau of Aviation of the Pennsylvania Department of Transportation (based on Form AV-57, Notice of Proposed Construction or Alterations or other form acceptable to that Bureau) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this Section may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

Land use compatibility. Proposed construction will be reviewed for compatibility using Pennsylvania Airport Land Use Compatibility Guidelines. Projects may be disapproved if found incompatible with airport operations.

- j) **Hazard Marking and Lighting:** In granting any permit or variance under this Section, the Board shall, if it deems the action advisable to effectuate the purpose of this Ordinance and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the Airport owner/operator, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

k) Enforcement:

1. Local Enforcement: It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances involving Airport Hazard Zones shall be made to the Zoning Officer upon a form published for that purpose.

2. Notice to Department: Notwithstanding any other provision of law, a municipality or board which decides to grant an Airport Hazard Zoning permit or variance under this Ordinance shall notify the Department of Transportation of its decision. This notice shall be in writing.

l) **Acquisition of Air Rights:** In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than by airport zoning regulations, Warrington Township may acquire by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this Ordinance. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, Warrington Township shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

m) **Definitions:** The following definitions relate solely to the Airport Hazard regulations and shall not apply universally nor shall said regulations be used to interpret other sections of this Ordinance which do not directly apply to Airport Hazard Zoning.

AIRCRAFT - Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

AIRPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or right-of-way, together with all airport buildings and facilities thereon. As used herein, the term "Airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this subsection. (At the time of adoption of this Ordinance, the Kampel Airport is the only facility in Warrington Township that meets this definition).

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above sea level. (The Airport Elevation of the Kampel Airport is six hundred (600) feet).

AIRPORT HAZARD - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa. Cons. Stat. ' 5102.

AIRPORT HAZARD AREA - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Section and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation of the approach surface coincides with the perimeter of the approach surface zone.

CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

DEPARTMENT - Pennsylvania Department of Transportation.

FAA - Federal Aviation Administration of the United States Department of Transportation.

HEIGHT - For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE - A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Section.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in this Section. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

PUBLIC AIRPORT - An airport which is either publicly or privately owned.

RUNWAY - A defined area of an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE - An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

TRANSITIONAL SURFACES - These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway centerline.

TREE - Any object of natural growth.

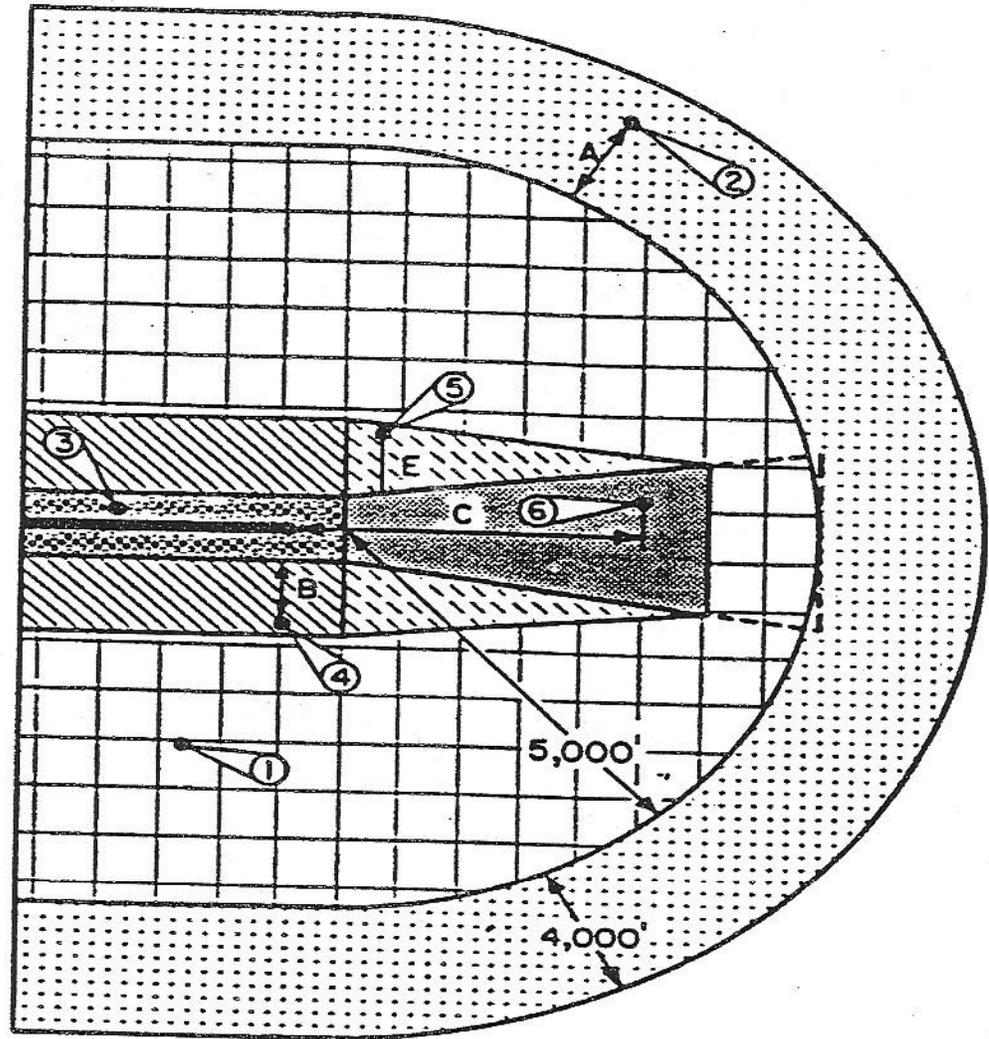
UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

n) Airport Surface Zone Height Limitations:

1. Utility Runway Visual Approach Surface Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of, and at the same elevation as, the primary surface, and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
 2. Transitional Surface Zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is six hundred (600) feet above mean sea level.
 3. Horizontal Surface Zone: Established at one hundred fifty (150) feet above the established airport elevation or at a height of seven hundred fifty (750) feet above mean sea level.
 4. Conical Surface Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface, and at one hundred fifty (150) feet above the established airport elevation, and extending to a height of three hundred fifty (350) feet above the established airport elevation or at a height of nine hundred fifty (950) feet above mean sea level.
- o) Maximum Allowable Height:** The following figure and formulas have been prepared for determining the maximum allowable heights of objects within the airport's vicinity. The formulas are used in conjunction with the figure; whereas a formula is assigned a number, that formula corresponds with a point location of the same number on the figure. By using the formulas and following the steps outlined below, the maximum allowable height at a point location can be determined.
1. Locate the point (object) in question on the figure (sample point locations identified by numbers are given in various coded airport zones).
 2. Apply the formula having the same number as the chosen point location to calculate the maximum allowable height for an object at that point (some formulas will have letter variables (A, B, C, etc.) which are shown on the figure).

VISUAL and UTILITY NON-PRECISION RUNWAY ZONES



ALLOWABLE HEIGHT FORMULAS

	<u>LOCATION ZONE</u>	<u>FORMULA</u>
1	Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)
2	Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3	Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4	Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5	Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6	Approach Surface	Allowable Height = (Runway End Elevation) + ((C - 200)* ÷ 20) - (Ground Elevation)

* For Turf Runways do not subtract 200 from C.

SECTION 311 AGRICULTURAL PRESERVATION OVERLAY ZONE

a) Purpose: The requirements of this Section are intended to help preserve significant tracts of prime farmland as identified in the Warrington Township Comprehensive Plan. This purpose is further detailed in the Pennsylvania Municipalities Planning Code as a legitimate zoning objective. Specific measures will reduce the land available for subdivision and development, speculative or otherwise; preserve the Township’s valuable prime agricultural soils; offer greater opportunity for landowners to participate in various conservation easement programs; prevent potential adverse effects and nuisances from the encroachment of other uses incompatible with agriculture; and ensure the future viability of a healthy and sustainable farming economy.

b) Applicability: Any application for a subdivision and/or land development, including all new streets, access drives, driveways, stormwater management facilities and other development-related improvements, within the Conservation (C) Zone and/or the Rural Agriculture (RA) Zone which involves a property or properties totaling thirty (30) acres or more in area in the C zone and twelve (12) acres or more in area in the RA zone, and which also includes twenty-five percent (25%) or more of prime agricultural land as defined herein as part of its total lot area shall be subject to the following requirements and design standards of this overlay zone. However, lots subdivided for parks and playgrounds, public recreation trails, public utilities, improvements to existing abutting public roads, or public stormwater facilities shall not be subject to the requirements below.

c) Allowed uses: Sections 303 and 304 of this Ordinance establish the uses allowed in the C and RA zones respectively. All uses are permitted by right, by special exception, or by conditional use in these zones under strict conformance with the requirements therein, unless a more restrictive requirement is established by another provision (such as in Articles V and VII for a specific use). All other regulations of this Ordinance and its various articles shall remain in effect as applicable to any proposed use.

d) Exemptions to the requirements of this zone shall include agricultural uses not involving any new residences, minor boundary adjustments involving a land area of one acre or less, and revisions to recorded plans necessary to correct minor errors of closure on the original plan and other similar corrective measures. A tenant farmhouse shall be allowed as an accessory use to the principal agriculture/farm operation and shall be exempt from this Section 311. If the tenant farmhouse is abandoned as an accessory use, it is no longer exempt and shall either be removed or otherwise demonstrate compliance with this Section 311.

e) Parent Tract Subdivision Parcels: Parcels shall not be separated from an original parent tract as of the effective date of this Section until after satisfactorily demonstrating adherence to the following requirements, as applicable. However, for any land area which was not classified as part of the original C or RA zone, but is subsequently added thereto, all references to 2022 in this section shall be changed to the date when such map amendment became effective.

1. The maximum total area of the parent tract permitted to be subdivided and/or developed for nonagricultural/non-forestry uses shall be 20% in the C zone and 25% in the RA zone.

a. The formula for the calculation is: acreage of parent parcel as of 2022, multiplied by 20% (C zone) or 25% (RA zone) equals maximum area to be subdivided or developed. All decimal points shall be rounded to the nearest 1/10 of an acre.

b. When a parcel of land is split by a zoning boundary, the maximum area permitted to be subdivided and/or developed in the Conservation (C) zone shall be determined by utilizing only the acreage within the C zone; likewise, the maximum area permitted to be subdivided and/or developed in the Rural Agriculture (RA) zone shall be determined by utilizing only the acreage in the RA zone. The total parcel’s maximum development area shall then be determined by utilizing the combined maximum acreage permitted to be subdivided and/or developed within each respective zone. In the event of a parcel split by the C and RA zones and containing greater than 30

acres total, but neither 30 acres in the C zone or 12 acres in the RA zone, the maximum area permitted to be subdivided shall be determined by utilizing the 20% C zone multiplier. Any portion of the parcel within any other zone(s) shall not apply, and such portion shall be regulated according to applicable regulations for that zone or zones.

d. Maximum Number of Lots: Since the minimum lot size in the Conservation zone is three (3) acres, the maximum number of lots that could be subdivided is equal to twenty percent (20%) of the total parcel acreage, minus any fraction over a whole. Similarly, in the Rural Agriculture zone, the minimum lot size is 60,000 square feet. The maximum number of lots that could be subdivided therein is equal to twenty-five percent (25%) of the total parcel acreage, minus any fraction over a whole. The resulting number is referred to as the parcel's development lot quota. (See also subsection j. below regarding lots that are subject to a fully executed and recorded Deed of Agricultural Conservation Easement.)

For example, for a parcel in the Conservation zone of 108 acres, 20% of 108 equals 21.6 acres. Dropping the fraction, the parcel's development lot quota is 21 divided by the minimum required lot size of 3 acres equals a maximum of 7 lots that could potentially be subdivided, provided that the total area of those lots does not exceed the 21.6 acres. However, as an example, if only 2 lots were subdivided containing 10 and 11.6 acres respectively, no further subdivision would be permitted as the entire development area has been utilized. Again, no further subdivision is allowed of the preserved portion of the original parent tract. A similar exercise for 108 acres in the Rural Agriculture zone would permit 25% of 108 or 27 acres to be subdivided. The parcel's development lot quota is 27 acres divided by the minimum required lot size of 60,000 square feet. This equals 19.6 or a maximum of 19 lots.

Applicants are reminded that minimum required lot sizes may need to be larger to accommodate an approved on-lot sewage disposal system, replacement drain field, well and driveway as determined after evaluation by the Township Sewage Enforcement Officer and Township Zoning Officer.

e. Assignment of Development Lots: There must be assigned to both the land being separated from the original parcel, and the remaining portion of the original parcel, at least one (1) of the original parcel's allocation of development lot quota, unless the remaining parcel is being permanently joined to an adjacent parcel which either contains an existing dwelling or has the right to construct at least one (1) dwelling. The lot so assigned to the remaining parcel shall be one of the development lot quota as determined by Subsection d. above.

f. Existing Buildings: If there are nonagricultural buildings on the parcel that existed as of 2022, each such building shall automatically account for one of the maximum number of lots that could be subdivided, as provided for in Subsection d. above, regardless of whether it is intended to be subdivided. However, any land area subdivided from the original parcel with such building(s) shall not be subtracted from the 20% (C zone) or 25% (RA zone) development area allowed by Subsection a. above.

For example, if a maximum of 10 lots are permitted to be subdivided, and there are two dwellings on the original parcel that existed as of 2022, then a maximum of 8 lots could be subdivided for new development, provided that the total area of the 8 lots does not exceed the parcel's maximum development area.

g. Subdivision Involving Existing Buildings: If a nonagricultural building that existed as of 2022 is to be subdivided from the original parcel, the land area to be conveyed shall be limited to existing improvements, driveway, garden, parking and those other lands immediately adjacent thereto which are classified by the USDA and the prevailing edition of the York County Soil Survey as Soil Capability Units IV-7 through VII-2 or land that cannot be farmed due to rock outcroppings, rock too close to the surface to permit plowing, swamps, heavily wooded areas, slopes greater than fifteen percent (15%), or similar land characteristics that are unsuitable for agricultural production.

The area of the parcel so separated, however, shall not be subtracted from the 20% (C zone) or 25% (RA zone) development area that may be otherwise separated. However, as stated in Subsection f. above, the lot does account for one of the maximum number of lots that could be subdivided.

No additional subdivision of this lot for development purposes shall be permitted unless, at the time of its creation, a specific number of acres of development rights (development area) and a specific number of development lots (development quota) are assigned to this lot and deducted from the original parcel's 20% (C zone) or 25% (RA zone) development area and the parcel's development quota respectively. Any such assignment of maximum development area and development lot quota must be noted on the subdivision plan.

h. New Principal Buildings: Each new principal building shall be located upon a separate, approved and recorded lot.

i. Location of Development Lots: Applicants shall demonstrate that every reasonable effort has been made to located proposed development lots on those portions of the original parcel which offer the least potential for agricultural productivity, but which also are reasonable sites for the type of use proposed. To the extent possible, new buildings shall be located on land classified by the USDA and the prevailing edition of the York County Soil Survey as Soil Capability Units IV-7 through VIIIs-2 or land that cannot be farmed due to rock outcroppings, rock too close to the surface to permit plowing, swamps, heavily wooded areas, slopes greater than fifteen percent (15%), or similar land characteristics that are unsuitable for agricultural production.

j. Conservation Easements: In the event that the rights of nonagricultural development have been sold or assigned to any entity pursuant to an agricultural conservation easement program or other easement program (but not including "Clean and Green"), including county, state, federal or private agricultural preservation programs, then the parcel of land shall forfeit the number of development lot rights granted herein which correspond to the number of acres of the tract for which the easement was given. The parcel shall have attributable to it only the development lot rights (if any) which would remain with the portion of the parcel which is not subject to the easement. The forfeiture of development lot rights pursuant to this subsection shall be absolute and irrevocable.

Regarding lots in the Conservation zone that are subject to a fully executed and recorded Deed of Agricultural Conservation Easement in partnership with York County, the Commonwealth of Pennsylvania, or other similarly qualified land preservation entity, the minimum required lot area may be reduced to two (2) acres as further detailed in Section 303 e) 1. of this Ordinance and per the stipulated terms and conditions of said deed.

2. Information Required on Subdivision/Land Development Plans: Each subdivision or land development plan submitted as part of this Overlay Zone must include the following information in addition to that otherwise required by this Ordinance and the Township's Subdivision and Land Development Ordinance.

- a. The total area of the parcel as shown in the records of the County Recorder of Deeds on _____, 2022 and the parcel's maximum development area.
- b. A parcel history, including a listing of the subdivisions that have occurred since _____, 2022, with a reference to the number of lots, lot area, date of approval and recording data for each subdivision. The location of each lot shall be indicated on a deed plot of the parcel as it existed on _____, 2022.
- c. The total area that has been subdivided since _____, 2022, the current proposed development area, and the number of acres remaining in the parcel's maximum development area.
- d. A note stating the original parcel's maximum development lot quota; the number of lots subdivided since _____, 2021; the number of lots assigned to any proposed development, existing buildings and/or remaining _____.

acreage; and the maximum number of lots remaining to be subdivided. If no development lots remain, it shall be noted as such on the plan.

- e. Soil types and classifications as identified and mapped by the USDA and the prevailing edition of the York County Soil Survey shall be shown for the entire parcel from which the proposed subdivision is to be made. This mapping shall be provided at a scale of one (1) inch equals no more than four hundred (400) feet.

SECTION 311 — RIPARIAN BUFFER OVERLAY ZONE (RB)

~~a) **Purpose:** The requirements of this Section help to create and/or restore wooded buffers along important watercourses and surface water bodies upon the Township's landscape. Specific measures will promote beneficial vegetation to reduce harmful erosion, absorb nutrients, reduce surface water pollution, offer year-round nourishment and habitat for animal wildlife both within and adjoining the water feature, reduce surface water temperature, offer interconnected linear paths for habitat migration and close to home passive open spaces amid the developing landscape.~~

~~b) **Applicability:** Any application for a major subdivision and/or land development application for property adjoining a watercourse or portion thereof, that is typically inundated throughout the year (under non-drought conditions) shall provide a riparian buffer in accordance with the following standards or, in the alternative, as approved by the Township with technical assistance from the York County Conservation District (YCCD). (It is noted that landowners are encouraged to review the manual entitled "A Guide for Establishing and Maintaining Riparian Forest Buffers" published by the Chesapeake Bay Program.)~~

~~e) **Riparian Buffer Delineation**~~

~~1. The applicant shall clearly depict upon any subdivision and/or land development plan the proposed riparian buffer as approved by the Township.~~

~~2. As an alternative the applicant shall clearly depict upon any subdivision and/or land development plan the proposed riparian buffer comprised of the following three separate Zones:~~

~~A. Zone 1: The landward area located between the streambank edge under typical flow conditions, or the high water level for pond or lake shorelines and fifteen feet (15'), as measured directly perpendicular from the streambank/shoreline edge.~~

~~B. Zone 2: The area beginning at the inland edge of the above-described Zone 1 and the largest combined width of all of the following:~~

~~i. fifty feet (50'), as measured directly perpendicular from the streambank/shoreline edge;~~

~~ii. the 100-year floodplain;~~

~~iii. any adjoining identified wetlands; and/or,~~

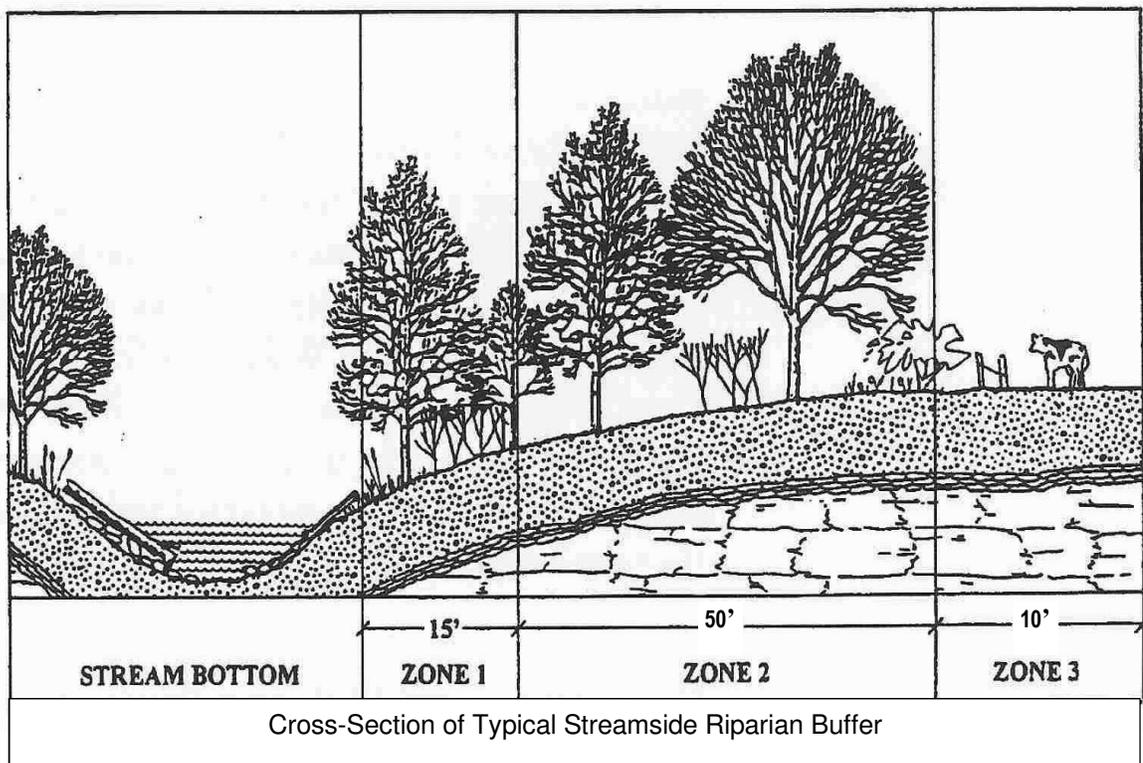
~~iv. any adjoining area characterized by slopes exceeding twenty-five percent (25%).~~

~~C. Zone 3: The area beginning at the inland edge of the above-described Zone 2 and extending at least ten feet (10') inland therefrom. Where a pasture is proposed just beyond the above-described Zone 2, no Zone 3 is required.~~

d) Riparian Buffer Plantings

1. ~~Each of the respective Zones of the riparian buffer shall include vegetation that already exists or will be planted using native species and maintained (except for invasive or noxious species as defined herein) by the applicant that satisfies the following design objectives. The applicant shall submit expert evidence that the existing and/or proposed vegetation satisfies such objectives that shall include a graphic depiction of proposed plantings and a schedule of vegetative species:~~

- A. ~~Zone 1: This Zone must include large maturing canopy trees and a ground cover of native seasonal grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings shall be selected and managed to filter out pollutants and offer habitat. All vegetation selected for this Zone must thrive in wet conditions;~~
- B. ~~Zone 2: This Zone must include large maturing canopy trees generally three rows deep with a natural undercover. New tree plantings shall be selected that are rapid growing to intercept passing nutrients. Such trees shall be arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. Successive understory plants shall be allowed to “evolve” with the canopy of this Zone; and;~~
- C. ~~Zone 3: This Zone shall be planted with warm season grasses that are allowed to mature naturally without mowing. The tall grasses shall be managed to produce uniform overland stormwater flows that do not “channel” into Zone 2. New grass plantings shall be selected and managed to enable controlled grazing or haying so long as the grasses are not reduced to a point such that they no longer effectively disperse the surface flow.~~



e) Riparian Buffer Maintenance

1. ~~Riparian buffers must be generally undisturbed. Mature trees and long grasses absorb more nutrients than do manicured plants. Similarly, the more extensive root systems retain passing sediments. These characteristics reduce pollution and yield abundant food and habitat for wildlife. The temptation to “over-maintain” the streamside must be overcome.~~
2. ~~Where riparian buffers are to be located upon common property, the applicant must include a working plan that ensures perpetual maintenance of such buffer zones as specified in this Section 311.e).~~

3. ~~Where riparian buffers are to be located upon private property, the applicant must include a legally binding instrument (e.g. easement, covenant, deed restriction, etc.) in a form acceptable to the Township Solicitor which shall designate Warrington Township as the grantee and ensures perpetual maintenance of such buffer zones as specified in this Section 311.E. Then all affected landowners shall be required to abide by such legal instrument.~~
4. ~~The following lists required maintenance activities for each zone:~~
 - A. ~~Zone 1: This Zone compels little maintenance. As trees mature, die and decay, it is important that such natural debris be allowed to decompose within the stream. This will provide important food and habitat for beneficial microorganisms, fish and amphibious animals. However, any debris that may cause a rise in the floodplain due to obstruction or displacement shall be removed promptly. Streamside grasses shall be allowed to seasonally flourish and recede. Streamside cleanup of junk and man-made debris is permitted.~~
 - B. ~~Zone 2: This zone requires the most attention, but not for some time after initial planting. Here, the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 are fast-growing and therefore consume many nutrients. The regular pruning and trimming of these trees will increase their nutrient consumption, and growth rate and decrease the time to establishment as a closed canopy buffer, but should not jeopardize the important overhead canopy of shade. The natural understory shall be undisturbed, except for periodic litter cleanup; and,~~
 - C. ~~Zone 3: This Zone also requires little maintenance. Long summer grasses shall be allowed to flourish and recede with the seasons. Grazing and haying are permitted so long as the residual grass length is sufficient to disperse overland stormwater flows into Zone 2 and avoid channelization.~~

f) ~~Riparian Buffer Use~~

1. ~~Permitted uses No use shall be permitted that interferes with the natural maturation of the above described buffer plantings, except as follows:~~
 - A. ~~Corridor crossings for farm vehicles and livestock and livestock watering facilities, all of which are accompanied by written evidence of approval of a water obstruction permit by the PA-DEP.~~
 - B. ~~Corridor crossings for roads and railroads provided that such crossings are accomplished upon the least possible land area and disruption of the adjoining riparian buffer is minimized.~~
 - C. ~~Public sewer lines, public water lines and public utility transmission lines, provided such lines are installed in such a manner that is most compatible with the installation and ongoing maintenance of the required buffer plantings as described in Section 311.D. of this Ordinance.~~
 - D. ~~Passive recreation uses that prevent the harmful compaction of soil, tree root damage and avoid the channelization (natural or man-made) of surface water flow. Pedestrian paths can weave through Zone 2, but shall be provided with raised walkways. Impervious surface lot coverage is expressly prohibited.~~
 - E. ~~Application of pesticides and herbicides that are specifically approved for the treatment and/or removal of invasive and/or noxious species within close proximity of watercourses, provided such pesticides and herbicides are used in strict accord with label instruction. Any materials applied as part of a County and/or State approved pest control program (e.g. West Nile Virus and etc.)~~
2. ~~Prohibited uses The following uses and activities are expressly prohibited within a riparian buffer. This listing of prohibited uses and activities shall not be interpreted to permit other activities not listed, unless they are permitted by Sections 311.f)1. of this Ordinance:~~

- ~~A. Except as permitted in the above Section 311.f)1., any use that interferes with the natural maturation of the buffer plantings required in Section 311.d) of this Ordinance.~~
- ~~B. Except as permitted in the above Section 311.f)1., any use that interferes with the maintenance of the buffer plantings required in Section 311.e) of this Ordinance.~~
- ~~C. Storage and/or disposal of any toxic, hazardous or noxious materials and substances.~~
- ~~D. Except as permitted in the above Section 311.f)1.E., the application of fertilizers, pesticides, herbicides and/or other chemicals in excess of that permitted on an approved conservation and/or nutrient management plan as approved by the YCCD and/or local office of the USDA Natural Resources and Conservation Service.~~
- ~~E. Areas devoted to the on site absorption of sewage effluent and/or agricultural fertilizers including but not limited to manure.~~

ARTICLE IV

GENERAL PROVISIONS

SECTION 401 ACCESSORY USES AND STRUCTURES

- a) **Attached Structures:** An 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 the principal structure, is permitted in any yard, provided that such structure complies with the applicable front, side and rear yard setback requirements within each Zone, respectively. Apartments or other living quarters shall not be permitted in an accessory structure. Manufactured mobile homes used for storage are prohibited. For all other requirements a nonattached structure is considered the same as a principal building.
- c) **Fences and Walls:** In the residential and village zones, no fence or wall (except a retaining wall or a wall of a zoning permitted under the terms of this Ordinance) shall be erected to more than a height of three and one-half (3.5) feet within any required front setback area and more than six (6) feet in any other areas unless authorized by special exception or ordinance. In the conservation and rural agricultural zones, no fence or wall (except a retaining wall or a wall of a zoning permitted under the terms of this ordinance) shall be erected to more than ten (10) feet within any area of the property unless authorized by special exception or ordinance. A fence may be erected for recreational courts which are otherwise authorized by this ordinance. All recreational court fences, if erected; shall be an open mesh permanent fence up to ten (10) feet in height. A clear sight triangle shall be maintained at all street intersections.
 1. In all zones, fences shall be setback at least three (3) feet from each side and rear lot line unless the applicant can provide a copy of an attested written agreement executed between the adjoining property owners in a form that is acceptable to the solicitor agreeing to a lesser or no setback. In all zones, fences shall be setback at least three (3) feet from each street legal right-of-way.
 - ~~2.—A clear sight triangle must be maintained at all street intersections.~~
- d) **~~Solar and Wind Energy Conversion Facilities~~Systems:** ~~W~~Solar or wind energy conversion 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.—Solar Energy Systems~~
 - ~~a.—Solar energy systems shall be permitted in any yard area except the front yard setback area. Flush-mounted units, however, may be mounted on any portion of the structure.~~
 - ~~b.—No solar energy system located on the ground shall exceed a height of fifteen (15) feet.~~
 - ~~c.—Solar collectors and/or solar energy systems, however, shall not be included in the lot coverage calculations provided their installation will not create adverse storm water problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.~~
 - ~~d.—Solar energy systems can be located within ten (10) feet of a side or rear property line provided that no portion of the structure or architectural features needed for operation of the system projects over~~

