

THE
REVISED ZONING ORDINANCE
of
EAST LAMPETER TOWNSHIP
1990

Updated to March 5, 2007
to include all amendments to date

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Updated to March 5, 2007 to include the following amendments to date:

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by

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REVISED ZONING ORDINANCE

OF

EAST LAMPETER TOWNSHIP - 1990

AN ORDINANCE REGULATING AND RESTRICTING THE SIZE OF YARDS AND OTHER OPEN SPACES; THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; THE LOCATION AND SIZE OF SIGNS; THE ESTABLISHMENT AND MAINTENANCE OF BUILDING LINES AND SETBACK BUILDING LINES UPON ANY OR ALL PUBLIC ROADS OR HIGHWAYS; CREATING ZONING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; CREATING THE OFFICE OF ZONING OFFICER, CREATING A ZONING HEARING BOARD AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE INCLUDING THE IMPOSITION OF PENALTIES.

ARTICLE I. TITLE

This Ordinance shall be known and may be cited as "The Revised Zoning Ordinance of East Lampeter Township - 1990".

ARTICLE II.

PURPOSE

1. This Ordinance is enacted for the following purposes:
 - (A) To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
 - (B) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, panic or other dangers.
 - (C) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - (D) To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobilehomes and mobilehome parks.
 - (E) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
2. This Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Township, and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township.

The basis for this Ordinance is the Comprehensive Plan, as adopted by the Board of Supervisors. The Comprehensive Plan of East Lampeter Township enumerates, in detail, the locally desired community development goals and objectives which this Ordinance seeks to accomplish. However, it is recognized

that circumstances can necessitate the adoption and timely pursuit of new goals and the enactment of new zoning ordinances or provisions which may neither require nor allow for the completion of a new comprehensive plan and approval of new community development objectives.

ARTICLE III.

INTERPRETATION AND APPLICATION OF THE
ORDINANCE

SECTION 301

INTERPRETATION

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations for the Zoning District in which it is located and with all other pertinent regulations of the Ordinance. This Ordinance is not intended to interfere with, abrogate, annul, supersede or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if the Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of the Ordinance would control.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of land, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the landowner and against any implied extension of the restriction.

SECTION 302

APPLICATION

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs.

ARTICLE IV.

DEFINITIONS

Unless otherwise stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words in the present tense include the future tense. Words in the singular include the plural and words in the plural include the singular.

Accessory Building. A detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building.

Adult Day Care Center. A facility licensed by the Commonwealth of Pennsylvania involving the supervised care of more than five (5) adults for periods of eighteen (18) hours or less. (Added 3/18/97 by Ord. #193)

Agriculture. The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl, and riding horses, and including sale of crops, dairy and horticultural farm products incidental to the operation of a farm.

Aircraft. Any contrivance, except an unpowered hangglider or parachute, used for manned ascent into 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 navigation facilities or rights of way, together with all airport buildings and facilities thereon.

(A) 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. Const. Stat. Section 5102.

(B) Public Airport - An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. Const. Stat. Section 5102.

Airport Elevation. The highest point of an airport's usable landing area measured in feet above sea level. The airport elevation for the Lancaster Airport is 403 feet above sea level and the airport elevation for the Smoketown Airport is 370 feet above sea level.

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. Section 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 Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Alley. A minor right of way, privately or publicly owned, primarily for service access to the back or sides of properties.

Alterations. Any exterior structural addition to a building; any renovation to a building which would change its use classification.

Amusement Park. A lot used principally as a location for permanent amusement structures, rides or activities. (Added 3/4/96 by Ord. #181)

Apartment House. See "Dwelling".

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

Application for Development. Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Approach Surface. Within an airport hazard area, 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 slope. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

Automobile Service Station. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing and minor repairs.

Boarding house. A building or portion thereof arranged or used for lodging, for compensation, for more than three (3) but not more than ten (10) individuals. Meals may be served to guests as part of said compensation. Boarding house shall include tourist homes, rooming houses and bed and breakfast establishments.

Board of Supervisors. The Board of Supervisors of East Lampeter Township.

Building. Any structure constructed or used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, swimming pools, greenhouses, stables, garages, roadside stands, mobile homes and similar structures, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

Building Area. The total areas of the greatest outside dimensions on a horizontal plane of the principal building and all accessory buildings.

Building coverage. A percentage which when multiplied by the lot area will determine the permitted building area within the lot.

Building Height. The height of a building in all districts shall be measured from the average ground level at the corners of the building to the highest point of the roof, provided that chimneys, spires, towers and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

Building Line. A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Building Setback Line. A line parallel to, and the distance from a public or private street as specified in this Ordinance which determines the location of a future building or structure.

Business and Professional Offices. A building or space in a building in which the affairs of a business, professional person or government agency are conducted; however, the primary function of the use of the building or space shall not include wholesale or retail sales of products or goods, personal service uses, or retail banking and other retail financial service uses. (Added 9/14/92 by Ord. #148)

Campground. A lot or tract of ground where persons or families may live temporarily (not exceeding four (4) weeks) in tents, campers, trailers, or mobile homes, not exceeding two hundred fifty (250) square feet.

Cartway. The surface of a street or alley available for vehicular traffic.

Certificate of Use and Occupancy. A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all

requirements and regulations as provided herein, and within all other applicable requirements have been complied with.

Child Day Care Center. A facility licensed by the Commonwealth of Pennsylvania involving the supervised care of more than five (5) children under the age of sixteen (16) for periods of eighteen (18) hours or less.

Church. A separate detached building devoted primarily to religious worship. (Added 3/18/97 by Ord. #193)

Commercial Keeping and Handling. Producing and/or maintaining with the express purpose and intent of selling the product for a livelihood.

Common Open Space. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Communication Facilities. Facilities for the transmission, broadcast or reception of radio, television, shortwave, electromagnetic, cellular, wireless or other wave band signals of a similar nature which are designed or used for the purpose of transmitting, broadcasting or receiving visual, audio, electronic or other information or data. Such facilities do not include, however, receiving facilities which are for the use of individual consumers and not a part of a commercial communications enterprise. (Added 12/17/96 by Ord. #190)

Community Club. A building or portion thereof, designed for or occupied by a chartered non-profit organization, comprised of residents of the community in which it is located, the primary purpose of which is the advancement of its members or of the community in educational, cultural, recreational or civic pursuits and activities and in which there is neither the sale nor dispensation of intoxicating beverages.

Conditional Use. A use permitted in a particular zoning district pursuant to the provisions of Section 2113.

Conical surface. Within an airport hazard area, a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 5,000 feet.

Corner Lot. A lot adjacent to a street intersection with frontage on both streets. (Added 12/17/96 by Ord. #190)

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

Development Plan. The provisions for development, 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. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

Domestic Pet. A dog or cat or any other animal that is typically kept within a dwelling unit; provided it is not on a commercial basis.

Double Frontage Lot. A lot extending between and having frontage on two streets with vehicular access to both streets; however, a corner lot shall not be considered a double frontage lot. (Added 12/17/96 by Ord. #190)

Dwelling. A building permanently erected on and attached to a foundation, having a fixed location on the ground, and used as the living quarters for one or more families, which building, where so erected and attached, shall in the normal frame of reference, be immobile. Hospitals, hotels, boarding, rooming and lodging houses, tourist courts and the like, offering overnight accommodations for guests or patients shall not be considered dwellings within the meaning of this Ordinance.

- (A) Single Family Detached - A dwelling which does not have a party or lot line wall and is designed to accommodate one (1) dwelling unit.
- (B) Semi-Detached - A dwelling which has only one party or lot line wall and is designed to accommodate two (2) dwelling units.
- (C) Row House - Same as "Townhouse".
- (D) Townhouse - A dwelling with three (3) dwelling units but not more than six (6) dwelling units attached by party walls and not having any horizontal division between the dwelling units.
- (E) Apartment House - A dwelling which does not have a lot line between dwelling units and is designed to accommodate two (2) or more dwelling units; however, the dwelling shall not exceed three (3) stories in height nor contain more than twelve (12) dwelling units per dwelling.

Dwelling Unit. One or more living and/or sleeping rooms arranged for the use of one (1) or more individuals living as a family with cooking, living and sanitary facilities.

Family. (Amended 8/17/93 by Ord. #157) Any one or more of the following:

- (A) A single individual occupying a dwelling unit.
- (B) Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- (C) Not more than three (3) unrelated persons occupying a dwelling unit.
- (D) Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

Farm. A lot or plot of ten (10) acres or more devoted to or available for the cultivation of land as described under agriculture.

Floor Area. The total floor area of the dwelling unit actually used for habitation excluding cellars, storage attics, porches, garages, and the like.

Gambling Facility. Any facility or location at which any lawful gambling activity other than or in addition to pari-mutuel wagering may be conducted under Pennsylvania law, including any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards and other similar devices are located. The term "lawful gambling activity" shall not include the sale of lottery tickets in compliance with State Lottery law. (Added 11/2/98 by Ord. #214)

Garage-PRIVATE. An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one commercial vehicle of not more than

one (1) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one (1) vehicle be leased to a non-occupant of the premises.

Garage-PUBLIC. A building or portion thereof, other than private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

Golf Course.

- (A) Conventional Golf Course - a golf course with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes.
- (B) Special Golf Course - Any form of golf which is not included under the definition of the Conventional Golf Course.

Greenhouse. A building, constructed chiefly of glass, in which the temperature is maintained within a desired range for the purpose of growing plants with the intent of selling the plants either on a wholesale or retail basis.

Height. See "Building Height".

Home Occupation. A use customarily conducted within a dwelling as an accessory use by the residents thereof. Such use shall be clearly incidental and secondary to the dwelling use and shall be customarily conducted in the homes of East Lampeter Township.

Horizontal surface. Within an airport hazard area, a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

Horticulture. The use of land for the cultivation, improvement or development of woodlands, orchards or gardens.

Hospital. A building or group of buildings and related facilities used for the diagnosis, treatment or other care of ailments, including the rehabilitation of persons afflicted with any disease, ailment or impaired physical condition. The term hospital is deemed to include sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home, alcohol, drug and disease rehabilitation centers, clinics (other than medical and dental clinics), retreats and facilities used for weight reduction, together with dormitories, student houses, apartments and other related uses owned by the facility and which serve the needs of the facility. It shall not include retirement home or orphanage as those terms are defined herein.

Hotel. A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

Junk. Shall mean scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

Junk Yard. Any area and/or structure used primarily for the collecting, storage and/or sale of those items defined under "Junk".

Kennel. A structure for housing, boarding, breeding, and rearing dogs on a commercial basis.

Land Development. Any of the following activities:

- (A) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (B) A subdivision of land.
- (C) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

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

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

Lot area. The area of land contained within the property lines of an individual parcel of land, including the area of any easement therein, but excluding space within any street right of way.

Lot coverage. A percentage which when multiplied by the lot area will determine the permitted area to be covered with pervious and semi-pervious structures within the lot.

Lot depth. The average distance between the street right of way line and the rear lot line, measured perpendicular or radial to the street right of way line.

Lot line. A recorded boundary line of a lot; however, any lot line which abuts a street or other public or quasi-public right of way shall be measured from the legal right of way line.

Lot width. The required distance between the side lot lines, measured at the minimum building setback line.

Mediation. A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Medical and Dental Clinic. Facilities utilized by one (1) or more, but not exceeding five (5) licensed members of the medical or dental profession. The total number of persons employed in the facility, including the professional members, shall not exceed fifteen (15) in number.

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

Mobilehome Lot. A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Motel. A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and provided with accessory off street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar designations but shall not be construed to include mobile or immobile trailers or homes.

Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption of this Ordinance or to a specific amendment to 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 of this Ordinance or to a specific amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or to the specific amendment or prior to the application of this Ordinance or to the specific 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 structure, which does not comply with the applicable use provisions in this Ordinance or with a specific amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or the specific amendment, or prior to the application of this Ordinance or the specific amendment to its location by reason of annexation.

Non-Tillable Land. All land not considered to be tillable land. (Added 10/5/92 by Ord. #150)

Obstruction. Any structure, tree or other natural growth, or other object, including a mobile object, which exceeds a limiting height within an airport hazard area.

Off-Track Betting Parlor. Any facility in which pari-mutuel wagering, but no other lawful gambling activity, is conducted at a location other than the primary racetrack location. (Added 11/2/98 by Ord. #214)

Orphanage. A building or group of buildings, including cottages, which are designed for and intended to provide housing facilities for minors, one or both of whose parents are deceased. The facilities may include accessory medical facilities, not intended to serve the general public but rather only those persons residing in the orphanage.

Park, Playground or Game Court. An open air recreational facility which is not accessory to any other use on the same lot, and further defined below:

- (A) Park, Playground or Game Court (COMMERCIAL) - Recreational facilities operated as a business and open to the general public for a fee.
- (B) Park, Playground or Game Court (RESTRICTED) - Recreational facilities operated for restricted use in conjunction with a particular non-profit organization, and open only to its members and guests.
- (C) Park, Playground or Game Court (PRIVATE) - Recreational facilities operated for restricted use in conjunction with a particular housing development or private residences, and open only to the residents and guests of said developments or private residences.
- (D) Park, Playground or Game Court (PUBLIC) - Recreational facilities operated as a non-profit enterprise by a governmental or non-profit organization, and open to the general public.

Planning Commission. The Planning Commission of East Lampeter Township. (Added 10/06/97 by Ord. #206)

Primary Surface. Within an airport hazard area, a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 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 elevation of any point on the primary surface is the same as the elevation of the highest point on the runway centerline.

Production Greenhouse. A use where plants are grown commercially indoors but are not sold at the site. (Added 3/18/97 by Ord. #193)

Production Nursery. A use where plants are grown commercially outdoors but are not sold at the site. (Added 3/18/97 by Ord. #193)

Public grounds. Includes:

- (A) parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (B) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities ; and
- (C) publicly owned or operated scenic and historic sites.

Public hearing. A formal meeting held pursuant to public notice by the Supervisors or Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act."

Public notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Regional Impact Development. A development project which, due to the size of the development, the types of uses involved, the significant amount of pedestrian and vehicular traffic generated by the development, the impact of the development on the infrastructure of the area, or the potential adverse effects of such development on adjacent lands and municipalities, ought to be regulated by the Township in a manner so as to effectively mitigate such impacts of the development on the entire region surrounding the development. Regional impact developments include each of the following: (Added 3/4/96 by Ord. #181)

- (A) Residential Regional Impact Development - A regional impact development comprised of single family detached, semi-detached, row house, townhouse or apartment house dwellings, or a combination of more than one type of dwelling, which development contains more than two (200) dwelling units.
- (B) Commercial Regional Impact Development - A regional impact development comprised of one or more of the following:
 - (1) Retail stores and shops with more than 100,000 gross square feet of floor area, individually or in the aggregate.
 - (2) Shopping centers with more than 100,000 gross square feet of floor area.
 - (3) Business offices, professional offices and office parks, with more than 200,000 gross square feet of floor area, individually or in the aggregate.
 - (4) Entertainment or recreational complexes, including but not limited to the following:

- (a) opera or symphony halls, theaters or centers for the performing arts, and stadiums for competitive sports, all with more than 5,000 seats; (Amended 6/2/97 by Ord. #198)
 - (b) amusement parks containing ten (10) or more acres or which require a minimum of two hundred and fifty (250) parking spaces;
 - (c) horse or dog racing tracks, motor vehicle raceways or drag strips, and related or similar facilities; and
 - (d) multiscreen theater complexes containing more than five (5) screens, and where support uses such as restaurants, video arcades and other similar uses may also be provided.
- (5) Any commercial use that will generate at least five hundred (500) vehicle trips during the site peak traffic hour.
- (C) Industrial Regional Impact Development - A regional impact development comprised of one or more of the following:
- (1) Industrial park, containing one or more industrial uses, with more than 500,000 gross square feet of floor area, individually or in the aggregate.
 - (2) Any use involving refining or processing of hazardous materials, petroleum products, or highly flammable or explosive material.
 - (3) Truck terminal averaging more than 250 container or trailer loads per day.
 - (4) Any industrial use that will generate at least five hundred (500) vehicle trips during the site peak traffic hour.
- (D) Institutional Regional Impact Development - A regional impact development comprised of one or more of the following:
- (1) Hospital with more than 200,000 gross square feet of floor area.
 - (2) Public and parochial educational institutions and campuses with more than 2,000 students.

- (3) Any institutional use that will generate at least five hundred (500) vehicle trips during the site peak traffic hour.

Retirement Home. A building or group of buildings, including cottages, which are designed for and intended to provide housing facilities for retired persons. The facilities may include accessory medical facilities, not intended to serve the general public but rather only those persons residing in the retirement home and facilities related to the providing of nursing and/or convalescent care.

Reverse Frontage Lot. A lot extending between and having frontage on two streets with vehicular access solely from the street of lesser intensity; however, a corner lot shall not be considered a reverse frontage lot. (Added 12/17/96 by Ord. #190)

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

Sign. Any visual advertisement, announcement, communication, or device produced in whole or in part by constructing, erecting, affixing or placing a structure on land or any other structure, or produced by painting, pasting, or otherwise placing any printed, lettered, figured or colored material on any building, structure or surface. It also specifically includes any device intended or which has the result of bringing the subject matter or location thereof to the attention of the public. It does not include any flag, badge or insignia of any government or government agency, of any civic, charitable, or religious organization, or lettering which is an integral part of the architectural design of the building.

Special exception. A use permitted in a particular zoning district pursuant to the provisions of Section 2112.

Story. A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "Split Level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a half-story. A basement shall be counted a story if it averages more than five (5) feet above grade.

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street Right of Way Line. The line dividing a lot from the legal street right of way, not just the cartway.

Street Centerline. The center of the surveyed street right of way, or where not surveyed, the center of the traveled cartway.

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

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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantially Completed. Where, in the judgment of the Township engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Tillable Land. All land designated by the United States Department of Agriculture, Soil Conservation Service, as being comprised of Class I, II or III soils; excluding however, those lands shown, to the satisfaction of the Board of Township Supervisors, to be non-tillable land due to: (a) rock outcroppings, (b) surface bedrock, (c) swampy or wet land, (d) excessive slope, or (e) odd land shape. (Added 10/15/92 by Ord. #150)

Township Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for East Lampeter Township.

Transitional surfaces. Within an airport hazard area, these surfaces extend outward at 90-degree angles to the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Use. The purpose or activity for which buildings, structures or land is occupied or maintained.

Utility Runway. An airport runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Variance. Relief granted pursuant to the provisions of Section 2111.

Visual Runway. An airport runway intended solely for the operation of aircraft using visual approach procedures.

Waste Storage Facility. A detached structure built to store manure for future use or disposal. Types of storage facilities include but are not limited to underground storage, inground storage, trench silo, earthen bank, stacking area and above-ground storage.

Yard. The unobstructed open space around a building. Porches and carports shall be considered a part of the building. Overhanging eaves, gutters and cornices shall not be considered an infringement of the yard requirements.

- (A) Front Yard - The required open space between a building and the street right of way line and extending the full width of the lot.
- (B) Rear Yard - The required open space between a building and the rear property or street right of way line, whichever is the closer to the building and extending the full width of the lot.
- (C) Side Yard - The required open space between a building and the side property line and extending the full depth of the lot.

Zoning Permit. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the zone in which it is located or is to be located.

Zoning Officer. The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms.

ARTICLE V. CONFORMITY AND NON-CONFORMITY REGULATIONS

SECTION 501. CONFORMITY OF PROPOSED LAND USES

From and after the effective date of this Zoning Ordinance, any existing or proposed structure, building, sign or land shall not be erected, constructed, placed, altered, extended, maintained, used or occupied except in conformity with this Ordinance.

SECTION 502. CONTINUANCE OF NON-CONFORMING USES AND STRUCTURES

From and after the effective date of this Ordinance, any use and structure existing at the time of the enactment of this Ordinance but not in conformity with the permitted use provisions for the District in which it is located, may be continued subject to the following limitations:

1. Expansion of Non-Conforming Uses. No expansion of a non-conforming structure or use, except a single family dwelling and its accessory buildings, shall hereafter be made unless an appeal has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception; provided however, that the expansion of the non-conforming use shall be limited to a distance of one hundred fifty (150) feet in any direction from the existing non-conforming use and to an area equal to fifty (50%) percent of the existing non-conforming use, whichever is the lesser, or in the case of a building, expansion shall be limited to an area equal to fifty (50%) percent of the existing total usable floor area of the building.
2. Continuity of Non-Conforming Use. No non-conforming use may be re-established after it has been discontinued for twenty-four (24) months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.
3. Substitution of Non-Conforming Uses. No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board shall, in granting a special exception, find that the proposed non-conforming use is not more detrimental to the District than the existing non-conforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change and the granting of such special exception.
4. Damage to Non-Conforming Structures. A non-conforming structure which is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage, provided the reconstructed structure shall not be larger than the damaged structure and that the reconstruction shall start within one (1) year from the time of damage to the structure.

5. Discontinued Non-Conforming Use of Open Land. All non-conforming signs, billboards, junk areas, storage areas, and other non-conforming uses of open land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60%) percent or more of replacement costs, shall not be continued, repaired or reconstructed.
6. Substitution of a Non-Conforming Use with a Conforming Use. If a non-conforming use is proposed to be eliminated and a conforming use substituted but certain land regulations cannot be met (such as area, yard, etc.), the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such non-conforming use.
7. Additions to Non-Conforming Principal Buildings. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, additions may be constructed to the front of the existing building provided the addition does not extend closer to the street than the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed addition shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
8. Location of Accessory Buildings. In those instances where the existing principal building is located closer to the street than is permitted by these regulations, an accessory building may be located at a setback distance equal to the distance from the street to the front of the existing principal building plus an additional fifteen (15) feet.
9. Expansion of a Single Family Dwelling. Expansion of a single family dwelling which is a non-conforming use, as well as the placement of accessory buildings, is permitted provided that all building setback requirements of the district in which it is located are complied with except as provided for in Section 502, Paragraphs 7 and 8.

SECTION 503.

PREVIOUSLY EXPANDED NON-CONFORMING USES AND STRUCTURES

Notwithstanding any provision of this Ordinance to the contrary, no provision of this Ordinance shall be construed to enable or permit the expansion of a building, structure, sign or use of land which existed as a non-conforming building, structure, sign or use of land pursuant to the provisions of any prior zoning regulation or ordinance, in excess of the limits of expansion for a non-conforming building, structure, sign or use of land authorized by said prior zoning regulation or ordinance.

It is the express intent and purpose of this Ordinance that if a building, structure, sign or use of land was expanded to the limits of expansion for a non-conforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or use of land shall be authorized, and in the event a non-conforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion, if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

ARTICLE VI. ZONING DISTRICTS

SECTION 601. TYPES OF ZONING DISTRICTS (Amended 12/17/96 by Ord. #189)

For the purpose of this Ordinance, the Township is hereby divided into the following twelve (12) Districts:

1. Rural District
2. Residential District R-1
3. Residential District R-2
4. Residential District R-3
5. Commercial District C-1
6. Commercial District C-2
7. Industrial District
8. Mixed Use Development District
9. Conservation District
10. Airport Hazard District
11. Historic Overlay District
12. Floodplain District

SECTION 602. ZONING MAP

The boundaries of the Zoning Districts shall be as shown on the "Zoning Map of East Lampeter Township" which is on file in the Township Office. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

SECTION 603. DISTRICT BOUNDARIES

Boundaries between zoning districts, unless indicated otherwise, are to be interpreted as follows:

1. Boundaries indicated as approximately following the centerlines of streets, railroad rights of way and streams 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 Township Limits shall be construed as following such Limits.
4. Boundaries indicated as being parallel to the centerline of streets, railroad rights of way or streams shall be at a numerical distance from such centerline as shown

on the Official Zoning Map, or if such a numerical distance is not shown on the Map, the distance shall be determined by the scale of the Map.

5. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot into the remaining portion of the lot for a distance not to exceed fifty (50) feet.
6. Should any uncertainty exist, the Zoning Hearing Board shall interpret the intent of the Official Zoning Map as to the exact location of district boundaries.

ARTICLE VII. REGULATIONS IN THE RURAL DISTRICT (Amended 3/18/97 by Ord. #193)

SECTION 701. PERMITTED USES

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
2. Single family detached dwellings.
3. Production nursery and production greenhouse.
4. Greenhouse.
5. Farm support businesses, such as shoe repair, book binding, chair caning, carriage repair, small engine repair, welding, harness shops, wood working shops, quilt shops and health food stores, subject to the provisions of Section 1812.
6. Beehives and beekeeping.
7. Domestic pets.
8. Accessory buildings and uses customarily incidental to the permitted uses within this District.

SECTION 702. SPECIAL EXCEPTIONS (amended 3/4/96 by Ord. # 181)

1. Cemetery, subject to the provisions of Section 1907.
2. Child day care centers, subject to the provisions of Section 1908.
3. Adult day care centers, subject to the provisions of Section 1902-A.
4. Disposal sites, subject to the provisions of Section 1911.
5. Home occupations, subject to the provisions of Section 1916.
6. Public, restricted or private parks, playgrounds and game courts, subject to the provisions of Section 1922.
7. Quarries and mines for the extraction of natural resources, subject to the provisions of Section 1925.
8. Communication facilities, subject to the provisions of Section 1926.

9. Boarding houses, subject to the provisions of Section 1905.
10. Wildlife refuges and fish hatcheries, subject to the provisions of Section 1931-A.
11. Horse riding stables, subject to the provisions of Section 1917.
12. Public utility buildings, subject to the provisions of Section 1924.
13. Veterinary facilities and kennels, subject to the provisions of Section 1931.
14. A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.
15. A landscaping business office in association with a production nursery, subject to the provisions of Section 1919. (Added 07/14/03 by Ord. #239)
16. Community club, subject to the provisions of Section 1909.
17. Church and its related uses, subject to the provisions of Section 1908-A.
18. Country clubs and golf courses, subject to the provisions of Section 1910.
19. Municipal buildings, firehouses and similar public facilities, subject to the provisions of Section 1921.
20. Public and parochial educational institutions and related uses, subject to the provisions of Section 1923-A.
21. Addition of no more than one (1) dwelling unit to a principal dwelling situated on a farm provided that the additional dwelling unit is physically attached to the principal dwelling and that no subdivision of the additional dwelling unit shall be permitted, subject to the provisions of Section 1930-A.
22. Accessory buildings and uses customarily incidental to the special exception uses within this District, subject to the provisions of Section 1902.

SECTION 703.

CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.

SECTION 704.

NUMBER OF LOTS AND USES PERMITTED

1. For every twenty-five (25) acres of an existing lot or contiguous lots or part thereof under single ownership as of January 23, 1987, there may be only one (1) use permitted in addition to the uses existing as of January 23, 1987 on the existing lot, or one (1) new lot subdivided from the existing lot provided the new lot and the remaining portion of the existing lot are in conformance with all lot, yard, area, dimensional and height requirements of the Rural District, subject to Paragraph 5 of this Section. (Amended 10/5/92 by Ord. #150)
2. On an existing lot or contiguous lots under single ownership that had a lot area of ten (10) acres or more, but was less than twenty-five (25) acres in lot area as of January 23, 1987, there may be only one (1) use permitted in addition to the existing uses on the existing lot, or one (1) new lot subdivided from the existing lot provided the new lot and the remaining portion of the existing lot are in conformance with all lot, yard, area, dimensional and height requirements of the Rural District, subject to Paragraph 5 of this Section. (Added 10/5/92 by Ord. #150)
3. A single family detached dwelling may be erected on any single lot of record as of January 23, 1987, notwithstanding the limitations imposed by Paragraphs 1 and 2 of this Section. Such lot must be in single ownership and not of continuous frontage with other lots of the same ownership. This provision shall apply even though such lot fails to meet the minimum requirements of area or width, or both, that are applicable to this District, provided that height, dimensional and yard requirements for the lot other than those applying to the area or width shall conform to the regulations of this District. (Amended 10/5/92 by Ord. #150)
4. On a lot of record or contiguous lots of record under common ownership as of January 23, 1987, that had a lot area of less than ten (10) acres as of January 23, 1987, there may be an unlimited number of permitted uses developed in addition to the existing uses on the existing lot, or an unlimited number of lots subdivided from the existing lot or lots provided that the following lot area requirements are met: (Amended 10/5/92 by Ord. #150)
 - (A) The minimum lot area per dwelling unit or other principal building where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.
 - (B) The minimum lot area per dwelling unit or other principal building where currently served by both public sanitary sewer and public water facilities, or by public sanitary sewer facilities only, shall be twenty-two thousand five hundred (22,500) square feet. This provision shall not apply to those

lots where it would be necessary to extend public sewer and public water facilities to such lots.

(C) All other dimensional requirements shall be met.

5. Where the permitted uses or lots are developed totally on non-tillable land, there shall be permitted two (2) uses or lots in addition to those permitted by Paragraphs 1 and 2 of this Section, provided the following conditions are met: (Amended 10/5/92 by Ord. #150)

(A) The uses and lots meet all other requirements of this Ordinance.

(B) The application for development shall show the extent of the area of non-tillable land. Where the application indicates the extent of the area of the non-tillable land as being different from that designated by the Soil Conservation Service, the applicant shall be required to submit a field survey of the area in question. The field survey shall be sealed by a professional qualified to perform such a survey and shall have adequate detail to justify the area being designated as non-tillable land.

(C) The design for lots or uses shall be prepared so as to preserve, to the greatest extent possible, land suitable for agricultural uses.

(D) The burden of proof for demonstrating that certain land is non-tillable shall be on the applicant.

SECTION 705. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

Buildings devoted to farm use shall be exempt from height and area regulations.

1. Height - An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase in height above thirty-five (35) feet.

2. Minimum Lot Area

(A) The minimum lot area per dwelling unit or other principal building where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.

(B) The minimum lot area per dwelling unit or other principal building where currently served by both public sanitary sewer and public water facilities, or by public sanitary sewer facilities only, shall be twenty-two thousand five hundred (22,500) square feet. This provision shall not apply to those

lots where it would be necessary to extend public sewer and public water facilities to such lots.

3. Minimum Lot Width

- (A) The minimum lot width for those lots which are not served by public sanitary sewer facilities shall be seventy (70) feet at the street right of way line and one hundred twenty-five (125) feet at the building setback line.
- (B) The minimum lot width for those lots which are currently served by both public sanitary sewer and public water facilities, or by public sanitary sewer facilities only, shall be sixty (60) feet at the street right of way line and one hundred (100) feet at the building setback line. This provision shall not apply to those lots where it would be necessary to extend public sewer and public water facilities to such lots.

4. Minimum Lot Depth - The minimum lot depth shall be two hundred (200) feet.

5. Front Yard Minimum Depth

- (A) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided however, that the minimum distance shall be sixty-five (65) feet from the centerline of the street.
- (B) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing buildings.

6. Side Yard - The minimum side yard shall be twenty (20) feet.

7. Rear Yard - Rear yards shall be a minimum of fifty (50) feet in depth.

8. Maximum Lot Coverage - Not more than fifty (50%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. (Amended 8/20/91 by Ord. #139)

9. Maximum Building Coverage - Not more than twenty (20%) percent of the area of the lot shall be covered by buildings.

10. Minimum Landscape Area - Not less than fifty (50%) percent of the area of the lot shall be covered by vegetative materials.

SECTION 706. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses.

1. Maximum Height - Twenty (20) feet.
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be fifteen (15) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be six (6) feet.

SECTION 707. HEIGHT AND YARD REQUIREMENTS OF UTILITY BUILDINGS

The following regulations apply to unattached "utility" buildings for accessory uses, provided that the utility building does not exceed one hundred and twenty (120) square feet of floor area.

1. Maximum Height - One hundred and two (102) inches, excluding ornamentation..
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be two (2) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be two (2) feet.

SECTION 708. REQUIRED CONSERVATION PLAN

Any agricultural, horticultural or forest use which involves earthmoving activities or commercial harvesting of trees shall provide proof of the obtainment of an approved conservation plan, where required by the Lancaster County Conservation District, pursuant to Chapter 102, Erosion Control, of Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection. All on-site activities shall be in compliance with the approved conservation plan.

SECTION 709. AGRICULTURAL NUISANCE DISCLAIMER

Lots within the Rural District are used for commercial agricultural production. Landowners, residents and other users of lots within the Rural District may be subjected to inconvenience, discomfort and the possibility of injury to property and health or even death 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 and the application of fertilizers, herbicides and pesticides. Landowners, residents and the users of lots within the Rural District should be prepared to accept these conditions and are hereby put on official notice that Section 4 of "The Right to Farm Law", Pennsylvania Act 133 of 1982, may bar them from obtaining a legal judgment against such normal agricultural operations.

SECTION 710.

REQUIRED NUTRIENT MANAGEMENT PLANS

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

ARTICLE VIII. REGULATIONS IN RESIDENTIAL DISTRICT R-1

SECTION 801. PERMITTED USES

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
2. Single family detached dwellings.
3. Church and its related uses.
4. Domestic pets.
5. Public, restricted or private parks, playgrounds and game courts.
6. Public and parochial educational institutions and related uses.
7. Accessory buildings and uses customarily incidental to the permitted uses within this District.

SECTION 802. SPECIAL EXCEPTIONS

1. Country clubs and golf courses, subject to the provisions of Section 1910.
2. Greenhouse, subject to the provisions of Section 1915.
3. Municipal buildings, firehouses, and similar facilities, subject to the provisions of Section 1921.
4. Cemetery, subject to the provisions of Section 1907.
5. Public utility buildings, subject to the provisions of Section 1924.
6. A road-side stand for the sale of agricultural products, and provided that the building or structure is located on a farm, subject to the provisions of Section 1928.
7. Accessory buildings and uses customarily incidental to the special exception uses within this District, subject to the provisions of Section 1902.

SECTION 803. CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.

SECTION 804.

HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Height - An additional side yard setback of one (1) foot shall be provided for every two (2) feet or fraction thereof, increase in height above thirty-five (35) feet.
2. Minimum Lot Area
 - (A) The minimum lot area per dwelling unit or other principal building where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.
 - (B) The minimum lot area per dwelling unit or other principal building where served by both public sanitary sewer and public water facilities, or by public sanitary sewer facilities only, shall be twenty-two thousand five hundred (22,500) square feet.
3. Minimum Lot Width
 - (A) The minimum lot width for those lots which are not served by public sanitary sewer facilities shall be seventy (70) feet at the street right of way line and one hundred twenty-five (125) feet at the building setback line.
 - (B) The minimum lot width for those lots which are served by both public sanitary sewer and public water facilities, or by public sanitary sewer facilities only, shall be sixty (60) feet at the street right of way line and one hundred (100) feet at the building setback line.
4. Minimum Lot Depth - The minimum lot depth shall be one hundred fifty (150) feet.
5. Front Yard Minimum Depth
 - (A) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided however, that the minimum distance shall be sixty (60) feet from the centerline of the street.
 - (B) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings

have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing buildings.

6. Side Yard - The minimum side yard shall be fifteen (15) feet. (Amended 12/17/96 by Ord. #190)
7. Rear Yard - Rear yards shall be a minimum of fifty (50) feet in depth.
8. Maximum Lot Coverage - Not more than fifty (50%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. (Amended 8/20/91 by Ord. #139)
9. Maximum Building Coverage - Not more than thirty (30%) percent of the area of the lot shall be covered by buildings.
10. Minimum Landscape Area - Not less than fifty (50%) percent of the area of the lot shall be covered by vegetative materials.

SECTION 805. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses.

1. Maximum Height - Twenty (20) feet.
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be ten (10) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be six (6) feet.

SECTION 806. HEIGHT AND YARD REQUIREMENTS OF UTILITY BUILDINGS

The following regulations apply to unattached "utility" buildings for accessory uses, provided that the utility building does not exceed one hundred and twenty (120) square feet of floor area.

1. Maximum Height - One hundred and two (102) inches, excluding ornamentation..
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.

3. Side Yard - The minimum distance to any interior side lot line shall be two (2) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be two (2) feet.

ARTICLE IX.

REGULATIONS IN RESIDENTIAL DISTRICT R-2

SECTION 901.

PERMITTED USES

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
2. Single family detached dwellings.
3. Semi-detached dwellings.
4. Apartment house dwellings.
5. Church and its related uses.
6. Domestic pets.
7. Public, restricted or private parks, playgrounds and game courts.
8. Public and parochial educational institutions and related uses.
9. Accessory buildings and uses customarily incidental to the permitted uses within this District.

SECTION 902.

SPECIAL EXCEPTIONS

1. Country clubs and golf courses, subject to the provisions of Section 1910.
2. Greenhouse, subject to the provisions of Section 1915.
3. Municipal buildings, firehouses, and similar facilities, subject to the provisions of Section 1921.
4. Boarding houses, subject to the provisions of Section 1905.
5. Fraternal lodges, subject to the provisions of Section 1913.
6. Cemetery, subject to the provisions of Section 1907.
7. Home occupations, subject to the provisions of Section 1916.
8. Public libraries and public museums, subject to the provisions of Section 1923.
9. Public utility buildings, subject to the provisions of Section 1924.

10. Medical and dental clinics, subject to the provisions of Section 1919.
11. Retirement homes and orphanages, subject to the provisions of Section 1927.
12. A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.
13. Community club, subject to the provisions of Section 1909.
14. Accessory buildings and uses customarily incidental to the special exception uses within this District, subject to the provisions of Section 1902.
15. Business and professional offices, subject to the provisions of Section 1905-A. (Amended 12/3/90 by Ord. #133)

SECTION 903. CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.
2. Residential regional impact development, subject to the provisions of Section 1933 and Section 1935; provided that no row house or townhouse dwellings are permitted within the development. (Amended 3/4/96 by Ord. #181)
3. Optional Density Incentive: subject to the provisions of Section 1934 and Section 1938. (Amended 03/05/07 by Ordinance #267)

SECTION 904. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Height - An additional side yard setback of one (1) foot shall be provided for every two (2) feet or fraction thereof, increase in height above thirty-five (35) feet.
2. Minimum Lot Area
 - (A) The minimum lot area per dwelling unit or other principal building where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.
 - (B) The minimum lot area per dwelling unit or other principal building where served by both public sanitary sewer and public water facilities, or by public sanitary sewer facilities only, shall be ten thousand (10,000) square feet.

feet, provided, however, that the minimum lot area for apartments where served by both public sanitary sewer and public water facilities shall be seven thousand five hundred (7,500) square feet per dwelling unit.

3. Minimum Lot Width

- (A) The minimum lot width for those lots which are not served by public sanitary sewer facilities shall be eighty-five (85) feet at the street right of way line and one hundred twenty-five (125) feet at the building setback line.
- (B) The minimum lot width for those lots which are served by public sanitary sewer facilities only shall be fifty (50) feet at the street right of way line and seventy-five (75) feet at the building setback line.
- (C) The minimum lot width for single family detached dwellings and other principal buildings shall be fifty (50) feet at the street right of way line and seventy-five (75) feet at the building setback line, subject to the provisions of Paragraphs (A) and (B) of this Sub-Section.
- (D) The minimum lot width for semi-detached dwellings shall be fifty (50) feet at the street right of way line and seventy-five (75) feet at the building setback line, subject to the provisions of Paragraphs (A) and (B) of this Sub-Section.
- (E) The minimum lot width for an apartment house lot shall be thirty-five (35) feet at the street right of way line and fifty (50) feet at the building setback line for each dwelling unit, subject to the provisions of Paragraphs (A) and (B) of this Sub-Section, provided however, that the required minimum lot width shall not exceed two hundred (200) feet at both the street right of way line and the building setback line for lots with more than four (4) dwelling units.

4. Minimum Lot Depth - The minimum lot depth shall be one hundred twenty-five (125) feet.

5. Front Yard Minimum Depth

- (A) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided however, that the minimum distance shall be fifty (50) feet from the centerline of the street.
- (B) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the

same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing buildings.

6. Side Yard (Amended 12/17/96 by Ord. #190)
 - (A) The minimum side yard for single-family detached dwellings shall be ten (10) feet.
 - (B) The minimum side yard for semi-detached dwellings shall be fifteen (15) feet, except for the one side of the building to be located adjacent to the lot line, in which case no side yard shall be required along such lot line.
 - (C) The minimum side yard for apartment houses with four (4) dwelling units or less shall be twenty (20) feet.
 - (D) The minimum side yard for apartment houses with more than four (4) dwelling units shall be fifty (50) feet.

7. Interior Yards - (Open space between buildings) shall be provided as follows:
 - (A) When front to front, rear to rear, or front to rear, parallel buildings shall have fifty (50) feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distance may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
 - (B) A yard space of fifty (50) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty-five (25) feet.
 - (C) A yard space of fifty (50) feet is required between end walls and front or rear faces of buildings.

8. Rear Yard - Rear yards shall be a minimum of thirty-five (35) feet in depth, except that apartment buildings with more than four (4) dwelling units shall have a rear yard of fifty (50) feet.

9. Maximum Lot Coverage - Not more than sixty (60%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. (Amended 8/20/91 by Ord. #139)

10. Maximum Building Coverage - Not more than thirty-five (35%) percent of the area of the lot shall be covered by buildings.
11. Minimum Landscape Area - Not less than forty (40%) percent of the area of the lot shall be covered by vegetative materials.

SECTION 905. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses.

1. Maximum Height - Twenty (20) feet.
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be ten (10) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be six (6) feet.

SECTION 906. HEIGHT AND YARD REQUIREMENTS OF UTILITY BUILDINGS

The following regulations apply to unattached "utility" buildings for accessory uses, provided that the utility building does not exceed one hundred and twenty (120) square feet of floor area.

1. Maximum Height - One hundred and two (102) inches, excluding ornamentation..
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be two (2) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be two (2) feet.

ARTICLE X. REGULATIONS IN RESIDENTIAL DISTRICT R-3

SECTION 1001. PERMITTED USES

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
2. Single family detached dwellings.
3. Semi-detached dwellings.
4. Apartment house dwellings.
5. Townhouse dwellings.
6. Planned residential developments in accordance with the Planned Residential Development Ordinance of East Lampeter Township, as revised.
7. Church and its related uses.
8. Domestic pets.
9. Public, restricted or private parks, playgrounds and game courts.
10. Public and parochial educational institutions and related uses.
11. Accessory buildings and uses customarily incidental to the permitted uses within this District.

SECTION 1002. SPECIAL EXCEPTIONS

1. Country clubs and golf courses, subject to the provisions of Section 1910.
2. Greenhouse, subject to the provisions of Section 1915.
3. Municipal buildings, firehouses, and similar facilities, subject to the provisions of Section 1921.
4. Child day care centers, subject to the provisions of Section 1908.
5. Fraternal lodges, subject to the provisions of Section 1913.
6. Cemetery, subject to the provisions of Section 1907.
7. Home occupations, subject to the provisions of Section 1916.

8. Public libraries and public museums, subject to the provisions of Section 1923.
9. Public utility buildings, subject to the provisions of Section 1924.
10. Medical and dental clinics, subject to the provisions of Section 1919.
11. Retirement homes and orphanages, subject to the provisions of Section 1927.
12. A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.
13. Community club, subject to the provisions of Section 1909.
14. Accessory buildings and uses customarily incidental to the special exception uses within this District, subject to the provisions of Section 1902.

SECTION 1003. CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.
2. Residential regional impact development, subject to the provisions of Section 1933 and Section 1935. (Amended 3/4/96 by Ord. #181)

SECTION 1004. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Height - An additional side yard setback of one (1) foot shall be provided for every two (2) feet or fraction thereof, increase in height above thirty-five (35) feet.
2. Minimum Lot Area
 - (A) The minimum lot area per dwelling unit or other principal building where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.
 - (B) The minimum lot area per dwelling unit or other principal building where served by public sanitary sewer facilities only shall be ten thousand (10,000) square feet.

- (C) The minimum lot area for single family detached dwellings shall be seven thousand five hundred (7,500) square feet, if served by both public sanitary sewer and public water facilities.
- (D) The minimum lot area for semi-detached dwellings shall be five thousand (5,000) square feet for each dwelling unit if served by both public sanitary sewer and public water facilities.
- (E) The minimum lot area for townhouse dwellings shall be five thousand (5,000) square feet for each dwelling unit if served by both public sanitary sewer and public water facilities.
- (F) The minimum lot area for apartment houses shall be based on a minimum of five thousand (5,000) square feet per dwelling unit, if served by both public sanitary sewer and public water facilities and provided that the minimum lot size shall be sixteen thousand (16,000) square feet.

3. Minimum Lot Width

- (A) The minimum lot width for those lots which are not served by public sanitary sewer facilities shall be eighty-five (85) feet at the street right of way line and one hundred twenty-five (125) feet at the building setback line.
- (B) The minimum lot width for those lots which are served by public sanitary sewer facilities only shall be fifty (50) feet at the street right of way line and seventy-five (75) feet at the building setback line.
- (C) The minimum lot width for single family detached dwellings and other principal buildings shall be forty (40) feet at the street right of way line and sixty (60) feet at the building setback line, subject to the provisions of Paragraphs (A) and (B) of this Sub-Section.
- (D) The minimum lot width for semi-detached dwellings shall be twenty-five (25) feet at the street right of way line and forty (40) feet at the building setback line, subject to the provisions of Paragraphs (A) and (B) of this Sub-Section.
- (E) The minimum lot width for townhouse dwellings shall be sixteen (16) feet at the street right of way line and twenty-four (24) feet at the building setback line, subject to the provisions of Paragraphs (A) and (B) of this Sub-Section.
- (F) The minimum lot width for an apartment house lot shall be sixty-five (65) feet at the street right of way line and one hundred (100) feet at the

building setback line, subject to the provisions of Paragraphs (A) and (B) of this Sub-Section.

4. Minimum Lot Depth - The minimum lot depth shall be one hundred ten (110) feet.
5. Front Yard Minimum Depth
 - (A) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided, however, that the minimum distance shall be fifty (50) feet from the centerline of the street.
 - (B) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing buildings.
6. Side Yard (Amended 12/17/96 by Ord. #190)
 - (A) The minimum side yard for single-family detached dwellings shall be eight (8) feet.
 - (B) The minimum side yard for semi-detached dwellings shall be twelve (12) feet, except for the one side of the building to be located adjacent to the lot line, in which case no side yard shall be required along such lot line.
 - (C) The minimum side yard on each end house in a row of townhouse dwellings shall be fourteen (14) feet.
 - (D) The minimum side yard for apartment houses with four (4) dwelling units or less shall be fourteen (14) feet.
 - (E) The minimum side yard for apartment houses with more than four (4) dwelling units shall be fifty (50) feet.
7. Interior Yards - (Open space between buildings) shall be provided as follows:
 - (A) When front to front, rear to rear, or front to rear, parallel buildings shall have fifty (50) feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distance may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

- (B) A yard space of fifty (50) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty-five (25) feet.
 - (C) A yard space of fifty (50) feet is required between end walls and front or rear faces of buildings.
8. Rear Yard - Rear yards shall be a minimum of thirty-five (35) feet in depth, except that apartment buildings with more than four (4) dwelling units shall have a rear yard of fifty (50) feet.
 9. Maximum Lot Coverage - Not more than sixty-five (65%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. (Amended 8/20/91 by Ord. #139)
 10. Maximum Building Coverage - Not more than forty (40%) percent of the area of the lot shall be covered by buildings.
 11. Minimum Landscape Area - Not less than thirty-five (35%) percent of the area of the lot shall be covered by vegetative materials.

SECTION 1005. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses.

1. Maximum Height - Twenty (20) feet.
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be eight (8) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be six (6) feet

SECTION 1006. HEIGHT AND YARD REQUIREMENTS OF UTILITY BUILDINGS

The following regulations apply to unattached "utility" buildings for accessory uses, provided that the utility building does not exceed one hundred and twenty (120) square feet of floor area.

1. Maximum Height - One hundred and two (102) inches, excluding ornamentation.

2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be two (2) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be two (2) feet.

ARTICLE XI.

REGULATIONS IN COMMERCIAL DISTRICT C-1

SECTION 1101.

PERMITTED USES

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
2. Banks and other financial institutions.
3. Business and professional offices.
4. Child day care centers.
5. Confectionery and bakery shop.
6. Dwelling when in combination with a business use.
7. Municipal buildings, firehouses and similar public facilities.
8. Funeral homes, mortuaries and crematoriums.
9. Country clubs and golf courses.
10. Greenhouse.
11. Parking lot.
12. Personal service shops, including tailor, barber, beauty shop, dressmaking, shoe repair or similar shop.
13. Restaurants, provided however, that the primary orientation of the facility is for all food to be served and consumed in the building where prepared or on a patio which is specifically designed for this purpose, and provided further, however, that no establishment will be permitted which allows or permits patrons to bring their own alcoholic beverages onto the premises for consumption thereon.
14. Retail stores and shops provided, however, that the maximum number of acres of the lot containing a retail store or shop shall be five (5). (Amended 3/4/96 by Ord. #181)
15. Shopping centers in which two (2) or more commercial establishments, limited to those commercial uses permitted by right within this District, are planned, developed, owned and managed as a unit, with off-street parking provided on the property provided, however, that the maximum number of acres of the shopping center shall be five (5). (Amended 3/4/96 by Ord. #181)

16. Self-serving gasoline dispensing facilities, provided:
 - (A) the facility is operated as part of a retail grocery store operation, which grocery store shall have a minimum of one thousand (1,000) square feet of retail sales space;
 - (B) no more than four (4) vehicles can be fueled at any one time; and
 - (C) the location of the gasoline dispensing pumps shall meet all setbacks as required for principal buildings.
17. Medical and dental clinics.
18. Retirement homes and orphanages, subject to the provisions of Section 1927.
19. Public libraries and public museums.
20. Public utility buildings.
21. Church and its related uses.
22. Domestic pets.
23. Public, restricted or private parks, playgrounds and game courts.
24. Public and parochial educational institutions and related uses.
25. Community club, subject to the provisions of Section 1909.
26. Accessory buildings and uses customarily incidental to the permitted uses within this District.

SECTION 1102. SPECIAL EXCEPTIONS

1. Single family detached dwellings, subject to the provisions of Section 1930.
2. Semi-detached dwellings, subject to the provisions of Section 1929.
3. Cemetery, subject to the provisions of Section 1907.
4. A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.

SECTION 1103. CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.

SECTION 1104. PROHIBITED USES

1. None of the following uses shall be permitted within this District:
 - (A) Any process of manufacture, assembly or treatment which is not clearly incidental to a retail business conducted on the premises or which normally constitutes a nuisance by reason of odor, noise, dust or smoke, even if incidental to a retail business conducted on the premises.
 - (B) Lumber and coal yards, building material storage yards, contractors' equipment and storage yards, and commercial warehouses.
 - (C) The storage of volatile products, except those which are used on the premises in the conduct of business.

SECTION 1105. HEIGHT AND AREA REGULATIONS

1. Dwelling Units - All buildings intended for residential use in part shall comply with the regulations as set forth heretofore for Residential R-3 Districts.
2. Other Uses Exclusive of Dwelling Units
 - (A) Height - No building shall be erected to a height in excess of forty (40) feet unless authorized as a special exception.
 - (B) Minimum Lot Area
 - (1) The minimum lot area per principal building or use where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.
 - (2) The minimum lot area per principal building or use where served by public sanitary sewer facilities only shall be twenty thousand (20,000) square feet.
 - (3) The minimum lot area per principal building or use where served by both public sanitary sewer and public water facilities shall be fifteen thousand (15,000) square feet.

- (C) Minimum Lot Width - The minimum lot width shall be sixty-five (65) feet at the street right of way line and one hundred (100) feet at the building setback line.
- (D) Minimum Lot Depth - The minimum lot depth shall be one hundred (100) feet.
- (E) Yards - Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to, however, the requirements of Section 1702, Paragraph 5. Yards of the following minimum sizes shall be provided:
 - (1) Front Yard Minimum Depth
 - (a) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided, however, that the minimum distance shall be fifty (50) feet from the centerline of the street.
 - (b) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing buildings.
 - (2) Side Yard - The minimum side yard shall be ten (10) feet, except where adjacent to a Residential or Rural District, in which case the side yard shall be twice the width of the side yard requirements of that particular adjacent district or fifty (50) feet, whichever is less. (Amended 3/4/96 by Ord. #181)
 - (3) Rear Yard Minimum Depth - The minimum rear yard shall be thirty (30) feet, except where adjacent to a Residential or Rural District, in which case the rear yard shall be fifty (50) feet. (Amended 3/4/96 by Ord. #181)
- (F) Maximum Lot Coverage - Not more than seventy (70%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. However, this maximum lot coverage shall be increased to seventy-five (75%) percent of the area of the lot where more than one-half

(1/2) of all parking spaces within the lot are located behind the front building line. (Amended 3/4/96 by Ord. #181)

- (G) Maximum Building Coverage - Not more than sixty (60%) percent of the area of the lot shall be covered by buildings.
- (H) Minimum Landscape Area - Not less than thirty (30%) percent of the area of the lot shall be covered by vegetative materials. However, this minimum landscape area shall be reduced to twenty-five (25%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line. (Amended 3/4/96 by Ord. #181)

ARTICLE XII.

REGULATIONS IN COMMERCIAL DISTRICT C-2

SECTION 1201.

PERMITTED USES

1. Any use permitted in the Commercial District C-1.
2. Automobile vehicle sales and service establishments.
3. Bowling alleys.
4. Hospitals.
5. Commercial parks, playgrounds and game courts.
6. Shopping centers in which two (2) or more commercial establishments, limited to those commercial uses permitted by right within this District, are planned, developed, owned and managed as a unit, with off-street parking provided on the property. (Amended 3/4/96 by Ord. #181)
7. Hotels, motels and theaters.
8. Restaurants, cafes, taverns, and other places serving food and beverages, provided however, that no establishment will be permitted which allows or permits patrons to bring their own alcoholic beverages onto the premises for consumption thereon, except as provided by special exception pursuant to Section 1912.
9. Dry cleaning and laundry establishments.
10. Veterinary facilities and kennels.
11. Lumber and coal yards, building material storage yards, contractors' equipment and storage yards, and warehouses, provided that all items are within a completely enclosed building.
12. Community club.
13. Public garage.
14. Accessory buildings and uses customarily incidental to the permitted uses within this District.

SECTION 1202.

SPECIAL EXCEPTIONS

1. Single family detached dwellings, subject to the provisions of Section 1930.

2. Semi-detached dwellings, subject to the provisions of Section 1929.
3. Cemetery, subject to the provisions of Section 1907.
4. Mobilehome parks, subject to the provisions of Section 1920.
5. Establishments for dancing or other amusement which serve food and refreshments and which permit patrons to bring their own alcoholic beverages on the premises for consumption on the premises, subject to the provisions of Section 1912.
6. Adult entertainment establishments, subject to strict compliance with the provisions of Article XIX, Section 1903, and its subparagraphs.
7. Campground, subject to the provisions of Section 1906.
8. A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.

SECTION 1203. CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.
2. Commercial and institutional regional impact development; subject to the provisions of Section 1933 and Section 1935. (Amended 3/4/96 by Ord. #181)
3. Off-track betting parlors and gambling facilities; subject to the provisions at Section 1933 and Section 1936. (Added 11/2/98 by Ord. #214)

SECTION 1204. PROHIBITED USES

1. None of the following uses shall be permitted within this District:
 - (A) Any process of manufacture, assembly or treatment which is not clearly incidental to a retail business conducted on the premises or which normally constitutes a nuisance by reason of odor, noise, dust or smoke, even if incidental to a retail business conducted on the premises.
 - (B) The storage of volatile products, except those which are used on the premises in the conduct of business on the premises.

SECTION 1205.

HEIGHT AND AREA REGULATIONS

1. Dwelling Units - All buildings intended for residential use in part shall comply with the regulations as set forth heretofore for Residential R-3 Districts.
2. Other Uses Exclusive of Dwelling Units
 - (A) Height - No building shall be erected to a height in excess of forty (40) feet unless authorized as a special exception.
 - (B) Minimum Lot Area
 - (1) The minimum lot area per principal building or use where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.
 - (2) The minimum lot area per principal building or use where served by public sanitary sewer facilities only shall be twenty thousand (20,000) square feet.
 - (3) The minimum lot area per principal building or use where served by both public sanitary sewer and public water facilities shall be fifteen thousand (15,000) square feet.
 - (C) Minimum Lot Width - The minimum lot width shall be sixty-five (65) feet at the street right of way line and one hundred (100) feet at the building setback line.
 - (D) Minimum Lot Depth - The minimum lot depth shall be one hundred (100) feet.
 - (E) Yards - Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to, however, the requirements of Section 1702, Paragraph 5. Yards of the following minimum sizes shall be provided:
 - (1) Front Yard Minimum Depth
 - (a) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided, however, that the minimum distance shall be fifty (50) feet from the centerline of the street.