~~the property line; its location does not interfere with sight distance at street intersections; and that existing solar energy systems will not be substantially impaired by shadowing more than ten percent (10%) of the collector area between 9:00 a.m. and 3:00 p.m. on a clear winter solstice (December 21) day.~~

~~e. Solar Energy Systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as part of a structure or incidental to a structure or group of structures nearby.~~

2.1. Wind Energy Conversion Systems

- a. Wind energy conversion systems shall be permitted in any yard area except within the required front yard setback.
- b. The setback from any lot line must be equal to the height of the tower, plus the length of the longest extension of the rotor plus ten (10) feet.
- c. Climbing access to the tower shall be secured from use by unauthorized persons.
- e) **Satellite Dish Antenna:** Any accessory structure capable of receiving, for the sole benefit of the principal use, of radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints if it is of a size in diameter exceeding twenty-four (24) inches:
 1. Such devices shall not be placed within or extend into any required setback area.
 2. A satellite dish antenna shall be permitted in any yard.
 3. No ground-mounted dish antenna used for residential purposes shall exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.

f) Outdoor Swimming Pools:

The following regulations apply to any pool or open tank capable of containing water to a depth greater than one and one-half (1/2) feet:

1. Every outdoor swimming pool shall conform to all applicable requirements of State law.
2. An outdoor swimming pool is permitted in any yard area, provided that it is at least ten (10) feet from the side and rear property lines and not located within any required front setback area.
3. Every outdoor swimming 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 openings, holes or gaps larger than six (6) inches in any dimension. This does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
4. Water shall not be discharged from any swimming pool onto any public street or alley.
5. Agricultural use ponds shall be excluded from the requirements of this Subsection.

g) Farm Produce Stands: The ~~sale at retail~~ retail sale of agricultural products is permitted in any zone on the property where they were produced subject to the following regulations:

1. A farm produce stand may be located in any yard area provided that it is at least ten (10) feet from any property line.
- ~~2.~~ When located in a R₇ or VR Zone, such stands must be removed when products are no longer on sale.
- ~~2.3.~~ Farm produce stands shall be permitted only on properties where the items for sale were produced.
- ~~3.~~ Agricultural products not produced on the property where sold, may be sold at retail on a farm provided:
 - ~~a.~~ The products were produced on lands farmed by the owner of the farm on which they are being sold.
 - ~~b.~~ The seller is an occupant of the farm on which the products are being sold.
 - ~~e.~~ 4. The sale of such products ~~shall is~~ clearly be accessory to the principal agricultural use.
- h) Temporary Use of Dumpsters and/or Refuse Storage Containers:** ~~The use of one or more~~ Dumpsters or refuse storage containers ~~is are~~ permitted in any Zone subject to the following regulations:
 - ~~1.~~ Such use shall be associated with some unusual event (e.g. house addition, remodeling, repair, moving, etc.) which shall be disclosed by the applicant.
 1. The placement of the dumpster or storage container shall comply with all applicable accessory use setbacks within the ~~(C, RA, R, and VR)~~ Zones and all principal use setbacks in the (CR and VC) Zones.
 2. When indoor storage is not provided in multi-family developments and non-residential uses, refuse and recyclable collection shall be centralized and enclosed in accordance with this Section.
 3. Exterior refuse and recyclable collection shall be separated from habitable buildings by a minimum of 15 feet.
 4. Refuse and recyclable collection dumpsters and/or containers shall include a concrete pad and loading apron and be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing of a similar appearance (such as white vinyl vertical planks). Primarily evergreen plantings are also encouraged in addition to the fence or wall. The fence or wall shall include a self-latching door or gate.
 - ~~2.~~5. All dumpsters and/or containers shall be completely enclosed, and the lid shall be kept in place. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to the Township.
 - ~~3.~~6. This section shall not apply to dumpsters temporarily placed during construction or demolition on the premises, or for recycling containers that do not involve garbage. The placement of a temporary dumpster or refuse storage container within a front yard is permitted for no more than thirty ~~(30)~~ days in any calendar year provided such placement does not interfere with any required clear-sight triangle on the subject property or any adjoining property and the dumpster or storage container is setback at least twenty (20) feet from any front or side property line.
- i) Garage, Yard and Moving Sales:** Within any zone, an owner and/or occupant may conduct up to three (3) garage/yard sales per year subject to the following requirements:
 1. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days.
 2. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted.
 3. Only one four (4) square foot sign shall be permitted advertising the garage/yard sale located upon the premises where the sale occurs, and shall be erected no sooner than seven (7) days prior to the sale and removed promptly upon the completion of the sale.

4. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way, except that parking may occur where permitted.
5. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

SECTION 402 UNENCLOSED STORAGE

- a) **Inoperable Motor Vehicles:** Except as provided in Section 725, only one (1) inoperable motor vehicle shall be stored on a lot unless stored within a totally enclosed building. On-street parking of inoperable motor vehicles is prohibited.
- ~~b)~~ **Recreational Vehicles, Boats, Trailers and Trucks:** On-street parking of recreational vehicles, boats, trailers and/or trucks with a vehicle rating over three-quarter (3/4) ton is prohibited in all zones. Within any ~~(C, RA, R, and CR)~~ Zone the unenclosed parking and/or storage of recreational vehicles, boats and trailers shall be permitted provided that such parking and/or storage does not interfere with any required clear sight triangles for the driveway, or in the case of corner lots any clear sight triangles for the

adjoining roads. Within all Zones the use, parking and/or storage of semi trailers and shipping containers is prohibited within the front yard of any residential property and within any yard of a residential property with less than one (1) acre of lot area. Within any ~~(VR and VC)~~ Zone and/or upon any residential property with less than one (1) acre of lot area, the unenclosed parking and/or storage of recreational vehicles, boats and trailers shall be permitted subject to the following standards. Only trailers used for domestic purposes and trailers used solely for the residents' recreational vehicle(s) are permitted to be stored.

1. The parking or storage of up to two (2) above referenced recreational vehicles, boats and trailers shall be permitted per lot in any side or rear yard, so long as such recreational vehicles, boats and trailers are set back no less than ten (10) feet from each adjoining lot line. On vacant lots, the recreational vehicle, boat or trailer must be stored behind the required front yard setback line as specified for principal uses.
2. The temporary parking of one (1) recreational vehicle, boat or trailer within a driveway in any yard shall be permitted for periods not to exceed seventy-two (72) hours during any calendar week, provided that such vehicle is setback at least ten (10) feet from each adjoining lot line and street right-of-way.

~~e)b~~ Outdoor Stockpiling: In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in any front yard area. In all zones, pipes, automobile parts and similar objects and materials must be stored in an enclosed building or structure. However, in the Village Commercial Zone, such materials may be stored outdoors if screened from the view of neighboring properties.

~~d)c~~ Trash, Garbage, Refuse or Junk: Except as provided in Sections 725 or 743, or other Township Ordinances, the outdoor accumulation of trash, garbage, tires, refuse or junk for a period exceeding fifteen (15) days is prohibited in all zones.

~~e)d~~ Non-Commercial Unenclosed Storage of Manufactured Mobile Homes: The Township may permit the non-commercial unenclosed storage of a ~~manufactured mobile~~ home up to a period of one hundred eighty (180) days following the issuance of a temporary zoning permit subject to the following requirements:

1. The application for a temporary zoning permit shall depict the proposed location of the storage of the ~~manufactured mobile~~ home which will be subject to all applicable principal use setbacks, together with the names of the adjoining property owners.
2. The applicant must also agree, in writing, that the unenclosed stored ~~manufactured mobile~~ home will not be used as a dwelling or as a storage building and that the ~~manufactured mobile~~ home will be stored there for a period of not greater than the above-described one hundred eighty (180) days. The Zoning Officer may grant one extension not to exceed an additional one hundred eighty (180) days.

SECTION 403 SETBACK MODIFICATIONS

a) Front Setbacks from Major Thoroughfares: For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, buildings (including residential and non-residential buildings) along these thoroughfares must be set back at least seventy-five (75) feet from the right-of-way line of the thoroughfare. Major thoroughfares are the arterial and collector streets as depicted on the Zoning Map plus any street constructed to meet the arterial or collector street design standards as set forth in the Township Subdivision and Land Development Ordinance.

b) Front Setback of Buildings on Built-up Streets: Where at least two (2) buildings are--

1. Fronting on the same side of the street as the lot in question,
2. Within the same block as the lot in question,

3. Set back a lesser distance than required, and
4. Not more than one hundred (100) feet from the lot in question.

The average of the lesser setbacks shall become the required minimum front setback for the lot.

- c) **Setback on Corner Lots:** In the case of corner lots, two (2) front setbacks shall be provided (the second of which will exist in lieu of one (1) side setback).
- d) **Setback on Reverse Frontage or Double Frontage Lots:** In the case of reverse frontage or double frontage lots two (2) front setbacks and two (2) side setbacks shall be required.
- e) **Accessory or Appurtenant Structures and Architectural Features:**

The setback regulations do not apply to the following, provided that they are not located within the clear sight triangle:

1. Student shelters at school bus stops; telephone booths; minor utility structures.
 2. Cornices, eaves, chimneys, steps, canopies and similar extensions. Setback regulations, however, do apply to patios, porches, roofs, carports, decks and stoops.
 3. Open fire escapes.
 4. Articles of ornamentation or decoration.
 5. Retaining walls.
 6. Heating and air conditioning equipment.
- f) **Sight Distance:** Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfares	150 feet
Minor Streets	75 feet

No building or construction is permitted in this area except as follows:

1. Obstructions or plantings less than three (3) feet in height.
2. If not obstructing view of traffic, post columns and trees not exceeding one (1) foot in diameter.

SECTION 404 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- a) Structures such as chimneys, standpipes, flagpoles, television antennas (excluding residential satellite dish antennas) or radio towers.
- b) Structures on buildings such as clock towers, cupolas, water tanks, satellite dish antennas, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five percent (25%) of the roof on which they are located.

- c) Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet in height above the roof line.
- d) Farm buildings.

SECTION 405 MINIMUM DWELLING UNIT HABITATION, USE AND OCCUPANCY HABITABLE FLOOR AREA

All dwelling units must comply with all applicable Uniform Construction Code requirements, including permits and inspection, prior to municipal approval for habitation, use and occupancy, conform to the minimum habitable floor area as follows:

- ~~a) **Single Family and Two Family Dwellings:** Seven hundred (700) square feet per dwelling unit.~~
- ~~b) **For All Other Dwelling Types:** Five hundred (500) square feet per dwelling unit.~~

SECTION 406 OUTDOOR SIGNS

a. Nonconforming Signs – Applicable in all Zones

Lawful nonconforming signs, for which a permit has been issued, or that were in place prior to the enactment of the Township Zoning Ordinance and for which a Non-conformity certificate has been issued, shall be permitted to remain until they are removed or replaced at which time they shall be required to conform with the requirements of this Ordinance.

b. Sign Setbacks – Applicable in all Zones

The following setbacks shall be applicable in all zones, provided, however, that no sign shall be permitted which creates a hazard or visibility obstruction for motorists or pedestrians.

Side Yard Setback. All signs shall be setback at least 5 feet from a side property line, except the street side on corner lots, which shall comply with the front yard setback requirements.

Front Yard Setback. The following setbacks shall be required from all public streets, and from private streets which serve as primary access to properties within a development. If in any case the legal right-of-way of a public street is greater than the following setbacks, then the sign must be placed outside the legal right-of-way. Setback shall be measured to the edge of the sign nearest the street.

Setback in the C, RA and R Zones = 50 feet to centerline;

Setback in the VR, VC and CR Zones = 30 feet to centerline;

c. Construction Standards – Applicable in all Zones

1. All Signs. All signs are required to meet the construction and electrical standards of the applicable sections of the BOCA National Building Code
2. Permanent Freestanding Signs. A Sign Constructed in a permanent location and secured by a concrete or other foundation extending to at least 3 feet below finished grade. Sign posts, poles and/or support structures shall consist of wood, metal or other materials of dimension no less than 3 ½” x 3 ½”.

d. Signs Permitted in All Zones Without Permit

The following signs shall be permitted in all zones and no permit shall be required to erect such signs:

1. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed 6 square feet for residential properties and 32 square feet for nonresidential properties; and not more than one such sign shall be placed on the property unless such property fronts on

more than one street, in which case one sign may be erected on each street frontage. Such signs shall have a maximum height of 6 feet and shall comply with minimum setback requirements and maximum height requirements which would apply to a permanent sign on the same property. Such signs shall be constructed of a painted or printed solid surface material and shall not be changeable copy signs or banner signs.

2. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed 6 square feet for residential properties and 32 square feet for nonresidential properties and provided that such sign shall be removed upon completion of the work. Such signs shall have a maximum height of 6 feet and shall comply with the minimum setback requirements and maximum height requirements which would apply to a permanent sign on the same property. Such signs shall be constructed of a painted or printed solid surface material and shall not be changeable copy signs or banner signs.
3. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of each such sign shall not exceed 4 square feet.
4. Plaques not exceeding 4 square feet in size, which identify the site or the structure as being registered as a Federal or State historic place.
5. Traffic and/or pedestrian safety control signs, such as "Entrance," "Exit," "No Parking," etc., may be located as needed; provided, that they contain only information needed for traffic control and that each sign does not exceed 6 square feet in area and 5 feet in height, and that such signs do not block visibility or create a traffic safety hazard. Interior property directional signs may not exceed 12 square feet in area and 6 feet in height. Such signs shall not be constructed of a painted or printed or solid surface material, and shall not be changeable copy signs or banner signs. Menu-board type signs are also permitted with a maximum area of 50 square feet and a maximum height of 6 feet.
6. Political signs are permitted on private property with permission of the property owner, provided that they shall not be placed so as to create a traffic hazard and that they be removed within 5 days after the election for which they were placed.
7. Banners or signs for Township events or promotions, or similar community events.
8. Sponsorship signs at athletic fields and similar settings, where the signs are installed to benefit a nonprofit organization, and are located in such a manner as to be viewed primarily by spectators at sporting or similar events, and not from roadway or other locations off the property.
9. Permanent signs identifying a residential development of 5 lots or more, or an apartment or condominium development, on the property or at the entrance of such development, provided that such sign shall be not more than 32 square feet in area, and not more than 6 feet in height, and shall comply with the applicable setbacks set forth in Section 406.1. For each development, there shall be no more than one such sign per entrance or street frontage.

e. Prohibited Signs – Applicable in all Zones

1. Signs with intermittent, flashing or animated light shall not be permitted. Also, the lighting of any sign shall not cause glare onto any neighboring property or onto any road right-of-way, or interfere in any way with motorists' or pedestrians' visibility or safety. Signs displaying time and temperature information are allowed as part of a permitted permanent freestanding pole sign. Intermittent, flashing or animated lights shall mean any light or lights located on any portion of a sign, or illuminating any sign, which are programmed or otherwise controlled or configured to turn on and off, or to vary in brightness, more frequently than one time per day, except for electronic changeable copy signs which are in compliance with the provisions of Section 406.m.
2. Signs which are posted, stapled or otherwise attached to traffic control signs, except signs which have received written authorization from the controlling governmental agency.
3. Any sign or sign lighting which emulates or resembles traffic signals or regulatory highway signage (such as "stop," "yield" and similar signs).
4. Portable signs.

5. Any sign which advertises a business, goods, or services not located on the same property as said sign, except as permitted in Section 406.d, 406.k or 406.l.

6. Any sign located within any public highway or street right-of-way, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.

f. Sign Maintenance – Applicable in all Zones

All signs shall be maintained in a state of safe and good repair and messages on all signs shall be clear and readable. Signs which have deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner and/or owner of the property upon which the sign is located.

g. Signs on Properties Where the Principal Use is Residential

1. Home Occupation or Nameplate Sign.

Home occupation or nameplate, displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one such sign shall be erected for each permitted use, and provided that the area of such sign shall not exceed 2 square feet. Each such sign shall meet the setback requirements of this Ordinance and shall not exceed 6 feet.

h. Signs for Nonresidential Uses in the C, R, VR and RA zones

1. Permanent Freestanding Signs. Permanent freestanding signs indicating the name of a church, office, building, school, business, apartment complex or other permitted use on the same lot therewith, subject to the following:

A. Number. One such sign for each lot, except on corner lots where a freestanding sign may be erected on each such street.

B. Height. Such signs shall not exceed a height of 10 feet.

C. Area. Maximum area is 50 square feet, of which not more than 50% of total sign area may include changeable copy.

D. Setback. All signs shall be setback in accordance with the setbacks contained in Section 406.b.

2. Additional Freestanding Signs. One additional permanent freestanding bulletin board sign per lot is permitted for churches, schools and other nonprofit organizations; provided, that the total area shall not exceed 24 square feet, and the height shall not exceed 6 feet. The setback requirements in Section 406.b shall also apply.

3. Wall Signs. The total area of all wall signs shall be limited to a total maximum area of 200 square feet of sign per building wall.

4. Roof Signs. Roof signs are not permitted.

5. Banner Signs. Banner signs are permitted only as wall signs.

i. (Reserved)

j. Signs in VC and CR Zones

1. Permanent Freestanding Signs. Permanent freestanding signs indicating the name and nature of a business on the same lot therewith, subject to the following:

A. Number. One such sign for each lot, except on (a) corner lots where a freestanding sign may be erected on each street frontage, and (b) on a lot having a frontage which exceeds the minimum requirement of that district, additional permanent freestanding signs for each 100 feet of excess frontage, but no single business shall be permitted more than one such sign on any one lot or contiguous lots. Up to two accessory signs not exceeding 3 square feet each may be attached to a permanent freestanding sign.

B. Height. Such signs shall not exceed a height of 20 feet.

C. Area. Maximum area is 200 square feet. No more than 32 square feet of any sign may include changeable copy.

D. Setback. All signs shall be setback in accordance with the setbacks contained in Section 406.b.

2. Additional Freestanding Signs and Roof Signs. Additional freestanding signs and roof signs are not permitted.

3. Banner Signs. Banner signs are permitted only as wall signs or located entirely beneath a permitted permanent building canopy.

4. Wall Signs. The total area of all wall signs shall be limited to a total maximum area of 200 square feet of sign area per building wall.

k. Off Premise Signs/Billboards

Off Premise Signs or billboards are generally prohibited except in the RA zone as a Special Exception granted by the Zoning Hearing Board in accordance with the requirements of Section 751 herein.

l. Entrance Identification and/or Directory Signs for Certain Nonresidential Properties

Entrance identification and/or directory signs are permitted as a special exception in any zoning district, subject to the following conditions:

1. Where the facilities to be identified on the sign are medical, dental, emergency care, governmental, school, public recreation or similar facilities which provide a necessary public service.

2. Where the location of the facilities is on a cul-de-sac, private road, dead-end road or other similar site or sites which are removed from the main traffic routes of the Township, and therefore not easily located by the traveling public.

3. Where the Zoning Hearing Board determines that the public interest will be served by the location of an identification/directory sign to assist the public in locating the public service facilities.

4. That the total sign area shall not exceed 50 square feet and the total sign height shall not exceed 10 feet.

5. That the sign shall meet all setback and construction requirements of this Ordinance and that the location of the sign will not create a traffic or safety hazard.

6. That proper and appropriate written approval of the property owner of the parcel on which the sign is proposed to be located has been secured.

7. That no more than 10 individual facilities, tenants, etc. shall be listed on a directory sign, and that the overall quantity of information and the size of lettering shall be such that the sign does not create a hazard due to a visual information overload.

8. That there shall not be more than one identification/directory sign for each cul-de- sac, private street, dead-end road or other similar location.

m. Standards for Construction and Operation of Electronic Changeable Copy Signs

1. Electronic Changeable Copy Signs shall contain a complete message, which shall remain unchanged for a period of no less than 5 seconds. Messages, including photographs, graphics and backgrounds, may not scroll or exhibit the illusion of movement in any manner during the time between message changes. Time and temperature information may change more frequently, but must do so on a separate portion of the total changeable copy area of the sign (not alternating with the main message displayed). Emergency messages (such as severe weather alerts or "Amber Alerts") as approved by the Township are exempt from the minimum time interval.

2. The time interval used to change from one complete message or display to the next complete message or display shall be a maximum of one (1) second. There shall be no appearance of a visual dissolve or fading, in which any part of one electronic message or display appears simultaneously with any part of a second electronic message or display.
3. There shall be no appearance of flashing or sudden bursts of light, and no appearance of animation, movement, or flow of the message display on any portion of the sign structure.
4. Any illumination intensity or contrast of light level shall remain constant.

SECTION 406 — OUTDOOR SIGNS

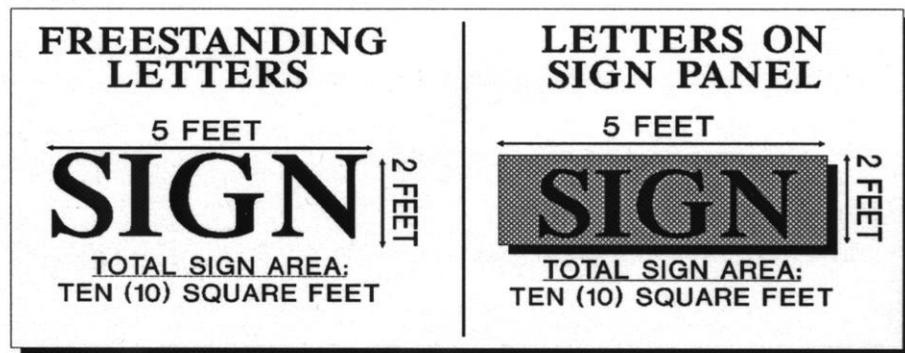
a. PURPOSE

1. ~~To provide for signs as a means of effective visual communication.~~
2. ~~To promote adopted comprehensive planning and zoning objectives.~~
3. ~~To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.~~
4. ~~To improve the safety of pedestrians, vehicular traffic, and property.~~
5. ~~To enhance the economic value of the community.~~
6. ~~To enhance the aesthetic environment.~~
7. ~~To minimize adverse effects of signs on nearby property.~~
8. ~~To otherwise promote the public health, safety, morals, and general welfare of the community.~~
9. ~~To regulate the use of signs through a sign permitting process.~~
10. ~~To enable the fair and consistent enforcement of these sign regulations.~~

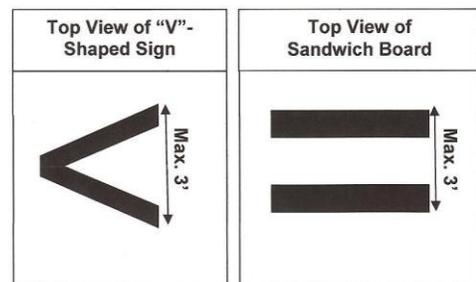
b. SIGN AREA AND HEIGHT — The following guidelines shall apply when interpreting area and height regulations in this Section:

1. Area — The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.
 - A. ~~When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.~~

- ~~B. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.~~
 - ~~C. When a single sign structure has more than one (1) face with the same message, and no two (2) sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.~~
- ~~2. Height The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.~~
- ~~A. No sign shall be higher than the height limitation imposed by this Ordinance.~~
 - ~~B. The height of freestanding signs shall be controlled by the standards in Tables 1 and 2 listed in Section 406.d. of this Ordinance.~~
 - ~~C. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.~~
 - ~~D. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.~~
- ~~e. GENERAL REGULATIONS The following regulations shall apply to all signs, in addition to the specific regulations contain in the following provisions of this Section. Where these general regulations are contradicted by a specific regulation, the specific regulation shall control.~~
- ~~1. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.~~



- ~~2. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.~~
- ~~3. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.~~
- ~~4. All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.~~
- ~~5. No temporary signs shall be permitted except as authorized elsewhere in this Section.~~



- ~~6. No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a sidewalk sign, a non-profit organization sign, or another sign approved by the Board of Supervisors or the Pennsylvania Department of Transportation.~~
- ~~7. All freestanding signs shall be setback a minimum distance equal to the sign height from each lot line. No sign within the clear sight triangle shall obstruct vision between the heights of three feet (3') and eight (8') feet above the elevation of the centerline of the street.~~
- ~~8. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.~~
- ~~9. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.~~
- ~~10. No sign shall be placed so as to obstruct ventilation or light from a building.~~
- ~~11. No overhead sign shall have a clearance of less than eight (8) feet between any pedestrian walk and the lowest part of the sign or less than seventeen (17) feet six (6) inches between any roadway and the lowest part of the sign.~~
- ~~12. No flat wall sign shall project more than eighteen (18) inches from the face of the wall to which it is attached over a public sidewalk.~~
- ~~13. No wall projecting sign shall project more than forty-eight (48) inches from the face of the wall to which it is attached over a public sidewalk.~~
- ~~14. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.~~
- ~~15. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green, or yellow lights resembling traffic lights.~~
- ~~16. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.~~
- ~~17. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.~~
- ~~18. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities", both as defined herein.~~
- ~~19. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building. (See "Special Event Sign" in Temporary Sign Regulations Table for regulations that apply to banners used as special events signs).~~
- ~~20. In addition to any other signage permitted by this Section, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved, standard flagpole.~~
- ~~21. No sign shall emit smoke, visible vapors, particles, sound, or odor.~~
- ~~22. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.~~

- ~~23. No inflatable signs shall be permitted.~~
- ~~24. No open flames shall be permitted as part of a sign or in any other way to attract attention.~~
- ~~25. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this Section.~~
- ~~26. Any sign may be exempted from the regulations of this Section as a special exception, if the applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.~~
- ~~27. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.~~
- ~~28. The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas, any residential Zone, or any part of a building or property used for residential purposes.~~
- ~~29. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.~~
- ~~30. Business signs in other than VC and CR Zones shall not be illuminated when the business is closed.~~
- ~~31. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.~~
- ~~32. The lighting of all signs shall comply with Section 413.b) of this Ordinance.~~
- ~~33. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the VC, and CR Zones and shall comply with the following requirements:~~
- ~~A. Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists;~~
 - ~~B. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning;~~
 - ~~C. Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect for immediate recognition by motorists;~~
 - ~~D. Community Service—All dynamic message display sign owners must use at least twenty percent (20%) of the operating time per each eight (8) hour cycles for community service (i.e., time, temperature, and school closing, weather, nonprofit, announcements);~~
 - ~~E. All owners are encouraged to notify **AMBER ALERT** and register its location for use as needed at:

(www.amber.state.pa.us/amber/guestaccount/registration_form.asp.) as may be amended.~~
 - ~~F. During times of Amber Alert the dynamic message display may display such information as provided by the PA State Police for no less than fifty percent of the operating time during each one (1) hour cycle;~~
 - ~~G. All properties utilizing a dynamic message display sign must remove all exterior promotional~~

~~banners, sandwich board signs, and may not use any temporary signage; and,~~

~~H. Each message display cycle shall comply with the following minimum time standards based upon the lowest speed limit of the road travel lane from which the sign is visible:~~

Required Minimum Message Display Cycles (seconds)			
Speed Limit (miles per hour)	Total sign area with up to 64 square feet	Total sign area with between 64 and 300 square feet	Total sign area with more than 300 square feet
25 mph	17 sec.	28 sec.	56 sec.
30 mph	14 sec.	24 sec.	48 sec.
35 mph	12 sec.	20 sec.	40 sec.
40 mph	11 sec.	18 sec.	36 sec.
45 mph	10 sec.	16 sec.	32 sec.
50 mph	9 sec.	14 sec.	28 sec.
55+ mph	8 sec.	12 sec.	24 sec.