- (b) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing buildings.
- (2) Side Yard - The minimum side yard shall be ten (10) feet, except where adjacent to a Residential or Rural District, in which case the side yard shall be twice the width of the side yard requirements of that particular adjacent district or fifty (50) feet, whichever is less. In the case of a shopping center, there will be no side yard requirement between buildings which form a continuous building when located within the shopping center; provided however, that no building shall be located closer than fifty (50) feet to the side lot line. (Amended 3/4/96 by Ord. #181) If adjoining Commercial C-2 uses share a joint parking facility, driveway and/or vehicular accessway, in such case, each lot may waive one of the side yard requirements solely for the purpose of accommodating a joint parking facility, driveway and/or accessway. (If the side yard requirements are waived for this purpose, the requirements of Section 1702, Paragraph 5 shall not be applicable). (Added 11/18/03 by Ord. #241)
- (3) Rear Yard Minimum Depth - The minimum rear yard shall be thirty (30) feet, except where adjacent to a Residential or Rural District, in which case the rear yard shall be fifty (50) feet. In the case of a shopping center, there will be no rear yard requirement between buildings which form a continuous building when located within the shopping center; provided however, that no building shall be located closer than fifty (50) feet to the rear lot line. (Amended 3/4/96 by Ord. #181) If adjoining Commercial C-2 uses share a joint parking facility, driveway and/or vehicular accessway, in such case, each lot may waive the rear yard requirements solely for the purpose of accommodating a joint parking facility, driveway and/or accessway. (If the rear yard requirements are waived for this purpose, the requirements of Section 1702, Paragraph 5 shall not be applicable). (Added 11/18/03 by Ord. #241)
- (F) Maximum Lot Coverage - Not more than seventy (70%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. However, this maximum lot coverage shall be increased to seventy-five (75%) percent of the area of the lot where more than one-half

(1/2) of all parking spaces within the lot are located behind the front building line. (Amended 8/20/91 by Ord. #139 and 3/4/96 by Ord. #181)

- (G) Maximum Building Coverage - Not more than sixty (60%) percent of the area of the lot shall be covered by buildings.

- (H) Minimum Landscape Area - Not less than thirty (30%) percent of the area of the lot shall be covered by vegetative materials. However, this minimum landscape area shall be reduced to twenty-five (25%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line. (Amended 3/4/96 by Ord. #181)

ARTICLE XIII.

REGULATIONS IN THE INDUSTRIAL DISTRICT

SECTION 1301.

PERMITTED USES

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
2. Laboratories, including experimental, research, testing or manufacturing.
3. Manufacturing.
4. Processing and assembling.
5. Storage, warehousing, wholesaling, including lumber, coal and fuel oil yards, building material sales rooms and contractors' equipment yards.
6. Parking lots.
7. Greenhouses.
8. Municipal buildings, firehouses and similar public facilities.
9. Country clubs and golf courses.
10. Public and parochial educational institutions and related uses.
11. Child day care centers.
12. Domestic pets.
13. Public utility buildings.
14. Retail sale of goods, merchandise and products related to and associated with the processing, assembling, manufacturing or producing of the primary goods, merchandise and/or products processed, assembled, manufactured or produced on the site, subject to the provisions of Section 1813. (Amended 9/14/92 by Ord. #148)
15. Accessory buildings and uses customarily incidental to the permitted uses within this District, subject to the provisions of Section 1902.
16. Business and professional offices. (Amended 9/14/92 by Ord. #148)

SECTION 1302. SPECIAL EXCEPTIONS

1. Junk yards, subject to the provisions of Section 1918.
2. A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.
3. Airport, subject to the provisions of Section 1904. (Amended 3/4/96 by Ord. #181)

SECTION 1303. CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.
2. Industrial regional impact development; subject to the provisions of Section 1933 and Section 1935. (Amended 3/4/96 by Ord. #181)

SECTION 1304. HEIGHT AND AREA REGULATIONS

1. Height - No building shall exceed forty (40) feet in height unless authorized as a special exception.
2. Minimum Lot Area
 - (A) The minimum lot area per principal building or use where not served by public sanitary sewer facilities shall be forty thousand (40,000) square feet.
 - (B) The minimum lot area per principal building or use where served by public sanitary sewer facilities only shall be twenty thousand (20,000) square feet.
 - (C) The minimum lot area per principal building or use where served by both public sanitary sewer and public water facilities shall be fifteen thousand (15,000) square feet.
3. Minimum Lot Width - The minimum lot width shall be sixty-five (65) feet at the street right of way line and one hundred (100) feet at the building setback line.
4. Minimum Lot Depth - The minimum lot depth shall be one hundred (100) feet.

5. Yards - Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to, however, the requirements of Section 1702, Paragraph 5. Yards of the following minimum sizes shall be provided:
- (A) Front Yard Minimum Depth
- (1) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided, however, that the minimum distance shall be sixty (60) feet from the centerline of the street. When a Residential District is across the street from the Industrial District, the minimum building setback line shall be eight (80) feet from the centerline of the street.
- (2) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing buildings.
- (B) Side Yard - The minimum side yard shall be twelve (12) feet; except where adjacent to a Residential or Rural District, in which case the side yard shall be twice the width of the side yard requirements of that particular adjacent district or fifty (50) feet, whichever is less; and except that the side yard requirement shall be waived when a rail siding is to be provided to an industrial lot. (Amended 3/4/96 by Ord. #181)
- (C) Rear Yard Minimum Depth - The minimum rear yard shall be twenty (20) feet, except where adjacent to a Residential or Rural District, in which case the rear yard shall be fifty (50) feet; and except that the rear yard requirement shall be waived when a rail siding is to be provided to an industrial lot. (Amended 3/4/96 by Ord. #181)
6. Maximum Lot Coverage - Not more than seventy (70%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. However, this maximum lot coverage shall be increased to seventy-five (75%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line. (Amended 8/20/91 by Ord. #139 and 3/4/96 by Ord. #181)
7. Maximum Building Coverage - Not more than sixty (60%) percent of the area of the lot shall be covered by buildings.

8. Minimum Landscape Area - Not less than thirty (30%) percent of the area of the lot shall be covered by vegetative materials. However, this minimum landscape area shall be reduced to twenty-five (25%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line. (Amended 3/4/96 by Ord. #181)

ARTICLE XIII-A. REGULATIONS IN THE MIXED USE DEVELOPMENT DISTRICT (Added 12/3/90 by Ord. #134)

SECTION 1301-A. PURPOSE

The purpose of the Mixed Use Development District is to accommodate and promote the grouping of residential, commercial, industrial and recreational uses at suitable suburban locations where such uses will complement and support each of the other uses within the development. Primarily, this District is to be located at transitions between zoning districts in which major development is permitted, and the boundaries of the District are to be related to the internal development of the mixed use development rather than to the adjacent street system. A wide range of services are permitted to encourage the provision of new economic activities within the Township, while decreasing the needs for excessive municipal services. Design standards are to be imposed to maintain an attractive and cohesive development within a campus-like setting.

SECTION 1302-A. RELATIONSHIP TO OTHER ARTICLES

Within those areas of the Township designated on the Official Zoning Map as being within the Mixed Use Development District, the provisions of this Article create an overlay zoning district which is applicable within any and all other zoning districts established by this Zoning Ordinance other than the Rural District and the Residential R-1 District. To the extent that the provisions of this Article are applicable and more restrictive, they shall supersede conflicting provisions within all other articles of this Zoning Ordinance and all other ordinances of East Lampeter Township. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of East Lampeter Township shall remain in full force.

SECTION 1303-A. PERMITTED USES

1. Any use permitted by right within the underlying zoning district.

SECTION 1304-A. SPECIAL EXCEPTIONS

1. Any use permitted by special exception within the underlying zoning district, subject to the applicable provisions of Article XIX.

SECTION 1305-A. CONDITIONAL USES

1. Any use permitted by conditional use within the underlying zoning district, subject to the applicable provisions of Article XIX.
2. Mixed use development, subject to the provisions of Section 1933 and Section 1934; provided that no mixed use development is permitted to occur within an

area overlaying a Rural Zoning District or a Residential R-1 Zoning District.
(Amended 3/4/96 by Ord. #181)

SECTION 1306-A. HEIGHT, AREA AND YARD REGULATIONS AND
REQUIREMENTS

1. Except for mixed use development, all height, area and yard regulations and requirements of the underlying district shall be applicable for all other uses within such district.

ARTICLE XIV. REGULATIONS IN THE CONSERVATION DISTRICT

SECTION 1401. PURPOSE

This District regulation is designed to protect areas in the Township for the preservation and conservation of the natural environment and to permit and encourage the retention of open land; flood plain areas of streams, creeks, and drainage ways; and open land uses located to constitute a harmonious and appropriate part of the physical development of the Township. In keeping with the intended purpose of this District and to generally define the location of certain conservation areas parallel to streams, creeks and drainage ways within the Township, a minimum distance of two hundred (200) feet from each side of the centerline of such streams, creeks and drainage ways shall be deemed the established boundary of these districts, unless shown otherwise on the Zoning Map by location or dimensions thereof.

SECTION 1402. PERMITTED USES

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
2. Truck gardening and nurseries (excluding greenhouses).
3. Single family detached dwellings.
4. Public conservation areas and structures for the conservation of open space, water, soil and wildlife resources.
5. Public parks, playgrounds and game courts.
6. Domestic pets.
7. Accessory buildings and uses customarily incidental to the permitted uses within this District.

SECTION 1403. SPECIAL EXCEPTIONS

1. Restricted parks, playgrounds and game courts, subject to the provisions of Section 1922.
2. Horse riding stables, subject to the provisions of Section 1917.
3. Winter sports areas and ski lodges, subject to the provisions of Section 1932.
4. Country clubs and golf courses, subject to the provisions of Section 1910.

5. Greenhouses, subject to the provisions of Section 1915.
6. Public utility buildings, subject to the provisions of Section 1924.
7. A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.

SECTION 1404. CONDITIONAL USES

1. Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.

SECTION 1405. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Height - An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase in height above thirty-five (35) feet.
2. Minimum Lot Area - The minimum lot area shall be two (2) acres.
3. Minimum Lot Width - The minimum lot width shall be three hundred (300) feet at the street right of way line and three hundred fifty (350) feet at the building setback line.
4. Front Yard Minimum Depth - The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided however, that the minimum distance shall be sixty (60) feet from the centerline of the street.
5. Side Yard - There shall be two (2) side yards, neither of which shall be less than fifty (50) feet.
6. Rear Yard - Rear yards shall be a minimum of seventy-five (75) feet in depth.
7. Maximum Lot Coverage - Not more than thirty (30%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. (Amended 8/20/91 by Ord. #139)
8. Maximum Building Coverage - Not more than twenty (20%) percent of the area of the lot shall be covered by buildings.

9. Minimum Landscape Area - Not less than seventy (70%) percent of the area of the lot shall be covered by vegetative materials.

SECTION 1406. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses.

1. Maximum Height - Twenty (20) feet.
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be ten (10) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be six (6) feet.

SECTION 1407. HEIGHT AND YARD REQUIREMENTS OF UTILITY BUILDINGS

The following regulations apply to unattached "utility" buildings for accessory uses, provided that the utility building does not exceed one hundred and twenty (120) square feet of floor area.

1. Maximum Height - One hundred and two (102) inches, excluding ornamentation..
2. Front Yard Minimum Depth - The minimum building setback line from all streets shall be fifteen (15) feet to the rear of the front face of the principal building.
3. Side Yard - The minimum distance to any interior side lot line shall be two (2) feet.
4. Rear Yard - The minimum distance to any rear lot line shall be two (2) feet.

ARTICLE XIV-A. REGULATIONS IN AIRPORT HAZARD DISTRICT

SECTION 1401-A. AUTHORITY

This Article is adopted as part of this Ordinance pursuant to the authority conferred by 1984 Pa. Laws 164, codified at 74 Pa. Cons. Stat. Sub-Section 5101 et. seq.

SECTION 1402-A. PURPOSE

It is hereby found that an obstruction has the potential for endangering the lives and property of users of both the Lancaster Airport and the Smoketown Airport, and property or occupants of land in their vicinity; that an obstruction may affect existing and future instrument approach minimums of both the Lancaster Airport and the Smoketown Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of both the Lancaster Airport and the Smoketown Airport and the public investment therein. Accordingly, it is declared:

1. that the creation or establishment of an obstruction has the potential of being a nuisance and may injure the region served by the Lancaster Airport and the Smoketown Airport;
2. that it is necessary in the interest of the health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

SECTION 1403-A. RELATIONSHIP TO OTHER ARTICLES

The provisions of this Article create an overlay zoning district which is applicable within airport surface zones in all other zoning districts established by this Zoning Ordinance. To the extent of the provisions of this Article are applicable and more restrictive, they shall supersede conflicting provisions within all other articles of this Zoning Ordinance and all other ordinances of East Lampeter Township. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of East Lampeter Township shall remain in full force.

SECTION 1404-A. AIRPORT SURFACE ZONES

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to both the Lancaster Airport and the Smoketown Airport. Such zones are shown on both

the Lancaster Airport Height Limitation and Zoning District Map and the Smoketown Airport Height Limitation and Zoning District Map, prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring, 1989, which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Surface Zone - Established beneath the visual approach surface for the Smoketown Airport. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Transitional Surface Zones - Established beneath the transitional surfaces adjacent to the Smoketown Airport runway and approach surface as indicated on the Height Limitation and Zoning District Map.
3. Horizontal Surface Zone - Established beneath the horizontal surface, 150 feet above the established Smoketown Airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of the 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 therefrom a horizontal distance of 4,000 feet.

SECTION 1405-A.

AIRPORT SURFACE ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree or other natural growth shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. The datum for all height limits shall be mean sea level elevation. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Surface Zone - Slopes twenty (20) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Transitional Surface Zones - Slopes seven (7) feet outward for each one (1) 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 150 feet above the Smoketown Airport elevation which is 370 feet above mean sea level.

3. Horizontal Surface Zone - Established at 150 feet above the established Smoketown Airport elevation or at a height of 520 feet above mean sea level.
4. Conical Surface Zone - Slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a height of 753 feet above mean sea level for the Lancaster Airport and at a height of 720 feet above mean sea level for the Smoketown Airport.
5. Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other natural growth to a height up to thirty-five (35) feet above the surface of the land.

SECTION 1406-A. AIRPORT SURFACE AREAS (Amended 12/17/96 by Ord. #189)

Within the Airport Hazard District, there are four (4) surface area classifications for the purpose of controlling land uses determined to be compatible with an airport (see Exhibit 'A' attached hereto). These surface areas are defined as follows:

1. Surface Area 1 - The land beneath the primary surface.
2. Surface Area 2 - The land beneath the approach surface for each runway end extended 2,500 feet from the edge of the primary surface.
3. Surface Area 3 - The land beneath the transitional surface and the land beneath the approach surface from the end of Surface Area 2 to the approach surface's intersection with the horizontal surface.
4. Surface Area 4 - The land beneath the horizontal surface.

SECTION 1407-A. AIRPORT SURFACE AREA USE LIMITATIONS (Amended 12/17/96 by Ord. #189)

The following uses and no others are permitted within an airport surface area, and such uses are permitted only if permitted within the applicable underlying zoning district and only in accordance with the provisions of the underlying zoning district and all other applicable provisions of the Zoning Ordinance. Where provisions within the Airport Hazard District and the underlying zoning district differ, the more stringent provision shall be deemed applicable.

1. Surface Area 1.
 - (A) Special Exceptions.
 - (1) Airport, subject to the provisions of Section 1904.
2. Surface Area 2.
 - (A) Permitted Uses.
 - (1) Any form of agriculture or horticulture and related buildings and uses, subject to the provisions of Section 1808.
 - (2) Farm support businesses, such as shoe repair, book binding, chair caning, carriage repair, small engine repair, welding, harness shops, wood working shops, quilt shops and health food stores, subject to the provisions of Section 1812.
 - (3) Beehives and beekeeping.
 - (4) Greenhouse.
 - (5) Truck gardening and nurseries.
 - (6) Public conservation areas and structures for the conservation of open space, water, soil and wildlife resources.
 - (7) Country clubs and golf courses.
 - (8) Public parks, playgrounds and game courts.
 - (9) Domestic pets.
 - (10) Public utility buildings.
 - (11) Parking lot.
 - (12) Accessory buildings and uses customarily incidental to the permitted uses within this District.
 - (B) Special Exceptions.
 - (1) Cemetery, subject to the provisions of Section 1907.

- (2) A road-side stand for the sale of agricultural products, subject to the provisions of Section 1928.
- (3) Airport, subject to the provisions of Section 1904.
- (4) Accessory buildings and uses customarily incidental to the special exception uses within this District, subject to the provisions of Section 1902.

(C) Conditional Uses.

- (1) Any other use not specifically provided for in any district within this Ordinance shall be subject to approval by conditional use by the Township Board of Supervisors, subject to the provisions of Section 1933.

3. Surface Areas 3 and 4.

(A) Permitted Uses.

Any use permitted by right within the underlying zoning district.

(B) Special Exceptions.

Any use permitted by special exception within the underlying zoning district.

(C) Conditional Uses.

Any use permitted by conditional use within the underlying zoning district.

SECTION 1408-A. AIRPORT ZONING REQUIREMENTS (Amended 12/17/96 by Ord. #189)

- 1. Reasonableness - All airport zoning regulations adopted under this Section shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this Section.
- 2. Use Restrictions - Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Article in such a manner as to create electronic 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 or smoke 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.

3. Nonconforming Uses

- (A) Regulations Not Retroactive - The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree or other natural growth not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 1409-A. 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.
- (B) Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree or other natural growth is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of East Lampeter Township.

SECTION 1409-A. PERMITS AND VARIANCES (Amended 12/17/96 by Ord. #189)

The following specific requirements pertaining to permits and variances within the Airport Hazard District shall be applicable in addition to those requirements within Section 2003, pertaining to Permits, and Section 2111, pertaining to variances:

- 1. Future Uses - Except as specifically provided in Paragraphs A, B and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree or other natural growth shall be planted in any zone hereby created within this Article 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 or other natural growth 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 Section 2111 of this Ordinance.

- (A) 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.
- (B) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no Permit shall be required for any structure or tree or other natural growth less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such structure or tree or other natural growth would extend above the height limit prescribed for such approach zones.
- (C) 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 structure or tree or other natural growth less than seventy-five (75) feet of vertical height above the ground, except when such structure or tree or other natural growth, 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 or other natural growth 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.

- 2. Existing Uses - Before any nonconforming structure may be replaced, substantially altered or rebuilt or any nonconforming tree or other natural growth allowed to grow higher or replanted, a Permit must be secured from the Zoning Officer. No Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree or other natural growth 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.
- 3. Variance - Any application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. Additionally, no application for variance to the requirements of this Article may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or person of equal 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.

4. Hazard Marking and Lighting - In granting any permit or variance under this Section, the Zoning Hearing Board shall, if it deems the action advisable to effectuate the purpose of this Article and reasonable under the circumstances, so condition the Permit or variance as to require the owner of the structure or tree or other natural growth in question to permit the Township, at its own expense, or require the applicant 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 Federal Aviation Administration.
5. Notice to Department - The Zoning Hearing Board, upon the decision to grant a Permit or variance under this Article, shall notify the Pennsylvania Department of Transportation, Bureau of Aviation of its decision. This notice shall be in writing and shall be sent to the Department of Transportation at the same time as to the applicant. The decision shall not be effective for ten (10) days after it is rendered to allow the Department of Transportation time within which to appeal the decision.

SECTION 1410-A. ACQUISITION OF AIR RIGHTS (Amended 12/17/96 by Ord. #189)

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, the Township, or the municipal authority owning the airport or served by it, may acquire by purchase, grant or condemnation, in the manner provided by the law under which the Township is 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 Article. 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, the 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.

ARTICLE XIV-B. HISTORIC OVERLAY DISTRICT (Added 8/21/90 by Ord. #132)

SECTION 1401-B. HISTORIC PROPERTY

A Historic Property within the meaning of this Ordinance is any site with improvements, including buildings or other structures, that has been listed on, or is eligible for listing on, "The National Register of Historic Places" by the United States Department of Interior.

SECTION 1402-B. ADAPTIVE USES OF HISTORIC PROPERTIES

Notwithstanding any other provisions of this Zoning Ordinance, a Historic Property located in any district, excepting any floodplain area or designated floodplain district, may, by conditional use, be used for any use or purpose enumerated in the following section, provided there has been a finding by the Board of Supervisors that such proposed use is desirable to enable the preservation, restoration or rehabilitation of the property and is a use that is compatible with the surrounding area. Any use permitted under this section shall comply with the area, bulk and all other requirements of the most restrictive zoning district in which such use is permitted as a matter of right.

SECTION 1403-B. USES BY CONDITIONAL USE

The uses as herein set forth may be permitted by conditional use:

1. Bed and breakfast or country inn facilities.
2. Antique or other retail shops.
3. Restaurants, provided however that the primary orientation of the facility is for all food to be served and consumed in the building where prepared or on a patio which is specifically designed for this purpose.
4. Apartments or townhouses.
5. Condominiums.
6. Business and professional offices.
7. Church and its related uses.
8. Accessory uses customarily incidental to the above permitted uses.

In permitting any of the foregoing uses by conditional use, the Board of Supervisors shall take into consideration the nature and character of the surrounding area, topography, pedestrian and vehicular access, and any other relevant factors or circumstances,

including, but not limited to, buffer plantings, lighting, signs, hours of operation and number of employees. The Board of Supervisors shall consider any public health and safety issues and may attach reasonable conditions to approval of all such adaptive reuses of Historic Properties to assure the greatest degree of compatibility with the contiguous zoning district or districts. In particular, in considering any use requested under Sections 1403-B.2, 1403-B.3 or 1403-B.6 hereof, the Board of Supervisors shall consider the nature of the proposed use as it impacts upon the area and may impose reasonable limitations designed to assure the appropriateness and compatibility of the particular usage within that specified area. The Board of Supervisors shall review any proposed use for compatibility with the specific intent and purpose of the underlying zoning district, and the Board may deny or reject any proposal for a use herein enumerated if, in the Board's judgment, such proposed use is incompatible with the zoning district and the neighborhood in which the Historic Property is located.

Additionally, in permitting any of the foregoing uses by conditional use, the Board of Supervisors shall request the Historic Preservation Trust of Lancaster County, or any successor thereto, for its comments and recommendations concerning any application for conditional use made pursuant to this Ordinance. The Board of Supervisors may, as a condition of any approval, request the Historic Preservation Trust of Lancaster County to periodically monitor or inspect any proposals approved hereunder to assure that they are maintained in accordance with any conditions attached to such approvals and to assure that such properties retain their designation as an Historic Property as defined in Section 1403-B. Retention of such designation will be a condition of approval under this Ordinance. If upon the advice of the Historic Preservation Trust of Lancaster County the subject property no longer qualifies for designation as an Historic Property, all approvals obtained under this Section shall be considered to be revoked.

ARTICLE XV.

REGULATIONS APPLICABLE TO FLOODPLAIN DISTRICT

SECTION 1501.

PURPOSE AND INTENT

1. The Floodplain District includes the areas of East Lampeter Township which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
2. In the interest of public health, safety, and welfare, the regulations of the Floodplain District are designed and intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized and to guide incompatible development into more appropriate zoning districts.
3. In advancing these principles and the general purposes of this Zoning Ordinance and the Comprehensive Plan, and as a supplement to Article II of this Zoning Ordinance, the specific intent of this district includes the following:
 - (A) To regulate uses, activities, and development which, acting along or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
 - (B) To restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding;
 - (C) To require all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage;
 - (D) To protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

SECTION 1502.

DEFINITIONS

The following definitions are intended to supplement the definitions contained in Article IV and are intended to be applicable to this Article only:

1. Channel: A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

2. Channel Flow: That water which is flowing within the limits of a defined channel.
3. Conservation Plan: A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.
4. Development: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.
5. Driveway: A private drive providing access between a public or private street or access drive and a permitted use or structure.
6. Fill: Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.
7. Flood, Flooded, or Flooding: A partial or complete inundation of normally dry land areas from the overflow of a watercourse or other body of surface water, or from the unusual and rapid accumulation of runoff of surface waters from any source.
8. Flood of Record: The flood which has reached the highest flood elevation above mean sea level at a particular location.
9. Floodplain: An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
10. Floodproof, Floodproofed, or Floodproofing: Any combination of structural and/or nonstructural provisions, additions, changes, or adjustments to structures or contents which are designed or adapted primarily to reduce or eliminate flood damage to those structures or contents.
11. Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
12. Hazardous Material: Materials which have the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and creosols, and their salts; petroleum products; and radioactive material. Also

included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

13. Maximum Flood Elevation: The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain District.
14. Mean Sea Level: The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.
15. New Construction: Structures for which the start of construction commenced on or after the effective date of this Article.
16. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, rock, gravel, refuse, fill, structure, or other matter in, along, across or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.
17. 100-Year Flood: A flood which is likely to be equaled or exceeded once every 100 years (i.e. that has a one percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional engineer registered by the Commonwealth of Pennsylvania is necessary to define this boundary.
18. 100-Year Flood Boundary: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e. that has a one percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional engineer registered by the Commonwealth of Pennsylvania is necessary to define this boundary.
19. 100-Year Flood Elevation: The water surface elevations of the 100-year flood.
20. Pesticide: Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.
21. Petroleum Product: Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

22. Radioactive Material: Any natural or artificially produced substance which emits radiation spontaneously.
23. Soil Survey: The latest published version of the United States Department of Agriculture's soil survey for Lancaster County, Pennsylvania.
24. Solid Waste: Garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including but not limited to solid and liquid waste materials, resulting from industrial, commercial, agricultural, residential, and community activities.
25. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.
26. Watercourses: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or man-made.
27. Watershed: All the land from which water drains into a particular watercourse.

SECTION 1503. LANDS IN DISTRICT DEFINED

The Floodplain District is hereby defined to include all the following lands within East Lampeter Township:

1. All those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for East Lampeter Township by the Federal Insurance Administration dated June 16, 1980.
2. All land within the 100-year flood boundaries of all watercourses, including but not limited to all land which is so identified by the United States Geological Survey or the United States Army Corps of Engineers.
3. All land which has been flooded by floods of record.
4. All additional land delineated under Paragraph 5 of this Section.
5. Where the complete and definitive information necessary to delineate the boundary of the Floodplain District is not available to the Zoning Officer in his consideration of an application for a permit, he shall require such on-site studies

and/or surveys to be made as are necessary to fix the precise boundaries of the Floodplain District as defined in Section 1503 of this Article. Such studies and surveys shall be signed, sealed, and certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualifications of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of East Lampeter Township.

SECTION 1504. BOUNDARY DISPUTES

1. Should any person dispute the initial boundary determination of the Floodplain District made by the Zoning Officer, an appeal will lie to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay all costs associated with the hearing before the Zoning Hearing Board, including all costs for advertising public notice, for fees to Zoning Hearing Board members, for fees to the municipal solicitor, and for all stenographic records including the attendance of a stenographer and, when necessary, the transcription of the record.
2. All changes to the boundaries of the Floodplain District which affect areas identified in Section 1503 (1) of this Article are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

SECTION 1505. RELATIONSHIP TO OTHER ARTICLES

1. The provisions of this Article create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent of the provisions of this Article are applicable and more restrictive, they shall supersede conflicting provisions within all other articles of this Zoning Ordinance and all other ordinances of East Lampeter Township. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of East Lampeter Township shall remain in full force.

SECTION 1506. PERMITTED USES

The following uses and no others are permitted in the Floodplain District and they are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the

Pennsylvania Department of Environmental Resources, and all other provisions of this Article and other applicable provisions of the Zoning Ordinance:

1. Agriculture, horticulture, and forestry, all excluding any fill or structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
2. Erosion and sedimentation control measures, facilities, and structures, provided no unhealthful ponding or other unsanitary conditions shall occur.
3. Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding campsites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any fill or structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
4. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice.
5. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboretums, excluding any fill or structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
6. Open space and front, side, or rear yard required by other articles of this Ordinance. Floodplain land may be used to meet minimum open space, yard and lot area requirements, provided that the purpose and intent of this Article, as set forth in Section 1501 of this Article, together with the requirements of any other pertinent municipal regulations, is complied with.
7. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Lancaster County Conservation District, and subject to the provisions of Section 1510.2(c) of this Article.
8. One or two strand fences.
9. Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
10. Blinds for the shooting or observation of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission for the taking of migratory waterfowl and the

three weeks immediately preceding and the three weeks immediately following that open season. Blinds must be removed during all other times of the year.

11. Circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
12. Farm ponds which are constructed in accordance with a Conservation Plan reviewed by the Lancaster County Conservation District and which do not create any increase in flooding, and subject to the provisions of Section 1510.2(c) of this Article.
13. Floodproofing and flood hazard reduction structures to protect only lawfully existing non-conforming structures and lawfully existing non-conforming uses within structures.
14. Public utility facilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by municipal zoning ordinances, subject to the provisions of Section 1510.7 of this Article.
15. Marker buoys.