~~d. **SPECIFIC SIGN REQUIREMENTS** – The tables on the following two pages tabulate requirements imposed upon permanent, temporary and planned center signs as permitted within the Township:~~

§ 406.d. – PERMANENT SIGN REQUIREMENTS (TABLE 1)

Sign Type	Maximum-Permitted-Number¹	Maximum-Permitted-Sign-Area	Maximum-Height-of-Freestanding-Signs	Maximum-Height-Of-Flat-Roof-&-Wall-Signs	Maximum-Height-Of-Roof-&-Wall-Projecting-Signs	Maximum-Projection-from-Wall/Roof-Projecting-Signs	Permitted-Zones	Other-Requirements	Permit-Required
Signs owned and associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	1 freestanding and/or 1 attached	20 sq. ft. per lot total	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	12 inches.	Where use is permitted		Yes
Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.	1 per dwelling unit	2 square feet	6 feet	10 feet	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No-Trespassing," "Private Property," "No-Hunting or Fishing," "Posted," "Private-Drive," or similar type signs).	Unlimited	2 square feet per sign	6 feet	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 foot intervals.	No
Institutional & Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	20 square feet per sign	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	12 inches.	Where use is permitted		Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	For freestanding signs 1 square-foot per 2 lineal feet of lot frontage, for attached signs not exceeding 4% of wall area to which sign, neither to exceed 10 square feet	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	12 inches	C, RA, R & VR	-	Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	For freestanding signs 1 square-foot per 2 lineal feet of lot frontage, for attached signs not exceeding 25% of wall area to which sign, neither to exceed 50 square feet	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	12 inches	VC & CR	-	Yes
On-site directional, entrance, exit, restroom, and other informational signs.	2 per street frontage used for access	2 square feet per sign	6 feet	10 feet	Height of wall to which sign is attached.	12 inches	All		No
Off-site directional signs	1 per lot	2 sq. ft.	3 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	12 inches	All		No
Billboards								See Sections 308.d)1. and 751 of this Ordinance.	Yes

§ 406.d. TEMPORARY SIGN REQUIREMENTS (TABLE 2)

Sign Type	Maximum-Permitted-Number	Maximum-Permitted-Sign-Area	Maximum-Height-of-Freestanding-Signs	Maximum-Height-Of-Flat-Roof-&-Wall-Signs	Maximum-Height-of-Roof-&-Wall-Projecting-Signs	Maximum-Projection-from-Roof/Wall-for-Projecting-Signs	Permitted-Zones	Other-Requirements	Permit-Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per separate firm whose work is in progress	6 square feet	10 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs	1 per street frontage	10 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Proposed development signs for residential, office, commercial, institutional or industrial complexes.	1 per street frontage	6 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved.	Such signs shall be removed upon completion of construction of final unit but no longer than 1 year from installation.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	20 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC and CR.	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	6 square feet	6 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
Garage/yard sale signs upon properties conducting such sales.	2	4 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	See Section 401.i. for additional requirements. Not permitted on utility poles.	Yes
Political signs.	Unlimited	12 square feet	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	With permission of the landowner. Not permitted on utility poles.	No
Temporary directional signs	Unlimited	2 square feet per sign	3 feet	Height of wall to which sign is attached.	Not Permitted	12 inches	All	With permission of the landowner. All such signs shall be removed within 7 days. Not permitted on utility poles.	No

§ 406.d.— PLANNED CENTER SIGN REQUIREMENTS (TABLE 3)

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Zoning-Permit-Required
Freestanding planned-center sign	1 per street frontage	1 square foot for each 1 lineal foot of frontage within the planned center, with a maximum of 50 square feet	15 feet		Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store front.	1 per side facing a street	2 sq. ft. per lineal foot of storefront not to exceed 40 square feet.	Height of wall to which sign is attached.	These signs shall only be provided as flat-wall, wall projecting or roof signs and shall extend no more than 12 inches from the wall or roof to which they are attached.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	2 per principal use	1 square foot for each 1 lineal feet of storefront, with a maximum of 50 square feet for both signs combined.	Height of wall to which sign is attached.	This sign shall only be provided as a flat wall or a wall projecting sign and shall extend no more than 12 inches from the wall or roof to which they are attached.	Yes
Storefront under canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	No under canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Outparcel signs for principal freestanding uses sharing common ingress and egress to planned center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat-wall, wall projecting or roof signs and shall extend no more than 12 inches from the wall or roof to which they are attached.	Yes
Freestanding planned-center sign along limited-access highway	1 per planned center	165 square feet	45 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the planned center's name.	Yes

~~e. **NON-CONFORMING SIGNS** - Non conforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions.~~

- ~~1. There shall be no expansion or increase in the non conforming aspect in any way.~~
- ~~2. Maintenance and repair of the sign are permitted. If necessary, up to fifty (50) percent of the entire area of a sign and its supporting structure may be replaced in the event of damage. Any such replacement must be completed within six (6) months of the damage occurring.~~
- ~~3. The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises (this does not apply to billboards).~~

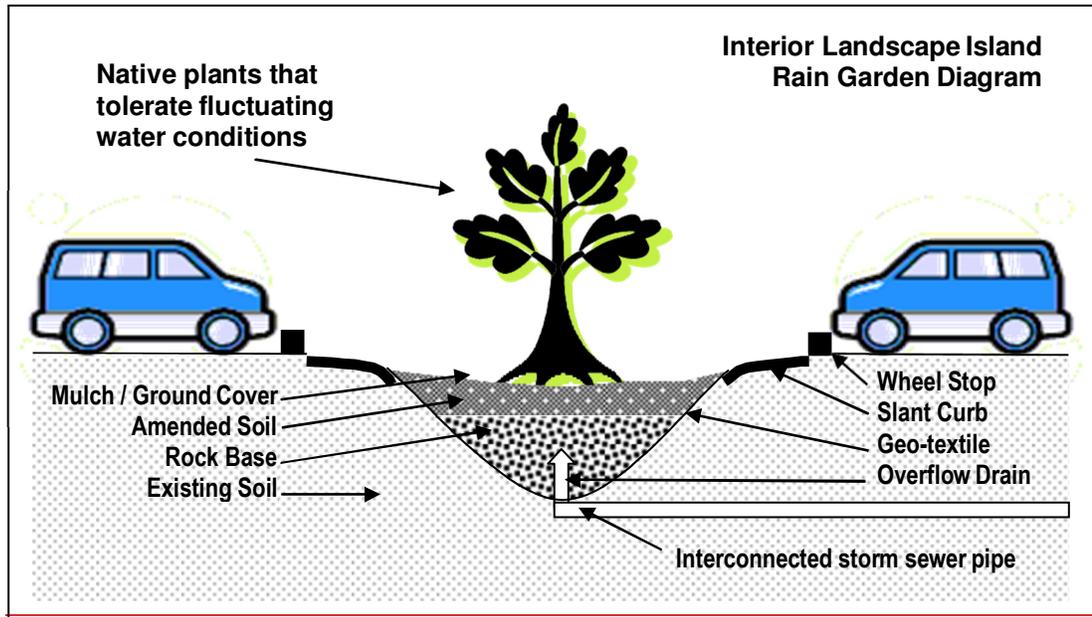
~~f. **PERMITTING PROCEDURES AND FEES**~~

- ~~1. Permits for the placement of signs are required as indicated by the last column in the Tables listed in Section 406.D. of this Ordinance. All signs requiring permits must have such permit prior to the erection, installation, or alteration of the sign. Sign permit applications, forms, plan requirements, and fees shall be established by resolution of the Board of Supervisors.~~
- ~~2. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to the requirements of this Ordinance. All applications for sign permits shall be accompanied by sealed plans or diagrams showing the following:
 - ~~A. exact dimensions of the lot including any right of way lines or building upon which the sign is proposed to be erected;~~
 - ~~B. exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation; and~~
 - ~~C. any other lawful information that may be required of the applicant by the Zoning Officer.~~~~
- ~~3. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.~~
- ~~4. Permits shall be granted or refused within forty five (45) days from date of application, or within forty five (45) days from the date of the Zoning Hearing Board's decision, where applicable.~~

SECTION 407 OFF-STREET PARKING

- a. WHEN REQUIRED** - Off-street parking shall be required in accordance with the provisions of this Section prior to the occupancy of any building or use. Off-street parking shall be provided whenever:
 1. A building is constructed or a new use is established,
 2. The use of an existing building is changed to a use requiring more parking facilities, and
 3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

- b. **REDUCTION OF EXISTING PARKING** - Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this Section of this Ordinance.
- c. **PARKING FOR SINGLE-FAMILY DETACHED DWELLINGS** - Every single-family detached dwelling, with the exception of a tiny home, shall be required to provide at least two (2) off-street parking spaces that are each a minimum of nine feet (9') wide and eighteen feet (18') long. A tiny home shall only be required to provide one (1) off-street parking space. Such spaces must be provided behind the street right-of-way line and may be within garages, carports, and/or driveways. Additional regulations pertaining to driveways are contained in Section 304 of this Ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single-family detached dwelling. The schedule of required parking spaces for other uses is contained in Section 407.v. of this Ordinance.
- d. **SITE PLAN APPROVAL.**
 - 1. Each application for a Zoning Permit for a use that requires off-street parking spaces shall include a site plan drawing showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required here below and in the Township Subdivision and Land Development Ordinance.
 - 2. No Zoning Permit shall be issued for any use for which off-street parking spaces are required unless the site plan has been approved or necessary variances have been obtained.
- e. **SURFACING** - All off-street parking lots, including access drives, shall be constructed and maintained with a paved surface, as defined herein.
- f. **SEPARATION FROM STREETS AND SIDEWALKS** - Parking spaces shall be guarded by curbs or other protective devices, which shall be arranged so that parked cars cannot project into streets, yards, or walkways.
- g. **DRAINAGE**
 - 1. Parking lots shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan to be approved by the Township under the terms of the SLDO.
 - 2. Applicants are encouraged to utilize rain gardens within the interior landscape islands and front, side and rear yard landscape strips. The use of rain gardens shall require a scattered location of interior landscape islands and/or peripheral landscape strips all of which must include interconnected drains with the site's stormwater management system that prevent the overflow of stormwater at each of the respective rain garden locations. The Board of Supervisors may authorize the deviation from any of the design standards contained within Section 407.u., and 411.d) of this Ordinance when an applicant can prove, through expert evidence, that the requirements of such Sections prevent the use of parking lot rain gardens to efficiently manage stormwater runoff.



h. PARKING SPACE SIZES

1. Within an off-street parking lot, each parking space for passenger vehicles (except those spaces dedicated for use by handicapped persons) shall have a minimum length of eighteen (18) feet and a minimum width of nine (9) feet with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.
2. Where parallel parking is proposed, parking spaces shall be delineated by painted lines and shall have a minimum width of eight (8) feet as measured from the curb or cartway edge and a minimum length of twenty-three (23) feet as measured along the curb or cartway edge.

i. PARKING SPACES FOR DISABLED PERSONS - All uses shall comply with the Americans with Disabilities Act (or successor regulation) which shall supersede any conflicting requirements contained within this Section the requirements of this Section 407.

j. INTERIOR DRIVE LANES -

1. Drive lanes between rows of parking spaces shall have the minimum widths shown:

Angle of Parking	Width of Drives: One-Way Traffic	Width of Drives: Two-Way Traffic
90 Degrees	24 feet	24 feet
60 Degrees	20 feet	24 feet
45 Degrees	15 feet	24 feet
30 Degrees	12 feet	24 feet
Parallel	12 feet	24 feet

2. Interior drive lanes in areas where there is no parking permitted shall be at least twelve (12) feet wide for each lane of traffic.
- k. MARKING OF PARKING SPACES AND INTERIOR DRIVES** - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces, interior drive lanes and travel direction for one-way interior drive lanes prior to occupancy.
 - l. REQUIRED HORIZONTAL RADII** - Not less than a five (5) feet radius of curvature shall be permitted for horizontal curves in parking areas.
 - m. DEAD END PARKING SPACES** - All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.
 - n. LIGHTING** - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to direct, reflect, or otherwise cause glare beyond the property line. Lighting shall comply with Section 413.b) of this Ordinance.
 - o. ACCESS DRIVE REQUIREMENTS** - Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 301 specifies other requirements for access drives.
 - p. SPEED BUMPS AND TRAFFIC CALMING DEVICES**
 1. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
 2. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
 3. There shall be a warning sign posted at each entrance to a parking area having speed bumps.
 4. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches.
 5. Speed bumps and traffic calming devices shall be setback at least fifty (50) feet from the street right-of-way of any local, marginal access or collector road and at least one hundred (100) feet from the street right-of-way of any expressway or arterial road.
 - q. JOINT PARKING LOTS** - Parking lots may be designed to serve a more than one (1) use, provided that the number of spaces is not less than the sum of the spaces that would be required for each use if calculated separately. For the purposes of determining required landscape strips and interior landscaping required by Section 407.uv.3. of this Ordinance [and Section 525 of the Township Subdivision and Land Development Ordinance](#), all parking spaces within a joint parking lot shall be combined.
 - r. PROHIBITED USES OF A PARKING LOT** - Parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:
 1. the sale, display, or storage of automobiles or other merchandise, except as otherwise permitted by this Ordinance;
 2. Parking vehicles accessory to the use;

3. Performing services (including services to vehicles);
 4. the placement or storage of trailers, trucks, portable storage containers, palettes or other similar structures, vehicles, items or materials; or,
 5. Loading and unloading purposes except during hours when business operations are suspended.
- s. **ACCESS** - Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. All commercial and industrial use access drives shall be so designed and constructed such that vehicles need not reverse onto the street in order to exit the parking facility.
- t. **LOCATION** - All parking spaces shall be provided on same premises except that, if the required number of parking spaces cannot be reasonably provided on the premises, the Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another property subject to the following requirements:
1. The proposed off-site location for the off-street parking spaces is located within the same Zone as the principal use;
 2. The proposed off-site location for the off-street parking spaces is located within one hundred fifty feet (150') of the premises containing the principal use;
 3. Adequate pedestrian access from the off-site parking spaces to the principal use is provided to the satisfaction of the Zoning Hearing Board;
 4. The applicant provides written evidence of a binding agreement in a form acceptable to the Township Solicitor that ensures ongoing use and access to the off-site parking spaces; and,
 5. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot spaces may not be claimed by more than one (1) user for use at the same time.
- u. **LANDSCAPING AND SCREENING REQUIREMENTS** - The following landscaping and screening requirements shall apply to all parking lots:
1. Front Yard Landscape Strip - When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire streetline. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip. This landscape strip may be located within any other landscaped strip required to be located along a street. The following lists required minimum width of landscape strips:

Number of Parking Spaces in Parking Lot, Including Joint Facilities	Landscape Strip Width Measured In Feet From the Street R.O.W. Line*
Less than 100	15
100-250	20
Over 250	25
*or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip.	

2. Side and Rear Yard Landscape Strips - Unless otherwise indicated, all off-street parking lots shall be surrounded by a ten (10) foot wide landscape strip.
3. Interior Landscaping
 - A. Except in those instances when off-street parking spaces are provided on a story either above or below grade, or when such off-street parking spaces are provided at grade but covered with a roof, any parking lot, or portion thereof, containing up to twenty-five (25) parking spaces, shall devote a minimum of five percent (5%) of the total area of the lot to interior landscaping. For parking lots with more than twenty-five (25) parking spaces devote a minimum of ten percent (10%) of the total area of the lot to interior landscaping.
 - B. Such interior landscaping shall be used:
 1. at the end of parking space rows and to break up continuous rows of parking spaces at least every ten (10) parking spaces; and,
 2. adjoining and to help visually define travel lanes through or next to the parking lot;
 - C. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
 - D. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.
 - E. Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) mature shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level;
 - F. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang;
 - G. If an existing parking lot that was built without interior landscaping before the effective date of this Ordinance is expanded to add more parking spaces, the interior landscaping shall be provided for the entire parking lot;
4. Applicants are encouraged to utilize rain gardens within the interior landscape islands and front, side and rear yard landscape strips (see Section 407.g. of this Ordinance).
- ~~5.~~ Screening - When a parking lot is located on property which is adjacent to a C, RA, R, and VR Zone or a residential use, the parking lot shall be screened from the adjoining residential property in accordance with Section 411.e) of this Ordinance;
- v. **SCHEDULE OF REQUIRED PARKING SPACES** - Except as provided for in Sections 407.v.1. and 407.v.2. (immediately following the below table) the minimum number of off-street parking spaces to be provided for each land use type shall be as indicated on following chart. Any use involving a combination of several uses shall provide the sum of the number of spaces required for each individual use. Any calculation that results in a fraction shall require an additional full space.

COMMERCIAL USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Vehicle, recreational vehicle and heavy equipment repair and washing facilities	¼ service and/or washing bay (i.e. 4 per bay)
Vehicle, recreational vehicle and heavy equipment sales	500 square feet of gross indoor and outdoor display areas
Banks and similar financial institutions.	200 square feet of gross floor area
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area
Convenience stores without fuel dispensing	75 square feet of gross floor area
Eating establishments, Brew Pubs and Tap Rooms	Two seats and one per each two employees
Food markets and grocery stores	150 square feet of gross floor area
Fuel dispensing use as a principal or accessory use	2 parallel spaces arranged in a stacked configuration for each fuel dispensing location.
Funeral homes	50 square feet of gross floor area
Furniture sales	500 square feet gross floor area
Hotels, motels and similar lodging facilities	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)
Mini-storage facilities	25 units plus one per 250 square feet of office space, plus two per any resident manager
Office buildings	200 square feet of gross floor area
Medical clinics and professional offices of veterinarians, physicians, dentists, opticians, counselors and etc.	6 spaces per practitioner plus one per employee
Personal services (e.g. barbers, beauticians, masseuse, tanning salon, tattoo parlor, photographer, etc.)	4 spaces per practitioner or 2 spaces per service station whichever produces the greater number
Retail stores or shops (except those listed above)	200 square feet of gross floor area plus one per each employee on two largest shifts
Shopping centers or malls	200 square feet of gross floor area plus one per each employee on two largest shifts
Other commercial buildings	400 square feet of gross floor area
Auditorium, banquet, conference, and meeting facilities; church, theater, special event venue , and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of area, indoor and outdoor , used for assembly purposes
Winery, Brewery and Microbrewery	3 spaces for each 4 employees on the largest shift or 1 space for every 500 square feet of gross floor area, plus 1 space for each company vehicle normally stored on the premises

INDUSTRIAL USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the two largest shifts
Other industrial uses	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number

RECREATION USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Amusement arcades	80 square feet of gross floor area
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields, without spectator seating.	1/12 field (12 per field)
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields with spectator seating	1/12 field (12 per field) plus one (1) per each four (4) seats of spectator seating
Basketball and volleyball courts without spectator seating	1/8 court (8 per court)
Basketball and volleyball courts with spectator seating	1/8 court (8 per court) plus one (1) per each four (4) seats of spectator seating.
Bowling alleys, billiards rooms	1/4 lane/table (i.e., 4 per lane/table) and one per each two employees
Campgrounds	Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	1/2 hole (i.e., 2 per hole), plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	One per tee and one per employee
Gymnasiums without spectator seating	1/8 court (8 per court)
Gymnasiums with spectator seating	1/8 court (8 per court) plus one (1) per four (4) seats of spectator seating.
Miniature golf courses	1/2 hole (i.e., 2 per hole) and one per employee
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating
Picnic areas	Per table
Skating rinks	Four persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy
Tennis or racquetball clubs	1/4 court (i.e., 4 per court), plus one per employee plus 50% of the spaces normally required for accessory uses

RESIDENTIAL USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Single-family detached dwellings, two-family conversions and conversion apartments	1/2 dwelling unit (i.e., two spaces per dwelling unit <u>except for tiny homes which shall provide only one space</u>)
Boarding houses, group homes, bed and breakfasts, rooming houses, group quarters, orphanages, dormitories, rectories and etc.	Bedroom
Single-family semi-detached, duplex, two-family, townhouse and multiple-family, dwellings	1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.

SOCIAL AND INSTITUTIONAL USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Auditorium, banquet, conference, and meeting facilities; houses of worship, theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of are used for assembly purposes
Clubs, lodges and other similar places	Two seats but not less than 100 square feet of gross floor area and one per each employee on two largest shifts
Nursing, rest or retirement homes, personal care boarding homes, halfway houses	Four accommodations (beds) in addition to those needed for doctors and support staff
Hospitals	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Schools below grade ten, including day-care and kindergarten	Six students of maximum permitted enrollment capacity
Schools, tenth grade and above, including colleges with on-site housing for a majority of students enrolled	Three students of maximum permitted enrollment capacity
Colleges that do not offer on-site housing for a majority of students enrolled	1.5 students of maximum permitted enrollment capacity
Vocational training and adult education facilities	1.5 students of maximum permitted enrollment capacity

1. All other uses not specifically mentioned above shall provide off-street parking spaces to accommodate one (1) space for the maximum number of persons regularly employed, having business, and/or resident upon the premises at any given time.
2. Alternative off-street parking standards to those provided in this Section may be permitted by the Zoning

Hearing Board as a special exception in accordance with Article VI of this Ordinance. The applicant shall prove that adequate parking is provided for all uses within the development. Such proof shall include, but not necessarily be limited to, the following:

- A. Estimates of required parking needs based upon actual traffic or parking surveys for existing similar land uses located in comparable settings.
- B. Analysis of shared parking facilities with other uses that routinely experience peak parking demands at different times of the day, week, or season, and where the parking spaces required by one use can also accommodate another nearby use.
- C. Analysis of the possible use of permeable surfaces for overflow parking where such overflow parking area would be used sparingly and where the applicant can show that the permeable surfaces will be constructed of stable materials and will be environmentally beneficial to the community.
- D. Analysis of the likelihood of the use of bus service (both public transit and charter service) by a significant volume of patrons.

SECTION 408 OFF-STREET LOADING SPACES

- a. **WHEN REQUIRED** - Compliance with this Section 408 shall be required prior to the occupancy of any building or use that requires off-street loading. Off-street loading spaces shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:
 - 1. a new use is established,
 - 2. the use of a property or building is changed such that more loading space is required, and
 - 3. an existing use is enlarged such that more loading space is required.
- b. **SITE PLAN APPROVAL**
 - 1. Each application for a Zoning Permit for a use for which off-street loading spaces are required shall include a site plan drawing showing the proposed layout of the off-street loading spaces. The drawing shall clearly include the design elements required by this Section.
 - 2. No Zoning Permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.
- c. **SURFACING** - All off-street loading spaces, including access drives, shall be constructed and maintained with a paved surface, as defined herein.
- d. **LOCATION & ORIENTATION** - Except as provided elsewhere, a ground-level off-street loading space may only be located in any side or rear yard. No off-street loading space is permitted between a building and an adjoining street right-of-way. No exterior portion of an off-street loading space (including access drives) shall be located on the face of a building facing within one hundred (100') feet of any adjoining land in the C, RA, R, & VR Zone.
- e. **CONNECTION TO STREET** - Every off-street loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide, exclusive of curb returns and gutters.

- f. **SEPARATION FROM STREETS, SIDEWALKS, AND PARKING LOTS** - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back onto streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots or with the free movement of vehicles and pedestrians on the site and over a public street.
- g. **DRAINAGE** - Off-street loading space (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading space shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.
- h. **REQUIRED OFF-STREET LOADING SPACE SIZES** - Off-street loading spaces shall have a rectangular shape with not less than the following dimensions, excluding access drives, entrances, and exits. Angled spaces will need to be longer to achieve the rectangular shape.

Facility	Length	Width	Height (if covered or obstructed)
Industrial, Wholesale and Storage Uses and Shopping Centers	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

- i. **ACCESS** - Off-street loading space shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle. All access drives shall be so designed and constructed such that it will not be necessary for drivers to back out onto a street. All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them. Such back-up and turn-around areas shall also be considered to be part of the off-street loading space for purposes of location, setbacks, orientation and screening.
- j. **LIGHTING** - Adequate lighting shall be provided if the off-street loading space is to be used at night. The lighting shall comply with Section 41~~23~~.b) of this Ordinance.
- k. **LANDSCAPING AND SCREENING REQUIREMENTS** - Unless otherwise indicated, all off-street loading spaces shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street loading spaces shall be screened from adjoining residential uses and areas in the C, RA, R, and VR Zones and all adjoining public streets.
- l. **LOADING AREA MARKINGS** - All off-street loading spaces shall be marked and maintained for the purpose of defining all loading spaces and interior drives. As a minimum, the lines of all off-street loading spaces and interior drives (including directional arrows) shall be in a color typically suitable for such markings and shall be at least four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control truck parking and to direct vehicular circulation.

m. SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES - The schedule of required off-street loading spaces is as follows:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital, <u>school</u> or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotels, motels and similar lodging facilities	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per principal use	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls and plazas) having at least 25,000 square feet of gross floor area	1.0	25,000 square feet up to 100,000 square feet
	+1.0	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Funeral home	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwellings	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)

SECTION 409 DRIVEWAYS

Driveways are regulated per the design and permitting requirements of Section 512 of the Township Subdivision and Land Development Ordinance. A driveway permit must be obtained in accordance with the requirements of Section 512-a)-11 of the Township Subdivision & Land Development Ordinance.

- a) ~~**Width:** Within ten (10) feet of the street right of way, driveways may not exceed thirty five (35) feet in width or be less than ten (10) feet in width.~~
- b) ~~**Number:** The number of driveways may not exceed one (1) per lot on any one (1) street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists. All lots must have a separate driveway located on the lot which that drive serves (i.e. one (1) driveway may not serve more than one (1) lot, except for pre-existing land locked lots of record.~~
- c) ~~**Location:** Driveways may not enter a public street:
 - 1. Within forty (40) feet of the street right of way line of an intersecting street.
 - 2. Within five (5) feet of a fire hydrant.
 - 3. Within twenty five (25) feet of another driveway on the same property.
 - 4. Within three (3) feet of a property line.~~
- d) ~~**Sight Distances:** A driveway must be located in safe relationship to sight distance and barriers to vision. A clear sight triangle of seventy five (75) feet as measured along the street centerline and five (5) feet along the driveway centerline commencing at the street right of way line must be maintained for all residential driveways. Obstructions or plantings shall not exceed a height of three (3) feet in the clear sight triangle area.~~
- e) ~~**Slope, Cuts:** Within twenty five (25) feet of the street right of way line, a driveway shall not exceed a slope of seven percent (7%) of the remaining portion of a driveway shall not exceed as slope of twelve and one half percent (12.5%). Where a driveway enters a bank through a cut, the shoulders of the cut may not exceed fifty percent (50%) in slope within twenty five (25) feet of the point at which the driveway intersects the street right of way.~~
- f) ~~**Access:** Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved.~~
- g) ~~**Angle of Intersection:** The minimum angle between the centerline of the driveway and the street shall be not less than sixty five (65) degrees.~~
- h) ~~**Curbs:** All driveways in curbed areas must have a recessed curb at the driveway entrance.~~
- i) ~~**Permits:** All new driveways or alterations to driveways shall require the applicant to obtain a driveway permit in accordance with the requirements of Section 512 a) 11 of the Township Subdivision and Land Development Ordinance.~~
- j) ~~**Paved Apron:** All driveways must provide a paved apron for a distance of at least fifteen feet (15') from the street right of way onto the site. Such paving must prevent the accumulation and/or deposition of~~

| stormwater onto the adjoining street.

SECTION 410 ACCESS DRIVES

Access Drives are regulated per the design and permitting requirements of Section 512 of the Township Subdivision and Land Development Ordinance. A driveway permit must be obtained in accordance with the requirements of Section 512-b)-4 of the Township Subdivision & Land Development Ordinance.

- ~~a) **Width:** Access drives shall require a twenty four (24) foot right of way. The minimum pavement width for access drives shall be twenty four (24) feet [two (2) twelve (12) foot traffic lanes].~~
- ~~b) **Number:** The number of access drives may not exceed one (1) per lot or parcel on any one (1) street frontage. The Zoning Hearing Board may grant permission by special exception for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.~~
- ~~c) **Location, Design:** Access drives shall have the following characteristics:
 - ~~1. The vertical and horizontal alignments of access drives shall conform to the specifications for minor streets as stated in Sections 505(j) and 505(k) respectively of the Township Subdivision and Land Development Ordinance.~~
 - ~~2. The intersection of an access drive with a street or with another access drive shall conform to the specifications for collector streets as set forth in Sections 507(a), (b), (c), (f) and (g) of the Township Subdivision and Land Development Ordinance.~~
 - ~~3. At its intersection with a street, no part of any access drive shall be nearer than fifty (50) feet to the intersection of any two (2) street right of way lines.~~
 - ~~4. An access drive shall not cross a street right of way line within five (5) feet of a fire hydrant; within twenty five (25) feet of another access drive on the same property; or within three (3) feet of a property line. However, in cases where access from an arterial or collector street may be necessary for several adjoining lots, to Township may require that such lots be served by one (1) or more combined access drives in order to limit possible traffic hazards on such streets.~~
 - ~~5. The slope of an access drive, other than as regulated by Subsection 2. above, shall not exceed twelve and one half percent (12.5%)~~
 - ~~6. All access drives in curbed areas shall have a recessed curb at the access drive entrance.~~~~
- ~~d) **Paving:** All access drives shall be paved with concrete or a bituminous paving material unless another suitable paving material is approved by the Township. The minimum specifications shall be four (4) inches of base compacted and two (2) inches of bituminous, concrete or other approved paving material. However, if special conditions warrant, the Township may require more stringent provisions.~~
- ~~e) **Permits:** A driveway permit must be obtained in accordance with the requirements of Section 512-b)-5 of the Township Subdivision & Land Development Ordinance.~~

SECTION 411 LANDSCAPING AND SCREENING REQUIREMENTS

Landscaping and screening are regulated per the design and permitting requirements of Section 520 of the Township Subdivision and Land Development Ordinance.

- ~~a) **Where Required:** Where a multi-family residential, industrial or commercial use is proposed abutting a C, RA, R, or VR Zone or residential use, except for street or alley frontage:
 - ~~1. Screening, as defined herein, shall be provided in accordance with the specifications of Section 411.e) of this Ordinance.~~~~

~~2. A minimum twenty five feet (25') landscape strip shall be provided which may not be used for commercial or industrial purposes; however parking is permitted within the interior fifteen (15) feet of the twenty five (25) foot buffer strip. Landscape strips are not required to be in addition to required~~

setbacks. This area must be suitably landscaped and maintained in accordance with Section 411.d) of this Ordinance. Where existing woods, streams, or other bodies, or railroads exist along the boundary of any such proposed development, such use may serve to meet the buffer requirement if deemed acceptable to the Township.

b) ~~Required Landscape Plan~~ — For uses with off-street parking lots that require the approval of a land development plan, the applicant shall submit a landscape plan prepared by a landscape architect or professional engineer registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of this Ordinance and the SLDO. Such plans shall include, but not be limited to, details depicting:

1. ~~Landscape buffers and screens used to protect adjoining properties, residential districts and streets;~~
2. ~~Screening used to prevent the spillage of headlights onto adjoining properties;~~
3. ~~Typical interior landscape island treatments including rain gardens, if applicable;~~
4. ~~Typical landscape strip treatments including rain gardens, if applicable;~~
5. ~~Typical screening treatments; and,~~
6. ~~Landscape treatments at access drives' intersections with streets.~~

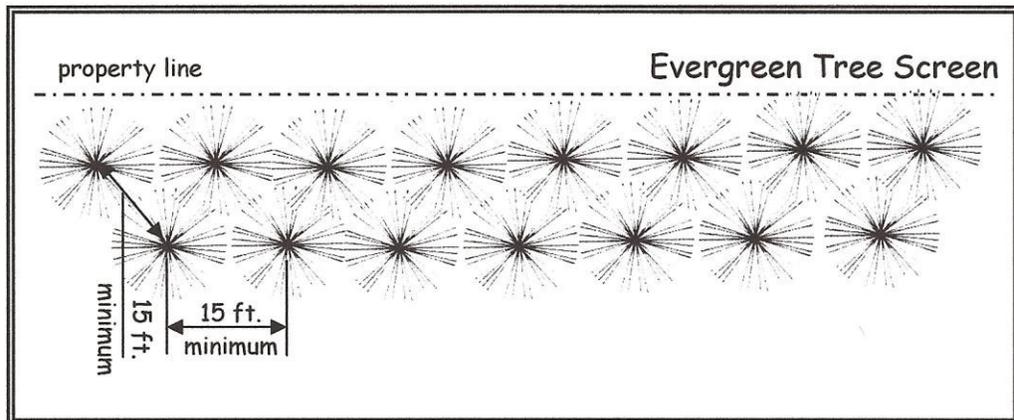
c) ~~Yard Groundcover~~ — Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season groundcover approved by the Board of Supervisors (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly;

d) ~~Landscape Strip and Interior Landscape Requirements~~

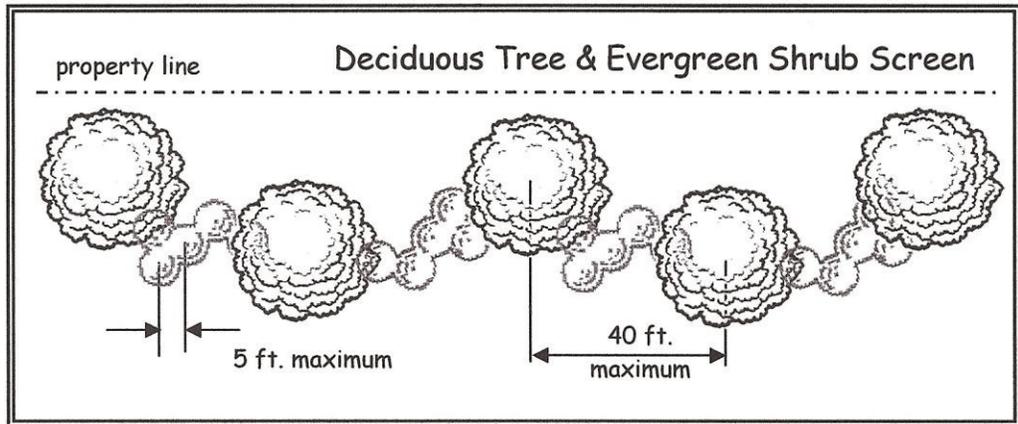
1. ~~Landscape strips can be placed within any required setbacks.~~
2. ~~Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas and/or strips.~~
3. ~~For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/or-namental tree shall be provided. Deciduous trees shall have a clear trunk at least five (5) feet above finished grade. Evergreen trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard;~~
4. ~~Interior landscaping within off-street parking lots shall be provided in accordance with Section 407.u.3. of this Ordinance. For every three hundred (300) square feet of interior landscaping required (parking lots), at least one mature deciduous shade tree shall be provided. Such trees shall have a clear trunk at least five (5) feet above finished grade. Applicants are encouraged to utilize rain gardens within the interior landscape islands; and,~~
5. ~~Those landscape strips and/or screens that are located at the periphery of a property shall include a continuous planting of low-level vegetation to act as a trash and litter trap/barrier for the subject property. Such vegetation shall be located and maintained so as not to interfere with any required clear sight-triangles as regulated by the SLDO.~~

e) Screening

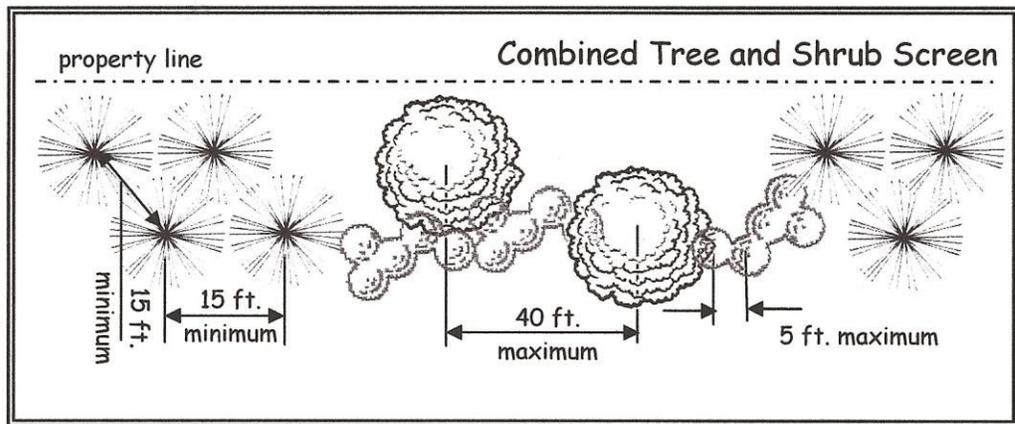
1. Screening shall be located along the subject property's lot line, except that screening can be located elsewhere on the subject property if the applicant can prove that the alternate location affords a more effective screen for the proposed use by reason of natural site conditions, on and adjoining, the site, or because of the site design. Alternate screening location shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening location with assistance from the Township engineer.
2. Screening shall be arranged so as to block the ground level views between grade, and a minimum height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation and shall be comprised of plants approved for screening purposes as listed in Section 411.f)3. of this Ordinance. As screens can take many forms and incorporate different materials and treatments (e.g. vegetation, berms, fences, walls and combinations) the following present several typical landscape screening arrangements:
 - A. Screening may consist of a minimum of two rows of evergreen trees that are at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternatively as depicted below:



- B. Screening may consist of a minimum of two rows of vegetation (e.g. deciduous trees with evergreen shrubs). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.



~~C.— Screening may consist of a combination of a minimum of two rows of evergreen trees alternating with a minimum of two rows of deciduous trees and evergreen shrubs. Evergreen trees shall be at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternatively). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.~~



~~D.— As an alternate to the preceding arrangements, an applicant can request an alternate landscape screen arrangement if he/she can prove through expert evidence that the proposed alternate arrangement:~~

- ~~i.— Will result in an equally effective blockage of ground-level views between the subject and adjoining properties;~~
- ~~ii.— Will employ an attractive combination of vegetation (e.g. deciduous and evergreen trees, hedges, or shrubs) that presents a more natural appearance; and,~~
- ~~iii.— Has a better chance for long term survival and maintenance given the characteristics of the location upon the subject property.~~
- ~~iv.— Alternate screening arrangements shall be approved by the Board of Supervisors as part of the~~

land development process; when no land development is required, the Zoning Officer may approve alternate screening arrangements with assistance from the Township engineer.

- E. ~~Walls, fences, earth berms, or other approved similar materials may also be used to supplement the required vegetation of a landscape screen. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screens located within the front yard that incorporate a sight-tight fence or wall shall include on the street side of the screen the use's required front yard landscape strip along with its required shade trees as specified in the above Section 411.d) of this Ordinance.~~
- F. ~~The screen planting shall be so placed that, a maturity, it will be not closer than three (3) feet to any street or property line, and shall be at least ten (10) feet in depth.~~
- G. ~~A clear sight triangle shall be maintained at all street intersections and where access drives and driveways intersect a street.~~
- H. ~~The screen planting shall be broken only at points of vehicular or pedestrian access or where utility easements prohibit such planting.~~

f. Selection of Plant Materials

- 1. ~~No vegetation shall include any invasive species as defined herein. Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.~~
- 2. ~~Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.~~
- 3. ~~The following lists the types of vegetation approved for specific required uses by this Ordinance within the Township:~~

APPROVED SHADE TREES		
Botanical Name	Common Name (N- Native)	Mature Height (ft.)
<i>Acer rubrum</i>	Red Maple (N)	75
<i>Acer saccharum</i>	Sugar Maple (N)	100
<i>Betula nigra</i>	River Birch (N)	70
<i>Carpinus betulus</i>	European Hornbeam	60
<i>Celtis occidentalis</i>	Common Hackberry (N)	120
<i>Cercidiphyllum japonicum</i>	Katsura Tree	75
<i>Fraxinus americana</i>	White Ash (N)	120
<i>Fraxinus pennsylvanica lanceolata</i>	Green Ash (N)	60
<i>Ginkgo biloba</i> (males only)	Ginkgo, Maidenhair Tree	120
<i>Gleditsia tricanthos 'inermis'</i>	Common Honeylocust	120
<i>Gymnocladus dioica</i>	Kentucky Coffee tree (N)	90
<i>Liquidambar styraciflua</i>	Sweet Gum (N)	75
<i>Liriodendron tulipifera</i>	Tulip Tree (N)	150

APPROVED SHADE TREES		
Botanical Name	Common Name (N-Native)	Mature-Height (ft.)
<i>Nyssa sylvatica</i>	Black-Gum (N)	50
<i>Plantanus xacerifolia</i>	London Planetree	50
<i>Quercus palustris</i>	Pin-Oak	70
<i>Quercus rubra</i>	Red-Oak(N)	75
<i>Quercus prinus</i>	Chestnut-Oak (N)	70
<i>Tilia tomentosa</i>	Silver-Linden	70
<i>Tilia cordata</i>	Littleleaf Linden	90
<i>Ulmus americana</i>	American Elm (N)	120
<i>Zelkova serrata</i>	Japanese-Zelkova	80

APPROVED SMALL DECIDUOUS TREES		
Botanical Name	Common Name (N-Native)	Mature-Height (ft.)
<i>Acer buergeranum</i> (tree form)	Trident Maple	30
<i>Acer campestre</i>	Hedge Maple	45
<i>Acer griseum</i>	Paper-Bark Maple	40
<i>Amelanchier canadensis</i> (tree form)	Serviceberry (N)	30
<i>Betula populifolia</i>	Gray Birch (N)	30
<i>Carpinus caroliniana</i>	Ironwood, American Hornbeam (N)	35
<i>Cercis canadensis</i>	Eastern-Redbud (N)	36
<i>Chionanthus virginicus</i>	Fringetree (N)	30
<i>Cladrastis lutea</i>	American Yellow-wood (N)	50
<i>Cornus florida</i>	Flowering-Dogwood (N)	40
<i>Cornus kousa</i>	Kousa-Dogwood	40
<i>Cornus mas</i>	Cornelian-Cherry	24
<i>Halesia carolina</i>	Carolina-Silverbell (N)	40
<i>Koelreuteria paniculata</i>	Golden-rain-Tree	30
<i>Magnolia stellata</i>	Star-Magnolia	20
<i>Magnolia virginiana</i>	Sweet-Bay-Magnolia (N)	20
<i>Malus floribunda</i>	Japanese-Flowering-Crab	30
<i>Malus 'Red Barron'</i>	Red-Barron-Flowering-Crabapple	20
<i>Ostrya virginiana</i>	Hop-hornbeam (N)	40
<i>Oxydendrum arboretum</i>	Sourwood (N)	30
<i>Parrotia persica</i>	Persian-Parrotia	40
<i>Phellodendron amurense</i>	Amur-Corktree	30
<i>Prunus sargentii</i>	Sargent-Cherry	50
<i>Prunus serrulata</i>	'Kwanzan' Kwanzan-Cherry	25
<i>Stewartia pseudocamellia</i>	Japanese-Stewartia	40
<i>Syringa amurensis japonica</i>	Japanese-Tree-Lilac	30
<i>Ulmus parvifolia</i>	Chinese-Elm	40

APPROVED EVERGREEN TREES FOR SCREENING		
Botanical Name	Common Name (N-Native)	Mature-Height (ft.)
<i>Abies concolor</i>	White Fir (N)	90
<i>Chamaecyparis nootkatensis 'pendula'</i>	Weeping Nootka False Cypress	35
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar (N)	50
<i>Ilex opaca</i>	American Holly (N)	45
<i>Juniperus virginiana</i>	Eastern Red Cedar (N)	90
<i>Picea abies</i>	Norway Spruce	120
<i>Picea omorika</i>	Serbian Spruce	90
<i>Picea pungens</i>	Colorado Spruce (N)	100
<i>Pinus flexilis</i>	Limber Pine (N)	50
<i>Pinus strobus</i>	Eastern White Pine (N)	100
<i>Pinus strobus 'Fastigiata'</i>	Pyramidal White Pine (N)	40
<i>Pinus thunbergi</i>	Japanese Black Pine	90
<i>Pseudotsuga taxifolia</i>	Douglas Fir (N)	100
<i>Thuja occidentalis 'pyramidalis'</i>	Pyramidal Arborvitae (N)	15
<i>Thuja occidentalis</i>	'Emerald Emerald Arborvitae (N)	15
<i>Tsuga canadensis</i>	Canadian Hemlock (N)	90

APPROVED DECIDUOUS SHRUBS		
Botanical Name	Common Name (N-Native)	Mature-Height (ft.)
<i>Aesculus parviflora</i>	Bottlebrush Buckeye (N)	12
<i>Aronia arbutifolia</i>	Red Chokeberry (N)	8
<i>Aronia melanocarpa</i>	Black Chokeberry (N)	8
<i>Buddleia davidii and cultivars</i>	Butterflybush	15
<i>Calycanthus floridus</i>	Common Sweetshrub	9
<i>Cephalanthus occidentalis</i>	Bottonbush (N)	10
<i>Chaenomeles speciosa</i>	Common Flowering Quince	10
<i>Clethra alnifolia and cultivars</i>	Summersweet Clethra	8
<i>Cornus alba and cultivars</i>	Tatarian Dogwood	10
<i>Cornus amomum</i>	Silky Dogwood (N)	10
<i>Cornus racemosa</i>	Gray Dogwood (N)	15
<i>Cornus sericea</i>	Redosier Dogwood (N)	9
<i>Cotinus coggygria and cultivars</i>	Smokebush	15
<i>Fothergilla major</i>	Large Fothergilla (N)	10
<i>Hamamelis virginiana</i>	Common Witchazel (N)	20

APPROVED DECIDUOUS SHRUBS		
Botanical Name	Common Name (N-Native)	Mature-Height (ft.)
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea (N)	6
<i>Ilex verticillata</i>	Common Winterberry (N)	10
<i>Itea virginica</i>	Virgina Sweetspire (N)	6
<i>Lindera benzoin</i>	Spicebush (N)	10
<i>Myrica pennsylvanica</i>	Northern Bayberry (N)	12
<i>Philadelphus virginialis</i>	Sweet Mockorange	12
<i>Physocarpus opulifolius</i>	Common Ninebark (N)	9
<i>Sambucus canadensis</i>	American Elder (N)	12
<i>Spiraea x vanhouttei</i>	Van Houtte Spiraea	10
<i>Symphoricarpos albus</i>	Common Snowberry (N)	6
<i>Syringa vulgaris and hybrids</i>	Common Lilae	15
<i>Vaccinium corymbosum</i>	Highbush Blueberry (N)	12
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum (N)	6
<i>Viburnum carlesii</i>	Korean Spice Viburnum	5
<i>Viburnum dentatum</i>	Arrow Wood Viburnum (N)	12
<i>Viburnum dilataum and cultivars</i>	Linden Viburnum	6
<i>Viburnum lentago</i>	Nannyberry Viburnum (N)	18
<i>Viburnum plicatum tomentosum</i>	Doublefile Viburnum	8
<i>Viburnum prunifolium</i>	Black Haw Viburnum (N)	15

APPROVED EVERGREEN SHRUBS FOR SCREENING		
Botanical Name	Common Name (N-Native)	Mature-Height (ft.)
<i>Chamaecyparis pisifera 'Boulevard'</i>	Boulevard False Cypress	12
<i>Ilex glabra</i>	Inkberry (N)	8
<i>Juniperus chinensis shrub cultivars</i>	Chinese Juniper	3-15
<i>Kalmia latifolia</i>	Mountain Laurel (N)	15
<i>Leucothoe jontanesiana</i>	Drooping Leucothoe (N)	6
<i>Picea glauca 'conica'</i>	Dwarf Alberta Spruce	10
<i>Pieris floribunda</i>	Dwarf Alberta Spruce	6
<i>Pinus mugo</i>	Mugho Pine	6
<i>Rhododendron — catawbiense — & cultivars</i>	Catawba Rhododenron (N)	10
<i>Rhododendron 'P.J.M.' and cultivars</i>	P.J.M. Rhododendrons	6
<i>Taxus x media and cultivars</i>	Yew	3-12
<i>Thuja occidentalis 'Techny'</i>	Mission Arborvitae	8

SECTION 412 DRAINAGE

- a) **Lot Drainage:** Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site sewage disposal facilities and to prevent the collection of storm water in pools. Roof drainage shall be provided for according to recommendations of the Township Engineer or such other officials as may be designated by the Board of Supervisors. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover. In areas not being paved or built upon, compaction shall not exceed eighty percent (80%) of the dry weight density as determined by the Modified Proctor Test.

- b) **Nearby Existing Facilities:** Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.

- c) **Open Drainageways:** When open drainageways are used for the disposal of storm water, the Township Engineer shall review the design of such open drainageways in relation to the following:
 - 1. Safety: Steep banks and deep pools shall be avoided.
 - 2. Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
 - 3. Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.
 - 4. Whenever the evidence available to the Township indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities, as necessary, to:
 - a. Permit the unimpeded flow of natural watercourses.
 - b. Ensure the drainage of all low points along the line of streets.
 - c. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
 - d. Provide adequate drainage away from on-site sewage disposal facilities.
 - 5. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property, but also the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.

- d) **Drainage Upon Adjacent Properties:** In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. When a storm drainage outlet will discharge upon another property, the developer must secure the approval in writing of adjoining affected owners. In no case may a change be made in the existing topography which would:
 - 1. Result in increasing any portion of the slope steeper than one (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills, or one (1) foot vertical measurement for two (2) feet of horizontal measurement for cuts, within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided.
 - 2. Result in a slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.

- e) **Drainage Onto Streets:** In order to minimize improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways or access drives must be at a grade in satisfactory relationship:
 1. With the established street grade, or
 2. With the existing street grade where none is established.
- f) **Obstruction to Drainage Prohibited:** The damming, filling or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township Supervisors and the Pennsylvania Department of Environmental Protection.
- g) **Drainage Facilities** - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties. Design storms shall be established by the Township Engineer.

SECTION 4123 NOISE AND LIGHTING REQUIREMENTS

- a) **Noise** - Except for agricultural, horticultural and forestry uses and snow-making operations associated with ~~the~~ a ski resort, no use shall as a matter of normal operations regularly generate exterior noise levels in excess of those listed in the following table:

Maximum Permitted Noise Levels		
Measurement Taken Along An Adjoining Property Within the Following Districts or uses.	Time Period	Maximum Permitted Noise Level
C, R, and VR	7 a.m. to 10 p.m.	50 dBA
C, R, and VR	10 p.m. to 7 a.m.	45 dBA
RA, VC, and CR, unless adjoining a residential use	7 a.m. to 10 p.m.	70 dBA
RA, VC, and CR, unless adjoining a residential use	10 p.m. to 7 a.m.	55 dBA
Residential Use	7 a.m. to 10 p.m.	50 dBA
Residential Use	10 p.m. to 7 a.m.	45 dBA

Should the ambient noise level at any location exceed the above standards, that ambient noise level shall become the maximum permitted noise level at that location. The maximum permitted noise level shall be applied to regularly-occurring uses and activities; short-term temporary noises and infrequent instantaneous noises may be permitted at noise levels 20 dBA higher than the above-described standards, but only between 7 a.m. and 10 p.m.;

b) Glare and Light:

1. Except for the lighting of ski slopes, all external on-site lighting shall be provided within the following ranges for periods when the use is in operation:

Required Lighting Levels			
Use	Measurement in Footcandles		
	Minimum	Average	Maximum
Local Street, where lighting is provided	0.2	0.4	2.4
Collector and arterial streets, where lighting is provided	0.2	0.9	5.4
Residential off-street parking lots (under 50 spaces)	0.2	0.8	3.0
Residential off-street parking lots (over 50 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (under 50 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (50-100 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (over 100 spaces)	0.5	2.0	7.5
Off-street loading areas	2.0	10	20
Walkways and bikeways at hazards (stairways, tunnels, bridges, elevation changes, ramps, obstructions and curves, etc.)	0.1	NA	2.0
Building entrances and signs	0.5	NA	2.0
Building facades, monuments, fountains & similar features	0	NA	5
Parks and athletic courts/ fields.*	As recommended by the IESNA.		

2. No light source or combination thereof which cast light on a public street shall exceed one (1) footcandle as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent residential property exceed one tenth (0.1) footcandle as measured at the property line or one (1.0) footcandle on an adjacent non-residential property.
3. In all Zones, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed one (1) footcandle. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed five (5) footcandles.
4. In all Zones, all exterior lighting provided in conjunction with any nonresidential or nonfarm use shall be hooded and/or screened so as not to permit the source of illumination nor lenses to be seen from off of the premises.

SECTION 4134 **DEMOLITION**

Demolition of any structure must be completed within six (6) 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 within six (6) months of the issuance of a permit. All evidence of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

SECTION 4145 **BUILDINGS UNDER CONSTRUCTION**

A building, the foundation of which was completed before the effective date of this Ordinance, may be constructed without being bound by the requirements of this Ordinance provided that the construction is completed within one (1) year after the effective date of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the effective date of the amendment. However, in the case of large or extensive projects, the developer may specify an estimated project completion date and, upon concurrence of the Zoning Officer, construction must be completed by that date, or the Zoning Officer may extend the time for completion to a period not exceeding two (2) years from the effective date of this Ordinance or amendment.

SECTION 4156 **DIVISION OF BUILT ON LOTS**

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.

SECTION 4167 **LOTS OF RECORD**

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setbacks provided are not less than the minimum specified herein for the zone in which the lot is located.

SECTION 418 **STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN**

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Warrington Township Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment of, or amendment to, the Zoning Ordinance shall affect the decision on such applications adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment of, or amendment to, the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.

SECTION 4179 ~~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, although 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 existing at the date of the adoption of this Ordinance may be continued.

b) Expansion:

1. Upon application for a special exception and in accordance with the provisions of Sections 604 and 733, the Zoning Hearing Board may approve the expansion of a use of land or building which is not in conformance with the provisions of this Ordinance. Any non-conforming use or structure may be enlarged, altered, extended, reconstructed, or restored after the effective date of this Ordinance to no more than an additional twenty-five percent (25%) of the area which was in non-conformance upon the adoption of this Ordinance. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created. It shall be the responsibility of the applicant to sufficiently document to the Zoning Hearing Board that the proposed expansion or change will not be contrary to the purposes of this Ordinance and the public health, safety, and welfare of township residents in general and of the residents of the immediate area, in particular.
2. The Zoning Hearing Board may attach additional provisions to the granting of a special exception to expand or change a nonconforming use or structure for the purpose of promoting the objectives and intent of this Ordinance.
3. The expansion of a non-conforming use or structure shall comply with the applicable yard requirements of the district where located and shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
4. Any expansion that will reduce the extent of a nonconformity shall not require special exception approval.
5. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this chapter or any amendment thereto creating the nonconformity. The expansion shall not result in the addition of a second nonconforming use on the property.
- 2-6. 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) Replacement:

1. Upon application for a special exception and in accordance with the provisions of Sections 604 and 733, the Zoning Hearing Board may approve the replacement of a use of land or building which is not in conformance with the provisions of this Ordinance with another nonconforming use.
2. A nonconforming building or structure may be replaced only in conformance with the provisions of this Ordinance. This includes, but is not limited to, the removal of ~~manufactured~~ mobile or modular buildings or structures. If such a nonconforming building or structure is removed it cannot be replaced unless it conforms to all requirements of this Ordinance.

d) Restoration: If any nonconformity is destroyed in part or in whole by reason of windstorm, fire,

explosion, or other act of God or a public enemy, the nonconformity may be rebuilt, restored or repaired to the extent of the nonconformity prior to destruction; providing that restoration is begun within one (1) year following said destruction. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.

- e) **Abandonment:** A nonconforming use shall be presumed as 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 abandonment. Such use shall not thereafter be reinstated and the structure shall not be re-occupied except in conformance with this Ordinance. However, if a nonconforming use ceases due to health reasons or other hardships, the use as it existed at the time of cessation may be continued provided that evidence of the hardship is presented to, and approved by, the Township Zoning Officer.
- 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 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.

SECTION 41820 FLAG LOTS

In the Conservation and Rural Agricultural Zones only, flag lots may be created on each parcel of land, as it existed on October 6, 1993, subject to the following criteria:

- a) The only principal use permitted on a flag lot shall be a single family detached dwelling.
- b) Each flag lot "handle" shall access onto a public street and not upon a cul-de-sac.
- c) The "handle" portion of the flag lot shall serve only the lot upon which it is located and shall be a deeded part of the flag lot.
- d) The width of the "handle" shall be fifty (50) feet at its narrowest point and no handle shall extend more than six hundred feet (600'). The Board of Supervisors may permit a longer "handle" by conditional use when the applicant can prove that the extra length is needed to protect some important natural and/or cultural feature that prevents compliance with this Section.
- e) Each flag lot shall conform to the lot area, coverage and setback requirements of the zoning district in which located.
- f) The "handle" shall be excluded in determining lot area, lot coverage, and in the placement of setbacks. The required minimum front setback shall be measured from, and the lot width shall be measured along, the lot line (other than the street line) most nearly parallel to the public street from which access is taken.
- g) No structures or parked vehicles shall be permitted in the "handle" portion of the lot.
- h) Any driveway located within the "handle" portion of the lot shall meet the driveway requirements set forth in Section 409 of this Ordinance.
- i) The "handle" shall not cross a wetland, flood plain or similar feature without the property owners acquiring the appropriate permits.
- j) The minimum distance between flag lots shall be one thousand (1,000) feet, measured at their centerlines and at the point they intersect the street right-of-way line.
- k) No more than one (1) flag lot shall be permitted per parcel of land.