SECTION 1507.

SPECIAL EXCEPTION USES

1. The following uses in the Floodplain District are permitted only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article XXI, when permitted by the underlying zoning district as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Resources, and all other provisions of this Zoning Ordinance:
 - (A) One-story tool or implement sheds, not exceeding eight hundred (800) square feet in size provided that the same are anchored to a permanent foundation, that the shed, together with attendant utility and sanitary facilities, are floodproofed to the elevation of the 100-year flood elevation, and provided that no such sheds are permitted in the floodway.
 - (B) Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions of Section 1508.13 of this Article, except that parking lots designed or used for storage and parking lots for hotels, motels and other transient lodgings are prohibited.

- (C) Water oriented uses such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.
- (D) Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - (1) Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the Floodplain District to allow positive control during flood emergencies.
 - (2) Electrical transmission lines and supporting structures shall be installed so as to minimize or eliminate flood damage and all lines of less than 15 kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Above ground electrical transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
 - (a) Above ground lines and supporting structures shall enter the Floodplain District only to cross a watercourse, shall cross the watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Article, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - (b) Above ground lines shall be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum flood elevation.

- (c) Supporting structures for above ground lines within the Floodplain District shall be the minimum number necessary to carry the lines across the District. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 - (d) Facilities and service in the Floodplain District shall be designed so that flood damage within the District does not disrupt service outside the District.
- (E) Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
- (F) Water monitoring devices.
- (G) Culverts, bridges, and approaches to public and private culverts and bridges provided the same meet all the following conditions:
 - (1) Review and/or approval by the Lancaster County Planning Commission, if required.
 - (2) Approval by the Susquehanna River Basin Commission, if required.
 - (3) Approval by the Pennsylvania Department of Environmental Resources, if required.
 - (4) Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
 - (5) If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT.
 - (6) Approval by the United States Corps of Engineers, if required.
 - (7) The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.
- (H) Extraction of sand, gravel, and other mineral resources, excluding topsoil.

- (I) Other uses similar to the above, provided the use will not reduce the cross-sectional area of the floodplain.
2. Standards and Criteria for Special Exceptions - In addition to the provisions of Article XXI, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:
- (A) That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
 - (B) That no or a minimum of floodwaters or materials will be swept onto other lands or downstream to cause injury to others.
 - (C) That the possibility of disease, contamination, and unsanitary conditions is minimized.
 - (D) The proposed facility needs a waterfront or floodplain location.
 - (E) That available alternative locations not subject to flooding for the proposed use do not exist.
 - (F) That the proposed use is compatible with existing and anticipated development.
 - (G) That the proposed use is consistent with the East Lampeter Township Comprehensive Plan and any floodplain management program for the area.
 - (H) The safety of access to the property in times of flood for ordinary and emergency vehicles will be assured.
 - (I) That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
 - (J) That the proposed activity will not unduly alter natural water flow or water temperature.
 - (K) That archaeological or historic sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.

- (L) That the natural, scenic, and aesthetic values at the proposed site will be conserved.
 - (M) That a minimal amount of danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, will occur. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
 - (N) That the grant of the special exception shall not cause:
 - (1) Increase in flood heights.
 - (2) Additional threats to public safety.
 - (3) Extraordinary public expense.
 - (4) Creation of nuisances.
 - (5) Conflict with local laws or ordinances.
3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- (A) Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel.
 - (B) A typical valley cross-section showing the channel of the watercourse, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - (C) A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

- (D) A profile showing the slope of the bottom of channel or flow line of the watercourse.
 - (E) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.
4. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the Zoning Hearing Board may call upon experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
 5. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purpose of this Zoning Ordinance.
 6. Fees for Special Exceptions: Any fees assessed an applicant for a special exception, whether for a hearing or any other purpose, shall not exceed those costs directly associated with the particular application.
 7. Variances from the provisions of this Article are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended. In all variance proceedings the burden of proof shall be on the applicant.
 - (A) No variance shall be granted for any development, structure, use, or activity within the Floodplain District which would cause any increase in flood levels during the 100-year flood as defined by this Article.
 - (B) Variances shall only be granted upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.

- (4) That the grant of a variance will not jeopardize the flood insurance program of East Lampeter Township.
- (C) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (D) Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variance may increase the risks to life and property.
- (E) A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.

SECTION 1508. PROHIBITED USES

The following uses are prohibited in the Floodplain District.

1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
2. All structures, with the exception of those specifically allowed in Sections 1506 and 1507 of this Article.
3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
4. Placing, depositing and dumping any spoil, fill, or solid waste except such grading, filling or depositing necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 1506 and 1507 of this Article; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
5. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 1506 and 1507 of this Article and except such removal of topsoil as is necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 1506 and 1507 of this Article; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.

6. Damming or relocation of any watercourse, except as provided for in Sections 1506 and 1507 of this Article.
7. Any parts of any on-site sewage disposal systems.
8. Swimming pools.
9. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
10. Cemeteries for humans or animals.
11. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
12. The floodproofing of new residential structures.
13. Any development, structure, or use which may, whether alone or in combination with others:
 - (A) Endanger human life;
 - (B) Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters;
 - (C) Increase the surface elevation of floods, or the frequency of floods;
 - (D) Catch or collect debris carried by floodwaters;
 - (E) Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain District;
 - (F) Degrade the water carrying capacity of any watercourse, channel, or floodplain;
 - (G) Degrade the quality of surface water or the quality or quantity of ground water;

- (H) Be susceptible to flotation and subsequent movement which would cause damage to other property;
- (I) Not be in harmony with the intent and purpose of this Article as set forth in Section 1501 of this Article.

14. Feedlots.

SECTION 1509. NONCONFORMING USES AND STRUCTURES IN THE FLOODPLAIN DISTRICT

1. Continuation - All uses or structures in the Floodplain District lawfully existing on the effective date of this Article which are not in conformity with the provisions of this Article shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Article. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or East Lampeter Township health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
2. Abandonment - Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be re-established, repaired, or re-occupied. The East Lampeter Township Supervisors may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the East Lampeter Township Supervisors shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. Expansion and Modification - A nonconforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Article. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increase its nonconformity with respect to height, area, yard, and other requirements established in other Articles of the East Lampeter Township Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain District than was occupied by it on the effective date of this Article.
4. Replacement and Rebuilding - A nonconforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means,

including floods, to the extent of less than fifty (50%) percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Article shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article.

A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty (50%) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Article, all other Articles of the Zoning Ordinance of East Lampeter Township, and all other ordinances of East Lampeter Township. The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to appellant in the efficient operation of the premises.

In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Article, while respecting and maintaining the purposes and intents of this Article.

5. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.
6. Historic Structures - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section and Section 1510 for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks, and the provisions of Sections 1507.2, 1507.3, 1507.4 and 1507.5 of this Article shall be applied in such case.

SECTION 1510.

DESIGN AND PERFORMANCE STANDARDS

1. Applicability - Unless otherwise specified in this Article, the standards and criteria included in this Section are to be used, together with the provisions of all other Articles and all other ordinances in force in East Lampeter Township by the

Zoning Officer and the Zoning Hearing Board in their administration of this Article.

2. Regulations and Reviews by Other Agencies

- (A) Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by East Lampeter Township or its agencies, officials or employees.
- (B) Where necessary permits or written approvals from other agencies cannot be obtained prior to action by East Lampeter Township, any approval of plans, special exceptions, variances, or permits by East Lampeter Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approval.
- (C) No regulations of the Commonwealth of Pennsylvania governing watercourses are amended or repealed by this Article. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Resources, Dams and Encroachments Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit, application and municipal notifications shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community Affairs.

3. Placement and Construction of Authorized Uses and Structures

- (A) All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage.
- (C) All new or replacement drains, water supply facilities, or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwaters.

- (D) All new construction and substantial improvements of permanent non-residential structures shall either (1) have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined in Section 1503 (1) of this Article, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the 100-year flood elevation as defined by Section 1503 (1) of this Article the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (E) All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structure not elevated to one foot above the 100-year flood elevation as defined by Section 1503 (1) of this Article shall be floodproofed.
 - (F) All authorized new residential structures shall have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by Section 1503 (1) of this Article.
4. Floodproofing - Where floodproofing is authorized by this Article it shall be done according to the standards and provisions for floodproofing classes W-1, W-2, W-3, or W-4, as contained in Flood-Proofing Regulations published by the Office of the Chief of Engineers, U.S. Army, publication EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Article. Where reference is made in Flood-Proofing Regulations to the "RFD" (Regulator Flood Datum) it shall be interpreted to mean the 100-year flood elevation as defined by this Article. The floodproofing of new residential structures is specifically prohibited.
5. Anchoring - All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain District shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
6. Surface Drainage - Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
7. Public Utility Facilities and Structures - Public utility facilities and structures (except buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the following standards in the interest of achieving the purpose and intent of this Article:
- (A) Public utility facilities and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for

sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines should have a system of shut-off valves for service to the Floodplain District to allow positive control during flood emergencies.

(B) Public utility electrical transmission lines and supporting structures should be installed so as to minimize or eliminate flood damage and be installed underground below the existing natural surface grade within the floodplain. Above ground electrical transmission lines should be designed to meet the following standards:

- (1) Above ground lines and supporting structures should enter the Floodplain District only to cross a watercourse, should cross the watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Article, should make the minimum number of crossings necessary, and should be designed and installed so as to minimize or eliminate flood damage.
- (2) Above ground lines should be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum floor elevation.
- (3) Supporting structures for above ground lines within the Floodplain District should be the minimum number necessary to carry the lines across the Floodplain District. Supporting structures should be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
- (4) Facilities and service in the Floodplain District should be designed so that flood damage within the District does not disrupt service outside the District.

8. Agricultural Standards

- (A) A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of fifteen (15) feet in width measured from

the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.

- (B) Within the Floodplain District, a cover crop, such as annual ryegrass, is required whenever the land is not being tilled for major crops.
- (C) Livestock shall not be confined in pastures or other enclosures located entirely within the Floodplain District.
- (D) Within the Floodplain District, feedlots are prohibited.

SECTION 1511. BUILDING PERMITS

1. Irrespective of the provisions of Article XX of the East Lampeter Township Zoning Ordinance, within the Floodplain District building permits shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, renovation, extension, repair or other improvement of uses or structures, regardless of value, including the placement of mobile homes and activities such as mining, dredging, filling, grading, logging, paving, excavation, or drilling operations. Building permits shall not be required for normal maintenance.
2. Every building permit application for work or uses within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Article and the East Lampeter Township Zoning Ordinance.
3. The following information is specifically required to accompany all building permit applications involving structures within the Floodplain District:
 - (A) The elevation (in relation to mean sea level) of the lowest floor (including basement).
 - (B) Whether or not the structure includes a basement.
 - (C) If the structure has been floodproofed, the elevation (in relation to the mean sea level) to which the structure was floodproofed.
4. Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Section 1510.4 of this Article and are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with

the 100-year flood as defined by Section 1503.1 of this Article, and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed.

5. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment.

SECTION 1512.

MUNICIPAL LIABILITY

1. The lawful granting of a permit or the making of any other administrative decision under this Article shall not constitute a representation, guarantee, or warranty of any kind by East Lampeter Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent or employee for any flood damage that may result pursuant thereto or as a result of reliance of this Article. There is no assurance that lands not included in the Floodplain District are now or ever will be free from floodplain or damage control.

ARTICLE XVI. SIGNS (Amended 10/16/01 by Ord. #229)

SECTION 1601. STATEMENT OF PURPOSE

The purposes of this article are as follows:

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.

SECTION 1602. DEFINITIONS

The following definitions of "sign" and kinds of signs shall apply to those terms whenever they appear in this Article.

1. Sign - A device for visual communication that is used to bring the subject to the attention of the public. Signs do include lettering, logos, trademarks, or other symbols which 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; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners,

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

2. Billboard - An off-premise, permanent sign which directs attention to a product, service, business, or cause.
3. Building Sign - A sign attached to or painted on a building that has a use in addition to supporting the sign; this includes wall signs and roof signs.
4. Business Sign - A sign that directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "Center Sign")
5. Center Sign - A business sign that provides identification at the entrance to a center such as a shopping center, office complex, or industrial park.
6. Contractor Sign - A temporary sign that carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.
7. Development Sign - An identification sign at the entrance to a residential development.
8. Election Sign - A temporary sign that directs attention to a candidate or candidates for public office, a political party, or a ballot issue.
9. Freestanding Sign - A sign not attached to or painted on a building, or a sign attached to or painted on a building that has no use in addition to supporting the sign.
10. Garage/Yard Sale Sign - A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.

11. Government Sign - An off-premise sign placed by a governmental unit, such as a traffic, directional, informational, or street name sign, or an historical marker.
12. Home Occupation Sign - A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.
13. Identification Sign - A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see "Development Sign" and "Public Use Sign")
14. Incidental Sign - An informational sign, no more than 2 square feet in size that carries a message such as "enter", "open", "telephone", "rest rooms", "no parking", "no trespassing", "warning", a listing of hours when open, an on-site direction, or anything similar. Incidental signs may not include any commercial message or logo, except that one "enter" sign per entrance may include a logo or business name, as long as the entrance is exclusively for that business and the logo or business name is subordinate to the word "Enter".
15. Issue Sign – A temporary sign that directs attention to an opinion of a public or private nature, such as, but not limited to, a community, social, or religious issues.
16. Lot - When used in Article XVI - Signs, the word "lot" shall mean 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 (e.g. (1) the area used by a dwelling unit in a townhouse structure or (2) a tenant space in a multiple tenant building).
17. Non Profit Organization Sign - An off-premise sign displaying information about a church, service club, or other organization that does not operate for the purpose of making a profit.
18. Off-Premise Sign - A sign that does not apply to the property on which it is displayed.
19. On-Premise Sign - A sign that applies to the property on which it is displayed.

20. Open House Sign - A temporary sign that provides information about a real estate open house, including the words "Open House", the day and time of the open house, and the name of the realtor.
21. Overhead Sign - A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.
22. Permanent Sign - A sign intended to be displayed for an unlimited period of time.
23. Public Use Sign - An identification sign used to identify the name and display information about a public use such as a government building, school, park, firehouse, or church.
24. Public Utility Sign - A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g. an electric company, sewer authority, or telephone company).
25. Real Estate Sign - A temporary sign that provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.
26. Roof Sign - A sign attached to or painted on a roof.
27. Sidewalk Sign - A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.
28. Special Event Sign - A temporary sign that carries information about a special event such as an auction, flea market, festival, carnival, meal, or fund raising event, but not including any business sign, such as a "sale" sign at a store.
29. Temporary Sign - A sign that is displayed for no more than 3 months in any year, unless stated otherwise in this ordinance.
30. Wall Sign - A sign attached to or painted on the wall of a building.

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

SECTION 1603. SIGN AREA AND HEIGHT

The following guidelines shall apply when interpreting area and height regulations in this article.

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 face with the same message, and no two sign faces are more than 3' apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.
2. Height - The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.
 - (A) No sign shall be higher than the height limitation of the district in which it is located.

- (B) The height of freestanding signs shall be controlled by the standards in Tables 1 and 2.
- (C) Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
- (D) Roof signs may extend no more than 5' above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

SECTION 1604.

GENERAL REGULATIONS

The following regulations shall apply to all signs, in addition to the specific regulations contained in the following provisions of this Article. Where the general regulations are contradicted by a specific regulation, the specific regulation shall control:

1. All signs shall reflect the general character of the neighborhood.
2. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
3. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
4. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
5. All signs shall be removed within 3 months if the purpose for which they were erected no longer exists.
6. Each property which displays one or more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of 100' (3" high lettering/numerals with a 3/4" stroke). The area taken up by the address does not count as part of the sign area. Center signs are exempt from this requirement.

7. No temporary signs shall be permitted except as authorized elsewhere in this Article.
8. 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.
9. No sign within the clear sight triangle should obstruct vision between the heights of 30" and 8' above the elevation of the centerline of the street.
10. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.
11. Any freestanding sign within a floodplain must receive approval as a special exception.
12. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
13. No sign shall be placed so as to obstruct ventilation or light from a building.
14. No overhead sign shall have a clearance of (1) less than 8' between any pedestrian walk and the lowest part of the sign and (2) less than 17'-6" between any roadway and the lowest part of the sign.
15. No sign that is parallel to and attached to the face of a building shall project more than 18" over a public sidewalk.
16. No sign that is perpendicular to and attached to the face of a building shall project more than 48" from the building.
17. No sign shall have lights or other illuminating devices which constitute a public safety or traffic hazard.
18. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as (1) by containing the words "Stop" or "Danger" or (2) by including red, green, or yellow lights.

19. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
20. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.
21. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic.
22. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building. (See “Special Event Sign” in Table 2 for regulations that apply to banners used as special events signs).
23. In addition to any other signage permitted by this Article, each commercial or industrial property may display one flag not to exceed 35 square feet with a company or corporate identification logo on premise on an approved, standard flagpole.
24. No animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted except for time and temperature signs.
25. No sign shall emit smoke, visible vapors, particles, sound, or odor.
26. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
27. No inflatable signs shall be permitted.
28. No open flames shall be permitted as part of a sign or in any other way to attract attention.
29. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Article.
30. Any sign that has been authenticated as historically significant and accurate for its specific location, whether original or a replica, may be exempted from the regulations of this Article as a special exception.

31. 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.
32. The light from any illuminated sign shall not adversely affect (1) safe vision of operators of vehicles moving on public or private streets or parking areas; (2) any residential district; or (3) any part of a building or property used for residential purposes.
33. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed 30 days prior to and removed not later than 21 days after the holiday.
34. Business signs in other than commercial and industrial districts shall not be illuminated when the business is closed.
35. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.

SECTION 1605. SPECIFIC REGULATIONS

Tables 1 and 2 provide regulations for specific kinds of signs in each zoning district. Table 1 provides regulations for permanent signs; Table 2 provides regulations for temporary signs. Kinds of signs not provided for in Tables 1 or 2 or anywhere else in this Article shall not be allowed.

TABLE 1 - REGULATIONS FOR PERMANENT SIGNS

KIND OF SIGN	DISTRICT	TOTAL SIGNS ON LOT		FREESTANDING SIGNS				BUILDING SIGNS		OTHER REQUIREMENTS	PERMIT REQUIRED
		MAXIMUM PERMITTED NUMBER	MAXIMUM PERMITTED AREA	MAXIMUM PERMITTED NUMBER	MAXIMUM PERMITTED AREA	MAXIMUM PERMITTED HEIGHT	MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY	MAXIMUM PERMITTED NUMBER	MAXIMUM PERMITTED AREA		
BUSINESS SIGN (EXCEPT CENTER SIGNS). HOME OCCUPATION SIGN IDENTIFICATION SIGN (EXCEPT DEVELOPMENT AND PUBLIC USE SIGNS)	C, R-1, R-2, & R-3	2 per lot	2 sq. ft.	1 per lot	2 sq. ft.	6 ft.	10 ft.	2 per lot	2 sq. ft.	Business signs for individual businesses must be located so they are identified with individual businesses, i.e. rather than being at the street frontage of a large center, away from the business they are identifying. A home occupation sign may include a name, an address, occupation or activity, and a logo or trademark; there may be no illumination, except that a sign for a medical office of emergency service may be illuminated when the business is open.	Yes
	R	2 per lot	12 sq. ft.	1 per lot	8 sq. ft.	6 ft.	10 ft.	2 per lot	8 sq. ft.		Yes
	C-1	No limit	200 sq. ft.	1 per street frontage, except that in a structure with multiple businesses the individual businesses may not have their own free-standing signs.	40 sq. ft. on each street frontage	20 ft.	10 ft.	No limit	1 ½ sq. ft. per lineage foot of façade to which sign is attached, up to maximum of 200 sq. ft. of signage per lot. Also see Note 3.		Yes
	C-2 & I	No limit	280 sq. ft. Also see Note 1.		See Note 2.	20 ft.	10 ft.	No limit			Yes

Notes:

1. An additional freestanding sign is permitted for each additional street frontage, with the area to be calculated as indicated in Note 2, and with no freestanding sign to exceed 80 square feet.
2. The area permitted on each street frontage is 40 square feet for street frontage up to 80 feet, plus 1 square foot per 2 feet of street frontage over 80 feet, up to a maximum of 80 square feet.
3. The length of the façade of an irregularly shaped building (e.g. a circular building, an "S" shaped building, or a building with one or more ell on the side in question) is the straight line distance between the two ends of the building.

TABLE 1 - REGULATIONS FOR PERMANENT SIGNS (CONTINUED)

KIND OF SIGN	MAXIMUM PERMITTED NUMBER	MAXIMUM PERMITTED AREA	MAXIMUM PERMITTED HEIGHT FOR FREESTANDING SIGNS	MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY FOR FREESTANDING SIGNS	OTHER REQUIREMENTS	PERMIT REQUIRED
BILLBOARD (ALLOWED ONLY IN C-2 & I DISTRICTS)	See "Other Requirements"	300 sq. ft. per surface, whether or not messages are the same	25 ft.	30 ft.	No more than 1 billboard structure at any point; it may have 2 surfaces with total of 2 messages, as long as surfaces are back-to-back or at angle of $\leq 45^\circ$. Must have setback of 15' or the minimum building setback line, whichever is greater, from property lines other than street. Each billboard structure must be at 1200' from any other and at least 300' from any residential, rural, agricultural, or open space zoning district.	Yes
CENTER SIGN	For each center, 1 per principal entrance, up to maximum of 2, except there may be more than 2 if all entrances are at least 1200' apart	20 sq. ft. in C, R, R-1., R-2, & R-3 districts; 80 sq. ft. in C-1, C-2 & I districts	6 ft. in C, R, R-1, R-2, & R-3 districts; 20 ft. in C-1, C-2, & I districts	10 ft.	Center signs are allowed only for centers such as shopping centers, office complexes, and industrial parks which meet at least 2 of the following 3 minimums: (1) 5 units, (2) 20,000 square feet of building area, and (3) 5 acres of land.	Yes
DEVELOPMENT SIGN	For each residential development, 1 per principal entrance, up to maximum of 2 entrances	20 sq. ft.	6 ft. in C, R, R-1, R-2, & R-3 districts; 20 ft. in C-1, C-2, & I districts	10 ft.	Development signs are allowed only for residential developments. They may include only the name of the development and may not include any commercial advertising.	Yes
GOVERNMENT SIGN	Placed within rights-of-way; generally not regulated by this Article.					
INCIDENTAL SIGN	No limit	2 sq. ft.	6 ft.	10 ft., except no setback is required if sign is no more than 30" high		No
NON PROFIT ORGANIZATION SIGN	As approved by governing body	4 sq. ft.	6 ft.	Not applicable	May be place in street rights-of-way with the approval of the governing body. The governing body may require that they be placed at designated entrances to the community or on common display panels.	
PUBLIC USE SIGN	1 building sign per lot and 1 freestanding sign per principal entrance	40 sq. ft.	6 ft. in C, R, R-1, R-2, & R-3 districts; 10 ft. in C-1, C-2, & I districts.	10 ft.		Yes

TABLE 2 – REGULATIONS FOR TEMPORARY SIGNS

KIND OF SIGN	PERMITTED TIME FOR DISPLAY	MAXIMUM PERMITTED NUMBER	MAXIMUM PERMITTED AREA	MAXIMUM PERMITTED HEIGHT FOR FREE-STANDING SIGNS	MINIMUM REQUIRED SETBACK FROM STREET RIGHT-OF-WAY FOR FREESTANDING SIGNS	OTHER REQUIREMENTS	PERMIT REQUIRED
CONTRACTOR SIGN	During construction	1 per contractor per lot	6 sq. ft.	6 ft.	See "Other Requirements"	Must be set back at least 10' from cartway or at building face, whichever is less; may not be in side yard setback. May not be illuminated. Not permitted off premise. If there are 4 or more on a lot, they must be combined in a single display by attaching them to a single background panel or frame. The background is not included in calculating the sign area, the height of the display may not exceed 10', and the display may project a maximum of 12" from the wall is attached parallel to the building. Also see Note 1.	No
ELECTION SIGN	From 60 days prior to election to 7 days after election.	1 per candidate per street frontage, up to 2 per candidate per lot, in C-1, C-2, & I districts; no other districts.	32 sq. ft. in C-2 & I districts; 6 sq. ft. in other districts.	10 ft. in C-1, C-2 & I districts; 6 ft. in other districts.	10 ft.	See Note 2.	No
GARAGE/YARD SALE SIGN	From 48 hours before sale to end of day of sale.	1 per sale per lot	6 sq. ft.	6 ft.	10 ft.	Not permitted off-premise. Also see Note 2.	No
ISSUE SIGN	No limit	1 per street frontage, up to 2 per lot	32 sq. ft. in C-1, C-2 & I districts; 6 sq. ft. in other districts	10 ft. in C-1, C-2, & I districts; 6 ft. in other districts	10 ft.		No
OPEN HOUSE	For 3 days before open house to 2 hours after open house. Display may not exceed 6 days per month per lot.	1 on-premise; 2 off-premise, with no more than 1 per intersection	6 sq. ft.	6 ft. in C, R, R-1, R-2, and R-3 districts; 10 ft. in C-1, C-2, and I districts	Not applicable	Must include the words "Open House", day and time of open house, and name of realtor. Open house must be attended by the seller or the seller's representative during entire advertised time of open house. Must not interfere with pedestrian or vehicular traffic. Also see Note 1.	No

REAL ESTATE SIGN (in C, R, R-1, R-2, and R-3 districts)	Until 5 days after completion of activity they advertise.	1 per street frontage, up to 2 per lot	6 sq. ft.	6 ft.	10 ft.	Not permitted off premise. Also see Note	No
REAL ESTATE SIGN (in C-1, C-2 and I districts)	Until 5 days after completion of activity they advertise.	1 per street frontage, up to 2 per lot	32 sq. ft.	10 ft.	10 ft.	Not permitted off premise. Also see Note 1.	No
SIDEWALK SIGN	No limit	1 per street frontage, up to 2 per lot	See "Other Requirements"	See "Other Requirements"	Not applicable	Shall not be more than 24" wide and 48" high if placed next to curb; if placed next to buildings having obstructions such as steps, shall not be more than 42" wide and 72" high. Distance between sidewalk signs shall be at least 15'. Minimum of 4' of unobstructed walkway shall be maintained.	No
SPECIAL EVENT SIGN	If event has specific date, from 21 days before event to 5 days after event. See also "Other Requirements".	1 per lot per event	16 sq. ft.	6 ft.	10 ft.	An on-premise auction sign advertising the auctioning of real estate only may be displayed more than 21 days in advance of the auction if it follows all real estate sign standards. Off-premise special event signs are allowed only in C-1, C-2 & I districts. Also see Note 1.	No

Notes:

- 1 - Signs, which are not removed within the time limits may be removed and impounded by the municipality, and the municipality may recover a fee equal to the cost of removal and storage.
- 2 - Signs, which are not removed within the time limits may be removed and discarded by the municipality, and the municipality may recover a fee equal to the cost of removal, storage and disposal.

SECTION 1606.

PERMITTING PROCEDURES AND FEES

Permits for the placement of signs are required as indicated by the last column in Tables 1 and 2. Sign permit application requirements, such as forms, plans, and fees, shall be established by the Board of Supervisors.

SECTION 1607.

NONCONFORMING SIGNS

Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions: (1) There may be no expansion or increase in the nonconformity in any way. (2) Maintenance and repair of the sign are permitted; if necessary, up to 50% 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 6 months of the damage occurring. (3) The sign must be brought into conformity if, for a period of at least 3 months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

ARTICLE XVII. PARKING REGULATIONS

SECTION 1701. APPLICATION

It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts.

SECTION 1702. DESIGN REQUIREMENTS FOR PARKING FACILITIES
(Amended 3/4/96 by Ord. #181)

1. Size - The size of a parking space for one vehicle shall not be less than one hundred eighty (180) unobstructed square feet of space and each space shall be a minimum of seven and one-half (7-1/2) feet wide. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred eighty (180) unobstructed square feet of space shall be used. Except on lots devoted solely to residential use or uses, only the area actually used for parking, exclusive of access or driving lanes, shall be considered.
2. Interior Drives - Interior drives providing access to more than four (4) parking spaces shall have the following minimum widths between rows of parking spaces:

<u>Angle of Parking</u>	<u>Min. Width (1-Way)</u>	<u>Min. Width (2-Way)</u>
90°	24 Feet	24 Feet
60°	18 Feet	24 Feet
45°	12 Feet	24 Feet
30°	12 Feet	24 Feet
Parallel	12 Feet	24 Feet

Interior drives in areas where there is no parking permitted shall be at least twelve (12) feet wide for each lane of traffic.