~~SECTION 421 — ZONING REQUIREMENTS FOR USE OF ON LOT SEWAGE DISPOSAL SYSTEMS~~

- ~~a) Except as provided for in Section 508.4. of the Act, as of the effective date of this Ordinance, all future uses that rely upon on lot sewage disposal systems shall be required to specifically test for and secure one disposal site (field, bed, or trench) and replacement area. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction, and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site;~~
- ~~b) Except as provided for in Section 508.4. of the Act, as of the effective date of this Ordinance, all future uses that rely upon on lot sewage disposal systems that are located within the R, VR and VC Zones without public sewers shall be required to install capped sewer lines in accordance with the Warrington Township Capped Sewer Ordinance.~~

- ~~c) Regardless of any lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate nitrogen in the adjoining groundwater. Such determinations will be made by the PA-DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection;~~
- ~~d) Every use relying upon on lot sewage disposal systems shall be required to properly maintain and repair such systems, in accordance with the Warrington Township On Lot Disposal System Management Program.; and;~~
- ~~e) Every use relying upon an on lot sewage disposal system shall be required to comply with the Pennsylvania Sewage Facilities Act 537, as may be amended.~~

SECTION 419 OUTDOOR WOOD-FIRED BOILERS (OWB)

- a) OWBs are permitted as an accessory use in all zoning districts.
- b) All OWBs bought, sold, distributed, leased or installed must meet United States Environmental Protection Agency (USEPA) Phase 2 emission standards (limit 0.32 pounds per million BTU output) and must be identified accordingly with a white hang tag. OWBs acquired through real estate transactions are exempt from this requirement.
- c) The number of OWBs shall be limited to one per lot.
- d) OWBs shall be located a minimum of fifty (50) feet from any property line and one hundred (100) feet from any adjoining property's residential structure. OWBs shall not be located in the front yard. OWBs exempt from the emission standards of subsection b) shall be set back a minimum of one hundred fifty (150) feet from all property lines
- e) OWBs must have a permanently installed stack that extends at least ten (10) feet above the ground and is installed according to manufacturer's specifications.
- f) OWBs shall operate using only the following fuels:
 - 1. Natural wood with no paint, stains, or other types of coatings, and that has not been treated with treatments including, but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.
 - 2. Wood pellets made from natural wood as in 1 above.
 - 3. Home heating oil, natural gas or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired OWBs
 - 4. Other types of fuel approved in writing by the Pennsylvania Department of Environmental Protection (PADEP) upon receipt of a written request.
- g) OWBs shall not be used for waste incineration.
- h) The use of starter fluids such a lighter fluid, gasoline and other chemicals to ignite an OWB is prohibited.
- i) All OWBs shall be equipped with a properly functioning spark arrestor at the top of the stack to prevent sparks, embers or other ignited material above a given size from being expelled to the atmosphere.
- j) All OWBs shall be removed within twelve (12) months of the date when use is discontinued or when abandoned by the owner or upon termination of the useful life of same. The OWB shall be presumed

discontinued or abandoned if its operations have ceased for a period of twelve (12) months.

- k) The use of any OWB shall not cause a nuisance to any other property. Said nuisance shall be as defined by any chapter of the Warrington Township Code of Ordinances and as determined by the Township Zoning Officer.
- l) All storage of materials to be burned in the OWB shall be kept a minimum of 5 feet away from the OWB.
- m) Installation, use and operation of an OWB must comply with manufacturer's specifications as well as all applicable local, county, state and/or federal laws, regulations and codes.
- n) An applicant shall obtain a land use permit from the Township prior to installation of an OWB. Applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the OWB on the property, including property lines and setbacks. Permits shall be kept on the property where the OWB is located. The permit may be suspended or revoked if the OWB is not operated in accordance with this Section. Permits may be reinstated once the condition resulting in the suspension or revocation is remedied and reasonable assurances are given that such condition will not reoccur.

SECTION 4202 COMMON OPEN SPACE REQUIREMENTS

- a) In those instances where common open space is required elsewhere in this Ordinance, or when an applicant proposes the use of common open space, such common open space shall comply with the following:
 - 1. Required common open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
 - a) Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.);
 - b) Protection of important historical and/or archaeological sites;
 - c) Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township; and,
 - d) Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools, or other similar features;
 - 2. An essential element of the use of common open space is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The permanent preservation of common open space shall be accomplished through one of the following:
 - a) An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
 - b) With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of common open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and

the organization must enter into a maintenance agreement with the Township; and,

- c) The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners;

associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.Ss3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:

- i. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance;
 - ii. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities;
 - iii. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space, and,
 - iv. The common open space shall be restricted in perpetuity from development and subdivision through suitable legal instruments approved by the Township solicitor.
- d) The landowner/developer may opt to retain ownership of the proposed open space subject to any and/or all of the following as may apply:
- i. In cases where the proposed open space is to be devoted to agricultural use, the landowner/developer shall be required to provide suitable permanent agricultural preservation easements (prohibiting concentrated animal feeding operations and concentrated animal operations, both as defined herein) that are recorded in a form acceptable to the Township Solicitor;
 - ii. In cases where the proposed open space is to be devoted to the conservation of important and/or sensitive natural or cultural features, the landowner/developer shall be required to provide suitable permanent conservation preservation easements that are recorded in a form acceptable to the Township Solicitor; and,
 - iii. In cases where the proposed open space is to be devoted to public parkland use, the landowner/developer shall be required to provide suitable permanent publicly-accessible parkland easements that are recorded in a form acceptable to the Township Solicitor.

SECTION 421 RIPARIAN BUFFERS

- a) In order to provide reasonable protection to the Township's waterways and as determined by the Zoning Officer, where established mature trees and long grasses exist that are conducive to maintaining an effective riparian buffer along existing streams, such vegetation shall not be removed within an area of fifteen (15) feet of the top of the stream bank, except as necessary to provide reasonable stream access.
- b) Trees that have fallen or are diseased, invasive, noxious or present a safety hazard may be removed without regard to a) above. Streamside cleanup of junk and man-made debris is permitted.
- c) For the purposes of this section, a stream is a waterway that has a bed and banks, a minimum width (top of bank to top of bank) of ten (10) feet, and is typically inundated throughout the year under non-drought conditions.

SECTION 422 **MANUFACTURED HOMES**

a) Foundations.

- 1. No manufactured home shall be erected on jacks, loose blocks, or other temporary materials. Each manufactured home shall be installed with a frost-free foundation, concrete slab or footer with tie-downs to secure the manufactured home.**
- 2. Manufactured homes in the Residential, Village Residential, and Village Commercial zones must be erected upon a permanent masonry foundation.**
- 3. Lots shall be graded and equipped to drain all surface water in a safe, efficient manner.**

b) Anchoring.

- 1. Each manufactured home shall be secured firmly to the foundation, slab, or footer to prevent uplift or overturning of the manufactured home.**
- 2. Each manufactured home shall have a minimum of six tie-down straps.**

c) Skirting. An enclosure of compatible design in material shall be erected around the entire base of the manufactured home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

d) Each manufactured home must have a minimum of one working smoke alarm.

e) It shall be unlawful within the limits of the Township for any reason to park any manufactured home on any street, alley or highway or other public place or on any tract of lands owned by any person occupied or unoccupied within the Township except as provided in this chapter.

f) Any emergency or temporary stopping or parking is permitted on any street for not longer than one hour, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

g) Existing nonconforming manufactured homes in any district may be replaced with another manufactured home by obtaining a land use permit. Any replacement manufactured home must be placed on a permanent foundation and must be situated within the setback for the district or no closer to the property line than the existing manufactured home was.

ARTICLE V

SUPPLEMENTARY REGULATIONS

SECTION 501 PURPOSE

It is the intent of this Article to provide special controls and regulations for particular uses that are permitted by right within the various Zone Districts established in this Ordinance. All uses must comply with the standards expressed within the underlying Zoning District and all other applicable sections of this Ordinance, unless those standards expressed within this Article differ; in such case, the specific standards listed within this Article shall apply. Proposals that combine uses permitted by this Ordinance shall comply with all applicable sets of criteria and their respective review processes.

SECTION 502 BED AND BREAKFAST INN

- a) Maximum guest stays shall be limited to fourteen (14) days.
- b) A maximum of five (5) guest rooms shall be provided.
- c) 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.
- d) One (1) sign may be erected on the property. The maximum size shall be two (2) square feet.
- e) The Inn must comply with local regulations including, but not limited to, fire, health and building codes.
- f) 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.
- g) The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry

SECTION 503 CEMETERY

- a) All burial plots or facilities shall be located at least one hundred (100) 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 in flood hazard areas.
- d) 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.
- e) Pet cemeteries must meet all of the above applicable requirements.

SECTION 504 CLUB ROOM, CLUB GROUNDS, MEETING HALL

- a) Access shall be via an arterial or collector street as identified on the Township Zoning Map.
- b) All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.
- c) Screening shall be provided along any adjoining residential use or zone.
- d) Parking areas must be set back at least thirty (30) feet from any adjoining residential use or zone.
- e) ~~Any accessory trap, skeet, rifle, pistol or archery range shall only be permitted by special exception.~~

SECTION 505 COMMERCIAL SCHOOL OR PRIVATE SCHOOL LICENSED BY PA DEPARTMENT OF EDUCATION

- a) Access shall be via an arterial or collector street as designated on the Township Zoning Map.
- b) Buffers and screens shall be provided as determined by the Township Board of Supervisors necessary to adequately protect neighboring properties.

SECTION 506 DOMICILIARY CARE HOME

- a) The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by Warrington 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.

SECTION 507 FUNERAL HOME

- a) Access shall be via an arterial or collector street as designated on the Township Zoning Map.
- b) Parking and loading areas must be screened from view of any adjoining residential use or zone.
- c) Adequate space shall be provided for formation of automobile processions to prevent traffic back-ups onto adjoining roads.

SECTION 508 GREENHOUSE, HORTICULTURAL NURSERY

- a) The display and sale of items not grown on the premises shall be incidental to the greenhouse/nursery operation. The display and sales area for those items shall be limited to not more than twenty-five percent (25%) of the total gross display and sales area on the property.

- b) The display, sale and/or repair of power tools or motorized nursery, lawn or garden equipment shall not be permitted.
- c) Outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

SECTION 509 HOUSE OF WORSHIP

- a) All off-street parking areas shall be set back at least twenty-five (25) feet from all street right-of-way and property lines.
- b) All structural improvements (i.e. parking facilities) adjoining a residential use or zone shall be screened to adequately protect neighboring properties.
- c) Access shall be via a collector or arterial street as designated on the Zoning Map.
- d) Any associated residential use, other than the parsonage, shall be located on a separate lot or parcel and shall be subject to all applicable regulations of this Ordinance.
- e) Any associated educational or day care uses shall be accessory and located on the same lot as the house of worship.

SECTION 510 RESERVED FOR FUTURE USE

SECTION 511 RESERVED FOR FUTURE USE

SECTION 512 RIDING ACADEMY OR BOARDING STABLES

- a) All animals, except while exercising or pasturing, shall be confined to a building erected for that purpose.
- b) All stalls shall be maintained so as to minimize odors.
- c) All outdoor training or show facilities or areas shall be set back at least fifty (50) feet from all property lines.
- d) All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four (4) foot high fence which may be located up to, but not on, the property line.
- e) Adequate off-street parking shall be provided as determined by a review of the number of stalls and activities proposed. All parking areas shall be set back at least ten (10) feet from any property line.
- f) All animal wastes shall be properly stored and disposed of in a manner that will not create a public health hazard or nuisance. No animal wastes shall be stored within the required setback areas.

SECTION 513 SERVICE STATION OR CONVENIENCE STORE DISPENSING FUEL

- a) Buildings must be set back at least forty (40) feet from the street right-of-way line.
- b) Pumps must be set back at least fifteen (15) feet from the street right-of-way line.

- c) Access drives must be located as follows:
 1. Minimum Offset from Intersection of Street Right-of-way Lines - Forty (40) feet.
 2. Side Lot Line Offset - Ten (10) feet.
 3. Minimum Width - Twelve (12) feet.
 4. Maximum Width - Thirty-five (35) feet.
 5. Minimum Separation of Drives on Same Lot - Twenty-five (25) 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, fence or vegetative material 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 facility is situated must be devoted to natural landscaping.
- h) The proposed use shall conform to all applicable State and Federal regulations.

SECTION 514 SHOPPING CENTER OR MALL

- a) **Lot Area:** Two (2) acres minimum.
- b) **Lot Width:** Two hundred (200) 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 right-of-way line.
- d) Access must be via an arterial or collector street as designated on the Zoning Map.
- e) 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 515 RESERVED FOR FUTURE USE

SECTION 516 VEHICLE SALES, SERVICE, REPAIR AND/OR BODYSHOP

- a) All service and/or repair activities shall be conducted within a wholly-enclosed building.
- b) All exterior vehicle storage areas shall be screened from view of any adjoining residential zone or use.
- c) The storage of unlicensed vehicles on the premises is prohibited, except for new or used vehicles that are "for sale."
- d) All merchandise, except vending machines, shall be stored within a building.

- e) If gasoline pumps are to be installed, all special exception requirements for a service station shall be satisfied.
- f) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a 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.
- g) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration and smoke.

SECTION 517 KEEPING OF LIVESTOCK, SMALL ANIMALS AND/OR POULTRY

a) On a residential property, ~~s~~Such use shall be accessory and clearly incidental to the primary use of the property for residential purposes. Animals or poultry shall be kept only as pets, for pleasure or to provide food for the residents of the premises where the livestock, small animals or poultry are kept. Hobby farming as defined herein is permissible including limited sales of products such as dairy, eggs or honey.

~~b) Lot Area: One (1) acre minimum.~~

~~b)~~ On a residential property, ~~In no event shall~~ the number of livestock, small animals or poultry kept shall not exceed the following:

Group 1 - If the average adult weight is less than ten (10) pounds, they shall be permitted at a density of twelve (12) per acre, with a maximum number of sixty (60) per lot.

Group 2 - If the average adult weight is between ten (10) and one hundred (100) pounds, they shall be permitted at a density of four (4) per acre, with a maximum of forty (40) per lot.

Group 3 - If the average adult weight is greater than one hundred (100) pounds, they shall be permitted at a density of two (2) per acre, with a maximum of ten (10) per lot.

The keeping of a combination of animal types (Groups 1, 2 and 3) shall be permitted. In such cases the maximum density shall be equal to the ratio or the number of animals, by type. In no case shall a lot contain more than a total of sixty (60) livestock, small animals and/or poultry.

~~b)c)~~ All poultry, livestock and small animals shall, except while pasturing, grazing, feeding or exercising, be housed in a building erected and maintained for that purpose. Such buildings shall only be located in the rear yard; shall be set back at least fifty (50) feet from any property line and shall be no closer than one hundred (100) feet to any existing residence on adjacent land.

~~b)d)~~ All pasture and outdoor recreational areas shall be enclosed to prevent the escape of the livestock, small animals or poultry. All such enclosures may be located up to, but not on, the property line.

~~b)e)~~ All livestock, small animal and poultry wastes shall be properly stored and disposed of so as not to be objectionable at the site's property line or create a public health hazard or nuisance.

SECTION 518 FORESTRY USES

- a) In accordance with State law, forestry (as defined herein) ~~is uses are~~ permitted, by right, in every Zone, subject to the following standards:
- b) All applicants for this use shall submit written evidence of review and approval from the York County Conservation District of a timber harvesting plan that addresses and complies 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.); and,
 - 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.).
- c) **Responsibility for Road Maintenance and Repair; Road Bonding** - Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Board of Supervisors with advice from the Township Engineer.

SECTION 519 ACCESSORY AGRICULTURALLY RELATED ENTERPRISES

This Section's purpose and intent is to 1) allow flexible uses to supplement farm income and accommodate local food and agritourism while maintaining the rural agricultural character and promoting agriculture; 2) allow for a broad range of rural economy uses, including agriculture, agriculture support and services associated with ongoing farm activities, and other uses that can be developed and maintained in ways consistent with the rural character of the Conservation (C) and Rural Agricultural (RA) zones; 3) recognize the tourism industry is interconnected with the rural economy by permitting agriculture-related tourism uses, outdoor recreation/natural resource uses, conference and training center uses and rural activity and special event uses; 4) recognize the importance of local food for the consumer; 5) recognize that a farm's ability for direct marketing increases the value and profitability of the farm's products; and 6) provide additional opportunities for supplemental income to the farm operation.

a) Permitted Uses

1. Agricultural Marketing Enterprises shall be permitted by right as an accessory use in every zoning district so long as they are incidental to a principal farming operation and subject to the standards set forth in Pennsylvania Act 133 of 1982, the "Right To Farm Law."
2. Agritourism Enterprises shall be permitted by right as an accessory use in the C and RA zones so long as they are incidental to a principal farming operation and the subject property is no less than ten (10) acres in area.
3. A farm is permitted to have more than one of the permitted Accessory Agriculturally Related Enterprise types if requirements of the underlying zoning district and specific use criteria are met.

Each enterprise or industry must obtain applicable land use permit and/or land development approvals as required by the Township.

b) Specific Criteria

1. Lot Size and Width – Shall comply with the minimum required lot area and width for the zoning district in which the use is located.
2. Setbacks – Buildings shall comply with the setbacks for principal structures in the zoning district in which the use is located unless utilizing an existing structure.
3. Lot Coverage – Shall comply with the building and/or impervious lot coverage requirements for the zoning district in which the use is located.
4. Buffers and Screening – When adjoining a residential district or an existing residential dwelling; buildings, outdoor storage areas, and off-street parking and/or loading areas shall be subject to the buffer and/or screening requirements of the Township Subdivision and Land Development Ordinance.
5. Parking – Eligible uses shall provide for sufficient off-street parking and loading in accordance with the requirements of Sections 407 and 408 of this Ordinance. A plan for parking and access shall be provided for Township review at the time of application. Parking shall be prohibited in any street right-of-way.
6. Structures – Eligible uses are encouraged to utilize existing buildings whenever possible.
7. Signs – Eligible uses may include signage in accordance with the requirements of Section 406 of this Ordinance.
8. Operations – Eligible uses shall be operated by the landowner, landowner’s immediate family member, operator of the farm, or persons in residence of the farm. All eligible uses shall also be subject to the performance standards of Article IV of this Ordinance. All eligible uses shall remain compatible with, secondary to and clearly accessory to the active principal farm use at all times. Hours of operation shall be clearly stated as part of application to the Township prior to the start of business. No more than four (4) persons, in addition to those persons residing in the primary dwelling onsite, shall be employed as part of any Accessory Agriculturally Related Enterprise or combination thereof.

SECTION 520 SHORT TERM RENTAL

- a) An owner of property that desires to convert an existing property into a Short Term Rental or an owner of property that desires to build a dwelling for the sole purpose of operating a Short Term Rental must apply for a Certificate of Use with the Township Zoning Officer and pay the cost thereof, which cost may be amended from time to time, prior to beginning operations as a Short Term Rental.
- b) Compliance with the requirements of this section shall be considered conditions precedent of a Short Term Rental Certificate of Use approval, the violation of which may result in a revocation of that Certificate of Use by the Township Zoning Officer.

- c) A Short Term Rental shall comply at all times with the applicable Township sewage permit for the affected property. If a sewage system malfunction occurs, Short Term Rental of the Dwelling shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.
- d) Approval for a Short Term Rental shall be issued only to the owner of the subject property.
- e) Applicant shall comply with all applicable tax requirements including, but not limited to, County hotel excise tax and State sales and use tax.
- f) The applicant shall provide the name(s), address, telephone number(s) and email address of the property owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a 24-hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner. If the owner resides at a location over fifteen (15) miles from the Short Term Rental Property, an agent or local contact person must be selected to act as Person in Charge for the property. If applicable, the applicant shall provide to the Township Zoning Officer the name, address and 24-hour telephone number of the managing agency, agent or local contact person. If a change in ownership, managing agency, agent, or local contact person occurs related to the Short Term Rental, the new owner, managing agency, agent, or local contact person must notify the Township Zoning Officer within fifteen (15) days of the change occurring.
- g) A Short Term Rental is the sole and only use permitted per parcel of land and a Short Term Rental shall not be combined with any other use other than a single family dwelling.
- h) Overnight occupancy of a Short Term Rental shall be limited to no more than two (2) adults per bedroom.
- i) Outdoor parking for overnight occupants and day guests shall be limited to available improved parking areas on the Short Term Rental property. In no event shall parking for Short Term Rental guests include spaces in any public street right-of-way.
- j) Neither Short Term Rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- k) The owner shall use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of any and all Warrington Township Ordinances or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
- l) The owner shall, upon notification that occupants or guests of the Short Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of any and all Warrington Township Ordinances or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

m) Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short Term Rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the Short Term Rental is prohibited.

n) A Short Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses, except that a Short Term Rental may contain a sign that identifies the Short Term Rental, however the sign cannot be larger than one (1) square foot and cannot be internally illuminated.

o) Fireworks and floating lanterns are prohibited.

p) The owner shall install smoke detectors in accordance with the standards and guidance of the National Fire Protection Association. If the Short Term Rental uses a combustible fuel source, the owner shall install carbon monoxide detectors in accordance with the standards and guidance of the National Fire Protection Association.

q) Subleasing all or a portion of the Short Term Rental is prohibited.

r) All Short Term Rentals shall have a clearly visible and legible notice posted within the dwelling on or adjacent to the front door containing the following information:

1. The name of the owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.

2. The 911 address of the property.

3. The maximum number of adult occupants permitted to stay in the dwelling.

4. The requirement that all occupant and/or guest parking must be parked in the available improved parking areas on the property and not in or along any private, community or public street right-of-way.

5. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.

6. Notification that an occupant or guest may be cited and/or fined for creating a disturbance or for violating other provisions of any and all Warrington Township Ordinances, including parking and occupancy limits.

SECTION 521 ACCESSORY SOLAR ENERGY SYSTEM (ASES):

a) ASES that have a maximum power rating of not greater than 30kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating greater than 30kW shall comply with the requirements of Section 763 – Principal Solar Energy Systems.

b) Exemptions

1. ASES with an aggregate collection and/or focusing area of 64 square feet or less are exempt from this Section.
2. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Section. Any physical modification to an existing ASES, whether or not existing prior to the effective date of this Section that materially alters the ASES, shall be required to meet the terms and conditions of this Section. Routine maintenance or like-kind replacements do not require a permit.

c) ASES Design Standards

1. ASES shall be permitted in any yard area except the front yard setback area. Flush-mounted units, however, may be mounted on any portion of the structure.
2. No ASES located on the ground shall exceed a height of fifteen (15) feet.
3. ASES and their solar-related equipment, however, shall not be included in the lot coverage calculations provided their installation will not create adverse storm water problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.
4. ASES can be located within ten (10) feet of a side or rear property line provided that no portion of the structure or architectural features needed for operation of the system projects over the property line; its location does not interfere with sight distance at street intersections; and that existing solar energy systems will not be substantially impaired by shadowing more than ten percent (10%) of the collector area between 9:00 a.m. and 3:00 p.m. on a clear winter solstice (December 21) day.

SECTION 522 BY RIGHT WIRELESS COMMUNICATIONS FACILITY (WCF)

Certain types of wireless communications facilities (WCF) are permitted by right in all zoning districts. Specific design, permitting and operational requirements for these facilities can be found in Section 711 herein.

ARTICLE VI

ZONING HEARING BOARD

SECTION 601 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 years (3) 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 would expire under prior law. The Board of Supervisors shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this subsection. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

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 Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection b) of this Section, 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 nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code, as amended, unless designated as a voting alternate member pursuant to Subsection b) of this Section.

- 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 602.

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 the municipality 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 as requested by the Board of Supervisors.

- 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, 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. Where the ordinance appealed from is the initial Zoning Ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 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 provisions 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 603.
 6. Applications for special exceptions under the Zoning Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 604.
 7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions 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, as 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 relate 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 Secretary. 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 602 PUBLIC HEARINGS

- a) **Notice; Conduct of Meeting:** Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, owners of record ~~of adjoining properties including those properties directly across rights-of-way from the subject property within two hundred (200) feet of the subject property~~ and to any person who at least fifteen (15) days prior to the scheduled hearing date 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 compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

The hearing shall 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.

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 their 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 shall 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

d)

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 the Pennsylvania Municipalities Planning Code 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 the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision of findings is final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as 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 or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

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 conditions 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 603 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 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 (1) obtain a zoning permit, (2) obtain a use certificate, or (3) file for a subdivision or land development plan to implement the zoning approval within ~~six~~ one (1) year from the date of the authorization of the variance.

| ~~(6) months from the date of the authorization of the variance.~~

- b) **Referral to Planning Commission:** All applications for a variance shall be referred to the Township 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 where relevant in a given case:
 - 1. There are unique physical circumstances or conditions, including:
 - a) irregularity, narrowness, or shallowness of lot size or shape
 - 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, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 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, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- 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 604 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 zoning permit application, the special exception application must show --
 - 1. Ground floor plans and elevations of proposed structures.
 - 2. Names and addresses of adjoining property 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 zoning permit or use certificate or file a subdivision or land development plan to implement the zoning approval within ~~onesix~~ (16) months-year of the date of the authorization of the special exception.

- b) **Temporary Special Exceptions:** A temporary special exception may be granted for the following use:
 - 1. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which it determines is in the best interest of the general public under times of

local, state or Federal emergency. Prior to use and or occupancy the applicant must receive a temporary zoning permit and certificate of use and occupancy which shall be issued for a period not exceeding one (1) year. The nonconforming structure or use must be completely removed upon the expiration of the use 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 report.
- 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 which 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) **General Standards:** A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
 - 1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
 - 2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
 - 3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
 - 4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
 - 5. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

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.

- g) **Special Standards** - In addition to the general standards for all special exceptions as contained in Section 604.f), the specific standards for particular uses as listed in ARTICLE VII must be met prior to the granting of a special exception.

ARTICLE VII

STANDARDS FOR SPECIAL EXCEPTIONS & CONDITIONAL USES

SECTION 701 REQUIREMENT OF SPECIFIC STANDARDS

It is the intent of this Article to provide special controls and regulations for particular uses that are permitted by special exception or conditional use within the various Zone Districts established in this Ordinance. All uses must comply with the standards expressed within the underlying Zoning District, the general standards for all special exceptions and conditional uses as contained in Sections 604.f) and 806, respectively, and all other applicable sections of this Ordinance, unless those standards expressed within this Article differ; in such case, the specific standards listed within this Article shall apply. Proposals that combine uses permitted by this Ordinance shall comply with all applicable sets of criteria and their respective review processes.

SECTION 702 ADULT OR CHILD DAY CARE CENTER, NURSERY SCHOOL

In the RA, VR or VC Zones and subject to the requirements of the zone in which located 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 the certificate to the Township prior to occupancy approval by the Township.
- b) Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- c) At least one (1) off-street parking space for each employee plus one (1) space for each four (4) persons to be served by the facility shall be provided.
- d) Access shall be via an arterial or collector street as designated on the Zoning Map.

SECTION 703 ADULT ORIENTED FACILITY

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

- a) An adult oriented facility shall not be located within five hundred (500) feet of any residential use of zone.
- b) An adult oriented facility shall not be located within one thousand (1,000) feet of any church, school, library, park, playground, day care center, or any other adult oriented facility.
- c) Any building or structure used and occupied as an adult oriented facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film or services are exhibited or displayed; and no sale materials, merchandise, film or other offered items of service shall be visible from outside the building or structure.
- d) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film or service offered therein.

- e) Each and every entrance to the structure shall be posted with a notice that the use is a regulated 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.

SECTION 704 AGRICULTURAL EQUIPMENT AND MACHINERY SALES AND/OR SERVICE

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

- a) A planting strip at least fifteen (15) feet wide shall be provided along the public roadway.
- b) Buffer yards and additional screening shall be provided as necessary to protect adjoining properties.
- c) No unenclosed storage of parts, supplies, trash or machinery that because of age or condition is inoperable shall be permitted. Storage of such items shall be either within a building or in an area at the side or rear of the principal building enclosed by a six (6) foot high fence and screened from adjoining properties. No materials may be stored so as to create a fire hazard.
- d) Off-Street Parking: A minimum of one (1) space for each four hundred (400) square feet of gross floor area shall be provided.

SECTION 705 AIRPORT, AIRSTRIP

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

- a) Minimum Lot Area - Thirty (30) acres;
- b) All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- c) The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;
- d) The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock; and,
- e) No part of the take-off/landing strip and/or pad shall be located nearer than three hundred feet (300') from any property line.
- f) The applicant shall demonstrate compliance with Section 307 (Airport Hazard Overlay Zone) of this Ordinance.

SECTION 706 BED AND BREAKFAST INN

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

- a) Maximum guest stays shall be limited to fourteen (14) days.
- b) A maximum of five (5) guest rooms shall be provided.

- c) 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.
- d) One (1) sign may be erected on the property. The maximum size shall be two (2) square feet.
- e) The Inn must comply with local regulations including, but not limited to, fire, health and building codes.
- f) 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.
- g) The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry

SECTION 707 CAMPGROUND OR RECREATIONAL VEHICLEPARK

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

- a) Setbacks: All campsites shall be located as least fifty (50) feet from any property line.
- b) No more than ten (10) campsites shall be permitted per acre. A parking space for one (1) automobile shall be provided at each site which will not interfere with the convenient and safe movement of traffic, plus an equivalent amount of parking shall be provided in a common area or lot.
- c) 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.
- d) A minimum of one-quarter (1/4) acre per acre of total site area shall be reserved as an outdoor play area. Each outdoor play area shall be set back at least one hundred (100) feet from any property line and screened from adjoining properties.
- e) Occupancy: The occupancy of each space shall be limited to not more than one hundred eighty (180) days in any given year.
- f) 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.
- g) Consideration shall be given to traffic problems. If the nature of the campground or recreational vehicle park is such that it will generate a high volume of vehicular traffic, then access should be via an arterial or collector street as designated on the Zoning Map.
- h) All campgrounds and recreational vehicle parks shall furnish sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line.
- 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 facility's registered guests and their visitors. Any parking spaces provided for such uses shall have vehicular access from the facility's internal road rather than the public street.
- j) The use must comply with all applicable State and local laws and regulations.

SECTION 708 CEMETERY

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

- a) All burial plots or facilities shall be located at least one hundred (100) 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 in flood hazard areas.
- d) 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.
- e) Pet cemeteries must meet all of the above applicable requirements.

SECTION 709 CHEMICAL MANUFACTURING, PROCESSING AND/OR STORAGE FACILITY

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

- a) Lot Area: Five (5) acres minimum.
- b) Lot Width: Two hundred fifty (250) feet minimum.
- c) Setbacks: All buildings must be set back at least seventy-five (75) feet from the street right-of-way line.
- d) All industrial activities shall be conducted within a completely enclosed building.
- e) Access must be via an arterial as depicted upon the Zoning Map. Traffic entrances and exits shall be far enough from residential dwellings to minimize truck noise and vibration.
- f) A buffer yard, at least fifty (50) feet wide, must be located along all property lines adjoining a residential use or zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- g) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odor, fumes, glare, vibration, smoke, vapor and gases, electrical emissions and industrial waste). The proposed use shall not create a public health hazard or nuisance and may only be operated according to Federal and State regulations.

SECTION 710 CLUSTER HOUSING DEVELOPMENT

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

- a) Purpose- This conditional use is intended to blend various residential development types amid substantial areas of the Township that are characterized by natural sensitivity and/or public parklands. It is the express purpose that

this Section will offer the highest densities and the most flexible design standards available within each respective District as enabled in the Act when a proposed development successfully integrates the preservation and protection of natural-cultural features and/or the provision of public accessible common open space. Cluster housing developments must employ public utilities and/or within the case of developments within the OSR District, community sewage disposal systems.

- b) The minimum area devoted to a cluster housing development shall be twenty-five (25) acres;
- c) Delineation of Required Common Open Space – Cluster housing developments are characterized by required common open space comprising at least thirty percent (30%) of the total lot area, as defined herein. In the case of cluster housing developments that abut the (RA) Zone and/or properties subject to permanent agricultural easement, applicants may opt to provide for future agricultural use of common open space provided that suitable permanent agricultural preservation easements are recorded in a form acceptable to the Township solicitor. Common open spaces can also be used for public utility facilities provided such facilities are suited, designed and operated in a manner compatible with the permanent protection of the common open space without adverse impact to the environment or the general public.
- d) Identification of Required Common Open Space - As part of the site planning process for the cluster housing development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:
 1. Mandatory conservation features - The following features **must** be undisturbed and successfully integrated within the Cluster housing development’s common open space:
 - Floodplains as identified in Section 309 of this Ordinance;
 - very steep slopes [greater than twenty-five percent (25%)];
 - wetlands and buffers, streams, ponds, or other waterways;
 - sinkholes, caves, or rock outcroppings;
 - riparian buffers, as regulated by ~~Section 311 of this~~ the Township
 - Subdivision and Land Development Ordinance;
 - and, threatened or endangered species habitats as required by the PNDI; and, significant stands of mature trees.
 2. Suggested conservation features - The following features **should** be undisturbed and successfully integrated within the Cluster housing development’s common open space:
 - steep slopes [greater than fifteen percent (15%)];
 - significant geologic features;
 - scenic vistas;
 - threatened or endangered species habitats, not required by the PNDI;
 - archaeological resources; and,
 - historic resources.
 3. In addition, the applicant can include and/or proposed parklands within required common open space (which will **not** be counted towards the required mandatory dedication of parkland and open space as required within the SLDO if such parkland complies with the following:

- A. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four feet (24') in width;
 - B. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;
 - C. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover;
 - D. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site;
 - E. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance; and,
- e) Ownership, Maintenance and Endowment of Common Open Space
- 1. The ownership and maintenance of common open space shall be governed by Section 420~~2~~ of this Ordinance.
- f) Desired Trail Features - The Board may permit one additional dwelling unit for each 1,000 lineal feet of trail that is designated as part of the common open space for general public use. No density bonus will be provided for fractions of the 1,000 foot increments. The decision whether to offer this trail-related density bonus shall be at the sole discretion of the Board, which shall be guided by the recommendations contained in the Township Comprehensive Plan.
- g) Permanent Protection of Common Open Space - Required common open space shall be subject to permanent conservation easements in a form that is acceptable to the Township Solicitor. Such conservation easement shall, unless waived by the Board, prohibit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie solely with the Board.
- h) Permitted Densities - The maximum permitted density shall be six (6) dwelling units per acre. This density is subject to the bonuses described in Section 710.f) of this Ordinance.
- i) Required Ratio Housing Types - The following tabulates permitted residential structure types within Cluster housing developments based upon the extent of proposed common open space.

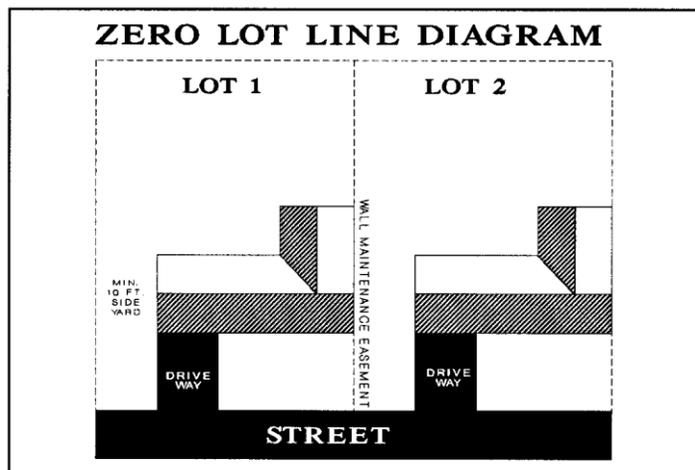
Proposed Common Open Space (% of Total Site Area)	Percentage of Dwelling Units Required by Structural Type		
	Single-Family Detached	Duplex	Townhouses or Multiple-Family Dwellings
No less than 30%	At least 90%	No more than 10%	No more than 10%
31 to 50%	At least 65%	No more than 35%	No more than 35%
51 to 65%	At least 30%	No more than 70%	No more than 70%
65% or more	Up to 100%	Up to 100%	Up to 100%

j) Required Design Standards - The following table and its footnotes present applicable design standards:

FIGURE 710.j) CLUSTER HOUSING DEVELOPMENT DESIGN STANDARDS									
Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Setback & Frontage		Maximum Lot Coverage	Minimum Required Yards			
						Front ⁴	One Side	Both Sides	Rear ⁵
Single-Family Detached Dwelling	6,000 sq. ft.	35 ft.	60 ft.	50 ft.	50%	25 ft. ¹	5 ft. ³	10 ft.	15 ft.
Duplexes	3,500 sq. ft. per unit	35 ft.	45 ft.	40 ft. per unit	60%	25 ft.	10 ft.	N/A	15 ft.
Townhouses ²	1,800 sq. ft. per unit	35 ft.	18 ft.	18 ft. per unit	75%	25 ft.	15 ft.	(End Units)	20 ft.
Multiple-Family ³	43,560 sq. ft.	35 ft.	150 ft.	200 ft.	60%	35 ft.	30 ft.	60 ft.	35 ft.

¹Within a cluster housing development, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- Minimum lot width shall be forty-five feet (45') and thirty-five feet (35') at the building setback and the lot frontage, respectively.
- One side wall of the structure may be located no less than one inch (1") from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten feet (10') wide.
- A perpetual six foot (6') wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures and vegetation. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.
- Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four inches (24"), but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.



e. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight feet (8') above grade, and have translucent panels.

²No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen feet (15') from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the cluster housing development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 3 shall apply.

³In those instances where several multiple-family dwelling buildings and/or townhouse buildings are located on the same lot, the following separation distances

will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty feet (50') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.

- b. A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
- c. A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.
- d. All multiple-family dwelling buildings shall be set back a minimum of fifteen feet (15') from any interior access drives or parking facilities contained on commonly-held lands. All multiple-family dwelling buildings shall be set back at least thirty feet (30') from any perimeter boundary of the cluster housing development site.

⁴If the property abuts an arterial road, the minimum front yard setback shall be forty feet (40') from the right-of-way line. Except for multiple-family dwellings, the minimum front yard setback for accessory residential garages shall be twenty feet (20').

710.k) Required Streetscape Design Standards - The following table presents minimum required design standards applied to streetscapes:

Feature	Required Width
One-way vehicle travel cartway	12 feet per lane
Parallel on-street parking lane (when provided)*	10 feet per side
Curbside shade tree planting strip (both sides required)	5 feet per side
Sidewalk (when provided)	6 feet per side
*A minimum twenty feet (20') long landscape or pedestrian island projecting the width of the on-street parking lane shall be provided at least interval of a maximum of every seven (7) parallel on-street parking spaces before additional on-street parallel parking spaces are provided.	

SECTION 711 TELECOMMUNICATIONS ANTENNAS AND TOWERS WIRELESS COMMUNICATIONS FACILITY (WCF)

Wireless Communications Facilities (WCF), as defined by this Ordinance, are permitted by right or by conditional use in all zoning districts in accordance with the standards set forth herein. If the proposed site is located in an Airport Hazard Overlay Zone (AH), it must further comply with Section 307 of the Warrington Township Zoning Ordinance.

a) Permitted and Prohibited Zoning Districts for Wireless Communications Facilities (WCF)

Table 711.a

Permitted Zoning Districts

	<u>WCF TYPE</u>	<u>PERMITTED ZONING DISTRICTS</u>	<u>PERMITTED BY RIGHT OR CONDITIONAL USE</u>
<u>A</u>	<u>Tower-Based WCF Located In the ROW</u>	<u>RA, VC, CR Zoning Districts</u>	<u>By Right</u>
		<u>C, R, VR Zoning Districts (subject to Table 3.1.b below)</u>	<u>Conditional Use</u>
<u>B</u>	<u>Tower- Based WCF where the Tower is 40’ or less in height, Located Out of the ROW</u>	<u>Non-Residential lots or properties in C, R, VR Zoning Districts (subject to Table 3.1.b below)</u>	<u>By Right</u>
		<u>RA, VC, CR Zoning Districts</u>	
		<u>Municipal owned property in all zoning districts</u>	
<u>C</u>	<u>Tower-Based WCF where the Tower is more than 40’ in height, Located Out of the ROW</u>	<u>RA, VC, CR Zoning Districts</u>	<u>Conditional Use</u>
		<u>Church, School, Public or Semi-Public or other institutional lots or properties in C, R, VR Zoning Districts</u>	<u>Conditional Use</u>
<u>D</u>	<u>WCF on Existing Structures</u>	<u>All zoning districts</u>	<u>By Right</u>
<u>E</u>	<u>Eligible Facilities Request</u>		

Table 711.b

Prohibited Zoning

	<u>WCF TYPE</u>	<u>PROHIBITED ZONING DISTRICTS</u>
<u>A</u>	<u>Tower-Based WCF Located Out of the ROW</u>	<u>Residential lots or properties in C, R, VR Zoning Districts</u>
<u>B</u>	<u>Tower-Based WCF located in the ROW</u>	<u>C, R, VR Zoning Districts where all public service utilities are primarily located underground within one hundred (100’) feet of the proposed Tower or Base Station</u>

b) Bulk and Area Requirements

Table 711.c

Tower-Based WCFs * **

		<u>WCF out of ROW</u>	<u>WCF in ROW</u>
<u>Height</u>		<u>Tower-Based WCFs shall be designed to Minimum Functional Height. Applicants must submit documentation justifying the total height. This may include coverage analyses demonstrating the relationship between height and “dead spots.” Maximum permitted height shall be 250 feet.</u>	<u>Tower-Based WCFs shall be designed to Minimum Functional Height, not to exceed 40 feet in C, R, VR Zoning Districts and 60 feet in RA, VC, CR Zoning Districts. Applicants must submit documentation justifying the total height.</u>
<u>Lot size</u>	<u>Only use on lot or property:</u>	<u>Subject to underlying zoning district.</u>	<u>Not Applicable.</u>
	<u>Combined with another use on lot or property:</u>	<u>Area needed to accommodate the WCF and guy wires, Accessory Equipment, and, if required, security fence and landscaping and screening.</u>	
<u>Setbacks</u>	<u>Towers:</u>	<u>Setback from property lines, not lease lines, at least 110% of the combined height of the Wireless Support Structure and Antennas, or the applicable minimum building setback in the underlying zoning district, whichever is greater.</u>	<u>Not Applicable.</u>
	<u>Equipment buildings/cabinets/ guy wires:</u>	<u>Subject to applicable minimum setback in the underlying zoning district.</u>	

* Tower-Based WCF setbacks shall be measured from the center of the base of the facility. Measurement of a Tower-Based WCF’s height shall be from the finished grade and shall include the tower structure itself, any base pad and any other appurtenances.

** Warrington Township includes an Airport Hazard (AH) Overlay zone. Any proposed WCF located therein shall be subject to the requirements thereof including, but not limited to, location, height, setbacks and review process. See Section 310 of the Township Zoning Ordinance for details.

c) Design, Construction and Operations

1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, Modified, removed and Replaced in strict compliance with all current applicable federal and state technical and safety codes. Documentation shall be provided to the Township, signed by an Engineer licensed in the State of Pennsylvania, verifying that the facility is designed in accordance with all applicable building codes, in addition to all other State and Federal laws and regulations applicable thereto. Tower-Based WCFs shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties.
2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services. No WCF shall disturb or diminish the normal radio or television or similar reception for any adjoining property.
4. Collocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible. Tower-Based WCFs shall be designed to accommodate three (3) or more wireless communications providers in order to facilitate the collocation of other service provider's facilities. The Township shall be provided the name, address, telephone number and responsible individual's name of each additional provider prior to collocation.
5. Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Township.
6. Lighting. Towers shall not be artificially lighted beyond what is required by law.
7. Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the Township Zoning Ordinance. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.
8. Vehicular Access.
 - a. An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.

- b. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
 - c. Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
 - d. Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
 - e. An applicant shall present documentation to the Township that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.
 - f. Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.
 - g. Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.
9. Fencing. A security fence or wall, which may include barbed wire, with a minimum height of eight (8') feet shall be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. The requirement for a security fence or wall may be waived by the Township when the fence would not be appropriate or feasible.
10. Safety in Rights-of-Way.
- a. Schedule of operations. The Township shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all WCFs located in the Right-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
 - b. Alteration of a WCF. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
 - i) The construction, repair, maintenance or installation of any municipal or other public improvement located in the Right-of-Way.
 - ii) The operations of the Township or other governmental entity in the Right-of-Way.

iii) Vacation of a street or road or the release of a utility easement.

iv) An emergency as determined by the Township.

v) No permit is required for such removal, relocation, change or alteration ordered by the Township.

c. Visual obstruction. All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right-of-Way as determined by the Township. In no case shall ground-mounted equipment, walls, screening or landscaping be located within (18) inches of the face of the curb, or in an area in which there are no curbs, within (3) feet of the edge of cartway.

11. Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance. Wireless communications facilities shall be fully automated. No employee of the communications provider shall be stationed at the site, except for periodic maintenance and inspection. Facilities shall be maintained for the life of the facility.

12. Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the Township Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

13. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

14. Inspections for all WCFs where the new Tower is more than 40 feet in height. A copy of any required inspection report shall be provided to the Township following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.

15. Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site. Equipment storage shelters associated with the wireless communications facility shall not exceed a height of twelve (12) feet, nor exceed a size of four hundred and fifty (450) square feet.

d) Aesthetics, Landscaping, and Screening

1. Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

2. Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:
 - a. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the maximum extent practicable.
 - b. Ground mounted equipment shall be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the Township.
 3. Visual Impact Analysis. The applicant shall provide a visual impact analysis for any proposed wireless communications facility or for any proposed modification to an existing wireless communications facility. Collocation activities shall not be considered a modification subject to this requirement. The analysis shall consist of a written report assessing the cumulative impacts of the proposed facility, and shall identify all feasible mitigation measures necessary to eliminate or minimize any perceived visual impact by the proposed structure. Mitigation measures shall be consistent with the technological requirements of the applicant. The Township shall review and consider all information presented in the report. The report shall include, but not be limited to, the following:
 - a. A photograph simulation of pre-development versus post-development views from key viewpoints, as established by the Township Zoning Officer, and may include areas both inside and outside the Township;
 - b. An analysis of alternative tower structure design (including height variations) and color schemes; and an analysis of monopole versus lattice design; and
 - c. An analysis of the visual impact of the facility base, accessory buildings, tower, antennae and overhead utility lines from abutting properties and streets.
 4. Anti-climbing devices, designed to industry standards, shall be required on all Tower-Based WCFs.
- e) Replacement, Collocation, or Modification
1. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with Township land use permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.
 2. Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the Township.

3. Any Substantial Change to an existing Tower-Based WCF shall require approval of the Township in accordance with the terms of this Section.
4. Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the Township building code official for compliance with the building code.

f) Permit Requirements

1. All wireless communications facilities existing on the effective date of this Ordinance shall be allowed to continue as they presently exist. Routine maintenance, including modifications to accommodate the collocation of an additional user or users, shall be permitted. New construction, other than routine maintenance or modifications to accommodate collocation, removal or replacement of transmission equipment and that does not substantially change the physical dimensions of the tower or base station, shall comply with all requirements of this Section.
2. No wireless communications facility shall be constructed within the Township until all necessary local, State and Federal approvals and permits have been secured. Copies of these approvals and permits shall be provided to the Township prior to the issuance of any land use permit.
3. No wireless communications facility shall be located on any property listed on or designated as eligible for either the State or National Historic Register. Said facilities shall also be prohibited within any Township, State or Federal designated historic district.
4. Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a one-half (1/2) mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.
5. Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right-of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.
6. Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
7. Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

8. Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
9. Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
10. Review timeframes.¹

Table 711.1
WCF Review Timeframes

		<u>Township shall notify the applicant in writing of any information that may be required to complete application.</u>	<u>Township shall approve or deny the application unless a shorter time period is applicable under the PA MPC.</u>
A	<u>New Tower-Based WCFs</u>	<u>Within 30 calendar days of the date the application was filed with the Township.</u>	<u>Within 150 days* of submission of a complete application for a WCF.</u>
B	<u>WCF on Existing Structures</u>	<u>Within 30 calendar days of the date the application was filed with the Township.</u>	<u>Within 90 days* of submission of a complete application for a WCF.</u>
C	<u>Eligible Facilities Requests** (as defined)</u>	<u>Within 30 calendar days of the date the application was filed with the Township.</u>	<u>Within 60 days* of submission of a complete application for a WCF.</u>
<p><u>*The time period may be tolled by mutual agreement or in cases where the Township informs the applicant in a timely manner that the application is incomplete.</u> <u>If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission, but may be tolled again if the Township provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.</u></p>			
<p><u>**The Township shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an Eligible Facility.</u></p>			

11. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application. All proposed public improvements associated with new Tower-Based WCFs, including the service drive, shall be guaranteed for completion in accordance with the Township Subdivision and Land Development Ordinance.
12. All applicants for a new Tower-Based WCF shall file with the Township a land development plan for review and approval in accordance with the Township Subdivision and Land Development Ordinance following action by the Board of Supervisors on any required conditional use application in accordance with the Township Zoning Ordinance. Any conditions imposed as a result of the

¹ FCC Administrative Rulings, FCC 09-99, WT Docket 08-165. Adopted & released 11/18/2009 and FCC 14-153 adopted 10/17/2014. The approval deadlines noted (150 and 60 days) are from the "Shot Clock" Rule. These dates should not be extended. Further, this timeframe should be adjusted for any subsequent amendment approved by the FCC.

Township Board of Supervisors' conditional use decision shall also be incorporated into the land development plan. Once the initial facility or tower structure is approved, additional co-location proposals shall not be subject to further conditional use or land development approval.

13. In addition to any other requirements prescribed by this Ordinance, the Township Subdivision and Land Development Ordinance, or the Township Zoning Ordinance, applications for the establishment of a wireless communications facility shall include, at a minimum, the following information.

- a. The name, address, and telephone number of both the owner and the lessee of the parcel of land upon which the facility is to be situated. The proposed facility's FCC registration number. If the applicant is not the owner of the property, written and notarized documentation that the owner of the property has agreed to grant use of the property for the proposed facility.
- b. The name, address, and telephone number of all owners of other such facilities within the service area of the proposed facility, including municipally owned property.

g) Discontinuation, Abandonment and Removal

1. Discontinuation. In the event that use of a Tower-Based WCF is to be discontinued, the owner/operator shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. A written agreement between the property owner and the applicant shall be provided to the Township confirming that when a wireless communications facility is abandoned, becomes obsolescent, or ceases to be used it shall be taken down and removed from the premises within six (6) months of its abandonment, obsolescence, or cessation of use. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- a. All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the Site unless a time extension is approved by the Township.
- b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a Site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- c. Any unused portions of WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations.
- d. At the time of issuance of the land use permit for the construction of the PSES, the Township, at its sole discretion, may require the applicant and/or owner to provide financial security in a form and amount acceptable to the Township to secure the expense of dismantling and removing said WCF and restoration of the land to its original condition. The amount required shall be determined at the sole discretion of the Township as part of the land development review process based upon the unique characteristics of the communication tower and site. The applicant and/or owner shall cooperate with the Township in supplying all necessary construction data and an engineer's cost estimate prior to approval of any application. The cost estimate shall be reviewed

and an appropriate dollar amount for said security developed and recommended by the Township Engineer.

~~In the C, RA and CR Zones and subject to the requirements of the zone in which located except as modified herein and provided:~~

~~1) — An antenna proposed for a permitted existing site with a pre-existing communications tower, smoke stack, water tower, or any other structure shall not exceed the height of the existing structure by more than twenty five (25) feet. If the antenna is to be mounted on a pre-existing structure, a land development plan shall not be required. A simple special exception, however, will still be required.~~

~~2) — Building mounted communications antennas shall not be located on any single family dwelling or 2-family dwelling except for personal use as defined in Section II 1.~~

~~3) — Any application proposing communications antenna(s) to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location. Further, any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure as part of its application.~~

~~4) — Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.~~

~~5) — Communications antennas shall comply with all applicable standards as established by the Federal Communications Commission governing human exposure to electromagnetic radiation.~~

~~6) — Communications antennas shall not cause radio frequency interference with other communications facilities located in the township.~~

~~7) — A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure. Any new building shall require the approval of a land development plan under the terms of the SLDO.~~

~~8) — The owner or operator of communications antennas shall be licensed by the Federal Communications Commission (FCC) to operate such antennas provide verification to the township, note license numbers on the plan, if required, and notify the township of any change in licenser.~~

~~9) — The applicant shall demonstrate that it is licensed by the FCC to operate a communications tower, if applicable, and communications antennas.~~

~~10) — The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.~~

~~11) — Communications towers shall comply with all applicable laws and regulations of the Federal Aviation Administration, the Commonwealth Bureau of Aviation and applicable airport zoning regulations.~~

~~12) — Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 2 mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:~~

~~1. — The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.~~

~~2. — The proposed antennas and related equipment will cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.~~

~~3. — Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.~~

~~4. — Addition to the proposed antennas and related equipment will result in electromagnetic radiation from such structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.~~

~~5. — A commercially reasonable agreement could not be reached with the owners of such structure.~~

~~13) — Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty~~

(20) feet in width and shall be improved to a width of at least ten (10) feet with a dust free, all-weather surface for its entire length.

~~14) — A communications tower may be located on a lot occupied by other principal structures.~~

~~15) — The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.~~

~~16) — If a new communication tower is constructed (rather than mounting the antenna on an existing structure), the foundation or base of said communications towers shall be constructed such that the minimum distance between the base of the support structure or any guy wire anchors and any property line or right of way line or adjoining dwelling shall be the largest of the following:~~

~~1. — The height of the tower; or~~

~~2. — 250 feet; and, shall be in either setback at least, 500 feet, from any adjoining property's dwelling.~~

~~17) — All communication towers and their support structures shall be fitted with anti-climbing devices as approved by the manufacturer of such communication towers or structures. The applicant shall demonstrate through actual or prototype engineering studies that the proposed tower is safe and that:~~

~~1. — The surrounding areas will not be negatively affected by communication tower failure, falling ice or other debris, or lightning strikes.~~

~~2. — The towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standard Institute prepared by the engineering department of the Electronics Industry Association and Telecommunication Industry Association.~~

~~3. — The design or specifications of the communication tower foundation and guy wire anchors, if any, comply with the applicable standards designated by the American National Standards Institute.~~

~~4. — The electromagnetic fields and radio frequency emissions comply with the FCC regulations concerning such emissions.~~

~~5. — The tower will comply generally with applicable standards designated by the American National Standards Institute (ANSI) and any other non-conflicting national standard.~~

~~18) — A fence shall be required around the communication tower, accessory buildings, and other equipment. The fence shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height, shall completely enclose the communication tower, their support structure and related facilities, shall not contain openings greater than nine (9) square inches and shall contain entrance gates which shall be locked except during such times as the site is manned by authorized operations or maintenance personnel. No fencing shall be required for an antenna mounted on a pre-existing structure.~~

~~19) — Landscaping shall be required to screen as much of the communication tower as possible, the fence surrounding the tower, and any other ground level features (such as a building) and in general soften the appearance of the communications tower site. The township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. The landscaping design shall be subject to approval by the township which approval shall not be unreasonably withheld. Recommended screening:~~

~~1. — An evergreen screen surrounding the site is recommended. The screen can either be a hedge~~

(planted three
(3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum).
The

evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

~~2. Existing vegetation on or around the site shall be preserved to the greatest extent possible. There shall be no cutting of trees exceeding four (4) inches in diameter (measured at a height of 4 feet off the ground) without prior approval by the township which approval shall not be unreasonably withheld.~~

~~20) Adequate parking shall be required for maintenance workers.~~

~~21) The applicants shall submit a copy of its current federal communications license, the name, address, and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas. The applicant must also provide verification of these items upon request of the township at any time while the tower remains.~~

~~22) All guy wires associated with guyed Communications Towers shall be clearly marked to be visible at all times and shall be located within a fenced enclosure.~~

~~23) No signs or lights shall be mounted on a communications tower except as may be required by the FCC, FM, or other governmental agency which has jurisdiction.~~

~~24) If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such a twelve (12) month period.~~

~~25) The applicant shall undertake a visual impact assessment of any proposed new communication towers and any proposed modifications to existing towers or any antenna placements. The assessment shall include the following and be reviewable by the township:~~

~~1. A demonstration that the communication antenna or communication tower is the minimum height required to function satisfactorily.~~

~~2. A zone of visibility provided to determine locations where the communication tower or communication antenna may be seen.~~

~~3. Pictorial representations of before and after views from key viewpoints within the township limits.~~

~~4. Assessment of the visual impact of the communication tower base, accessory building, and other utility lines from abutting properties and streets, including but not limited to pictorial representations.~~

~~5. Assessment of alternative tower or antenna designs or alternative color schemes.~~

~~26) The township, at its sole discretion, may require the applicant and/or owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or construction of said communication tower during its lifetime. The amount required shall be determined at the sole discretion of the township as part of the land development review process based upon the unique characteristics of the communication tower and site. The applicant and/or owner shall cooperate with the township in supplying all necessary construction and maintenance data to the township~~

~~prior to approval of any application. The cost estimates shall be reviewed by the township engineer.~~

~~27) A full site plan shall be required for all communications towers sites showing the communication tower, building, fencing, access and all other requirements of the Township of Warrington Subdivision and Land Development Ordinance. The site plan shall not be required if a communication antenna is to be mounted on a pre-existing structure.~~

~~28) If the proposed site is located in an Airport Hazard Overlay Zone (AH), it must further comply with Section 307 of the Warrington Township Zoning Ordinance.~~

SECTION 712 COMMUNITY RECREATIONAL DEVELOPMENT

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

- a) Lot Area: Sixty (60) acres minimum.
- b) Public or community water and public or community sewer approved by the Pennsylvania Department of Environmental Resources must be utilized.
- c) Single family detached, semi-detached and/or attached dwelling units and multi-family dwellings shall be permitted to be clustered amidst an outdoor recreational facility. The following describes the design standards imposed upon the construction of dwelling units:
 1. **Density:** The overall density shall not exceed one (1) dwelling unit per acre of Community Recreational Development site area in the RA Zone or one (1) dwelling unit per each three (3) acres of Community Recreational Development site area in the C Zone. This gross density shall include any acreage devoted to the accompanying recreational facility and that devoted to the actual residential construction.
 2. **Lot Area:** The minimum lot area for single family detached and semi-detached dwelling units shall be ten thousand (10,000) square feet per unit. The minimum lot area for single family attached dwelling units shall be four thousand (4,000) square feet.
 3. **Lot Width:** The minimum lot width for single family detached and semi-detached dwelling units shall be eighty (80) feet. The minimum lot width for single family attached dwelling units shall be twenty (20) feet.
 4. **Setbacks:** Front - Thirty-five (35) feet minimum. Each Side - Ten (10) feet minimum. Single family semi-detached and attached dwellings shall be considered as one (1) building for this purpose. Rear - Thirty (30) feet minimum.
 5. No grouping of attached dwellings may contain more than eight (8) dwelling units nor exceed an overall length of two hundred (200) feet.
 6. **Lot Coverage:** Not more than thirty-five percent (35%) of the individual lot area for each single family detached and semi-detached dwelling unit shall be covered with an impervious surface. Not more than fifty percent (50%) of the lot area for each single family attached dwelling unit shall be covered with an impervious surface.