3. 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 driveways shall be so designed and constructed as to permit vehicles to "pull-out" rather than "back-out" onto any street. All other driveways that enter onto an Arterial, Major Collector or Minor Collector street as established by this Ordinance shall also be so designed and constructed as to permit vehicles to "pull-out" rather than "back-out" onto the street. All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.

4. Surface - Parking facilities shall be paved with a hard "all-weather" surface which may include concrete or bituminous material, or any other material complying with the street pavement specifications adopted by the Township Board of Supervisors.
5. Greenbelt - In all Commercial, Industrial and Mixed Use Development Districts, and in other districts when additional parking is required for a home occupation or other non-residential use, there shall be a minimum ten (10) foot wide greenbelt provided between all lot lines and all parking areas, driveways and vehicular accessways within the lot; except where the lot is adjacent to a Residential or Rural District, in which case the width of the greenbelt along a side lot line next to said adjacent district shall be equal to the width of the required side yard of the lot, and the width of the greenbelt along a rear lot line next to said adjacent district shall be equal to the width of the required rear yard of the lot. Greenbelt areas shall be planted in grass, shrubbery, trees or other types of plant material, but in no case shall these areas be paved or covered with an impervious or semi-pervious surface.
6. Handicapped Spaces - Handicapped spaces shall conform with the latest regulations issued under the authority of the Americans With Disabilities Act.
7. Parking Lot Markings - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) 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 parking and to direct vehicular circulation.
8. Location - All parking spaces shall be provided on the premises except that after Zoning Hearing Board approval, all or part of the required number of spaces may be provided on a separate lot or lots within five hundred (500) feet from such premises pursuant to Section 1704, Paragraph 1, provided such separate lot or lots are within the same zoning district as the lot containing the use requiring said parking spaces, and provided adequate pedestrian access from the off-site parking spaces to the premises to be served is provided to the satisfaction of the Zoning Hearing Board. (Amended 10/06/97 by Ord. #206)
9. Bus Parking - Where provided, bus parking shall be designed to safely permit the discharge and collection of occupants of the bus at the use within the lot. Where additional safety protection for pedestrian and vehicular traffic can be achieved, bus parking shall be separated from other parking areas within a lot.

SECTION 1703.

MINIMUM PARKING REQUIREMENTS

1. Dwelling
 - (A) Single Family Detached Dwelling - One (1) space for each dwelling unit.
 - (B) Semi-Detached Dwelling - One (1) space for each dwelling unit.
 - (C) Townhouse Dwelling - Two (2) spaces for each dwelling unit.
 - (D) Apartment House - Two (2) spaces for each dwelling unit.
 - (E) Overflow Parking - Where each dwelling unit is located on an individual lot, an additional one-half (1/2) parking space per dwelling unit (rounded to the next highest whole number) shall be provided either on-street or off-street to allow for overflow parking.
2. Hotel, Motel, Tourist Home, Boarding House - One (1) parking space for each rental unit, and in addition, one (1) parking space for each employee employed and on duty at any given time.
3. Theater or Auditorium - One (1) space for each three (3) permanent seats; and for establishments without permanent seats, one (1) space for every fifty (50) square feet of floor area used for assembly purposes. (Amended 6/2/97 by Ord. #198 and 10/06/97 by Ord. #206)
4. Church, Stadium, Membership Club, Lodge Hall, Funeral Home and Similar Places of Public Assembly - One (1) space for each four (4) permanent seats; and for establishments without permanent seats, one (1) space for every fifty (50) square feet of floor area used for assembly purposes. (Amended 6/2/97 by Ord. # 198)
5. Restaurant or Tavern - One (1) space for each four (4) seats of planned capacity and one (1) space for each two (2) employees on duty. (Amended 6/2/97 by Ord. # 198)
6. Medical Clinic or Doctor's Office - Four (4) spaces for every doctor engaged in practice at the clinic or office and one (1) space for each employee and technician. (Amended 6/2/97 by Ord. # 198)
7. Nursing Home, Convalescent Home or Retirement Home - One (1) space for each five (5) beds in the home, plus one (1) space for each two (2) employees; where individual dwellings units are provided in the form of apartment or bungalows, one (1) space per dwelling unit is required. (Amended 6/2/97 by Ord. # 198)

8. Commercial Business Establishments other than those specifically mentioned in this Section. Sufficient space to accommodate the cars of all persons to be employed on the premises and to have business thereon. In no case shall there be less parking spaces than the total of one (1) space for every two hundred (200) square feet of floor space, other than warehouse or storage areas, and one (1) space for each employee computed on the maximum number of employees at any one time on the premises. (Amended 6/2/97 by Ord. # 198)
9. Manufacturing or Industrial Establishments - At least one (1) space for each two (2) employees, computed on the maximum number of employees at any one time on the premises. In all cases a plan shall accompany the application for the permit which shall provide relevant data to show that the facilities to be provided will in fact meet all anticipated needs for its ownership, employees, visitors and all other parties using the plant. (Amended 6/2/97 by Ord. # 198)
- 9A. Off-Track Betting Parlors and Gambling Facilities - One (1) space for every sixty-five (65) square feet of gross floor area, including but not limited to related dining, restaurant and snack bar areas. (Added 11/2/98 by Ord. #214)
10. All Structures and Uses not specifically mentioned above - One (1) space shall be provided to accommodate the vehicles of all persons regularly to be employed to have business thereon or to reside on the premises. (Amended 6/2/97 by Ord. # 198)

SECTION 1704. SPECIAL EXCEPTIONS (Amended 10/06/98 by Ord. #206)

1. If the vehicle parking spaces required by Section 1703 cannot reasonably be provided on the same lot on which the principal use is conducted, the Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another lot. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot space may not be claimed by more than one user for use at the same time.
2. Alternative off-street parking standards to those provided in Section 1703 may be permitted by the Zoning Hearing Board as a special exception, as provided for here and in Section 1901, only after receipt of review comments from the Planning Commission. The applicant shall establish by credible evidence that adequate parking is provided for all uses within the development. Such evidence shall include, but not 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 1705.

DESIGN REQUIREMENTS FOR LOADING AND UNLOADING SPACE (Amended by Ord. #181)

1. Size - Adequate off-street loading and unloading space shall be provided on the same lot with every building or part thereof hereafter erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public street. The Zoning Hearing Board may grant a special exception where hardship would result when an existing use is expanded and the off-street loading and unloading requirements of this Ordinance would otherwise have to be met.
2. Interior Drives - Interior drives providing access to loading and unloading spaces shall be a minimum of twenty-four (24) feet wide for two-way traffic and a minimum of fifteen (15) feet wide for one-way traffic. Where additional safety protection for pedestrian and vehicular traffic can be achieved, interior drives to loading and unloading spaces shall be separated from other internal traffic within a lot.
3. Access - Loading and unloading spaces 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 driveways shall be so designed and constructed as to permit vehicles to "pull-out" rather than "back-out" onto a street. All dead-end loading and unloading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to utilize such spaces.
4. Surface - Loading and unloading spaces and all related interior drives shall be paved with a hard "all-weather" surface which may include concrete or bituminous material, or other material complying with the street pavement specifications adopted by the Township Board of Supervisors.
5. Loading and Unloading Space markings - All loading and unloading facilities shall be adequately marked and maintained for the purpose of defining all loading and unloading spaces and interior drives. As a minimum, the lines of all spaces

and interior drives (including directional arrows, etc.) 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.

6. Greenbelt - In all Commercial, Industrial and Mixed Use Development Districts, and in other districts where loading and unloading space is required, there shall be a minimum ten (10) foot wide greenbelt provided between all lot lines and all loading and unloading spaces, driveways and vehicular accessways within the lot, except where the lot is adjacent to a Residential or Rural District, in which case the width of the greenbelt along a side lot line next to said adjacent district shall be equal to the width of the required side yard of the lot and the width of the greenbelt along a rear lot line next to said adjacent district shall be equal to the width of the required rear yard of the lot. Greenbelt areas shall be planted in grass, shrubbery, trees or other types of plant material, but in no case shall these areas be paved or covered with an impervious or semi-pervious surface.
7. Location - No loading or unloading spaces shall be permitted between the building and an adjoining street right of way.

SECTION 1706.

PARKING AND STORAGE OF VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates and/or current inspection stickers shall not be parked or stored on any residentially or rural zoned property, other than in completely enclosed accessory buildings. The requirement of this Section shall not be applicable to implements and other vehicles not normally used as conveyances on the public streets.

ARTICLE XVIII. GENERAL REGULATIONS

SECTION 1801. HEIGHT LIMIT EXCEPTIONS

Structures permitted above the height limit are roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, flag poles, chimneys, smokestacks, wireless masts, radio and television antennae, utility poles, water tanks or similar structures. However, no penthouse nor roof structure nor any space above the height limit shall be allowed for the purpose of providing additional floor space for residential or commercial use.

SECTION 1802. NON-CONFORMING LOTS

1. Lot Area Exceptions - Any lot represented on the effective date of this Ordinance by an existing deed which does not meet the minimum area and lot size requirements of the Zoning District in which it is located shall be regarded as non-conforming and may be used for any use permitted in that District. However, all yard, height and open space requirements for that District shall be met unless a variance is granted by the Zoning Hearing Board.

2. Prior Recorded Plans - If the lot sizes on subdivision plans which have received preliminary approval by the Township do not meet the minimum requirements of the District in which the tract is located, the owner shall have the right to receive final approval of said plans in accordance with the provisions of said preliminary plans, notwithstanding any laws to the contrary, provided, and only if, all yard, height and open space requirements in the District in which the lot is located shall be met, unless a variance is specifically granted by the Zoning Hearing Board.

The above provision authorizing the final approval upon previously approved preliminary plans shall only be effective if application for final approval is filed with the Township within five (5) years of the date of preliminary approval. After final approval, all aspects of the approved development shall be completed within five (5) years from the date of the final approval.

Notwithstanding any provisions of this Section to the contrary, this Section shall not be interpreted to require the Township to grant preliminary or final approval to any plan which was submitted to the Township for approval while this amendatory ordinance was deemed "pending" according to applicable law.

SECTION 1803. LOT SIZE REDUCTIONS

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width or other requirements of

this Ordinance are not maintained. This shall not apply when a portion of a lot is acquired for a public purpose.

SECTION 1804. CONVERSION OF EXISTING BUILDING

Conversion of a building, which existed at the date of enactment of the original Zoning Ordinance (November 10, 1970), into an apartment house is permitted in all Districts, except the R-1 Residential District, subject to the following conditions and with the approval of the Zoning Hearing Board:

1. There shall be no extension of the building other than as may be required for access or for safety.
2. Two (2) automobile parking spaces for each dwelling unit are to be provided on the lot, plus one (1) additional on-lot space for overflow parking shall be required for each two units within the building.
3. The lot area per dwelling unit, after the conversion, shall be a minimum of ten thousand (10,000) square feet in the Rural District and six thousand (6,000) square feet in all other districts, except where permitted on smaller lots by the district regulations.

SECTION 1805. GARAGE/YARD SALES

Within any zoning district, a landowner, or an occupant of the lot with the consent of the landowner, may conduct up to two (2) garage/yard sales per year in accordance with the following provisions:

1. No garage/yard sale shall be conducted for a period longer than two (2) consecutive days.
2. Such sales may offer personal possessions for sale; no import or stocking of inventory shall be permitted.
3. Only one (1) four (4) square foot sign shall be permitted to advertise the garage/yard sale. Said sign shall be located on the lot where the sale occurs and shall be removed within six (6) hours of the completion of the sale.
4. In no case shall any aspect of the garage/yard sale be conducted in the street right of way.

The conducting of garage/yard sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

SECTION 1806.

ACCESS TO BUILDINGS

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an improved private street, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

SECTION 1807.

VISION OBSTRUCTION

On any corner lot no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub, crops or other growth shall be maintained which may cause danger to vehicles or pedestrians on a public street by obscuring the view.

SECTION 1808.

AGRICULTURAL USES

1. Poultry houses for housing more than five hundred (500) birds shall not be located within five hundred (500) feet from buildings being utilized for human habitation as of the effective date of this Ordinance and within three hundred (300) feet of any property or street right of way lines, provided however, that this limitation shall not be deemed to prevent the location of the poultry house within five hundred (500) feet from any building on the property of the owner used for human habitation. Subject to the above limitations, such structure may be located at the discretion of the owner provided said location complies with the building setback, side yard and rear yard lines of said district.
2. Structures for housing more than twenty-five (25) head of livestock shall not be located closer than three hundred (300) feet from all property lines and street right of way lines except as provided for in Paragraph 3 of this Section. Feed lots (an outside area designated and used for feeding or holding of more than twenty-five (25) head of livestock, not including general pasture areas) shall be subject to the same location requirements as structures.
3. If the owner of the proposed structure owns the land on the other side of the street opposite the location of the proposed structure, such structure need only be setback from the street right of way line the distance as required in the district where it is to be located; provided however, the structure shall not be closer than three hundred (300) feet to the property line.
4. The Zoning Hearing Board may permit the expansion of existing poultry and livestock facilities closer to the property and street right of way lines than permitted above, provided that the Zoning Hearing Board finds that the expansion of such facilities will not be more detrimental to surrounding properties than the existing use.

5. Waste storage facilities may be permitted as an accessory use on a farm, subject to the following requirements:
 - (A) Waste storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management, Publication No. 43, as may be amended, published by the Pennsylvania Department of Environmental Resources.
 - (B) Designs for any waste storage facilities shall be reviewed by the Lancaster County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.
 - (C) Construction and subsequent operation of the waste storage facility shall be in compliance with the provisions of the zoning permit and the approved design. The Township must be notified the day construction begins for proper supervision and construction. Any design changes during construction or subsequent operation will require the applicant to obtain a revised zoning permit and a revised approval letter from the Lancaster County Conservation District.
 - (D) Waste storage facilities shall not be located within five hundred (500) feet of any building being utilized for human habitation as of the effective date of this Ordinance and not within three hundred (300) feet of any property or street right of way lines; provided however, this limitation shall not be deemed to prevent the location of the waste storage facilities within five hundred (500) feet from any building used for human habitation on the property of the landowner.
6. The commercial keeping and handling of poultry, livestock and other domestic or wild animals shall not be maintained on tracts of less than ten (10) acres in size within the Residential R-1 District, the Residential R-2 District, the Residential R-3 District, the Commercial C-1 District, the Commercial C-2 District, the Industrial District and the Mixed Use Development District. (Amended 12/17/96 by Ord. #189)

SECTION 1809.

EROSION CONTROL FILTER STRIP

A filter strip shall be maintained between cultivated land and any public street in the Township. The filter strip shall be kept as a permanently maintained, weed-free, vegetative buffer. The width of the filter strip shall be measured from the edge of the street cartway and shall extend to the existing right-of-way line or to a distance of six (6) feet, whichever is the lesser.

SECTION 1810.

BUILDING SETBACK LINES

Building setback lines are hereby established on all existing and proposed streets in the Township subject to the minimum setback requirements of the district in which the property is located.

1. Building Setback Lines on Arterial Streets

- (A) Distance - The building setback line on all Arterial streets shall be established as the greater of:
 - (1) One hundred (100) feet from the centerline of the existing or proposed street; or
 - (2) Fifty (50) feet from the edge of the existing or proposed street right-of-way.

- (B) Arterial Streets Named - For the purposes of applying the standards of this Zoning Ordinance, the following public streets are classified as Arterial streets:
 - (1) Lincoln Highway - Pennsylvania Route 462
 - (2) Lincoln Highway - U.S. Route 30
 - (3) U.S. Route 30 By-Pass

2. Building Setback Lines on Major Collector Streets

- (A) Distance - The building setback line on all Major Collector streets shall be established as the greater of:
 - (1) Eighty (80) feet from the centerline of the existing or proposed street; or
 - (2) Forty (40) feet from the edge of the existing or proposed street right-of-way.

- (B) Major Collector Streets Named - For the purposes of applying the standards of this Zoning Ordinance, the following public streets are classified as Major Collector streets: (Amended 3/4/96 by Ord. #181)
 - (1) Old Philadelphia Pike - Pennsylvania Route 340 (SR 0340)
 - (2) Eastbrook Road - SR 0896
 - (3) Hartman Bridge Road - SR 0896 - from Lincoln Highway south to the Township Line.
 - (4) Horseshoe Road - SR 1003
 - (5) New Holland Pike - Pennsylvania Route 23 (SR 0023)

- (6) Pitney Road - SR 3028 - from Lincoln Highway to Hempstead Road.
- (7) Lampeter Road - SR 3028
- (8) Greenfield Road - T-549 - from Old Philadelphia Pike north to Willow Road.

3. Building Setback Lines on Minor Collector Streets

(A) Distance - The building setback line on all Minor Collector streets shall be established as the greater of:

- (1) Sixty (60) feet from the centerline of the existing or proposed street; or
- (2) Thirty (30) feet from the edge of the existing or proposed street right-of-way.

(B) Minor Collector Streets Named - For the purposes of applying the standards of this Zoning Ordinance, the following public streets are classified as Minor Collector streets: (Amended 3/4/96 by Ord. #181)

- (1) Strasburg Pike - SR 2029
- (2) Oakview Road - SR 2043 - from U.S. Route 30 north to Old Philadelphia Pike.
- (3) Mount Sidney Road - SR 1005
- (4) Hartman Station Road - from Horseshoe Road north to the Township Line.
- (5) Greenfield Road - T-549 - from Lincoln Highway north to Old Philadelphia Pike.
- (6) North Ronks Road - SR 2045
- (7) Pitney Road - T-551 - from Hempstead Road north to Greenfield Road.
- (8) Willow Road - T-612 - from Horseshoe Road west to Creek Hill Road.
- (9) Creek Hill Road - T-553
- (10) Millcross Road - T-548
- (11) Witmer Road - T-706

4. Building Setback Lines on Local Access Streets

(A) Distance - The building setback line on all Local Access streets shall be established as the greater of:

- (1) Fifty (50) feet from the centerline of the existing or proposed street; or

(2) Twenty-five (25) feet from the edge of the existing or proposed street right-of-way.

(B) Local Access Streets Named - For the purposes of applying the standards in this Zoning Ordinance, all private and public streets not specified as Arterial or Collector streets shall be considered Local Access streets.

SECTION 1811. SCREENING (Amended 3/4/96 by Ord. #181)

1. Screening of Parking Lots Along Street Rights of Way - All parking lots containing ten (10) or more parking spaces shall be screened from any street right of way by a landscape screen to be installed within a ten (10) foot wide planting strip measured from the street right of way line and located entirely within the lot containing the parking lot.

(A) The landscape screen may be composed of a combination of shrubs, trees and earthen berms. Shrubs shall have a minimum height of two (2) feet measured from ground level at the time of planting. Trees shall have a minimum height of eight (8) feet above finished ground level and a trunk caliper of at least one and one-half (1-1/2) inches. Earthen berms shall have a minimum height of one (1) foot.

(B) The plants shall be arranged in such manner as to provide a partial (25% to 50%) visual barrier within two (2) years of planting while allowing visual recognition of the use of the lot from vehicles traveling within the street right of way. The Township encourages naturalistic planting designs which enhance the visual effect of the landscape along public streets.

2. Screening of Residential Parking Lots From Adjoining Residential Lots - All residential parking lots containing ten (10) or more parking spaces shall be screened from adjoining lots within Residential Districts by a landscape screen to be installed within a ten (10) foot wide planting strip located entirely within the lot containing the parking lot. The landscape screen shall be located adjacent to the lot line unless, due to elevation or location, the effect of the screen will be significantly reduced, in which case the landscape screen shall be located elsewhere within the lot as appropriate to provide the maximum visual screening of the proposed use from said adjacent lots.

(A) The landscape screen shall be composed of shrubs that have a minimum height of at least three (3) feet measured from ground level at the time of planting. Deciduous trees and shrubs and decorative fences and walls are encouraged to be used to complement the evergreen plants provided the level of visual screening is not reduced.

- (B) The plants shall be arranged in such manner as to provide an effective visual barrier.
3. Screening of Commercial and Industrial Uses - Where a commercial or industrial lot is developed which adjoins a Residential District, or where a commercial or industrial lot is developed which adjoins a Rural District that contains an existing dwelling unit within two hundred (200) feet of the lot line of the commercial or industrial lot, a landscape screen shall be provided within a twenty (20) foot wide planting strip located within the commercial or industrial lot. The landscape screen shall be located adjacent to the lot line unless, due to elevation or location, the effect of the screen will be significantly reduced, in which case the landscape screen shall be located elsewhere within the lot as appropriate to provide the maximum visual screening of the proposed use from said adjacent zoning district.
- (A) The landscape screen shall be composed of a combination of evergreen shrubs and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees of not less than six (6) feet in height at the time of planting and they shall be planted at intervals of not more than ten (10) feet. The low level screen shall consist of evergreen shrubs of not less than two (2) feet in height at the time of planting and they shall be planted at intervals of not more than five (5) feet. Deciduous trees and shrubs and decorative fences and walls are encouraged to be used to complement the evergreen plants provided the level of visual screening is not reduced.
4. Screening of Outside Storage Areas - Where outside storage of materials or waste disposal facilities are located within any lot containing a non-residential use or any residential lot containing more than two (2) dwelling units, a landscape screen shall be provided between the outside storage area and any lot lines, street rights of way or places where the general public may congregate within the lot.
- (A) The screen shall be composed of shrubs that have a minimum height of at least three (3) feet measured from ground level at the time of planting or fencing with a minimum height of five (5) feet measured from ground level.
5. Parking Lot Interior Landscaping - All parking lots containing twenty (20) or more parking spaces shall be provided with interior landscaped areas equal to ten (10) square feet for each parking space. Required landscape screens, planting strips, landscaping areas surrounding parking lots and landscaping areas surrounding buildings shall not be considered as interior landscaping.

- (A) The interior landscaping shall be provided within curbed island planters having a minimum area of one hundred (100) square feet and a minimum width of five (5) feet.
- (B) The interior parking lot landscaping shall be placed so as to delineate driving lanes, define rows of parking and generally mitigate the visual impact of parking lots.
- (C) The interior parking lot landscaping shall be composed of a combination of shrubs and trees. At least one shade or ornamental tree shall be required for each twenty parking spaces. Said trees shall have a minimum trunk caliper of two (2) inches.

6. General Screening and Landscaping Requirements

- (A) A plan shall be submitted showing the proposed design of all required landscape strips, screening and interior parking lot landscaping. Said plan shall include a plant schedule and sufficient information as required for the installation of the landscaping. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.
- (B) All required landscape strips, screen planting and interior parking lot landscaping shall be permanently maintained by the landowner of the lot. All required vegetation which dies shall be replaced by the landowner within six (6) months.
- (C) All plants selected for use shall be suited for such plantings. Trees and shrubs shall be typical of their species and variety, have normal growth habits, have well developed branches, be densely foliated, be vigorous and have healthy 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.
- (D) All trees and shrubs selected for planting near paved surfaces shall be located or configured so as to not interfere with pedestrian or vehicular traffic. No vegetation from such trees and shrubs shall extend onto paved surfaces expected to be used by pedestrian or vehicular traffic. Trees shall have a clear trunk at least five (5) feet above finished grade if the vegetation from such trees would be expected to extend over these paved surfaces, and the trunks of all trees shall be a minimum of two (2) feet from the edge of all paved surfaces at the time of planting.
- (E) Not more than twenty-five (25%) percent of any one species of tree or shrub shall be used within any required landscape planting.

SECTION 1812.

FARM SUPPORT BUSINESSES

Where permitted, farm support businesses shall comply with the following:

1. No structure or use for any farm support business shall exceed two thousand five hundred (2,500) square feet in area.
2. No farm support businesses shall employ more than four (4) employees, including the owner or owners.
3. Only one (1) such farm support business structure or use shall be permitted on any lot.
4. No off-site signs advertising the products sold, the services rendered or the location of the farm support business shall be permitted.
5. There shall be a maximum of one (1) on-site sign advertising the farm support business. Said sign shall not exceed eight (8) square feet in area.
6. All products, equipment, inventory and supplies shall be stored within the business building. No outside storage of any kind will be permitted.

SECTION 1813.

RETAIL SALE OF GOODS, MERCHANDISE AND
PRODUCTS RELATED TO INDUSTRIAL USES (Amended
9/14/92 by Ord. #148)

Where permitted, the retail sale of goods, merchandise and products related to and associated with the processing, assembling, manufacturing or producing of the primary goods, merchandise and/or products processed, assembled, manufactured or produced on the site, shall comply with the following conditions:

1. The retail sales shall be conducted solely within the same building within which the processing, assembling, manufacturing or producing takes place. No separate or distinct building will be utilized for retail sales.
2. The retail sales shall be solely incidental to the processing, assembling, manufacturing or producing process and not more than five (5%) percent of the total usable floor space or one thousand (1,000) square feet, whichever is the lesser, shall be devoted to the retail sales operation.
3. In addition to compliance with the parking requirements established for the manufacturing or industrial site, at least one (1) parking space for each two hundred (200) square feet of space devoted to retail sales plus one (1) space for each employee engaged in the retail sales operation shall be provided.

SECTION 1814.

ARCHITECTURAL RELIEF OF BUILDINGS (Added 3/4/96 by Ord. #181)

The front facade of all buildings containing commercial uses shall have a minimum four (4) foot horizontal break within said facade at least every one hundred (100) feet. The front facade of all buildings containing institutional uses shall have a minimum four (4) foot horizontal break within said facade at least every two hundred (200) feet. The front facade of all multi-family residential buildings shall have a minimum four (4) foot horizontal break within said facade at least every seventy-five (75) feet, or at least every three (3) dwelling units along the first floor of the building, whichever is less. Vertical breaks in first floor elevations or in roof lines should accompany all horizontal breaks in the building facade.

SECTION 1815.

YARDS (Added 12/17/96 by Ord. #190)

Within double frontage, reverse frontage and corner lots, the designation of yards shall be as follows:

1. Within double frontage lots, the front yard shall be located along the street closest to the face of the building having the principal entrance, or along the street from which the primary vehicular access is provided if the lot does not contain a building. The rear yard shall be located along the other street, and the side yards shall be located along all other lot lines.
2. Within reverse frontage lots, the front yard shall be located along the street of lesser intensity, the rear yard shall be located along the street of higher intensity, and the side yards shall be located along all other lot lines.
3. Within corner lots, the front yard shall be located along both streets. The rear yard shall be located along the lot line farthest from the face of the building having the principal entrance, or along the lot line most opposite the street frontage from which the primary vehicular access is provided if the lot does not contain a building. The side yards shall be located along all other lot lines.

ARTICLE XIX.

SPECIFIC STANDARDS FOR SPECIAL EXCEPTION AND
CONDITIONAL USES

SECTION 1901.

GENERAL PROVISIONS FOR SPECIAL EXCEPTIONS

When special exceptions are provided for in this Ordinance, the Zoning Hearing Board (Board) shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance. The Board may grant approval of a special exception provided the applicant complies with the following standards for special exceptions and the proposed special exception use shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant.

1. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the Section of this Ordinance that gives the applicant the right to seek the special exception.
2. The applicant shall establish by credible evidence that the proposed special exception use shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.
 - (A) For industrial or commercial special exception uses, the applicant shall demonstrate through the use of traffic studies or other applicable data that the granting of the special exception shall not materially increase traffic congestion on the street and highway systems within the Township.
 - (B) The applicant shall establish by credible evidence that the proposed special exception use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design.
 - (C) The applicant shall provide the Board with sufficient plans, studies or other data necessary to demonstrate compliance with all applicable regulations.
 - (D) The proposed special exception use shall not substantially injure or detract from the use of neighboring property or from the character of the

neighborhood and that the use of property adjacent to the area included in the special exception application is adequately safeguarded.

- (E) Reasonable conditions and safeguards deemed necessary by the Board may include but not be limited to plantings and buffers, harmonious designs of buildings, and the elimination of noxious, offensive or hazardous elements.
- (F) Unless otherwise specified by the Board, or by law, a special exception approval shall expire if the applicant fails to obtain a zoning permit within one (1) year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal, or if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within two (2) years from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal. The Board, for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.

SECTION 1902. ACCESSORY BUILDINGS AND USES

Accessory buildings and uses, where permitted by special exception, are subject to the following conditions:

1. The accessory building or use is secondary and incidental to the primary use of the lot.
2. Accessory uses within a commercial or industrial district shall not be located within any required yard.
3. One (1) commercial vehicle may be parked or stored within a lot where the use of such vehicle is not incidental to the use of the premises. While located on the lot, said vehicle shall typically be parked or stored in a private, non-commercial garage. No business, occupation or service shall be conducted therein, nor shall space therein be leased to a non-occupant of the lot.
4. Private, non-commercial swimming pools with a water depth of twenty-four (24) inches or more shall comply with the following requirements: (Amended 10/06/97 by Ord. #207)
 - (A) Swimming pools shall not be located within required rear and side yards.
 - (B) All pools shall be entirely enclosed with a continuous rigid fence that shows no evidence of flexing when climbed by an adult. The fence shall be constructed of brick, stone, wood, metal, synthetically engineered

materials, or other building materials, all of which shall be used in a manner that meets the requirements of this Ordinance and which shall be approved by the Township Engineer.

- (C) The required fence shall have a minimum height of four (4) feet. No openings shall be permitted between the various fence components or between the fence and the ground that would allow the passage of a four (4) inch diameter object through such opening.
- (D) The exterior side of the required fence must rise approximately perpendicular from the ground and shall not contain steps or any protrusions or recessions which could aid in the climbing of the fence.
- (E) Where the swimming pool is located above ground, the sides of the pool itself can be considered as part of the fence required to enclose the pool.
- (F) The required fence shall be equipped with a self-latching gate which shall be locked or secured at all times when the swimming pool is unattended.
- (G) The required fence shall be setback from all lot lines a minimum of five (5) feet.

SECTION 1902-A. ADULT DAY CARE CENTERS (Added 3/18/97 by Ord. #193)

Adult day care centers, where permitted by special exception, are subject to the following conditions:

1. An adult day care center shall offer care and supervision to no more than ten (10) adults at any one time.
2. All adult day care centers with enrollment of more than five (5) adults shall furnish a valid registration certificate for the proposed use, issued by the Pennsylvania Department of Aging.
3. An adult day care center shall not be conducted in a dwelling that is physically attached to another dwelling. An adult day care center may occur in a building that also contains one dwelling unit; however, the adult care areas shall be confined to areas not used for the family residence during operating hours of the adult day care center.
4. All buildings shall maintain an exterior appearance that resembles and is compatible with the residential neighborhood.
5. An outdoor sitting and recreation area shall be provided. Off-street parking compounds shall not be used as outdoor sitting and recreation areas.

6. Any vegetative materials located within an outdoor sitting and recreation area shall be of a nonharmful type. In addition, all outdoor sitting and recreation areas must provide a means of shade such as trees or a pavilion.
7. Passenger loading and unloading areas shall be provided and arranged so that passengers do not have to cross traffic lanes of a street.
8. One (1) off-street parking space shall be provided for each six (6) enrolled adults.
9. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1903.

ADULT ENTERTAINMENT ESTABLISHMENTS

1. Purpose and Legislative Intent

- (A) It is hereby declared a matter of legislative declaration and belief that the morals of East Lampeter Township are threatened by the presence of adult entertainment establishments as said term is hereinafter defined. These establishments, and the type and character of the merchandise, paraphernalia and services sold in them, create an atmosphere of enticement for minors of East Lampeter Township that is increased by the lascivious and suggestive advertising often employed to promote the availability of these products and services. It is the intent of the Board of Supervisors to minimize the exposure of these establishments.
- (B) It is the firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of its residents, in particular the minors of the community.
- (C) The location of adult entertainment establishments is of vital concern to society with regard to their location near areas where minors may learn, play, pass by, or be exposed to the advertising, window displays, or the general atmosphere encompassing their operation. The legislative body finds that adult entertainment establishments, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. One of the purposes of this regulation is to

prevent the concentration or clustering of these establishments in any one area.

- (D) It is the intent of the Board of Supervisors in enacting these regulations relative to adult entertainment establishments to exercise only those powers granted to it. These regulations shall in no way be deemed to permit any adult entertainment establishment, as defined herein, which would otherwise be prohibited or in any way regulated by the East Lampeter Township Obscenity Ordinance, and other state, county or local ordinances.
- (E) Further, these regulations are enacted to promote, protect and facilitate the public health, safety, morals and general welfare of all residents of East Lampeter Township.

2. Definitions

It is the purpose of this subsection, together with its subparagraphs, to provide clear and concise definitions of those words, terms, and phrases most commonly utilized in the provisions of these regulations in order to assist in the interpretation of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article IV and are intended to be applicable to this Article only:

- (A) For the purpose of this Article, 'adult entertainment establishments' are defined as follows:
 - (1) 'Adult bookstore' means any establishment which has a substantial or significant portion of its stock in trade:
 - (a) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - (b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
 - (2) 'Adult cabaret' means a nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, gogo dancers, exotic dancers, strippers, or similar entertainers, where such

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

- (3) 'Adult mini motion picture theater' means an enclosed or unenclosed building with a seating capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (4) 'Adult model studio' means any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any 'figure studio' or 'school of art' or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
- (5) 'Adult motel' means a motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified anatomical areas.
- (6) 'Adult motion picture arcade' means any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (7) 'Adult motion picture theater' means an enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or

description of specified sexual activities or specified anatomical areas.

- (8) 'Adult newsrack' means any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
- (9) 'Adult theater' means a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
- (10) 'Bath house' means an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
- (11) 'Body painting studio' means an establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
- (12) 'Massage establishment' means an establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- (13) 'Outcall service activity' means any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

- (14) 'Sexual encounter center' means any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops operated by a medical practitioner as defined in Section 1903, Paragraph 2(A)(10) and who is licensed by the Commonwealth to engage in sexual therapy.
 - (15) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas'.
- (B) 'Specified anatomical areas' as used herein shall mean and include any of the following:
- (1) Less than completely and opaquely covered genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (C) 'Specified sexual activities' includes the following:
- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 - (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 - (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

- (5) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
- (6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

3. Permits Required

No person shall operate an adult entertainment establishment without first obtaining a use and occupancy permit as provided by Article XX of this Ordinance and all other applicable permits required by law.

4. Minimum Spacing and Proximity Requirements

- (A) No adult entertainment establishment shall be located within one thousand (1,000) feet of any other adult entertainment establishment.
- (B) No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:
 - (1) No such establishment shall be located within eight hundred (800) feet of a residential district.
 - (2) No such establishment shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:
 - (a) Amusement Park;
 - (b) Camp (for minor's activity);
 - (c) Child care facility;
 - (d) Church or other similar religious facility;
 - (e) Community center;
 - (f) Museum;
 - (g) Park;
 - (h) Playground;

- (i) School; or
- (j) Other lands where minors congregate.

(C) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and land use specified in Subparagraph (B) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to closest point on the property line of said land use.

5. Visibility from the Street

No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activity and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

6. Consistent Construction

It is the intent of these Adult Entertainment Regulations that they be construed consistently with Ordinance No. 87 - 1982 regulating obscenity (hereinafter "The East Lampeter Township Obscenity Ordinance"); that nothing contained in these regulations shall be construed to permit any use, business, enterprise or activity which would be prohibited by or be in violation of the East Lampeter Township Obscenity Ordinance. Furthermore, it is the intent of these Adult Entertainment Regulations to regulate those adult entertainment establishments whose activities, although characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas', however, are not legally obscene. For if they were obscene, they would be prohibited by the aforesaid East Lampeter Township Obscenity Ordinance. In the event such consistent construction is impossible, then any conflict shall be resolved to the end that the provisions of the East Lampeter Township Obscenity Ordinance shall prevail.

SECTION 1904. AIRPORTS

Airports, where permitted by special exception, are subject to the following conditions:

1. No residential dwelling or any other facility where children would regularly congregate shall be permitted within or vertically below any designated runway approach surface zone for a distance of one thousand (1,000) feet from the end of

the designated primary surface zone for the runway, as established by either the Pennsylvania Department of Transportation, Bureau of Aviation, or the Federal Aviation Agency, whichever area is greater.

2. No runway, taxiway, landing area or parking area utilized by any form of aircraft shall be located within one hundred (100) feet of any street right of way line or lot line.
3. Any areas to be used by aircraft under its own power shall be provided with a dustless surface.
4. Vending machines, snack bars, newsstands, government installations, air service and industry offices, and aircraft repair facilities may be permitted within completely enclosed buildings where the Zoning Hearing Board determines that the proposed facility is directly related to the services provided by the airport.
5. Storage and sale of aviation fuels is permitted provided any such storage and sales area is located a minimum distance of one hundred (100) feet from any street right of way line or lot line.
6. Evidence shall be presented to the Zoning Hearing Board that ample safeguards to minimize any airport hazards and any disturbance from noise of aircraft during all hours of operation have been taken to protect the health, safety and welfare of residents and properties in the vicinity of the airport.
7. The hours of operation of the airport may be limited by the Zoning Hearing Board to prevent disturbance to nearby residences.
8. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting. Areas designated for aircraft parking or tie-down space shall not be considered as outdoor storage, parking or loading/unloading area.
9. The Zoning Hearing Board may require additional conditions and safeguards in order to protect and promote the health, safety and welfare of the community and the character of the neighborhood in which the proposed airport facility is to be erected.
10. The proposed airport facility shall comply with all requirements of the Pennsylvania Department of Transportation, Bureau of Aviation, and the Federal Aviation Agency.

SECTION 1905.

BOARDING HOUSES

Boarding houses, where permitted by special exception, are subject to the following conditions:

1. The owner and operator of the boarding house shall be the primary occupant of the establishment.
2. There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practical, be located to the rear of the building.
3. Not more than four (4) rooms, excluding bathrooms, may be used for the boarding of registered tenants or overnight guests.
4. In addition to the minimum lot area requirements of the zoning district, one thousand five hundred (1,500) square feet of lot area shall be provided for each boarding room.
5. All floors above grade shall have direct means of escape to ground level.
6. Meals shall be offered only to registered tenants or overnight guests.
7. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
8. All parking areas shall be setback a minimum of twenty-five (25) feet from all lot lines.
9. One (1) sign no larger than twelve (12) square feet in size may be erected to advertise a boarding house. Such sign shall be setback a minimum of ten (10) feet from all lot lines.
10. The layout of the building shall be approved by the Pennsylvania Department of Labor and Industry.
11. The water and sewerage facilities necessary to service a boarding house shall be approved by the Pennsylvania Department of Environmental Resources.

SECTION 1905-A. BUSINESS AND PROFESSIONAL OFFICES (Added 12/3/90 by Ord. #133)

Business and professional offices, where permitted by special exception, are subject to the following conditions:

1. The facility shall be located within a building converted from a dwelling which existed prior to the date of this Ordinance.

2. There shall be no extension or exterior modifications to the building from how it existed when used as a dwelling, other than as may be required for access or for safety.
3. The facility shall be served with public sanitary sewer and public water facilities.
4. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the site of the facility. Parking compounds shall be setback a minimum of twenty-five (25) feet from the street right of way line and thirty (30) feet from any adjoining properties within a residential zoning district.
5. All such areas and facilities shall front and have access to either U.S. Route 30 (S.R. 0030) or Pennsylvania Route 462 (S.R. 0462).
6. The hours of operation of the facility may be limited by the Zoning Hearing Board to prevent disturbance to nearby residents.
7. One (1) sign no larger than twelve (12) square feet in size may be erected to advertise the facility. Such sign shall be setback a minimum of ten (10) feet from all lot lines.
8. Screening shall be provided along all side and rear lot lines adjacent to residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.
9. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

SECTION 1906. CAMPGROUNDS

Campgrounds, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area shall be ten (10) acres.
2. All campsites shall be located at least fifty (50) feet from all side and rear lot lines and at least one hundred (100) feet from any street right of way line.
3. Each campsite shall be at least three thousand (3,000) square feet in size and shall be provided with parking space for one (1) automobile in a manner which will not interfere with the convenient and safe movement of traffic, except that such parking space can be eliminated where adequate equivalent parking is provided in a common parking area convenient to each campsite.

4. An internal private access drive system shall be provided. The minimum pavement width shall fourteen (14) feet for one-way access drives and twenty-four (24) feet for two-way access drives. Parking shall not be permitted along such access drives.
5. All outdoor play areas shall be setback one hundred (100) feet from all lot lines and screened from adjoining properties within a residential zoning district. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
6. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be setback a minimum of one hundred (100) feet from all lot lines. Such facilities shall be screened from adjoining properties within a residential zoning district.
7. Any accessory retail or service commercial uses shall be setback a minimum of one hundred (100) feet from any lot line. Such accessory commercial uses shall be solely designed and constructed to serve the registered guests and their visitors. Any parking spaces provided for these accessory commercial uses shall have direct vehicular access from the internal access drive system rather than from a public street. All accessory commercial uses and related parking shall be screened from adjoining properties within a residential zoning district.
8. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street.
9. On identification signs for a campground, any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use.
10. A minimum of twenty (20%) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of recreational facilities shall be with the landowner.
11. Every campground shall have an office in which shall be located the office of the person responsible for operation of the campground.
12. All water facilities, sewage disposal systems, restrooms, solid waste disposal and vector control shall be approved and maintained in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources.
13. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

14. All required screening shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1907. CEMETERIES

Cemeteries, including mausoleums and caretaker's residences associated with a cemetery, where permitted by special exception, are subject to the following conditions:

1. The minimum lot size shall be five (5) acres.
2. The maximum lot coverage shall be ten (10%) percent.
3. Only one (1) caretaker's residence shall be permitted within each cemetery.
4. All burial plots or facilities shall be setback a minimum of fifty (50) feet from all lot lines and street rights of way lines.
5. No parking area shall be located within the required fifty (50) foot front, side or rear yards.
6. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets.
7. Assurances shall be provided that the water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
8. No burial plots or facilities are permitted within any floodplain area.
9. Landscaping shall be required and set in place according to a plan approved by the Township.
10. An ornamental fence or densely planted buffer strip shall be required where the lot abuts an existing residence or a residential zoning district.

SECTION 1908. CHILD DAY CARE CENTERS (Amended 3/18/97 by Ord. #193)

Child day care centers, where permitted by special exception, are subject to the following conditions:

1. A child day care center shall offer care and supervision to no more than ten (10) minors at any one time.

2. All child day care centers with enrollment of more than five (5) minors shall furnish a valid registration certificate for the proposed use, issued by the Pennsylvania Department of Public Welfare.
3. A child day care center shall not be conducted in a dwelling that is physically attached to another dwelling. A child day care center may occur in a building that also contains one dwelling unit; however, the child care areas shall be confined to areas not used for the family residence during operating hours of the child day care center.
4. All buildings shall maintain an exterior appearance that resembles and is compatible with the residential neighborhood.
5. An outdoor play area shall be provided at a rate of one hundred (100) square feet per enrolled minor. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be setback a minimum of twenty-five (25) feet from all lot lines. Outdoor play areas shall be completely enclosed by a six foot high fence, and screened from adjoining properties within a residential zoning district.
6. Any vegetative materials located within an outdoor play area shall be of a nonharmful type. In addition, all outdoor play areas must provide a means of shade such as trees or a pavilion.
7. Outdoor play areas located within two hundred (200) feet of an adjoining property within a residential zoning district shall be screened and limited to use between 8:00 a.m. and 8:00 p.m.
8. Passenger loading and unloading areas shall be provided and arranged so that passengers do not have to cross traffic lanes of a street.
9. One (1) off-street parking space shall be provided for each six (6) enrolled minors.

SECTION 1908-A. CHURCH AND ITS RELATED USES (Added 3/18/97 by Ord. #193)

Churches and their related uses, where permitted by special exception, are subject to the following conditions:

1. The primary church organization utilizing the facility shall be a non-profit organization registered in the Commonwealth of Pennsylvania.
2. The maximum lot area shall not exceed ten (10) acres.

3. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the site of the facility. Parking compounds shall be setback a minimum of twenty-five (25) feet from the street right of way line and thirty (30) feet from any adjoining properties within a residential zoning district.
4. All outdoor recreation and activity areas shall be setback a minimum of twenty (20) feet from any lot line.
5. Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facility but shall be arranged to prevent glare on adjoining properties and streets.
6. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the facility.
7. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1909.

COMMUNITY CLUBS

Community clubs, where permitted by special exception, are subject to the following conditions:

1. The primary organizations utilizing the facility shall be non-profit organizations registered in the Commonwealth of Pennsylvania.
2. The maximum lot area shall not exceed five (5) acres.
3. The facility shall be served with public sanitary sewer and public water facilities.
4. All functions held at the facility shall be conducted within a fully enclosed building.
5. All community clubs shall front and have access to an arterial or collector street.
6. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the site of the facility. Parking compounds shall be setback a minimum of twenty-five (25) feet from the street right of way line and thirty (30) feet from any adjoining properties within a residential zoning district.

7. The Township may require the organization to provide a traffic study, to the satisfaction of the Township, indicating that adverse traffic conditions are minimized.
8. Screening shall be provided along all side and rear lot lines adjacent to any residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1910.

COUNTRY CLUBS AND GOLF COURSES

Country clubs and golf courses, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area for a golf course shall be thirty (30) acres.
2. The minimum lot area for golf courses that include a clubhouse, restaurant, swimming pool or other accessory recreational facilities shall be one hundred (100) acres.
3. Any points where the golf course crosses a street or access drive shall be properly signed to warn motorists and pedestrians.
4. All buildings shall be setback a minimum of one hundred (100) feet from all lot lines.
5. All country clubs and golf courses shall front and have access to an arterial or collector street.
6. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the site of the facility. Parking compounds shall be setback a minimum of twenty-five (25) feet from the street right of way line and thirty (30) feet from any adjoining properties within a residential zoning district.
7. The Township may require the applicant to provide a traffic study, to the satisfaction of the Township, indicating that adverse traffic conditions are minimized.
8. All outdoor recreation and activity areas shall be setback a minimum of fifty (50) feet from any lot line.
9. All lighting of outdoor recreation and activity areas shall be arranged to prevent glare on adjoining properties and streets.

10. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1911. DISPOSAL SITES (Amended 3/18/97 by Ord. #193)

Solid waste disposal and processing facilities, where permitted by special exception, are subject to the following conditions:

1. Any processing of solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a completely enclosed building.
2. No refuse shall be deposited or stored, and no building or structure shall be located within two hundred (200) feet of any lot line and within five hundred (500) feet of any other properties within a residential zoning district.
3. Any area used for the unloading, transfer, storage or deposition of refuse must be completely screened from ground level view at all lot lines. The use of an earthen berm is strongly encouraged where practical. In addition, such areas must be completely enclosed by an eight (8) foot high fence with no openings greater than two (2) inches in any direction.
4. The applicant must demonstrate compliance with all applicable State and Federal standards and regulations.
5. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting to be weighed will not back-up onto public streets.
6. All driveways onto the site shall be paved for a distance of at least two hundred (200) feet from the street right of way line. In addition, a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding paved section to help remove any mud that may have attached to the wheels of vehicles.
7. 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 locking barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
8. Hazardous waste as described by the Pennsylvania Department of Environmental Resources shall not be disposed of within the disposal site area.

9. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the clean-up of litter shall be submitted to the Township for review and approval.
10. The unloading, transfer, processing, incineration and deposition of solid waste shall be continuously supervised by a qualified facility operator.
11. Any solid waste that cannot be used in any disposal process, or any solid waste 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 and water. These containers shall be stored within a completely enclosed building.
12. All storage of solid waste shall be indoors in a manner that is leak and vector-proof. During normal operation, only solid waste needed to keep the facility in constant operation shall be stored on the property; but in no event shall such waste be stored for more than seventy-two (72) hours.
13. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township for review and approval.
14. Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the rules and regulations of the Pennsylvania Department of Environmental Resources.
15. All structures shall be setback from all lot lines and street right of way lines at least a distance equal to the height of such structure.
16. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating quality 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 will be provided to enable the Township to evaluate the impact of the proposed disposal site 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 disposal site and to estimate the impact of the disposal site 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 disposal site (considering both quantity and quality), or does not provide

for adequate groundwater recharge (considering the water withdrawn by the proposed disposal site) shall not be approved by the Township.

A water feasibility study shall include the following information:

- (A) Calculations of the projected water needs.
 - (B) A geologic map of the area within a radius of at least one (1) mile from the site.
 - (C) The location of all existing and proposed wells within one thousand (1,000) feet of the site with a notation of the capacity of all high-yield wells.
 - (D) The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
 - (E) The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
 - (F) Based on the geologic formations underlying the site, determination of the long-term safe yield of all wells in the vicinity of the site.
 - (G) 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.
 - (H) A statement of the qualifications and the signature of the person preparing the study.
17. The applicant shall provide an analysis of the physical conditions of the primary street system serving the proposed use. The analysis shall include information on the current traffic flows on this street system and projections of traffic generated by the proposed use. Improvements to the street system shall be provided by the applicant to insure safe turning movements to and from the site and safe movement of vehicles through the existing street system within the Township.
18. A landscape strip of land with a minimum width of one hundred (100) feet shall be located along all lot lines of the site. No structures, storage, parking or other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

SECTION 1912.

ESTABLISHMENTS FOR DANCING OR OTHER SIMILAR AMUSEMENTS

Establishments for dancing or other similar amusements, where permitted by special exception, are subject to the following conditions:

1. Such establishments may serve food and refreshments and may permit patrons to bring their own alcoholic beverages on the premises for consumption on the premises provided:
 - (A) All such establishments shall be located on a lot with a minimum lot area of at least one (1) acre.
 - (B) A fence or planting screen at least six (6) feet in height shall surround the lot.
2. The establishment shall be served with public sanitary sewer and public water facilities.
3. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets.
4. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the establishment.
5. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1913. FRATERNAL LODGES

Fraternal lodges, where permitted by special exception, are subject to the following conditions:

1. The primary organizations utilizing the facility shall be non-profit organizations registered in the Commonwealth of Pennsylvania.
2. The maximum lot area shall not exceed five (5) acres.
3. The facility shall be served with public sanitary sewer and public water facilities.
4. All functions held at the facility shall be conducted within a fully enclosed building.
5. All fraternal lodges shall front and have access to an arterial or collector street.

6. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the site of the facility. Parking compounds shall be setback a minimum of twenty-five (25) feet from the street right of way line and thirty (30) feet from any adjoining properties within a residential zoning district.
7. The Township may require the organization to provide a traffic study, to the satisfaction of the Township, indicating that adverse traffic conditions are minimized.
8. Screening shall be provided along all side and rear lot lines adjacent to any residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1914. (Deleted 3/18/97 by Ord. #193)

SECTION 1915. GREENHOUSES

Greenhouses, where permitted by special exception, are subject to the following conditions:

1. All buildings shall be located a minimum of thirty-five (35) feet from all lot lines.
2. The facility shall be served with public sanitary sewer and public water facilities.
3. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets.
4. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the establishment.
5. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provided a complete visual barrier within five (5) years of the initial planting.

SECTION 1916. HOME OCCUPATIONS

Home occupations, where permitted by special exception, are subject to the following conditions:

1. The person conducting the home occupation shall be a resident of the dwelling.

2. No more than two (2) nonresident employees shall be permitted.
3. Home occupations shall only be permitted within single family detached dwellings.
4. Home occupations shall be incidental or secondary to the use of the property as a dwelling and are limited to those occupations customarily conducted within a dwelling unit.
5. No displays or change in any building shall indicate from the exterior that the building is being utilized for purposes other than a dwelling.
6. The area used for the practice of a home occupation shall occupy no more than twenty-five (25%) percent of the floor area of the dwelling or five hundred (500) square feet, whichever is less. All home occupation activities shall be conducted within the dwelling.
7. No external storage of materials or products shall be permitted. No storage in accessory structures or attached garages shall be permitted.
8. No manufacturing, repairing, or other mechanical work shall be performed in any open exterior area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond any lot line.
9. No goods shall be visible from outside of the dwelling.
10. Three (3) off-street parking spaces in addition to those required for the dwelling unit shall be provided for the home occupation.

SECTION 1917. HORSE RIDING STABLES

Horse riding stables, including riding schools and boarding stables, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area shall be ten (10) acres.
2. Any structure used for the boarding of horses shall be setback a minimum of two hundred (200) feet from any lot line.
3. All stables shall be maintained so to minimize odors perceptible at the lot line.
4. All outdoor training and show facilities or areas shall be setback a minimum of one hundred (100) feet from all lot lines.

5. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a fence with a minimum height of four (4) feet. Said fence shall be located a minimum of ten (10) feet from all lot lines.
6. All unimproved overflow parking areas shall be setback a minimum of ten (10) feet from all lot lines. Barriers shall be provided around the unimproved parking areas to prevent the parking or movement of vehicles across neighboring properties.

SECTION 1918.

JUNK YARDS

Junk yards, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area shall be two (2) acres.
2. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high opaque fence which shall be setback a minimum of twenty (20) feet from all lot lines. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
3. All enclosed buildings used to store junk shall be setback a minimum of fifty (50) feet from all lot lines.
4. No material may be stored or stacked so that it is visible from adjoining properties and streets.
5. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height greater than eight (8) feet.
6. No oil, grease, tires, gasoline, or other similar material shall be burned at any time, and all other burning shall be attended and controlled at all times.
7. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.
8. No junk yard shall be located on land with a slope in excess of five (5%) percent.
9. When screening is required, fencing shall be located between the screening and the junk being stored.
10. All additional Federal and State laws shall be satisfied.

SECTION 1919.

LANDSCAPING BUSINESS OFFICES (Added 07/14/03 by Ord. #239)

The specific criteria for a landscape business office as a Special Exception in the Rural District shall be as follows:

1. The production nursery use and landscaping business office use shall both be under the same ownership.
2. The use of a landscaping business office shall be associated with and secondary to the principal use of production nursery.
3. The landscaping business office use shall occupy the same office space occupied by the production nursery accessory office use.
4. The appearance of the property shall be and remain that of a production nursery with related accessory uses, except one sign related to the landscaping business office shall be permitted in conformity with the applicable sign ordinance requirements.
5. Employee staff, vehicles and equipment for the production nursery and the landscaping business office shall be shared by both businesses. Parking of vehicles and for employees, etc., storage of equipment and materials and all other applicable requirements of the Zoning Ordinance for the production nursery use shall be met by the combined use.

SECTION 1920.

MEDICAL AND DENTAL CLINICS

Medical and dental clinics, where permitted by special exception, are subject to the following conditions:

1. The facility shall be served with public sanitary sewer and public water facilities.
2. All such facilities shall front and have access to an arterial or collector street.
3. Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facility.
4. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the facility.
5. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1921.

MOBILEHOME PARKS

Mobilehomes or trailers are permitted only in the Commercial District C-2 as a special exception and are subject to the following regulations:

1. An application to construct or make alterations to a mobilehome park shall be accompanied by a plan identifying the extent and limit of the mobilehome park or the alterations to the mobilehome park. The Zoning Hearing Board will make a determination as to whether the proposed use is appropriate for the location based on the information submitted for review. The Board shall also require that the surrounding area be satisfactorily protected by planting or other suitable buffer or screening arrangements.
2. A permit to construct or make alterations to a mobilehome park shall be issued only after a plan, which has first been approved by the Township Board of Supervisors, has been processed in accordance with the provisions of the East Lampeter Township Subdivision and Land Development Ordinance and recorded at the Lancaster County Recorder of Deeds.
3. Each mobilehome park shall be established, maintained, conducted and operated in strict compliance with the East Lampeter Township Mobilehome and Mobilehome Park Ordinance.

SECTION 1922.

MUNICIPAL BUILDINGS, FIREHOUSES AND SIMILAR FACILITIES

Municipal buildings, firehouses and similar facilities, where permitted by special exception, are subject to the following conditions:

1. The facility shall be served with public sanitary sewer and public water facilities.
2. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets
3. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property line of the facility, except where such disturbance is part of a warning system related to police or fire protection services.
4. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1923.

PARKS, PLAYGROUNDS AND GAME COURTS (Amended 3/18/97 by Ord. #193)

Public, restricted, private and commercial parks, playgrounds and game courts, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area for commercial facilities shall be five (5) acres. The minimum lot area for public, restricted and commercial facilities shall be in accordance with the provisions of the applicable zoning district.
2. All commercial facilities shall be required to be served with public sanitary sewer and public water facilities and shall be located within the Urban Growth Boundary.
3. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets.
4. For private facilities, no vehicular access shall be provided to the site from an arterial or collector street.
5. All restricted and commercial areas and facilities shall front and have access to an arterial or collector street.
6. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the facility.
7. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.
8. For commercial facilities, the Township may require the applicant to provide a traffic study, to the satisfaction of the Township, indicating that adverse traffic conditions are minimized.
9. All buildings shall be setback a minimum of one hundred (100) feet from all lot lines.
10. All outdoor recreation and activity areas shall be setback a minimum of fifty (50) feet from any lot line.

SECTION 1924.