7. **Location:** All dwelling units shall be set back from the recreational areas to sufficiently protect the required yards associated with each dwelling unit.
8. **Dispersal of Units:** The placement of dwelling units shall not be confined to one particular concentration upon the site. Instead, the dwellings shall be dispersed into small groupings (to the extent possible) throughout the site.
- d) **Parking:** All off-street parking shall be in accordance with Section 407 of this Ordinance. All off-street parking lots associated with the recreational facility shall be kept separate from those parking lots serving the residential uses.
- e) The construction of any dwelling units is contingent upon the completion of the recreational facility.
- f) At no time shall the lot on which the Community Recreational Development is located be subdivided such that the density of residential development would exceed the maximum permitted density per Subsection c) of this Section.

SECTION 713 CONVALESCENT HOME, NURSING HOME OR HOSPITAL

In the VR and/or VC Zones and subject to the requirements of that zone except as herein modified and provided:

- a) Lot Area: One (1) acre minimum.
- b) Lot Width: One hundred fifty (150) feet minimum.
- c) Setbacks: All buildings shall be located at least twenty-five (25) feet from any side property line.
- d) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- e) Access shall be via an arterial or collector street as designated on the Zoning Map.
- f) 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 714 DOMICILIARY CARE HOME

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

- a) The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by Warrington 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.

SECTION 715 EXTRACTIVE OPERATIONS

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

- a) A license must be obtained from the Warrington Township Board of Supervisors prior to use of the site for an extractive operation in compliance with the Township Ordinance regulating the establishment and operation of extractive operations.
- b) Setbacks: No part of the extractive operation site shall be established --
 - 1. Within five hundred (500) yards of any dwelling, church, school or any other building(s) which from time to time are utilized for human occupancy.
 - 2. Within one hundred (100) feet of a public right-of-way. Where the right-of-way is bounded on both sides by an extractive operation under single ownership the minimum setback from the public right-of-way shall be fifty (50) feet on each side of the right-of-way.
 - 3. Within one thousand (1,000) feet of any existing surface water.
- c) Buffer Zone: The operation must be completely encircled by a buffer zone having a minimum depth of fifty (50) feet. No activity involved in the extractive operation process shall be performed within this area.
- d) Fencing: The premises shall be surrounded by a twelve (12) foot high chain-link fence, with necessary gates for entrance, to prevent the blowing of refuse materials around the site. Said fence shall be located along the required buffer zone and shall be constructed so as not to have openings larger than two (2) inches, to extend at least ten (10) feet above the ground and to extend at least eighteen (18) inches below the ground.
- e) Buffer Planting: Evergreen trees and shrubs shall be planted to completely screen the operation from normal view and from adjacent public rights-of-way. The plantings must be designed and planted so as to create a solid screen which will attain a height of six (6) feet within one (1) year of the planting.
- f) All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- g) Appropriate steps must be taken to insure that the operation does not pollute ground water and/or neighboring lakes, streams, ponds or rivers.
- h) Access shall be designed to minimize danger to traffic and nuisance to surrounding properties. Access drives must also comply with the requirements set forth in Section 410.
- i) A person or persons delegated with the responsibility of insuring that the operation is adhering to all applicable regulations must be on duty at all times during the operation of the extractive process.
- j) The facility shall comply with all applicable State and Federal regulations.

SECTION 716 GROUP DAY CARE HOME

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

- a) The facility shall obtain a certificate of licensure or approval from the Pennsylvania Department of Public Welfare and shall provide a copy of the certificate to the Township.
- b) Outdoor play areas for children shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- c) A resident of the dwelling shall operate the facility. At all times when there are more than six (6) children at the facility, a minimum of two (2) care givers must be present. However, no more than two (2) nonresident persons may be employed as care givers.
- d) In addition to the required off-street parking for the dwelling unit, one (1) off-street parking space must be provided for each nonresident employee plus at least two (2) spaces for the day care facility.
- e) Day care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

SECTION 717 GROUP QUARTERS

In the C, RA, R and/or VR Zones and subject to the provisions of the zone in which located 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) The use shall be served by water and sewer facilities approved by the Pennsylvania Department of Environmental Resources.
- d) Off-street parking shall be provided for each group quarters based upon one (1) parking space for each occupant.
- e) All group quarters shall comply with all applicable building, health and fire codes.

SECTION 718 HALF-WAY HOUSE

In the VC Zone and subject to the requirements of the zone in which located 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 room or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.

- c) The facility must be served by water and sewer facilities approved by the Pennsylvania Department of Environmental Protection.
- d) All half-way houses shall comply with all applicable building, health and firecodes.
- e) Off-street parking shall be provided for each half-way house based upon one (1) parking space for each occupant.

SECTION 719 HEAVY STORAGE, SALES AND/OR SERVICE

In the VC 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 on the Zoning Map.
- b) A buffer yard twenty-five (25) feet wide must be located on the site in all instances where the site adjoins a residential use or zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- c) Any outdoor storage areas shall be enclosed by a wall or fence and screened from view of adjoining properties. No materials may be stored so as to create a public health hazard or a public nuisance.
- d) No toxic or hazardous materials may be stored on any property, except in compliance with applicable State and Federal regulations.

SECTION 720 HELISTOP, HELIPORT

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

- a) This use can be considered as an accessory use to an existing or proposed principal use provided all applicable provisions for its establishment are satisfied.
- b) There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions located within the proposed approach zones.
- c) The proposed heliport/helistop shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Pennsylvania Bureau of Aviation and the National Fire Protection Association governing the use of heliports.
- d) Operation of the facility shall not be detrimental to the safety and welfare of area residents.
- e) Certification that the site has been inspected and licensed by the Bureau of Aviation of the Pennsylvania Department of Transportation must be submitted to the Township prior to use of the site.
- f) Minimum Lot Area – Five (5) acres for heliports used for general aviation.

SECTION 721 HOME OCCUPATION

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

- a) Up to two (2) nonresident employees shall be permitted on the property regardless of the number of home occupations;
- b) No more than two (2) home occupations may be located in any dwelling unit;
- c) The home occupation shall not alter the appearance of the building as a dwelling unit;
- d) No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
- e) No sales of any goods or merchandise shall occur on the premises that would require customer visitation to the site, other than those goods or merchandise which are produced on the premises;
- f) No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or tailor;
- g) No goods shall be displayed so as to be visible from the exterior of the premises and no outdoor storage of products or equipment shall be permitted onsite;
- h) Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit;
- i) No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes;
- j) In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided. No outside parking or storage of more than one business automotive vehicle shall be permitted onsite;
- k) Only one sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to twelve (12) square feet in display area, including all sides of the sign;
- l) The applicant shall submit evidence of all applicable State approvals; and,
- m) The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the home occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- n) The applicant shall submit the following signed and notarized statement:

“I understand that this use has prescribed limitations that are imposed to protect the residential character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning.”

SECTION 722 HOUSE OF WORSHIP

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

- a) Side Setback: Minimum side setbacks of twenty-five (25) feet each shall be provided.
- b) All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line or property line.
- 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.
- d) Access shall be via a collector or arterial street as designated on the Zoning Map.
- e) Any associated residential use, other than the parsonage, shall be located on a separate lot or parcel and shall be subject to all applicable regulations of this Ordinance.
- f) Any associated educational or day care uses shall be accessory and located on the same lot as the house of worship.

SECTION 723 INDUSTRIAL ACTIVITIES

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

- a) All industrial activities shall be conducted within a completely enclosed building.
- b) All buildings shall be set back at least twenty-five (25) feet from any side property line.
- c) All storage shall be either within a building or in an area to the side or rear of the principal building enclosed by a six (6) foot high fence and screened from adjoining properties.
- d) Access shall be via an arterial or collector street as identified on the Zoning Map.
- e) Points of ingress and egress shall be designed to minimize congestion and hazards and to allow free movement of traffic on adjacent roads.
- f) Exterior lighting shall be directed away from all adjoining properties.
- g) Satisfactory evidence must be presented to show that adequate disposal of toxic materials will be provided in a manner that will not create a public health hazard or nuisance.
- h) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes.

- i) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- j) The use must comply with all applicable Federal, State and local regulations.

SECTION 724 INDUSTRIAL PARK

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

- a) **Permitted Uses:** Uses such as those listed as Industrial Activities in Section 306.c)-23. and Professional, Business and Contractors' Offices shall be permitted.
- b) **Lot Area:** Minimum lot area must be provided equal to that total required if individual lots were to be subdivided and sold to tenants.
- c) **Lot Width:** Two hundred (200) feet minimum. Individual parcels within the park shall have a lot width of at least one hundred (100) feet.
- d) Individual "lots" within the park (whether or not such lots are subdivided and separately deeded) shall have minimum setbacks as follows: front, twenty-five (25) feet; each side, twenty-five (25) feet; rear, thirty (30) feet.
- e) **Access:** Primary access shall be via an arterial or collector street as designated on the Zoning Map. Truck traffic going to and from the industrial park shall be permitted only on nonresidential streets.
- f) **Buffers:** When adjacent to a Residential Zone, a buffer yard of not less than fifty (50) feet shall be maintained on each side adjoining the Residential Zone. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for buildings, parking or loading.
- g) Public or community water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Resources must be provided to all tenants.
- h) All internal streets providing access to parcels within the Park shall be a minimum of twenty (20) feet in width and be constructed to Township specifications. Such streets shall remain private.
- i) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial waste).
- j) All uses within the Park must comply with all applicable Federal, State and local regulations.

SECTION 725 JUNKYARD OR AUTOMOBILE DISMANTLING PLANT

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

- a) **Lot Area:** Five (5) acres minimum; ten (10) acres maximum.
- b) **Lot Width:** Three hundred (300) feet minimum.

- c) **Setbacks:** Any area used for this purpose must be at least sixty (60) feet from a street right-of-way line and thirty (30) feet from side and rear property lines.
- d) The area to be used must be completely enclosed with a six (6) foot high solid masonry, metal or wooden wall of a uniform design, texture and structure and shall include appropriate screening.
- e) No material may be stored or stacked higher than five (5) feet.
- f) No garbage or other organic waste shall be stored on the premises.
- g) The premises shall be maintained so as not to constitute a public nuisance or health hazard to the community or nearby residents or to create a place for the breeding of rodents or vermin.
- h) The manner of storage, arrangement of junk and the drainage facilities shall be designed so as to prevent the accumulation of stagnant water and to facilitate access for inspection purposes and fire fighting.
- i) A license must be obtained from the Township in compliance with the Warrington Township Junk Yard Ordinance prior to operation of the facility.
- j) The facility must comply with all applicable local, State and/or Federal laws.

SECTION 726 FAMILY DAY CARE HOME

In the C, RA, R or VR Zones and subject to the requirements of the zone in which located 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 the certificate to the Township prior to occupancy approval by the Township.
- b) Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- c) At least one (1) off-street parking space for each employee plus one (1) space for each four (4) persons to be served by the facility shall be provided.
- d) Access shall be via an arterial or collector street as designated on the Zoning Map.

SECTION 727 KENNEL

Kennels, whether operated for profit or non-profit, as a business for the sheltering, boarding, breeding and/or training of animals, shall be permitted as a special exception in the C and RA Zones and subject to the requirements of the specificat zone except as herein modified and provided:

- a) Lot area: Two (2) acres minimum.
- b) All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.
- c) All animals must be housed within a structure, except while exercising.

- d) All pasture and outdoor recreational areas shall be enclosed to prevent the escape of animals; all such enclosures shall be set back at least ten (10) feet from all property lines.
- 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.

SECTION 728 MINI-STORAGE FACILITY

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

- a) Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide where access to storage units is only on one (1) side of the aisle and at least twenty-four (24) feet wide where access to storage units is on both sides of the aisle.
- b) If a manager/business office is established on the site, at least four (4) off-street parking spaces must be provided adjacent to the office.
- c) The servicing or repair of stored equipment shall not be conducted in the storage units or outdoor storage areas. Furthermore, no business activities shall be conducted within the storage units.
- d) The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- e) If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required off-street parking.
- f) All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.
- g) 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 729 MANUFACTURED MOBILE HOME PARK

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

- a) The minimum parcel area shall be one (1) acre.
- b) Each manufactured mobile home lot (not including street right-of-way) must not be less than twelve thousand (12,000) square feet in area and shall have a lot width of not less than eighty (80) feet.
- c) A public or community water supply system and a public or community sewerage system approved by the Pennsylvania Department of Environmental Protection must be utilized.
- d) Setback Requirements - Each manufactured mobile home shall adhere to the following minimum setback requirements:
 1. Front Setback - Thirty (30) feet.
 2. Rear Setback - Twenty-five (25) feet.

3. Side Setbacks - Each lot shall have side yards totaling not less than thirty (30) feet and no one (1) side yard distance less than ten (10) feet. In no case shall the distance between any two (2) manufacturedobile homes be less than thirty (30) feet.
- e) The Zoning Hearing Board may require suitable screen planting, or may further restrict the proximity of manufacturedobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a manufacturedobile home park as the Board may deem necessary to protect the general welfare.
- f) A manufacturedobile home park or extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

SECTION 730 MANUFACTURED OBILE HOME SALES LOT

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

- a) The lot shall be improved with a building containing an office, display room and appurtenant facilities having an area of not less than one thousand (1,000) square feet.
- b) Access shall be via an arterial or collector street as designated on the Zoning Map.

SECTION 731 INTENSIVE COMMERCIAL / INDUSTRIAL USE

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

- a) Applicants shall provide information as to why the proposed use needs to involve those characteristics of intensive commercial/industrial uses (as defined herein) and could not be accomplished in a manner without those characteristics;
- b) The applicant shall submit a market study, in form and content acceptable to the Township, that reasonably supports the need for the proposed use within Warrington Township;
- c) The applicant shall assure by landscaping architectural design, land planning, etc. that the proposed use shall be compatible with the local character of the Township in that area;
- d) Any outdoor storage shall be maintained in an all-weather, dust-free, paved surface that will be included in the use's permitted lot coverage;
- e) For any building or structure having a gross floor area in excess of ten thousand (10,000) square feet, each of the setbacks as listed in Section 307.f) shall be increased by one (1) foot for each additional one thousand (1,000) square feet of gross floor area (or fraction thereof) in excess of the aforesaid ten thousand (10,000) square feet;
- f) The location of any building structures shall be compatible with the surrounding landscape and designed to blend into that landscape; and,
- g) Applicants shall comply with all other Ordinance requirements as set forth in Section 307.

SECTION 732 TWO FAMILY CONVERSION AND TWO FAMILY DWELLING

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

- a) Two-family conversions are only permitted within single-family detached dwellings that contained a minimum of two-thousand five hundred (2500) square feet of habitable floor area on the effective date of this Zoning Ordinance.
- b) The character of the existing structure shall be maintained except for the addition of a fire escape, if necessary.
- c) Parking, minimum habitable floor area and all other applicable requirements of this Ordinance shall be met.
- d) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- e) The structure shall comply with all applicable rules and regulations including, but not limited to, fire, health, safety and building codes.

SECTION 733 NONCONFORMITY, EXPANSION OR REPLACEMENT

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

- a) EXPANSION --
 - 1. Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
 - 2. The total of all such expansions of use shall not exceed a percent, as specified below, of the area of those buildings or structures devoted to the non-conforming use as they existed on the date on which such buildings or structures first became nonconformities:
 - a. Within two (2) years following the date on which the nonconformity was created - fifty percent (50%).
 - b. From two (2) to four (4) years following the date on which the nonconformity was created - forty-five percent (45%).
 - c. From four (4) to five (5) years following the date on which the nonconformity was created - forty percent (40%).
 - d. After five (5) years following the date on which the nonconformity was created - thirty-five percent (35%).
 - * The right to expand a nonconformity as permitted under these provisions is not cumulative. However, any unused percentage may be transferred to the next period provided it does not exceed the percentage permitted during that period.
- 3. Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- 4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.

5. Appearance should be harmonious with surrounding properties. This feature includes, but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
 6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
 7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
- b) REPLACEMENT -
1. The proposed use shall be equally compatible or more compatible with the surrounding area and equally appropriate or more appropriate to the zone in which located than the original nonconforming use.
 2. The proposed nonconforming use shall not increase any dimensional nonconformities.
 3. The applicant shall show that the proposed replacement will be equally or less objectionable in external effects than the existing nonconforming use with respect to:
 - a. Traffic generation and congestion including truck, passenger car and pedestrian traffic.
 - b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - c. Storage and waste disposal.
 - d. Appearance.

SECTION 734 ~~OUTDOOR COMMERCIAL RECREATION~~ ESTABLISHMENT FACILITY

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

- a) ~~Setbacks:~~ The area to be used for recreational purposes must be set back at least thirty-five (35) feet from any property or street right-of-way line. The maximum permitted lot coverage shall be fifty percent (50%). Section 308.1) of this Ordinance shall not apply to outdoor recreation facilities.
- b) The use must have access via an arterial or collector street as designated on the Zoning Map.
- c) Exterior lighting shall be directed away from all adjoining properties.
- d) All facilities shall be kept in a neat and well-maintained condition.
- e) Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.
- f) Depending upon the specific nature of the proposed use, additional screening or buffering may be required to protect adjoining properties.

- g) For outdoor recreation facilities, Existing-existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.
- h) The applicant shall demonstrate an adequate means of sewage disposal and water supply.
- i) All indoor recreation activities shall take place within a completely-enclosed building.
- j) 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.
- k) The proposed use must provide for adequate parking in accordance with all applicable provisions of Section 407 of this Ordinance. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 407.v. of this Ordinance. All off-street parking lots shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.
- l) The proposed use must provide for adequate off-street loading in accordance with all applicable provisions of Section 408 of this Ordinance. All off-street loading spaces shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.
- m) A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- n) The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall at a minimum include copies of contracts with waste haulers licensed to operate within York County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The use and occupancy permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the use shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

SECTION 735 OUTDOOR TRAP, SKEET, RIFLE, PISTOL OR ARCHERY RANGE

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

- a) Lot Area: Five (5) acres minimum.
- b) Lot Width: Three hundred (300) feet minimum.
- c) Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street right-of-way line. The use must also be located at least one thousand (1,000) feet from any existing residential dwelling.
- d) An earthen background berm must be provided within twenty (20) feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows. Such berm shall have a slope of not less than one (1) - vertical to two (2) - horizontal and must extend at least eight (8) feet above the ground level of the highest

target. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall.

- e) Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm. The side berms shall meet the same design qualifications as set forth for background berms in b) above.
- f) Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
- g) Warning signs must be posted at least ten (10) feet from the outside of the berms.
- h) The firing range shall be free of gravel and other hard surface materials and be adequately drained.
- i) Adult supervision must be provided for children under sixteen (16) years of age.

SECTION 736 PARKS AND PLAYGROUNDS OR OTHER RECREATIONAL AREA OF A NONPROFIT NATURE

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 on the Zoning Map.
- b) The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts on adjacent properties.
- c) Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

SECTION 737 PERSONAL CARE BOARDING HOME

In the RA, VR or VC 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 the license to the Township prior to occupancy approval by Warrington 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 facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- e) At least one (1) off-street parking space for each employee plus one (1) off-street parking space for each bedroom shall be provided.

SECTION 738 PUBLIC BUILDINGS AND FACILITIES

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

- a) Setbacks: All buildings and facilities shall be set back at least twenty-five (25) feet from any property line and fifty (50) feet from a street right-of-way line.
- b) All off-street parking areas shall be at least ten (10) feet from adjoining property lines.
- c) Outdoor storage of materials, vehicles and related equipment shall be prohibited in the Residential Zone. Outdoor storage in other zones shall be completely enclosed with a six (6) foot high fence and screened from adjoining streets and property lines.
- d) 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 ~~shall~~ be via an arterial or collector street as designated on the Zoning Map.

SECTION 739 PUBLIC UTILITY BUILDING AND/OR SERVICE STRUCTURE

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

- a) In the Residential Zone, the storage of vehicles or equipment used in the maintenance of a utility shall not be permitted. In all other zones, all outdoor storage shall be enclosed with a fence or wall not less than six (6) feet in height. If adjacent to a residential use or zone, such fence or wall must be surrounded by evergreen plantings.
- b) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, vibration, smoke and odor).
- c) The external design of the building (to the extent possible) shall be in conformity with the buildings in the

surrounding area.

- d) There shall be no specific minimum lot size or lot width, however, each lot shall provide front, side and rear setbacks in accordance with the zone in which located.

SECTION 740 RESEARCH AND DEVELOPMENT LABORATORY

In the VC 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 Zoning Map.
- 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) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration and smoke). All hazardous materials shall only be stored or disposed of in accordance with Federal and State regulations.
- d) The use must comply with all applicable Federal, State and local regulations.

SECTION 741 ROOMING HOUSE OR BOARDING HOUSE

In the VR and/or VC Zones and subject to the requirements of that zone except as herein modified and provided:

- a) A rooming house or boarding house shall be owner-occupied and shall be an accessory use to a single family dwelling.
- b) Any dwelling proposed for use as a rooming house or boarding house shall have a habitable floor area, in addition to the habitable floor area required for the principal dwelling, of three hundred (300) square feet for each roomer or boarder; provided, however, that each room to be used for sleeping purposes by a single person shall contain at least seventy-two (72) square feet of floor area and each room to be occupied by two (2) or more persons shall contain at least sixty-eight (68) square feet of floor area per occupant.
- c) No facilities for cooking or dining shall be provided in individual rooms or suites.
- d) All rooming houses and boarding houses shall comply with all applicable Federal, State and local laws and regulations including, but not limited to, fire, health, safety and building codes.

SECTION 742 SAWMILL OPERATION

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

- a) Lot Area: Three (3) acres minimum.
- b) No saw or other machinery shall be less than seventy-five (75) feet from any property or street right-of-way line.
- c) All power saws and machinery shall be secured against tampering and locked when not in use.

- d) All machinery used in the sawmill operation shall be located at least five hundred (500) feet from any Residential or Village Zone.
- e) 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 743 SOLID WASTE PROCESSING FACILITY

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

- a) Any processing of solid waste including, but not limited to, incineration, composting, shredding, compaction, material separation, recycling, refused derived fuel and pyrolysis shall be conducted within a wholly-enclosed building.
- b) No solid waste, not to include any materials that are to be recycled in a Township operated recycling center, shall be stored and no building or structure shall be located within two hundred (200) feet of any property line or within five hundred (500) feet of any land within a Residential Zone.
- c) A buffer yard, at least fifty (50) feet wide, shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this area. The buffer shall be naturally landscaped and have no impervious cover.
- d) Any area used for the unloading, transfer, storage, processing or incineration of solid waste must be completely screened from ground-level view at the property line. (The use of an earthen berm is encouraged where practicable). In addition, such areas must also be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- e) All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
- f) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences at gates or other positive means designed to deny access to the area at unauthorized times or locations.
- g) Hazardous waste as described by the Department of Environmental Resources shall not be disposed of within the proposed facility.
- h) The unloading, processing and transfer of solid waste shall be continuously supervised by a qualified facility operator.
- i) Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water.
- j) All storage of solid waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
- k) A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.

- l) The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating quantity of water required. If the source is from a municipal system the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study must be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.
 2. A geologic map of the area with a radius of at least one (1) mile from the site.
 3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with notation of the capacity of all high yield wells.
 4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
 5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
 6. Based on the geologic formation(s) underlying the site, a determination of the long term safe yield.
 7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
 8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- m) The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road.
 - n) No use and occupancy permit shall be issued for a solid waste processing facility until the operator shall have submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Resources and has been permitted in writing by said agency.

SECTION 744 TRUCK OR MOTOR FREIGHT TERMINAL AND TRUCKSTOPS

In the VC 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 on the Zoning Map.
- b) A buffer yard at least one hundred (100) feet wide must be located on the site in all situations where the site adjoins a RA, R or VR Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.
- c) Storage of materials shall conform to all applicable State and Federal regulations.
- d) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, smoke, fumes, glare and vibration.

SECTION 745 VEHICLE WASHING FACILITY

In the VC Zone and subject to the requirements of that zone 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) Access shall be via an arterial or collector street as identified by the Zoning Map.
- d) Sufficient stacking lanes shall be provided to prevent vehicle back-up on adjoining roads.
- e) Public sewer must be utilized; all water must be disposed into the public sewer.
- f) A water feasibility study must be submitted to assure that adequate water supply is available and will not adversely affect neighboring properties.

SECTION 746 WHOLESALE ESTABLISHMENT

In the VC 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 identified by the Zoning Map.
- 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 space.
- c) No outdoor storage of commodities is permitted.

SECTION 747 WHOLESALE VEHICLE SALES TERMINAL OR AUCTION

In the VC 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 on the Zoning Map.

- b) A buffer yard, at least fifty (50) 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.
- c) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).
- d) Vehicle loading and unloading is prohibited between 11:00 p.m. and 6:00 a.m.

**SECTION 748 CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOS) AND
CONCENTRATED ANIMAL OPERATIONS (CAOS)**

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

- a) Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least five hundred (500) feet from any land within the (R, VR and/or VC) Zoning Districts;
- b) Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least one hundred fifty (150) feet from all permanent surface waters, wetland areas, and wells that provide water for human consumption;
- c) Any new concentrated animal feeding operation and all expansions to existing such operations shall be required to submit a plan for control of erosion and sedimentation prepared by a Professional Engineer and consistent with the requirements of the Nutrient Management Act. This plan shall be required even if not required by the provisions of the Nutrient Management Act itself; All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must submit written evidence of plan approval to the Zoning Officer;
- d) The applicant shall furnish evidence from the York Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the York Conservation District that the amended plan has been approved;
- e) The applicant shall submit, and abide by written qualified evidence describing those methods that will be employed to:
 1. minimize odor on nearby properties in accordance with an approved odor management plan under PA Nutrient Management Act;
 2. dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture. In the event of a catastrophic event in which mass disposal is warranted the Pennsylvania Department of Agriculture can require whatever disposal methods are deemed appropriate to safeguard animal and public health; and,
 3. comply with the above-required nutrient management plan and conservation plan;
- f) Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines;

- g) Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty (50) foot wide radius for all turns and intersections;
- h) The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of any manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection. The applicant must operate and maintain such manure storage facility also in accordance with said Manual;
- i) All buildings used for the housing of livestock shall be fitted with a solid concrete slab or slotted floor;
- j) The property whereupon the concentrated animal feeding operation is located shall be graded such that runoff from the area of the operation is not discharged onto surrounding properties, onto public roads, or into any permanent surface water;
- k) Applicants for any new concentrated animal feeding operation and all expansions to existing such operations must demonstrate compliance with all State and Federal regulations governing the specific operation; and,
- l) The applicant shall establish and maintain a riparian buffer along any watercourse that is located upon the subject property in accordance with ~~Section 311 of this~~ the Township Subdivision and Land Development Ordinance.

SECTION 749 FARM OCCUPATIONS

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

- a) Residents and up to five (5) nonresidents may be employed by the farm occupation;
- b) The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred feet (100') from any adjoining roads or properties;
- c) Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- d) No part of a farm occupation shall be located within one hundred feet (100') of any side or rear lot line, nor three hundred feet (300') of any adjoining land within an (R and/or VR) Zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line. No outside parking or storage of more than one business automotive vehicle shall be permitted onsite and no outdoor storage of products or equipment shall be permitted onsite;
- e) The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
- f) No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- g) One non-illuminated sign is permitted that shall not exceed thirty two (32) square feet in size;

~~f)~~

~~g) One non-illuminated sign for a farm occupation is permitted that shall not exceed thirty two (32) square feet~~

- h) For farm parcels of ~~up~~ to fifty (50) acres in size, while the farm occupation is in operation, no nonfarm subdivision of the site shall be permitted; and,
- i) The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the farm occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- j) The applicant shall submit the following signed and notarized statement:

“I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning.”

SECTION 750 RURAL OCCUPATIONS

In the C, CR and/or RA Zones and subject to the requirements of that zone except as herein modified and provided:

- a) Only one (1) rural occupation may be conducted on the same property as the owner's principal residence and shall not exceed the area of the principal residence's ground floor or one thousand (1,000) square feet, whichever is the lesser;
- b) A rural occupation shall only be conducted within one completely enclosed outbuilding that satisfies at least one (1) of the following:
 - 1. The building will remain the same size and in the same location as it existed on the effective date of this Ordinance; or
 - 2. The building is limited to one (1) story in height or fifteen feet (15'), whichever is lesser, is no larger than the square footage that comprises the principal residence's main grade level, is located in the rear yard of the principal residence, and is set back at least fifty feet (50') from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings;
- c) In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site;
- d) In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other accessory uses;

- e) All off-street parking and loading spaces shall be screened from adjoining roads and properties;
- f) No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principal residence, so long as it is screened from adjoining roads and properties;
- g) One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
- h) No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall furnish a written and sworn statement regarding the expected numbers of vehicle trips associated with the proposed use;
- i) Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted;
- j) Only residents of the site may be employed in the rural occupation. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation;
- k) Rural occupations shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m. No rural occupation shall be conducted on Sundays;
- l) No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted, except for wastewater treatment;
- m) Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation;
- n) The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further, that such means is part of the same system in use for the principal residence;
- o) The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the rural occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- p) The applicant shall submit the following signed and notarized statement:

"I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitation~~s~~."

occur, I will be required to find another, more suitable, location with the appropriate zoning.”