PUBLIC LIBRARIES AND PUBLIC MUSEUMS

Public libraries and public museums, where permitted by special exception, are subject to the following conditions:

1. The facility shall be served with public sanitary sewer and public water facilities.
2. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets.
3. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property line of the facility.
4. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1924-A. PUBLIC AND PAROCHIAL EDUCATIONAL INSTITUTIONS
AND RELATED USES (Added 3/18/97 by Ord. #193)

Public and parochial educational institutions and related uses, where permitted by special exception, are subject to the following conditions:

1. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the site of the facility. Parking compounds shall be setback a minimum of twenty-five (25) feet from the street right of way line and thirty (30) feet from any adjoining properties within a residential zoning district.
2. All outdoor recreation and activity areas shall be setback a minimum of twenty (20) feet from any lot line.
3. Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facility but shall be arranged to prevent glare on adjoining properties and streets.
4. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the facility.
5. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1925. PUBLIC UTILITY BUILDINGS

Public utility buildings, where permitted by special exception, are subject to the following conditions:

1. The applicant for the utility must demonstrate that the selected location is necessary for public service and convenience and the use cannot be supplied with equal effectiveness if located elsewhere.
2. All buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.
3. Within a residential zoning district, the outdoor storage of vehicles or equipment used in the maintenance of a utility shall not be permitted.
4. There shall be no specific minimum lot size or yard requirements; however, all structures shall be setback a distance at least equal to the height of the structure from all lot lines.
5. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property line of the facility.
6. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1926.

QUARRIES AND MINES FOR THE EXTRACTION OF
NATURAL RESOURCES

Quarry and mine operations for the purpose of extracting natural resources from the land, where permitted by special exception, are subject to the following conditions:

1. No part of the open excavation or quarrying pit shall be located closer than five hundred (500) feet to any residential zoning district or dwelling.
2. No part of the quarry or mine operation shall be closer than one hundred (100) feet to any street right of way line.
3. No part of the quarry or mine operation shall be closer than two hundred (200) feet to a commercial zoning district.
4. No part of the quarry or mine operation shall be closer than one hundred (100) feet to any industrial use.

5. Where a quarry or mine operation abuts another quarry or mine operation or an operating railroad right of way, no part of the operation shall be closer than seventy-five (75) feet to such property or railroad right of way.
6. Truck access to any quarry or mine operation shall be arranged to minimize danger to traffic and nuisance to neighboring properties. The applicant shall provide an analysis of the physical conditions of the primary street system serving the proposed use. The analysis shall include information on the current traffic flows on this street system and projections of traffic generated by the proposed use. Improvements to the street system shall be provided by the applicant to insure safe turning movements to and from the site and safe movement of vehicles through the existing street system within the Township.
7. That portion of any access road located within one hundred (100) feet of any residential zoning district or dwelling shall be provided with a dustless surface.
8. A landscape strip of land with a minimum width of fifty (50) feet shall be located along all lot lines of the site. No structures, storage, parking or other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
9. Any area used for the loading, unloading, transfer, storage, processing or deposition of material related to the quarry or mine operation must be completely screened from ground level view at all lot lines. The use of an earthen berm is strongly encouraged where practical. In addition, such areas must be completely enclosed by an eight (8) foot high fence with no openings greater than two (2) inches in any direction.
10. At all stages of the quarry or mine operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
11. A mine reclamation plan shall be submitted to the Township for review and approval. Except as modified by the provisions of this Ordinance, said plan shall comply with all rules and regulations of the Pennsylvania Department of Environmental Resources. Such plan shall accompany an application for a zoning permit and shall provide for the restoration, reclamation, reforestation or other corrective work required for all disturbed areas. The plan shall indicate the following:
 - (A) The entire area disturbed by the quarry or mine operation shall be planted in such a manner so as to control soil erosion.

- (B) The entire area shall be graded whenever necessary to provide for the conveyance of storm water. Finished grade shall not have a slope of less than two (2%) percent so as to provide for natural positive drainage.
- (C) Unreclaimed stockpiles, overburden, refuse, plant facilities and equipment shall be removed immediately upon termination of operations and in no case shall such removal be delayed for more than six (6) months.
- (D) Where screen plantings and fencing has been provided, the same shall remain where necessary for safety, and shall be continuously maintained in good repair by the landowner.
- (E) Within three (3) years after the termination of the quarry or mine operation, the above reclamation activities must be completed as approved.

SECTION 1927. COMMUNICATION FACILITIES (Amended 12/17/96 by Ord. #190)

Communication facilities, where permitted by special exception, are subject to the following conditions:

1. The applicant for the facility must demonstrate that the proposed location is necessary for the efficient operation of the system and that the system cannot operate with equal or better effectiveness if located elsewhere within the Township.
2. In addition to the setback requirements of the district, all structures shall be setback from each lot line a distance at least equal to its height.
3. All towers shall be completely enclosed by an eight (8) foot high fence and self-locking gate.
4. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property line of the facility.
5. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed in accordance with the requirements for screening of commercial and industrial uses as set forth in Section 1811, Sub-section 3 of this Ordinance.
6. Upon either abandonment of the facility or termination of its use, the landowner shall remove the facility and all accessory uses and structures within three (3) months of such abandonment or termination of use.

SECTION 1928.

RETIREMENT HOMES AND ORPHANAGES

Retirement homes and orphanages, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area shall be five (5) acres.
2. All buildings shall be setback a minimum of one hundred (100) feet from all lot lines.
3. The facility shall be served with public sanitary sewer and public water facilities.
4. All such facilities shall front and have access to an arterial or collector street.
5. Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facility.
6. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line of the facility.
7. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1929.

ROAD-SIDE STANDS

Road-side stands for the sale of agricultural products, where permitted by special exception, are subject to the following conditions:

1. All agricultural products for sale shall have been produced on the same premises where offered for sale.
2. No building or structure shall be placed between the street and the building setback line.
3. Adequate parking area is provided to permit cars to pull off the driving lane portion of the street cartway without creating a traffic hazard.

SECTION 1930.

SEMI-DETACHED DWELLINGS

Semi-detached dwelling units, where permitted by special exception, are subject to the following conditions:

1. All such dwelling units comply with the minimum requirements pertaining thereto as set forth for semi-detached dwellings situated in the Residential District R-3.
2. The dwelling units are not in connection with a business use.
3. When the Zoning Hearing Board, in its sole and exclusive opinion, determines that the location of the proposed dwelling units are situated in an existing predominantly residential area.

SECTION 1931. SINGLE FAMILY DETACHED DWELLINGS

Single family detached dwelling units, where permitted by special exception, are subject to the following conditions:

1. All such dwelling units comply with the minimum requirements pertaining thereto as set forth for single family detached dwellings situated in the Residential District R-3.
2. The dwelling units are not in connection with a business use.
3. When the Zoning Hearing Board, in its sole and exclusive opinion, determines that the location of the proposed dwelling units are situated in an existing predominantly residential area.

SECTION 1931-A. ADDITIONAL DWELLING UNIT TO A PRINCIPAL DWELLING SITUATED ON A FARM (Added 3/18/97 by Ord. #193)

An additional dwelling unit to a principal dwelling situated on a farm, where permitted by special exception, is subject to the following conditions:

1. An additional dwelling unit shall only be permitted within single family detached dwellings.
2. The owner of the principal dwelling shall be the primary occupant of the principal dwelling.
3. The additional dwelling unit shall have a dedicated means of egress from all floor levels.
4. One (1) off-street parking space shall be provided for the additional dwelling unit, in addition to those required for the principal dwelling.

5. Any additional dwelling unit added to a principal dwelling unit as a part of this special exception process shall not count an additional use or lot as regulated by Section 704.

SECTION 1932.

VETERINARY FACILITIES AND KENNELS

Veterinary facilities and kennels, where permitted by special exception, are subject to the following conditions:

1. All animal boarding buildings and structures that are not wholly-enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.
2. All animal boarding buildings and structures that are not wholly-enclosed and any outdoor animal pens, stall or runways shall be setback a minimum of one hundred (100) feet from all lot lines.
3. All outdoor running areas shall be enclosed to prevent the escape of the animals. All such enclosures shall be setback a minimum of ten (10) feet from all lot lines.
4. All animal wastes shall be regularly cleaned-up and disposed of properly.
5. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded at the site.
6. The maximum number of animals shall be determined by the Zoning Hearing Board in accordance with the area of the kennel, the nature and character of the surrounding neighborhood and the published guidelines of recognized organizations concerned with the breeding of animals and the prevention of cruelty to animals. The applicant shall present evidence of such guidelines to the Zoning Hearing Board.
7. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1932-A.

WILDLIFE REFUGES AND FISH HATCHERIES (Added 3/18/97 by Ord. #193)

Wildlife refuges and fish hatcheries, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area shall be five (5) acres.

2. All buildings and above grade structures shall be located at least fifty (50) feet from all side and rear lot lines and at least one hundred (100) feet from any street right of way line.
3. All water facilities, sewage disposal systems, restrooms, solid waste disposal and vector control shall be approved and maintained in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
4. All lighting of outdoor activity areas shall be arranged to prevent glare on adjoining properties and streets.
5. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1933.

WINTER SPORTS AREAS AND SKI LODGES

Winter sports areas and ski lodges, where permitted by special exception, are subject to the following conditions:

1. The minimum lot area shall be five (5) acres.
2. All such areas and facilities shall front and have access to an arterial or collector street.
3. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the site of the facility. Parking compounds shall be setback a minimum of twenty-five (25) feet from the street right of way line and thirty (30) feet from any adjoining properties within a residential zoning district.
4. The Township may require the applicant to provide a traffic study, to the satisfaction of the Township, indicating that adverse traffic conditions are minimized.
5. All outdoor recreation and activity areas shall be setback a minimum of fifty (50) feet from any lot line.
6. All lighting of outdoor recreation and activity areas shall be arranged to prevent glare on adjoining properties and streets.
7. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall

be designed to provide a complete visual barrier within five (5) years of the initial planting.

SECTION 1934.

GENERAL PROVISIONS FOR CONDITIONAL USES

(Amended 3/4/96 by Ord. #181)

In those instances where an applicant requests conditional use approval for a use that is not specifically described as being permitted within any district, or where an existing use is being proposed to be modified in a manner that is not fully consistent with the provisions of this Ordinance, or where a use is permitted within a specific zoning district by conditional use, the Board of Township Supervisors shall hear and decide requests for such conditional use. In granting a conditional use, the Board of Township Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance. The Board of Township Supervisors may grant approval of a conditional use provided the applicant complies with the following standards for conditional uses and the proposed conditional use shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant.

1. The applicant shall establish by credible evidence compliance with all conditions of the conditional use enumerated in the Section of this Ordinance that gives the applicant the right to seek the conditional use.
2. The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner, or improvements shall be made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.
3. For industrial or commercial conditional uses, the applicant shall demonstrate through the use of traffic studies or other applicable data that the granting of the conditional use shall not materially increase traffic congestion on the street and highway system within the Township.
4. 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, parking, buffering, and all other elements of proper design.
5. The applicant shall provide the Township with sufficient plans, studies, or other data necessary to demonstrate compliance with all applicable regulations.

6. The applicant shall establish by credible evidence that the proposed conditional use shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the conditional use application is adequately safeguarded.
7. Unless otherwise specified by the Board of Township Supervisors, or by law, a conditional use approval shall expire if the applicant fails to obtain a zoning permit within one (1) year from the date of authorization thereof by the Board of Township Supervisors or by the court if such conditional use has been granted after an appeal, or if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the conditional use approval within two (2) years from the date of authorization thereof by the Board of Township Supervisors or by the court if such conditional use has been granted after an appeal. The Board of Township Supervisors, for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.

SECTION 1935. MIXED USE DEVELOPMENT (Added 12/3/90 by Ord. #134)

Mixed use development, where permitted by conditional use, is subject to the following conditions:

1. The following uses are the primary uses intended to be located within a mixed use development:
 - (A) Banks and other financial institutions.
 - (B) Business and professional offices.
 - (C) Single family detached dwellings, semi-detached dwellings, apartment house dwellings and townhouse dwellings.
 - (D) Planned residential developments in accordance with the Planned Residential Development Ordinance of East Lampeter Township, as revised.
 - (E) Hotels, motels and theaters.
 - (F) Laboratories, including experimental, research, testing or manufacturing.
 - (G) Manufacturing.
 - (H) Processing and assembling.
 - (I) Storage, warehousing, wholesaling, including building material sales rooms, but excluding major exterior storage and equipment yards.

2. The following public, recreational, educational, religious and health related facilities are permitted in order to provide necessary local and area-wide services:
 - (A) Municipal buildings, firehouses and similar public facilities.
 - (B) Hospitals.
 - (C) Medical and dental clinics.
 - (D) Public libraries and public museums.
 - (E) Public utility buildings.
 - (F) Church and its related uses.
 - (G) Public parks, playgrounds and game courts.
 - (H) Country clubs and golf courses.
 - (I) Public and parochial educational institutions and related uses.

3. The following uses are to be designed and located primarily to support those persons employed or residing within the mixed use development:
 - (A) Child day care centers.
 - (B) Retail stores and shops, with a maximum floor area of ten thousand (10,000) square feet.
 - (C) Personal service shops, including tailor, barber, beauty shop, dressmaking, shoe repair or similar shop, with a maximum floor area of five thousand (5,000) square feet.
 - (D) Confectionery and bakery shops, with a maximum floor area of ten thousand (10,000) square feet.
 - (E) Restaurants, provided however, that the primary orientation of the facility is for all food to be served and consumed in the building where prepared or on a patio which is specifically designed for this purpose, and provided further, however, that no establishment will be permitted which allows or permits patrons to bring their own alcoholic beverages onto the premises for consumption thereon.
 - (F) Self-serving gasoline dispensing facilities, provided:

- (1) the facility is operated as part of a retail grocery store operation, which grocery store shall have a minimum of one thousand (1,000) square feet of retail sales space;
 - (2) no more than four (4) vehicles can be fueled at any one time; and
 - (3) the location of the gasoline dispensing pumps shall meet all setbacks as required for principal buildings.
- (G) Sale of goods, merchandise and products related to and associated with the processing, assembling, manufacturing or producing of the primary goods, merchandise and/or products processed, assembled, manufactured or produced on the site, subject to the provisions of Section 1813.
 - (H) Dry cleaning and laundry establishments, with a maximum floor area of five thousand (5,000) square feet.
 - (I) Restricted or private parks, playgrounds and game courts.
 - (J) Commercial parks, playgrounds and game courts.
 - (K) Community clubs.
 - (L) Bowling alleys.
 - (M) Veterinary facilities and kennels.
 - (N) Domestic pets.
 - (O) Parking lots.
 - (P) Public garages.
 - (Q) Accessory buildings and uses customarily incidental to the permitted uses within this District.
4. The mixed use development and the individual uses within the development shall comply with the following height and area regulations:
- (A) The minimum area of the entire planned mixed use development, excluding existing street rights of way, shall be twenty (20) contiguous acres. In the course of development, this acreage may be reduced by the phasing of a planned mixed use development.

- (B) The minimum width of the entire planned mixed use development shall be one thousand (1,000) feet measured at both the street right of way line and at the building setback line.
- (C) The minimum depth of the entire planned mixed use development shall be five hundred (500) feet measured at the narrowest part of the development between any existing street right of way and the opposite rear property line.
- (D) All uses within a mixed use development shall be served with public sanitary sewer and public water facilities.
- (E) All dwelling units, when not combined with non-residential uses in the same building, shall be subject to the provisions of Section 1004, Section 1005 and Section 1006.
- (F) All non-residential uses, and all dwelling units when combined with non-residential uses in the same building, shall be subject to the provisions of Section 1205.
- (G) Where the underlying zoning district is a residential zoning district, dwelling units shall occupy a minimum of sixty (60%) of all floor area within the mixed use development. All other uses combined shall occupy at least five (5%) percent but no more than forty (40%) percent of all floor area within the mixed use development.
- (H) Where the underlying zoning district is a commercial zoning district, commercial uses shall occupy a minimum of sixty (60%) of all floor area within the mixed use development. All other uses combined shall occupy at least five (5%) percent but no more than forty (40%) percent of all floor area within the mixed use development.
- (I) Where the underlying zoning district is an industrial zoning district, industrial uses shall occupy a minimum of sixty (60%) of all floor area within the mixed use development. All other uses combined shall occupy at least five (5%) percent but no more than forty (40%) percent of all floor area within the mixed use development.
- (J) The floor area ratios specified in Paragraphs (G), (H) and (I) above may be modified by the Board of Township Supervisors as part of the Concept Master Plan procedure specified in Paragraph 11(A) of this Section. Where a mixed use development overlays more than one zoning district, the Board of Township Supervisors should consider the sum of all floor area ratios required for each underlying zoning district to determine a comprehensive ratio for the entire mixed use development. In such cases,

the relationship between the other uses within the mixed use development and the uses adjacent to the mixed use development shall be more important than trying to maintain the floor area ratios within each individual underlying zoning district.

5. The mixed use development shall front and have its primary access onto an arterial or collector street. Internal vehicular circulation shall be simple and efficient in concept. Ingress and egress to the development shall be limited to one or more controlled access points that are designed to handle the traffic generated by the site in a safe and efficient manner.
6. Sufficient off-street parking shall be provided for each use; however, where it can be shown to the satisfaction of the Township Board of Supervisors that various uses within a mixed use development will be generating parking needs at different times of the day or week, or that various uses when combined in a mixed use development will generate reduced parking needs than if the uses were not combined, the amount of parking may be reduced accordingly. Parking compounds and the internal vehicular circulation patterns shall be designed to prevent traffic that is utilizing any facility within the development from backing onto public streets.
7. Strong clearly defined internal pedestrian circulation patterns shall be provided within the development. Crossing of vehicular traffic should be eliminated wherever possible. Enclosed walkways are to be encouraged, where feasible. Sidewalks shall be required along all public streets unless the applicant shows to the satisfaction of the Township that the internal pedestrian circulation eliminates the need for such sidewalks.
8. No use shall emit any obnoxious noise, glare, dust, odor, vibration, electrical disturbance, smoke, toxic gas, radiation, heat or any other objectionable impact beyond the lot line of the facility.
9. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed by a registered landscape architect, shall be comprised of trees, shrubs and other plantings, and shall provide a complete visual barrier within five (5) years of the initial planting.
10. Compatible building materials and architectural styles are to be used throughout the development.
11. Special Review Procedures and Plan Requirements
 - (A) Prior to the submission of any preliminary or final land development application to the Township for a mixed use development, or part thereof,

a Concept Master Plan shall have been granted conditional use approval in accordance with the procedures set forth in Section 2113, with the general provisions set forth in Section 1933, and with all other provisions of this Section. In granting conditional use approval, the Township may require the applicant to comply with a logical phasing progression approved by both the Township and the applicant.

- (B) All preliminary and final land development applications submitted to the Township for a mixed use development, or part thereof, shall be consistent with the conditional use approval and the Concept Master Plan. If the Board of Township Supervisors determines that a preliminary or final land development application is not consistent with the conditional use approval or the Concept Master Plan, the Board of Township Supervisors can deny the preliminary or final land development application, or require the applicant to resubmit a request for a revised conditional use approval along with a revised Concept Master Plan prior to the submission of any further preliminary or final land development applications.
- (C) The Concept Master Plan shall include both textual and graphic descriptions and information to adequately determine the following items:
 - (1) The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
 - (2) The general types and mixture of uses proposed for the site (a schematic drawing of proposed use types shall be provided).
 - (3) The street network contained upon the site including major points of access, intersections and any traffic improvements proposed to accommodate the proposed use.
 - (4) The name, location, centerline and existing right of way of all abutting streets.
 - (5) Physical characteristics of the site including areas with steep slopes, unstable soils, floodplains, wetlands, significant stands of trees, and any other physical feature that may restrict development.
 - (6) The general location of sanitary sewer, water distribution and storm water management facilities.
 - (7) The methods to be used to effectively relate the mixed use development to adjacent properties, development and other mixed use development.

- (8) Other information illustrating that the basic concept of the proposed uses are well-integrated, functional, efficient and attractive.

**PROCEDURE FOR CREATION OF A
MIXED USE DEVELOPMENT**

SINCE A MIXED USE DEVELOPMENT DISTRICT DOES NOT CURRENTLY EXIST WITHIN EAST LAMPETER TOWNSHIP, IT IS ASSUMED THAT A ZONING PETITION TO CREATE SUCH A ZONE WILL BE INCORPORATED AS PART OF THE PROCESS. THIS IS NOT AN ABSOLUTE REQUIREMENT, BUT IT WILL MAKE IT EASIER FOR THE BOARD OF SUPERVISORS TO ACT IN A POSITIVE MANNER ON THE ZONING PETITION SINCE THE TOWNSHIP WILL BE ABLE TO KNOW WHAT IT IS GETTING.

**DEVELOPER SUBMITS CONCEPT
MASTER PLAN TO TOWNSHIP**

**DEVELOPER SUBMITS ZONING
PETITION TO CREATE M.U.D.
ZONING DISTRICT**

**PLAN REVIEWED BY TOWNSHIP
ENGINEER**

**PETITION REVIEWED BY
TOWNSHIP ENGINEER & LCPC**

**PLAN REVIEWED BY TOWNSHIP
PLANNING COMMISSION**

**PETITION REVIEWED BY
TOWNSHIP PLANNING COMM.**

**PLAN ACTED ON BY TOWNSHIP
BOARD OF SUPERVISORS AT
ADVERTISED PUBLIC HEARING**

**PETITION ACTED ON BY TWP.
BOARD OF SUPERVISORS AT
ADVERTISED PUBLIC HEARING**

**DEVELOPER SUBMITS SUBDIVISION
& LAND DEVELOPMENT PLAN FOR
EACH PHASE OF DEVELOPMENT**

**PLAN PROCESSED PER TOWNSHIP
SUBDIVISION & LAND DEVELOPMENT
ORDINANCE EXCEPT THAT ALL PLANS
NEED TO GO THROUGH CONDITIONAL
USE HEARING & APPROVAL**

DUE TO THE NATURE OF THIS USE, IT IS EXPECTED THAT THE CONCEPT MASTER PLAN AND THE LIMITS OF THE DISTRICT IN THE ZONING PETITION MAY BE SIGNIFICANTLY ALTERED DURING THE INITIAL STEPS OUTLINED ABOVE. IT IS RECOMMENDED THAT THE HEARING ON THE ZONING PETITION BE DELAYED UNTIL BOTH THE TOWNSHIP AND THE DEVELOPER ARE IN GENERAL AGREEMENT WITH THE CONCEPT MASTER PLAN AND THE LIMITS OF THE M.U.D. DISTRICT. IT IS ALSO SUGGESTED THAT THE DEVELOPER INITIALLY SUBMIT A SKETCH PLAN TO THE TOWNSHIP FOR REVIEW AND COMMENT IN ORDER TO ELIMINATE MAJOR DESIGN CONCERNS DURING THIS PROCEDURE.

SECTION 1936.

REGIONAL IMPACT DEVELOPMENT (Added 3/4/96 by Ord. #181)

Regional impact development, where permitted by conditional use, is subject to the following conditions:

1. The regional impact development and the individual uses within the development shall comply with the following height and area regulations:
 - (A) The minimum lot area of the regional impact development, excluding existing street rights of way, shall be five (5) contiguous acres.
 - (B) The minimum lot width of the regional impact development shall be two hundred (200) feet measured at both the street right of way line and at the building setback line.
 - (C) The minimum lot depth of the regional impact development shall be five hundred (500) feet measured at the narrowest part of the development between any existing street right of way and the opposite rear property line.
 - (D) All uses within a regional impact development shall be served with public sanitary sewer and public water facilities.
 - (E) Individual dwellings and dwelling units within a residential regional impact development shall comply with all regulations of the Residential District in which the development is located.
 - (F) Yards within commercial, industrial and institutional regional impact developments - Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to, however, the requirements of Section 1702, Paragraph 5. Yards of the following minimum sizes shall be provided:
 - (1) Front Yard Minimum Depth
 - (a) The minimum building setback line from all streets shall be in compliance with the requirements of Article XVIII, Section 1810, provided however, that the minimum distance shall be fifty (50) feet from the centerline of the street.

- (b) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
 - (2) **Side Yard** - The minimum side yard shall be fifty (50) feet; except that the side yard requirement shall be waived when a rail siding is to be provided to an industrial lot. In the case of a shopping center, there will be no side yard requirement between buildings which form a continuous building when located within the shopping center; provided however, that no building shall be located closer than fifty (50) feet to the side property line.
 - (3) **Rear Yard** - The minimum rear yard shall be fifty (50) feet; except that the rear yard requirement shall be waived when a rail siding is to be provided to an industrial lot. In the case of a shopping center, there will be no rear yard requirement between buildings which form a continuous building when located within the shopping center; provided however, that no building shall be located closer than fifty (50) feet to the rear property line.
 - (G) **Maximum Lot Coverage** - Not more than seventy (70%) percent of the area of the lot shall be covered with impervious or semi-pervious structures. However, this maximum lot coverage shall be increased to seventy-five (75%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line.
 - (H) **Maximum Building Coverage** - Not more than sixty (60%) percent of the area of the lot shall be covered by buildings.
 - (I) **Minimum Landscape Area** - Not less than thirty (30%) percent of the area of the lot shall be covered by vegetative materials. However, this minimum landscape area shall be reduced to twenty-five (25%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line.
2. The regional impact development shall front and have all of its primary points of access onto an arterial or major collector street as established by this Ordinance. Internal vehicular circulation shall be simple and efficient in concept. Ingress and egress to the development shall be provided through two (2) or more controlled

access points that are designed to handle the traffic generated by the site in a safe and efficient manner.

3. The applicant shall provide a traffic impact study, prepared to the satisfaction of the Township, indicating that adverse traffic conditions are minimized.
4. Sufficient off-street parking shall be provided for each use; however, where it can be shown to the satisfaction of the Township Board of Supervisors that various uses within a regional impact development will be generating parking needs at different times of the day or week, or that various uses when combined in a regional impact development will generate reduced parking needs than if the uses were not combined, the amount of parking may be reduced accordingly. Parking compounds and internal vehicular circulation patterns shall be designed to prevent traffic that is utilizing any facility within the development from backing onto public streets.
5. Where a regional mass transit system provides service along a street adjacent to the development, or where such a system is proposed as part of an adopted municipal or regional transportation plan to serve the area of the development, appropriate drop-off and shelter facilities shall be located along such street, or within such development, or at some alternate location, as may be required by the mass transit company, applicable municipal agency, or Board of Township Supervisors.
6. Strong clearly defined internal pedestrian circulation patterns shall be provided within the regional impact development. Crossing of vehicular traffic should be eliminated wherever possible. Sidewalks shall be required along all public streets unless the applicant shows to the satisfaction of the Township that the internal pedestrian circulation eliminates the need for such sidewalks. Sidewalks shall also be provided from the development to nearby regional mass transit facilities, to any adjacent developments from which pedestrians would reasonably be expected to walk, to any adjacent undeveloped lands zoned for development from which pedestrians would reasonably be expected to walk in the future, and to adjacent community facilities.
7. Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facilities within the development; however, all such lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
8. No use shall emit any obnoxious noise, glare, dust, odor, vibration, electrical disturbance, smoke, toxic gas, radiation, heat or any other objectionable impact beyond the lot line of the facility.

9. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screen shall be designed by a registered landscape architect, shall be comprised of trees, shrubs and other plantings, and shall provide a complete visual barrier within five (5) years of the initial planting.
10. In addition to the screening requirements of Section 1811 of this Ordinance, the developer shall be responsible for providing landscaping throughout the entire regional impact development in accordance with a landscape plan designed by a registered landscape architect. Said plan shall provide a uniform, cohesive and visually attractive landscape for the development that also de-emphasizes the size and bulk of the development so that it is visually compatible with the surrounding neighborhood.
11. As part of any application for a conditional use, the applicant shall also be required to show that any individual use within a regional impact development that would otherwise be subject to special exception regulations is in compliance with all special exception design standards specifically set forth in Article XIX of this Ordinance for such individual use.
12. Where a regional impact development is an extension, expansion or revision of a development existing prior to the adoption of this amendment, only that part of the regional impact development being extended, expanded or revised shall be considered as a part of the application for a conditional use.
13. Where a multi-phase regional impact development is proposed, the application for a conditional use shall include the entire development; however, the applicant may provide a phasing schedule, subject to the approval of the Board of Township Supervisors, for all site improvements and for all transportation and traffic improvements which shall coincide with the phasing of the development.

SECTION 1937

OFF-TRACK BETTING PARLORS AND GAMBLING FACILITIES (Added 11/2/98 by Ord. #214)

Off-track betting parlors and gambling facilities, where permitted by conditional use, are subject to the following conditions:

1. An off-track betting parlor or gambling facility shall not be permitted to be located within one thousand (1,000) feet of any other separately deeded lot containing an off-track betting parlor or gambling facility.