SECTION 751 BILLBOARDS

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

- a) No billboard shall be located within one thousand feet (1,000') of another billboard as measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each land use;
- b) Billboards shall only be permitted upon properties with frontage along an arterial road as depicted ~~in~~ the Township Comprehensive Plan Zoning Map;
- c) All billboards shall be a minimum of fifty feet (50') from all property lines and street right-of-way;
- d) All billboards shall be set back at least three hundred feet (300') from any land within a ~~(R, VR and/or VC)~~ Zone;
- e) No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification;
- f) No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five feet (25') in height;
- g) All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation;
- h) Any lighting used for billboards shall be designed in accordance with Section 41~~23~~.b) to only illuminate the face of the billboard and not cast glare on adjoining areas or in an upward direction; and,
- i) Billboards incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like display shall comply with Section 406.~~me)33~~. of this Ordinance.

SECTION 752 ECHO HOUSING

In any Zone, ECHO housing, as defined herein, and subject to the requirements of that zone except as herein modified and provided that:

- a. The property owner(s) reside on the lot on which the ECHO housing unit is to be placed.
- b. The sole purpose of the ECHO housing unit is to house the great-grandparents, grandparents, parents, children, grandchildren or great-grandchildren of the owner(s) and for one (1) such family member's spouse and children.
- c. The special exception shall be issued only upon the finding that there is a genuine physical or medical hardship involved to either the occupant of the ECHO housing unit to be placed on the lot, or to the owner of the pre-existing residential unit on such lot, which requires that the occupant of the ECHO housing unit for which the special exception is granted live in close proximity with the owner of the lot on which the ECHO housing unit is placed and that there is no reasonable way in which the requirements of this Ordinance can be satisfied.

- d. Placement of the ECHO housing unit on the lot must be in conformance with the minimum principal building setback requirements for the Zone in which it is located.
- e. The ECHO housing unit shall be connected to the same sewage disposal facilities as the principal residence and the applicant shall obtain a sewage permit from the Township Sewage Enforcement Officer.
- f. The ECHO housing unit shall be connected to a potable water supply.
- g. No permanent foundation for the ECHO housing unit shall be constructed on the lot.
- h. A temporary use certificate shall be issued for a period not exceeding one (1) year and shall be renewable on an annual basis provided that conditions warranting the special exception continue. The temporary use certificate shall be null and void if the owner does not submit a request for renewal at least thirty (30) days prior to its expiration or if one of the above requirements is violated.
- i. The ECHO housing unit shall be removed within sixty (60) days after the temporary use certificate expires without cost to the Township.

SECTION 753 — INDOOR COMMERCIAL RECREATION ESTABLISHMENT

~~In the CR Zone, indoor commercial recreation establishments, as defined herein, and subject to the requirements of that zone except as herein modified and provided that:~~

- ~~a. The maximum permitted lot coverage shall be fifty percent (50%) and Section 308.1) of this Ordinance shall not apply.~~
- ~~b. The applicant shall demonstrate an adequate means of sewage disposal and water supply.~~
- ~~c. All activities shall take place within a completely enclosed building;~~
- ~~d. 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 building;~~
- ~~e. The proposed use must provide for adequate parking in accordance with all applicable provisions of Section 407 of this Ordinance. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 407.v. of this Ordinance. All off street parking lots shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.~~
- ~~f. The proposed use must provide for adequate off street loading in accordance with all applicable provisions of Section 408 of this Ordinance. All off street loading spaces shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.~~
- ~~g. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.~~
- ~~h. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within York County, which have been contracted to dispose of the materials and wastes used, or generated, on site or some other legal means of dis-~~

~~posal. The use and occupancy permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the use shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.~~

SECTION ~~754753~~ HOTELS, MOTELS AND SIMILAR LODGING FACILITIES

In the CR and VC Zone, hotels, motels and similar lodging facilities subject to the requirements of that zone except as herein modified and provided that:

- a. The maximum permitted lot coverage shall be fifty percent (50%) and Section 308.i.) of this Ordinance shall not apply.
- b. The following accessory uses may be approved as part of the special exception application provided such uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building and no additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
 1. Auditorium.
 2. Barber and beauty shops.
 3. Gift shop.
 4. Meeting facilities.
 5. Indoor or outdoor recreational uses and swimming pools.
 6. Sauna, spa or steam room.
 7. Solarium.
 8. Valet shop.
 9. Other similar retail sales and personal services.
- c. One eating establishment shall be permitted on the same lot as a principal hotel, motel of lodging facility subject to the following:
 1. Should the eating establishment provide for exterior and/or off-site consumption of prepared foods it shall comply with the following:
 - A. Exterior trash/recycling 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 cleanup of litter;
 - B. All drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred feet (200') of on-site stacking per lane, preceding the food order location;
 - C. Any exterior speaker/microphone and lighting systems shall be arranged, operated and/or screened to comply with Section 41~~23~~ of this Ordinance;
 - D. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence; and,
 - E. No part of the eating establishment shall be located within two hundred feet (200') of any existing residential property or land within the C, RA, R and VR Zones.

- d. The applicant shall demonstrate an adequate means of sewage disposal and water supply.
- e. The proposed use must provide for adequate parking in accordance with all applicable provisions of Section 407 of this Ordinance. In addition, any accessory uses shall also require parking to be provided in accordance with the schedule listed in Section 407.v. of this Ordinance. All off-street parking lots shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.
- f. The proposed use must provide for adequate off-street loading in accordance with all applicable provisions of Section 408 of this Ordinance. All off-street loading spaces shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.
- g. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within York County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The use and occupancy permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the use shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

SECTION 7545 EATING ESTABLISHMENT INCLUDING THE SERVING OF ALCOHOLIC BEVERAGES

In the VC and CR Zone, eating establishments including the serving of alcoholic beverages subject to the requirements of that zone except as herein modified and provided that:

- a. In the CR Zone, the maximum permitted lot coverage shall be fifty percent (50%) and Section 308.h) of this Ordinance shall not apply.
- b. Should the eating establishment provide for exterior and/or off-site consumption of prepared foods it shall comply with the following:
 - 1. Exterior trash/recycling 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 cleanup of litter;
 - 2. All drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred feet (200') of on-site stacking per lane, preceding the food order location;
 - 3. Any exterior speaker/microphone and lighting systems shall be arranged, operated and/or screened to comply with Section 41~~23~~ of this Ordinance;
 - 4. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence; and,
 - 5. No part of the eating establishment shall be located within two hundred feet (200') of any existing residential property or land within the C, RA, R and VR Zones.
- c. The applicant shall demonstrate an adequate means of sewage disposal and water supply.

- d. The proposed use must provide for adequate parking in accordance with all applicable provisions of Section 407 of this Ordinance. All off-street parking lots shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.
- e. The proposed use must provide for adequate off-street loading in accordance with all applicable provisions of Section 408 of this Ordinance. All off-street loading spaces shall be screened from adjoining residential properties and or lands within the C, RA, R and VR Zones.
- f. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within York County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The use and occupancy permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the use shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

SECTION ~~756~~755 ~~MULTI-FAMILY DWELLING~~

In the VR Zone, multi-family dwellings subject to the requirements of that zone except as herein modified and provided that:

- a) **Density:** The maximum density shall be five (5) units per acre of lot area (exclusive of recreational areas, one hundred (100) year flood plain areas and highway and utility rights-of-way).
- b) **Distance Between Buildings:** Where two (2) or more multi-family buildings are located on a single lot or parcel the minimum distance between such buildings shall be forty (40) feet.
- c) **Length of Buildings:** Two hundred (200) feet maximum per building.
- d) Public or community water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- e) Buffers and screens shall be provided as necessary to adequately protect neighboring properties in accordance with Section 411 of this Ordinance. This includes, but is not limited to, fences, walls, plantings and open spaces.
- f) Any space designated for recreation shall be suitably improved and equipped by the developer and subsequently maintained by the current owner or by a homeowner's association.

⊕ **SECTION 756 BREWERY, MICROBREWERY, TAVERN, BREWPUB OR TAP ROOM**

In the VC Zone, breweries and taverns, and in the VC and CR Zones, microbreweries, brewpubs and tap rooms subject to the requirements of that zone and the requirements of Section 754, except as herein modified, and provided that:

- a) No part of the establishment shall be located within three hundred feet (300') of any existing residential property or land within the C, RA, R and VR Zones.

- b) The establishment shall comply at all times with all applicable Pennsylvania Liquor Control Board licensing and operational requirements.

SECTION 757 SPECIAL EVENT VENUE

In the RA zone, special event venues shall be permitted as a special exception only as an accessory use to the property's principal agricultural/residential use and provided that:

- a) The minimum lot size is ten (10) acres
- b) Off-street parking must be provided onsite; be paved, gravel or shale; and shall meet all parking and access design requirements of Section 407 of this ordinance and the Township Subdivision and Land Development Ordinance including but not limited to quantity of spaces; aisles and space dimensions; driveway access, ADA accessibility and landscaping.
- c) All buildings, parking and outside activity space shall be set back a minimum of fifty (50) feet from all property boundaries and a minimum of one hundred fifty (150) feet from any R or VR zone or any occupied dwelling.
- d) Screening shall be provided in accordance with this ordinance and the Township Subdivision and Land Development Ordinance for all buildings, parking and outside activity space from all adjoining residential properties.
- e) The timing of all events, including pre-event and post-event entertainment, may begin no earlier than 11:00 a.m. and shall end by 10:00 p.m. All attendees must exit by 11:00 p.m. Events shall be limited to Friday, Saturday and Sunday.
- f) Entertainment activities (music, band, DJ, dance floor, stage, etc.) shall be limited to the interior of the venue buildings. This does not include outdoor recreation activities. Fireworks and pyrotechnics are prohibited.
- g) Any tenting/canopies shall be temporary and removed following each weekend.
- h) Trash and litter must be removed within 48 hours following the end of every event. Trash is to be stored in a commercial dumpster per Section 401.h of this ordinance.
- i) Food and beverages shall be allowed only for on-site consumption. No cooking or food preparation shall be allowed onsite other than incidental catering preparation. The sale of food and beverages is prohibited. Alcoholic beverages shall be allowed only in accordance with local and State laws.
- j) Adequate water supply and sewage disposal shall be documented with the Township. Portable restrooms may be utilized per Township Sewage Enforcement Officer approval but shall be located to reduce visibility from adjoining roads and neighboring properties.
- k) The venue shall be subject to all applicable Township requirements with regard to drainage, lighting, noise, and signage.
- l) A schedule of events shall be provided to the Township and updated monthly.
- m) The venue shall be owned and operated by the owner(s) of the property. The operator of the venue shall

provide the Township with proof of liability insurance.

- n) As applicable, all venues shall be subject to land development approval, issuance of a land use permit, driveway permit, building permit per Uniform Construction Code requirements, and occupancy permit.

SECTION 758 WINERY

In the C, RA and CR zones, wineries shall be permitted as a conditional use only as an accessory use to the property's principal agricultural/residential use and provided that:

- a) No part of the winery or similar use, except the growing of grapes (or other fruits) shall be located within five hundred (500) feet of a R or VR zone or within two hundred (200) feet of a dwelling.
- b) No less than twenty-five percent (25%) of the grapes (or other fruits) used in the manufacturing of wine shall be produced on the premises.
- c) The applicant shall furnish evidence that the proposed use shall not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter or other nuisance. The owner shall be responsible for ensuring no nuisances are allowed to adversely affect neighboring people or properties.
- d) Evidence must be provided to the Township that the sanitary sewer system (on-lot or public) has been approved by the Pennsylvania Department of Environmental Protection.
- e) The applicant shall be responsible for ensuring that off-street parking, noise, lighting and all other applicable requirements of this ordinance are complied with.
- f) Special events shall be permitted in accordance with all requirements of Section 757 of this Ordinance.
- g) Tasting facilities are permitted on-site, provided the following criteria are met:
1. Wine tasting shall only be for the products processed on premises. The tasting or sale of wine not produced on-site is prohibited.
 2. Retail sale of wine related items is permitted, such as products to display, serve, or taste wine, or written material wine or the experience of consuming the same, or apparel displaying the name and/or logo of the specific wine.
 3. There shall be no outside display of wine products or retail related items.
 4. Hours of operations shall be between the hours of 8:00 a.m. and 9:00 p.m.
 5. Days of wine tasting shall not exceed three (3) days per week

SECTION 759 SCHOOL, PUBLIC, PRIVATE OR PAROCHIAL

In the RA, R and VR Zones, public, private or parochial schools shall be permitted as a conditional use subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks: All buildings and facilities shall be set back at least twenty-five (25) feet from any property line and fifty (50) feet from a street right-of-way line.

- b) Lot Coverages: The property's maximum building coverage shall be 30%, maximum impervious coverage shall be 60%, and minimum vegetative coverage shall be 40%.
- c) All off-street parking areas shall be at least twenty-five (25) feet from adjoining property lines and shall be screened from adjoining properties per the requirements of the Township Subdivision and Land Development Ordinance.
- d) Outdoor storage of materials, vehicles and related equipment shall be prohibited in the Residential Zone. Outdoor storage in other zones shall be completely enclosed with a six (6) foot high fence and screened from adjoining streets and property lines.
- e) 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 shall be via an arterial or collector street as designated in the Township Comprehensive Plan.
- f) Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross vehicle traffic lanes on or adjacent to the site, and so that vehicle queuing does not interfere with normal public roadway traffic flow.
- g) No part of the school property shall be located within 1,000 feet of a property containing an adult-related facility, a medical marijuana dispensary or a medical marijuana grower/processor.
- h) Outdoor play areas shall be provided and shall not be located within the front yard, set back a minimum of twenty-five feet (25') from all property lines, and screened from adjacent properties per the requirements of the Township Subdivision and Land Development Ordinance. Off-street parking lots shall not be used as outdoor play areas. Any vegetative materials located within outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as shade trees or a pavilion(s). Existing trees and vegetation shall be preserved to the extent possible.

SECTION 760 MEDICAL MARIJUANA DISPENSARY

In the VC Zone, a medical marijuana dispensary shall be permitted as a conditional use subject to the requirements of the zone in which located except as herein modified and provided:

- a) A medical marijuana dispensary shall provide proof of registration with the Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Pennsylvania Department of Health. Should registration be denied or revoked at any time, any conditional use shall immediately become void.
- b) A medical marijuana dispensary shall at all times operate in compliance with all Pennsylvania Department of Health regulations pertaining to such facilities.
- c) A medical marijuana dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center. Nor shall a medical marijuana dispensary be located closer than 2,500 feet from another medical marijuana dispensary or from a medical marijuana grower/processor.
- d) A medical marijuana dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pickup services

shall be permitted.

- e) A medical marijuana dispensary may not operate on the same site as a medical marijuana grower/processor.
- f) A medical marijuana facility shall be limited to hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- g) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana dispensary is operating.
- h) No one under the age of 18 shall be permitted in a medical marijuana dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- i) No use of medical marijuana shall be permitted on the premises of a medical marijuana dispensary.
- j) The medical marijuana grower/processor shall submit a security plan demonstrating how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Pennsylvania Department of Health pursuant to the Medical Marijuana Act. A medical marijuana dispensary shall contract with a private security company and shall be staffed with/monitored by security personnel 24 hours a day and seven days a week.
- k) All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

SECTION 761 MEDICAL MARIJUANA GROWER/PROCESSOR

In the VC Zone, a medical marijuana grower/processor shall be permitted as a conditional use subject to the requirements of the zone in which located except as herein modified and provided:

- a) A medical marijuana grower/processor shall provide proof of registration with the Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Pennsylvania Department of Health. Should registration be denied or revoked at any time, any conditional use shall immediately become void.
- b) A medical marijuana grower/processor shall at all times operate in compliance with all Pennsylvania Department of Health regulations pertaining to such facilities.
- c) A medical marijuana grower/processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center. Nor shall a medical marijuana grower/processor be located closer than 2,500 feet from another medical marijuana grower/processor or from a medical marijuana dispensary. Growers/processors shall be screened from adjacent residential properties per the requirements of the Township Subdivision and Land Development Ordinance.
- d) A medical marijuana grower/processor must operate entirely within an indoor, enclosed, and secure facility. The facility shall not be located in a trailer, cargo container, mobile or modular unit, manufactured home, recreational vehicle or other motor vehicle.

- e) A medical marijuana grower/processor may not operate on the same site as a medical marijuana dispensary.
- f) There is no set restriction on hours of operation for a medical marijuana grower/processor; however, restricted hours of operations may be established as a condition of Township approval.
- g) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana grower/processor is operating. Medical marijuana remnants and by-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- h) No one under the age of 21 shall be permitted in a medical marijuana grower/processor.
- i) No use of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.
- j) The grower/processor shall provide only wholesale products to other medical marijuana facilities. No retail sales of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.
- k) The medical marijuana grower/processor shall submit a security plan demonstrating how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Pennsylvania Department of Health pursuant to the Medical Marijuana Act. A medical marijuana grower/processor shall contract with a private security company and shall be staffed with/monitored by security personnel 24 hours a day and seven days a week.
- k) All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

SECTION 762 WAREHOUSE, DISTRIBUTION OR FULFILLMENT FACILITY

In the VC Zone, a warehouse, distribution or fulfillment facility shall be permitted as a conditional use subject to the requirements of that zone except as herein modified and provided.

- a) Access shall be permitted only via an arterial street as designated in the Township Comprehensive Plan.
- b) The designated use shall be considered industrial for the purposes of regulating performance standards, parking, and screening.
- c) The subject property shall be located no closer than five hundred (500) feet from a property containing a school, day-care facility, park, playground, library, hospital, or nursing, rest or retirement home.
- d) A minimum one hundred (100) foot wide buffer yard must be located on the site in all instances where the site adjoins a residential use or zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage. Landscaping and screening shall otherwise be provided per the design and permitting requirements of Section 520 of the Township Subdivision and Land Development Ordinance.
- e) Any outdoor storage areas shall be enclosed by a wall or fence and screened from view of adjoining properties. No materials may be stored so as to create a public health hazard or a public nuisance.

- f) No toxic or hazardous materials may be stored on any property, except in compliance with applicable State and Federal regulations.
- g) All structures whether principal or accessory including, but not limited to, air compressors, fuel pump islands, storage tanks and kiosks shall be set back a least one hundred (100) feet from any street right-of-way line.
- h) The applicant shall present credible evidence that the number of oversized off-street parking spaces provided for trucks and/or trailers will be adequate to accommodate the expected demand generated by the use. Any gates or other barriers used at the entrance to parking or truck court areas shall be setback and arranged to accommodate anticipated vehicle queuing and to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
- i) Any and all vehicle service and/or repair activities shall be accessory to the principal use and shall be conducted only within a completely enclosed building. The outdoor storage of unlicensed vehicles is prohibited.
- j) Any exterior public address system shall be designed and operated so that the audible levels of any conveyed messages will not exceed the ambient noise levels of the use as measured at each of the site's property boundaries.

SECTION 763 PRINCIPAL SOLAR ENERGY SYSTEM (PSES)

a) Regulations Applicable to All PSES.

1. PSES shall be permitted as a conditional use in the RA zoning district.

2. Exceptions

a. A PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Section. Any physical modifications to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES, shall require approval under this Section. Routine maintenance or like-kind replacements do not require a permit.

3. Permit Requirements

a. The PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes and regulations.

b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

4. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application or permit may be removed for the installation or operation of a PSES.

5. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

6. Decommissioning

a. The PSES owner and/or operator is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

b. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the Township may complete the decommissioning at the owner's expense.

c. At the time of issuance of the land use permit for the construction of the PSES, the owner shall provide financial security in a form and amount acceptable to the Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.

b) Ground Mounted PSES:

1. Minimum lot size

a. The PSES shall meet the lot size requirements of the underlying zoning district.

2. Setbacks

a. PSES shall comply with the setbacks of the underlying districts for principal structures.

3. Height

a. Ground mounted PSES shall comply with the building height restrictions for principal structures of the underlying zoning district.

4. Impervious Coverage

a. The area beneath the ground mounted PSES is considered pervious coverage. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable zoning district.

b. The applicant must submit a Storm Water Management Plan that demonstrates compliance with the municipal storm water management regulations.

5. Ground mounted PSES shall be screened from adjoining residential uses or Residential or Village Residential zones according to the standards found in Section 520 of the Warrington Township Subdivision and Land Development Ordinance and a minimum 50-foot wide buffer strip.

6. Ground mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

7. Security

a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

8. Access

a. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.

b. At a minimum, a 20' wide cartway shall be provided between the solar arrays to allow access for maintenance and emergency vehicles, including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

c. Access to the PSES shall comply with the municipal access requirements in the Warrington Township Subdivision and Land Development Ordinance.

9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state or local authority.

10. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

c) Roof and Wall Mounted PSES:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and all building codes adopted by the Township and that the roof or wall is capable of holding the load imposed on the structure.

2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulation of the underlying zoning district.

3. Wall mounted PSES shall comply with the setbacks for principal structures in the underlying zoning districts.

4. Solar panels shall not extend beyond any portion of the roof edge.

d) PSES Design Standards

1. The layout, design, installation and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Warrington Township, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installation, the Solar Energy System shall be maintained in good working order in accordance with standards of the Warrington Township codes under which the Solar Energy System was constructed. Failure of the property owner to maintain the Solar Energy System in good working order is grounds for appropriate enforcement actions by Warrington Township in accordance with applicable ordinances.

2. Solar Energy System installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP's) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

c. For residential applications of ASES only, a registered home improvement contractor with the PA Attorney General's Office.

3. All on-site utilities, transmission lines, and plumbing shall be placed underground to the extent feasible.

4. The owner of a grid-connected ASES and of all PSES shall provide Warrington Township written confirmation that the public utility company to which the Solar Energy System will be connected has been informed of the customer's intent to install a grid-connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

5. No portion of the Solar Energy System shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the Solar Energy System provided they comply with the prevailing sign regulations.

6. Glare

a. All Solar Energy Systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

7. Solar Easements

- a. Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easements shall include, but not be limited to:
 - i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - ii. Restrictions on the placement of vegetation, structures and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate the terms and conditions, if any, under which the easement may be revised or terminated;
 - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
 - c. If required, a Solar Energy System owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
8. Prior to the issuance of a land use permit, applicants must acknowledge in writing that the issuance of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title, or create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by the development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
9. Solar Energy Systems shall be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as part of a structure or incidental to a structure or group of structures nearby.

ARTICLE VIII

ADMINISTRATION AND ENACTMENT

SECTION 801 PERMITS

a) **Zoning permits:** A zoning permit, which must be obtained from the Zoning Officer, shall be required for the erection, enlargement, repair, alteration, moving or demolition of any structure, except for (1) temporary signs and fences and (2) alterations, repairs or maintenance of any structure or land, provided that such repairs do not change the use, the exterior dimensions or the structure, or otherwise violate the provision of any Township Ordinance. Work authorized by the permit shall begin within ninety (90) calendar days and shall be fully completed within a period of one (1) calendar year from the date of issuance of the zoning permit or the permit shall expire. However, in the case of large or extensive projects, the applicant may specify the estimated project completion date, and, upon concurrence of the Zoning Officer, the permit shall expire on that date; or the Zoning Officer may extend the time for completion to a period not exceeding two (2) years from the date of issuance, provided the work authorized by the permit has commenced within the initial ninety (90) day period. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request. The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance 91-01.

1. Lot: The location and dimensions of the lot.
2. Streets: Names and widths of abutting streets and highways.
3. Structures and Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one hundred (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 one half (1/2) acre in area, the site plan must be a scale of one (1) inch equals twenty (20) feet; for larger lots, the site plan must be at a scale of one (1) inch equals forty (40) feet. The north point must be shown on all site plans.

b) **Use Certificates:** A use certificate, certifying compliance with this Ordinance, must be obtained from the Zoning Officer for any new building or structure as below or for any change of use of a building, structure or land as set forth below before such new building, structure or use or change of use is occupied or established:

1. Use of a structure erected, structurally altered or extended, or moved after effective date of this Ordinance.
2. Use of vacant land except for agricultural purposes.
3. Any change in a conforming use of a building, structure or land.
4. Any change from a nonconforming use of a building, structure or land to a conforming use.
5. Any change in the use of a building, structure or land from that permitted by any variance of the Zoning Hearing Board.

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

SECTION 802 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 meet qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning. The Zoning Officer shall administer 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 zoning permits, use certificates, and at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures together with the reasons why they were identified as nonconformities. 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, approved by the Township Solicitor, for --
 1. Zoning permits.
 2. Special exceptions.
 3. Use certificates.
 4. Appeals.
 5. Variances.
 6. Registration of nonconforming uses and nonconforming buildings or 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 Zoning permits:** Within fifteen (15) business days, ~~except for holidays,~~ after receipt of an application for a zoning permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the Warrington Zoning permit Ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds for his refusal.
- e) **Action on Use Certificates:** Within fifteen (15) business 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 for his refusal.
- f) **Revoking Permits/Approvals:** The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this Ordinance and such permit may be revoked.
- g) **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 VI.
 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 809 of this Ordinance.
- h) **Records:** The Zoning Officer must keep record of --

1. All applications for zoning 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 buildings and structures.

All such records and plans shall be available for public inspection.

i) Reports: At intervals of not greater than six (6) months, the Zoning Officer must report to the Board of Supervisors --

1. The number of zoning permits and use certificates issued.
2. The number of complaints of violations received and the action taken on these complaints.

SECTION 803 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 Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township 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 Board of Supervisors public hearing on any amendment, the Township shall submit the proposed amendment to the 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 County Law Library or other County offices designated by the 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, re-advertise 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 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 804 FEES

The Board of Supervisors shall by resolution establish 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 at the Township Office for inspection.

SECTION 805 APPEALS

Any person aggrieved or affected by provision of this Ordinance, or decision of the Zoning Officer, Township Engineer, Zoning Hearing Board or Board of Supervisors, may appeal in the appropriate manner as set forth in either Article IX or X-A of the Pennsylvania Municipalities Planning Code, as amended, whichever is applicable.

SECTION 806 CONDITIONAL USES

a) **Filing of Conditional Use** - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. No conditional use application will be accepted which requires approval for any use or relief by the Zoning Hearing Board until such times as such approvals have been secured. If during the course of review of the conditional use it is determined that the proposed use requires approval for any use or relief by the Zoning Hearing Board, the application shall be either withdrawn by the applicant or may be denied by the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance., and,
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

b) **General Criteria** - Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by conditional use within the zoning Zone wherein the applicant seeks approval;
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
3. The proposed use will not substantially change the character of the subject property's neighborhood nor 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 neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;
4. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and

facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);

5. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.
 6. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
 7. For development within the Floodplain Zone, that the application complies with those requirements of the Township Floodplain Management Ordinance;
 8. The proposed use shall comply with those criteria specifically listed in Article 7 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 9. The proposed use will not substantially impair the integrity of the Comprehensive Plan;
- c) **Conditions** - The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article;
- d) **Site Plan Approval** - Any site plan presented in support of the conditional use pursuant to Section 806.a) shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval; and,
- e) **Hearing Procedures:**
- ~~1-~~ Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;

~~decision or findings of the hearing officer as final;~~

- ~~2.1.~~ The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations;
- ~~3.2.~~ Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;
- ~~4.3.~~ The first hearing before the Board or hearing officer shall commence within sixty (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 forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal;
- ~~5.4.~~ The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
- ~~6.5.~~ The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose;
- ~~7.6.~~ The Chairman or Acting Chairman of the Board of Supervisors or hearing officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- ~~8.7.~~ The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;

~~9-8.~~ Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;

~~10-9.~~ The Board of Supervisors or hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors or hearing officer if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof;

~~11-10.~~ The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his/her representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present;

~~12-11.~~ The Board of Supervisors 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 conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this act 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 the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer;

~~13-12.~~ Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent

jurisdiction; and,

~~14.13.~~ A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally, or mailed to him/her no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

f) **Time Limitation:**

1. If a conditional use is granted, the necessary permit shall be secured, and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines;
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he/she fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his/her application, and all approvals and permits granted to him/her shall be deemed automatically rescinded by the Board of Supervisors;
3. Should the appellant commence construction or alteration within said two (2) year period, but should he/she fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified; and,
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 806.f).1.-3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

SECTION 807 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 808 INTERPRETATION

| The provisions 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 809 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 Board of Supervisors at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

SECTION 810 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 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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

SECTION 811 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 sections, clauses, provisions or portions of this Ordinance.

SECTION 812

EFFECTIVE DATE

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Warrington Township, County of York, and Commonwealth of Pennsylvania. This Ordinance ordained and enacted this 20th day of January, 2010.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

By: James H. Bradshaw
James H. Bradshaw, Chairman

Robert E. Stoner
Robert E. Stoner, Vice-Chairman

Vicki L. Stoner
Vicki L. Stoner

Robert D. Miller
Robert D. Miller

Dean L. Trump
Dean L. Trump

Rebecca Bradshaw
Rebecca Bradshaw, Secretary

ATTEST:



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