The distance between any two off-track betting parlors or gambling facilities shall be measured in a straight line, without regard to intervening structures, from the closest points on each of the exterior lot lines of the separately deeded lots on which each establishment is located.

2. No off-track betting parlor or gambling facility shall be located within one thousand (1,000) feet of any Residential District. The distance between any off-track betting parlor or gambling facility and any Residential District shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the separately deeded lot on which the off-track betting parlor or gambling facility is located to the closest point on the Residential District boundary line.
3. No off-track betting parlor or gambling facility shall be located on the same separately deeded lot or within one thousand (1,000) feet of any separately deeded lot which contains any one or more of the following specified uses:
 - (A) Amusement park.
 - (B) Child day care center.
 - (C) Church and its related uses.
 - (D) Community club.
 - (E) Public museums.
 - (F) Public, restricted, private or commercial parks, playgrounds and game courts.
 - (G) Public and parochial educational institutions and related uses.
 - (H) Other lands where minors congregate.

The distance between any off-track betting parlor or gambling facility and any use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the separately deeded lot on which the off-track betting parlor or gambling facility is located to the closest point on the exterior lot line of the separately deeded lot on which the use specified above is located.

4. No more than one (1) off-track betting parlor or gambling facility may be located within one (1) building or be located on the same separately deeded lot.
5. The applicant shall furnish expert evidence satisfactory to the Township Board of Supervisors that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, light and/or litter.
6. The applicant shall furnish expert evidence satisfactory to the Township Board of Supervisors as to how the use will be controlled so as to not constitute a nuisance, such as noise or loitering outside the building.
7. A working plan for the cleanup of litter shall be furnished and implemented by the applicant, subject to the approval by the Township Board of Supervisors.

8. Off-track betting parlors and gambling facilities shall be served by public sewer and public water facilities.

SECTION 1938. Optional Density Incentive (Added 03/05/07 by Ord. #267)

1. Purpose and Intent

The purpose of Optional Density Incentive standards is to accommodate the Medium Density Residential/Traditional Neighborhood Development land use designation in the Conestoga Valley Region Strategic Comprehensive Plan 2003. Optional Density Incentive standards provide density bonuses, to encourage a preferred development pattern.

In compliance with Section 605.(3) of the Pennsylvania Municipalities Planning Code, this provision provides an optional set of design standards that can only be applied to property located within the Residential District R-2. These optional design standards seek to achieve a well-planned and coordinated residential neighborhood.

All of the design standards of this provision are vital to achieve the desired community atmosphere. While some of the requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

2. Conditional Use Criteria

- (A) The conditional use shall adhere to the following development objectives.
 - (1) Orient toward pedestrian activity;
 - (2) When possible, integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
 - (3) Incorporate natural features and undisturbed areas into the open space;
 - (4) Coordinate a transportation system with a hierarchy of appropriately-designed facilities for pedestrians, bicycles, public transit, and automotive vehicles;
 - (5) Create landmark symbols and focal points, with buildings, open spaces, and other visual features for community identity;
 - (6) Coordinate building and other improvements to establish a livable, harmonious, and diverse environment;
 - (7) Ensure a diversity of housing types, sizes, and costs with particular emphasis on scattered-site, affordable housing opportunities;
 - (8) Make efficient use of local infrastructure and services;

- (9) Reflect the historic and traditional building styles abundant within the region; and
- (10) Blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents.
- (B) Public sanitary sewer and public water facilities shall serve the development.

3. Opportunity for Innovation and Flexibility

It is the intent of the Board of Supervisors to encourage innovative methods of design, and to utilize flexibility, economy, and ingenuity in the development. To this end, the Board of Supervisors may permit the developer to modify the design standards according to Section 1938.19.

4. Relationship to Other Ordinances and Sections of this Zoning Ordinance

To the extent the provisions of the Optional Density Incentive standards differ (are more or less restrictive) from other Township ordinances and regulations, the provisions of the Optional Density Incentive standards shall govern. All non-conflicting provisions of the Zoning Ordinance and other Township ordinances and regulations shall remain in full force.

5. Permitted Uses

- (A) Single-family detached, Single-Family semi-detached, townhouse, and multi-family dwellings.

- (1) For the purpose of Section 1938, dwelling types are defined as follows:

- (a) Single-Family Detached Dwelling – A dwelling within a building, unattached to any other dwelling and containing one (1) dwelling unit.
- (b) Single-Family Semi-Detached Dwellings - A dwelling within a building containing two (2) dwelling units which share a common vertical party wall.
- (c) Townhouse Dwellings - A dwelling within a building containing at least three (3) and not more than eight (8) dwelling units arranged in a side-by-side configuration where each dwelling, except for end units (defined below), shares two (2) vertical, common party walls.

- (1) Townhouse End UnitA type of Townhouse Dwelling that caps an end to a Townhouse Building which shares a common vertical party wall with a

Townhouse Dwelling on one side and has an external vertical wall on the other side

(2) Townhouse Interior Unit A type of Townhouse Dwelling that is not a Townhouse End Unit.

(d) Multiple-Family Dwellings – A dwelling within a building containing at least three (3) and not more than (12) dwellings, which are separated horizontally and/or vertically by common party walls.

(B) Public, restricted or private parks, playgrounds and game courts.

(C) Accessory buildings and uses customarily incidental to the permitted uses within this District.

(D) The following Locally-Oriented businesses but only on property that fronts upon an arterial street or major collector street:

(1) Banks, including outdoor tellers if pedestrian-oriented, and similar financial institutions, provided no drive-thru facilities are utilized;

(2) Barber, beauty, tanning, and health salons;

(3) Delicatessens, bakeries, ice cream shops, caterers;

(4) Retail sales and/or rental of goods, such as, but not limited to, antiques, apothecaries, recorded music and video materials, books, clothing, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco (excluding adult entertainment establishments, gasoline & motor fuel dispensing facilities):

(5) Restaurants and other places serving food and beverages, provided no drive-thru facilities are used;

(6) Photographic, music, art, and dance studios;

(7) Professional, medical and/or dental offices;

(8) Repair of clocks, jewelry, cameras, electronics, and small household appliances; and

(9) Tailors, off-site dry cleaning, and shoe repair services.

6. Required Mix and Integration of Dwellings

- (A) A variety of single-family detached, semi-detached, townhouse, and multi-unit residential dwellings shall be integrated into the plan. The required mix of dwellings shall be as follows:

Total Project Area	Mix of single-family detached, semi-detached, townhouse, and multi-family dwellings
Under 10 acres	Minimum mix of 2 dwelling types One dwelling type shall not be less than 30% of the total
10 acres to 20 acres	Minimum mix of 3 dwelling types No dwelling type shall be less than 10% of the total, except for a fourth dwelling type when more than 3 dwelling types are included No dwelling type shall be greater than 50% of the total
Over 20 acres	Minimum mix of 4 dwelling types Three of the dwelling types, one of which must be single family dwellings, must be at least 10% of the total No one (1) dwelling type may be greater than 50% of the total

- (B) If the development is constructed in phases, the mix of dwelling types required by Section 1938.6(A) above shall be based upon the entire development. However, each phase of the development, except for the final phase, shall contain a minimum mix of two (2) dwelling types with one dwelling type comprising at least thirty (30) percent of the total dwellings for that phase.

7. Required Locally-Oriented Business Intensity

- (A) Locally-Oriented Businesses are only permitted within property fronting along an arterial street or major collector street.
- (B) Locally-Oriented Businesses shall not exceed a total floor area for all businesses located within the development of fifty (50) square feet of floor area for each dwelling unit located within the development.
- (C) The Locally-Oriented Business uses shall be integrated into the vehicular and pedestrian circulation of the development and shall not have a separate direct access onto an arterial street or major collector.

- (D) If the development is constructed in phases, the intensity of Locally-Oriented Business uses is determined based upon the entire development. Individual phases may differ from the required mix of Locally-Oriented Business uses. However, floor area for Locally-Oriented Businesses constructed during any phase of development shall be limited to 100 square feet of floor area for the sum of the number of dwelling units already approved and recorded plus those proposed in that phase.

8. Residential Design Requirements

- (A) The maximum residential density is seven (7) dwelling units per acre of lot area (without the architectural density bonus in Section 1938.13).
- (B) The maximum residential density is nine (9) dwelling units per acre of lot area with the coordinated architectural scheme provided in Section 1938.13.
- (C) No phase of the development shall exceed the overall density permitted in Section 1938.8(A) and (B).
- (D) No minimum or maximum lot area is required for individual dwellings; however, the applicant shall demonstrate that sufficient area is provided for the anticipated building footprint.
- (E) Open space is required in the form of squares, plazas, greenways, or expansion of adjacent public lands. Open space shall conform to Section 1938.14.
- (F) No more than twelve (12) dwelling units shall be located in one (1) building and no building shall exceed a length of one hundred and fifty feet (150’).
- (G) Lot width and yard requirements are as follows:

Use	Minimum Width	Minimum Yard Setbacks ³		
		Front ¹	Side	Rear ²
Single-family detached	32 ft.	10 ft.	4 ft. 6 ft. with window	18 ft.
Semi-detached	28 ft. per unit	10 ft.	4 ft. 6 ft. with window	18 ft.
Townhouse	16 ft. per unit	10 ft.	4 ft. 6 ft. with window	18 ft.

Multi-family residential	45 ft.	10 ft.	4 ft. 6 ft. with window	18 ft.
<p>¹ No dwelling may be set back greater than twenty feet (20').</p> <p>Front yards located along streets shall be measured from the street right-of-way.</p> <p>Front yards located along access drives shall be measured from the edge of the cartway.</p> <p>The porch area of a dwelling may encroach eight feet (8') into the front yard. All porches, which shall be open and unenclosed except for a roof or awning, shall be set back a minimum of five feet (5') from the edge of any cartway.</p> <p>Bay windows are permitted to extend two feet (2') into the front yard.</p> <p>Front yards located along arterial, major collector, and minor collector streets shall conform to the requirements of Section 1810 "Building Setback Lines".</p>				
<p>² Rear garage walls, which is the wall of any garage closest to the alley cartway, may be located eight feet (8') from the alley cartway but shall not be closer than twenty-four feet (24') from the opposite (farthest away) edge of the alley cartway.</p>				
<p>³ Gutters, eaves, cornices and stoops shall be set back a minimum of three feet (3') from all property lines except for property lines shared by Townhouse Dwellings and/or Semi-Detached Dwellings.</p>				

(H) Maximum Lot Coverage:

Use	Maximum Lot Coverage
Single-family detached	70%
Semi-detached	75%
Townhouse	85%
Multi-family residential	70%

(I) INTENTIONALLY OMITTED

(J) In those instances where more than one (1) building is located on the same lot, the following separation distances will be provided between each building:

Location	Aligned parallel or at an angle below 30%	Aligned at an angle greater than 30%

Front to Front	25 feet	15 feet
Rear to Rear	25 feet	15 feet
Front to Rear	25 feet	15 feet
Front or Rear to Side	25 feet	15 feet
Side to Side	8 feet, 12 feet with window	8 feet

- (K) No less than seventy-five percent (75%) of the buildings shall have their front facade facing a street or access drive.
- (L) No more than three (3) contiguous horizontal dwelling units in any one (1) building shall have the same front yard depths. A minimum variation of setback shall be four feet (4’).
- (M) Required off-street parking shall be located at or behind the front façade of the Building it is intended to serve and shall be set back a minimum of two feet (2’) from one side lot line.
- (N) Off-street parking shall have direct vehicle access by way of an alley or a joint-use driveway to a street or an access drive.
- (O) A joint-use driveway shall access no more than four (4) dwellings.
- (P) Semi-detached accessory vehicle parking garages shall be permitted provided that such semi-detached accessory vehicle parking garages comply with the requirements for accessory vehicle parking garages set forth in Section 1938.12, except that semi-detached accessory vehicle parking garages need only be set back a minimum of two feet (2’) from side lot lines.

9. Locally-Oriented Business Design Requirements

- (A) Location shall be convenient to the residential uses and shall have driveway access only from within the development’s interior street system and not onto an arterial or major collector road or any other existing public road.
- (B) No Building footprint shall comprise more than thirteen thousand (13,000) square feet of floor area.
- (C) An integrated system of sidewalks and/or pedestrian pathways shall be provided, so that inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access.
- (D) A passive open space area shall be incorporated into the Locally-Oriented Business area. The open space area shall consist of pedestrian path lamp posts, trash receptacles, shade tree beds, pedestrian benches, and similar amenities that adjoin public space or above ground storm water facilities.
- (E) The minimum lot width at the street frontage shall be twenty feet (20’).

F) The minimum building setbacks are as follows:

Front Yard ¹	Interior Yard located between commercial buildings and/or lots	Yards adjoining residential buildings and/or lots
10 ft.	None	25 ft.

¹Front yards along streets shall be measured from the street right-of-way.
 Front yards along access drives shall be measured from the edge of the cartway.
 Front yards along arterial, major collector, and minor collector streets shall conform to the requirements of Section 1810 “Building Setback Lines”.
 No more than thirty percent (30%) of the buildings may have a front yard depth greater than the required front yard depth.

(G) No Locally-Oriented Business shall be located on the same lot as a residential use. In no case shall more than seventy percent (70%) of the Locally-Oriented Business lots be covered with buildings, streets, sidewalks, and/or other impervious surfaces with the exception that up to seventy-five percent (75%) of the Locally-Oriented Business lots may be covered with buildings, streets, sidewalks, and/or other impervious surfaces where at least fifty percent (50%) of the off-street parking serving the Locally-Oriented Business uses is located behind the front façade of the building(s).

(H) Vehicular access shall be:

- (1) From an access drive directly to the street;
- (2) Set back at least twenty feet (20') from the right-of-way lines of any intersecting street; and
- (3) Set back at least five feet (5') from a fire hydrant.

(I) INTENTIONALLY OMITTED

(J) Off-street parking and loading shall be:

- (1) Set back at least three feet (3') from property lines of commercial uses, unless sharing parking and/or loading with an adjoining commercial use parcel;
- (2) Set back at least twenty feet (20') from property lines of residential uses; and
- (3) Screened and landscaped, in accordance with Section 1811.

(K) Outdoor waste receptacles shall be:

- (1) Located at the rear of the building;
- (2) Set back at least thirty feet (30') from a property line; and

(3) Completely enclosed within masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate.

(L) No outdoor storage is permitted.

10. Principal Building Height

All principal buildings with a height in excess of forty-four feet (44’) shall be set back from the side property lines, rear property line, and adjacent buildings an additional one foot (1’) for every two foot (2’) or fraction thereof in height. Principal buildings shall not exceed three (3) stories.

11. Maximum Coverage

(A) In no case shall more than seventy percent (70%) of the Optional Density Incentive development be covered with buildings, streets, sidewalks, and/or other impervious surfaces.

(B) See Section 1938.8(H) for maximum lot coverage for permitted residential uses.

(C) Any portion of the site not covered with impervious material shall be maintained with a vegetative ground cover and/or other ornamental plantings.

12. Accessory Buildings

(A) Accessory buildings, other than a vehicle parking garages, shall not exceed a total floor area of two hundred (200) square feet.

(B) Accessory buildings shall be located at least fifteen feet (15’) behind the front facade of the principal building.

(C) Accessory buildings shall be set back four feet (4’) from the side and rear lot lines.

(D) Accessory buildings, other than vehicle parking garages, shall not exceed one (1) story or ten feet (10’) in height unless satisfying Section 1938.12(E) below.

(E) Accessory buildings, other than vehicle parking garages, may exceed ten feet (10’) in height but in such instances shall be set back from all side and rear property lines an additional one foot (1’) for every two feet (2’) or fraction thereof that these accessory buildings exceed ten feet (10’) in height.

(F) Accessory vehicle parking garages shall not exceed one (1) story, fifteen feet (15’) in height, or a total floor area of six hundred (600) square feet.

(G) Each fee simple lot shall have no more than two (2) accessory buildings.

13. Architectural Density Bonus

- (A) Density bonus is available under Section 1938.8(B) for establishing a coordinated architectural scheme. It is not the intent of the Township to dictate architectural styles. However, a set of standards shall be chosen by the applicant and adhered to consistently throughout the development. Standards selected shall enhance the purpose and intent, as specified by Section 1938.1 and the objectives, as specified by Section 1938.2
- (B) The request for a density bonus shall include a report, prepared by a Commonwealth-registered Architect, with textual and graphic building descriptions, denoting the features that will be incorporated into all building designs. The report shall include the following:
 - (1) Building elevation(s), drawn to scale, for the front, side, and rear elevations of each building/dwelling type. The elevations shall include:
 - (a) Building height dimension.
 - (b) Number of stories noted.
 - (c) Building skin, trim materials.
 - 2) Material samples and/or color boards illustrating color, texture, size of each skin material to be used.
 - 3) Written outline specifications denoting the roofing specification, mechanical, insulation performance, general construction characteristics, and manufacturer's specifications and cut sheets on windows, doors and garage doors, gutters, specialty trim, columns and railings.
 - 4) Nonstructural site improvements (buffering, landscaping and screening) that will be used to protect the integrity of the neighborhood shall be described.
- C) The architectural criteria are as follows:
 - 1) There are a variety of architectural styles appropriate to the overall architectural character of the development. The architectural styles used shall be compatible and complementary to one another and the surrounding community. Classic design styles are encouraged but not required.
 - 2) The character of the architecture on the street will reinforce pedestrian scale and have a varied look.
 - 3) All building/dwelling types will have street elevations detailed at a quality level consistent with the most expensive type.

- 4) On gable roofs only architectural grade shingles, metal roofing or approved specialty shingles may be used.
- 5) At least seventy-five percent (75%) of all garage doors shall face an alley or access drive. Vehicular access to and from at least seventy-five percent (75%) of all dwellings shall be from an alley and/or access drive. The only dwellings that may have vehicular access to a street are single-family dwellings and in all such instances the garage door must be recessed at least ten feet (10') from the front façade of the dwelling or be perpendicular to the street being accessed.
- 6) Windows shall be compatible in style, scale, proportion, and trim with the architectural vernacular used.
- 7) Window mullions, if used, must be true divided light or applied to the glass surface.
- 8) Shutters may be used when appropriate to the style and window. Shutters shall be sized to match the window opening. Shutters used for ganged windows are inappropriate.
- 9) Building and mechanical equipment, but specifically excluding utility meters, shall not be located on the front face of a building and shall be visually shielded from the public street. Utility meters should not be located on the front face of a building, but may be so located if they are completely shielded from view from adjoining properties and/or streets.
- 10) Entries and porches shall be consistent with the design vernacular. Entries shall face streets to the extent possible, and be clearly visible within the building façade design. Entryways may not be recessed more than two feet (2') from the front façade of the building.
- 11) The primary entrance of a dwelling shall be appropriately scaled to the overall massing of the building. Porches are an outdoor extension of the living space of the house and shall be at least six (6) feet in depth to provide an adequate depth for seating and circulation to and from the dwelling. Wrap-around porches are an excellent way to capture prominent views, maximize a corner lot condition, and extend the outdoor living space and are therefore encouraged.
- 12) At least thirty percent (30%) of all dwellings in the development that face street types A and B shall have a porch.
- 13) No more than two (2) façade material types per dwelling shall be visible on any exterior wall, excluding foundations and piers of the building. If all facades of any one dwelling are to be constructed

of only one (1) facade material the material must be a wood siding or clapboard, or a masonry material or masonry materials, such as brick, stone or stucco.

- 14) Compatible colors, value, and tone must be used on adjacent buildings. If a traditional architectural theme is used, the colors should be consistent with the architectural style.
- 15) The main doorway entrance for at least seventy-five percent (75%) of the residential buildings shall face a street or access drive.
- 16) Fences and walls located along the frontage shall complement the architectural theme of the buildings and form continuous, cohesive enclosures along the street.
- 17) There may be a predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping. Landscaping within the development shall comply with all applicable landscape requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance where such requirements are not in conflict with specific provisions of this Section.
- 18) Architectural design guidelines shall be reviewed and approved by the Township Solicitor and be recorded and impose covenants and conditions upon the property. Architectural building plans shall be submitted as a component of the plan application approved by the Township Solicitor and fully enforceable.

14. Open Space Design Requirements

- A) A minimum open space area of ten percent (10%) of the total project's lot area, excluding existing street right-of-way, shall be provided for open space that is located within the project. This open space area may be credited against the required open space dedication in the Subdivision and Land Development Ordinance. The remaining mandated open space shall be provided according to the Subdivision and Land Development Ordinance.
- B) Required open space shall be in the form of:
 - (1) Greenway A series of connected open spaces that may follow natural features such as ravines, creeks or streams, consisting of paved paths and trails, lawns, trees, open shelters, or recreational facilities. A greenway may be used for a maximum of 30% of the required open space.
 - 2) Park An open space area that is available for active and passive recreation, consisting of paved paths and

- trails, lawns, trees, open shelters, or recreational facilities.
- 3) Plaza Open space located at the intersection of streets, set aside for residential community purposes consisting of durable pavement, landscaping and formal tree plantings. A plaza must adjoin building lots along at least fifty percent (50%) of its perimeter.
 - 4) Square Open space that may encompass an entire block, located at the intersection of streets, set aside for residential community purposes. Squares consist of paved walks, lawns, trees, open shelters, and residential community accessory use buildings.
- C) Open space shall include at least one (1) of the following: park, plaza, and/or square.
 - D) The required square shall be at least one-half (1/2) acre in size. A square must adjoin streets along at least fifty percent (50%) of its perimeter.
 - E) If provided, the park shall be at least one (1) acre and located within one thousand feet (1,000') of the geographic center of the residential uses or form an expansion of adjacent public lands.
 - F) A greenway shall have an average width of not less than twenty-five feet (25').
 - G) At least ninety percent (90%) of the lots must be within six hundred feet (600') of a square, plaza, greenway, or park.
 - H) Ownership of the open space shall be identified and accomplished through one (1) of the following methods:
 - 1) Dedication to the Township. The Township shall not be obligated to accept dedication of the open space.
 - 2) Private ownership by a non-profit organization among whose purposes is the preservation of open space land and/or natural resources. Such private owner shall be a bona fide conservation organization with a perpetual existence; the conveyance must contain appropriate provision for retransfer if the organization is unable to maintain the land. Private ownership is subject to deed restrictions in favor of the Township, in language acceptable to the Township Solicitor, and the private owner shall enter into a maintenance agreement with the Township.
 - 3) An association composed of the project's property owners according to Pennsylvania law. The agreements of sale and deeds for all open space lots shall contain the following requirements in language acceptable to the Township Solicitor.

- (a) Open space property shall not be further transferred except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another party which shall maintain the common open space in accordance with this Ordinance.
- (b) Open space shall be subject to 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.
- (c) The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

15. Street, Alley, and Access Drive Requirements

- (A) Streets shall be designed to reduce traffic speeds and promote safe pedestrian and non-motorized vehicular travel with the use of crosswalks, signage, textured pavement, and other design materials approved by the Township Board of Supervisors.
- (B) Each vehicular access way shall be classified according to the following types:
 - (1) Street “A” Provides access to the development and may act as a collector road within the development.
 - (2) Street “B” Provides circulation within the development and access to individual residential properties.
 - (3) Alley Provides primary vehicular access to residential uses.
 - (4) Access Drive Provides primary vehicular access to more than two (2) residential uses or one (1) or more non-residential use. May also provide access to loading areas or between or among parking areas within a development.
- (C) Required widths for vehicular access-ways are as follows:

	Street “A”	Street “B”	Alley	Access Drive
Right-of-Way	50-60 feet wide	36-50 feet wide	12-16 feet wide	14-22 feet wide (when provided)

Auto Travel Lanes	2 lanes, each 12 feet wide	2 lanes, each 10-foot wide	2 lanes, each 8 feet wide or 1 lane, 12-foot wide for one-way travel	2 lanes each 10-foot wide or 1 lane, 12-foot wide for one-way travel
Parking	1 or 2 lanes, each 8-foot wide	8-foot wide lane(s) (when provided)	None	8-foot wide lane(s) (when provided)
Curb	Required	Required	None	None
Curb Return Radius	25 feet	15 feet	15 feet	15 feet
Horizontal Centerline	150 feet	80 feet	20 feet	80 feet

- (D) Fifty percent (50%) of the lineal frontage of street classification type B shall provide on-street parking along one side of the street. Guest parking, including on-street parking, shall be appropriately distributed throughout the development at the rate of one (1) parking space for every four (4) dwellings. On-street parking may be counted towards guest parking requirements.
- (E) Wherever on-street parking is provided “bulb-outs” (also known as bump outs, nubs, knuckles or neck-downs) shall be provided (1) at all intersections with other streets, alleys and access drives on the same side as the provided on-street parking, and (2) where necessary to ensure there are no continuous strips of on-street parking in excess of two hundred fifty feet (250’). “Bulb-outs” shall be approximately seven feet (7’) in depth. “Bulb-outs” at intersections shall be twenty-five feet (25’) in length and all other required “bulb-outs” shall be at least ten feet (10’) in length unless the Township’s engineer agrees that a proposed alternate design achieves a superior or at least substantially similar result.
- (F) The circulation system should maintain a grid pattern whenever possible. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings. All streets shall terminate at other streets, except stub streets when such streets act as connections to future phases of development or public land.

- (G) Illumination is required for streets, alleys, and access drives, to increase the safety of pedestrians, as well as vehicles, while contributing to the character of the neighborhood.

Within the confines of the proposal, lower light fixtures, as opposed to tall, high-intensity lights, are preferred. Light poles six feet (6') to eight feet (8') in height may replace the need for traditional streetlight fixtures provided that the light poles turn on and off in a similar manner as traditional street light fixtures.

Along the perimeter boundary of the development, illumination shall conform to the streetlight standards of the Township Subdivision and Land Development Ordinance.

- (H) All other non-conflicting streets, alleys, and access drives provisions of the Subdivision and Land Development Ordinance remain in effect.

- (I) INTENTIONALLY OMITTED

- (J) Where a regional mass transit system provides service along a street adjacent to the development, or where such a system is proposed as part of an adopted municipal or regional transportation plan to serve the area of the development, appropriate drop-off and shelter facility shall be located along such street, or within such development, or at some alternate location, as may be required by the mass transit company, applicable municipal agency, or Township Supervisors

- (K) Street curbs, sidewalks and walkways shall be provided according to Township specifications. Alternate surface materials, such as but not limited to brick and Belgian block, may be substituted when determined by the Township to be appropriate.

16. Streets and Access Drives Planting

- (A) Trees shall be provided along each side of all proposed streets and access drives.
- (B) Trees shall be located no closer than four feet (4'), and no farther than fifteen feet (15'), from the rear of the curb or edge of pavement when no curb is provided.
- (C) The number of required trees shall be based on a minimum of one (1) tree, on each side of a street and access drive, for every forty linear feet (40') of street/access drive. Trees may be located at varying distances and in groupings, provided the streetscape of each block length contains the required number of trees.
- (D) Trees, when planted, shall be at least two to two and one-half inches (2 to 2½") in diameter, measured at six inches (6") above the ground. In locations where healthy and mature trees currently exist, they may be counted toward the fulfillment of these standards.
- (E) The following varieties are acceptable trees:

American Linden	Ginkgo (male only)	Saw tooth Oak
American Red Maple	Green Ash	Scarlet Oak
American Beech	Green spire Linden	Shingle Oak
Black Oak	Japanese Pagoda tree	Silver Linden
Bradford Pear	Japanese Slovak	Sugar Maple
Bur Oak	Little leaf European Linden	Sycamore
Columnar Norway Maple	Marshall's Seedless Ash	Thorn less Honey Locust
Common Hackberry	Norway Maple	Tulip Poplar
Crimean Linden	Pin Oak	White Ash
Eastern Poplar	Purple Beech	White Oak
European Beech	Red Oak	Willow Oak

No single species type may make up more than twenty-five percent (25%) of the total trees used for street and access drive plating.

- (F) Plantings may be used to complement the trees. If permanent containers are used to accommodate such plantings, they shall contain vegetation, which is hardy in all seasons, or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.
- (G) Trees are not required along Alleys.
- (H) All utilities shall be located underground.

17. Sidewalks

- (A) Sidewalks shall be provided along both sides of all streets and access drives.
- (B) Sidewalks shall be a minimum of five feet (5') wide.
- (C) Sidewalks located along street(s) type "A" [see Section 1938.15(B)] shall be located a minimum of four feet (4') from the front face of curb.
- (D) Sidewalks located along street(s) type "B" or access drives [see Section 1938.15 (B)] shall be located a minimum of four feet (4') from the front face of curb, unless contiguous to the curb.
- (E) Sidewalks that abut commercial uses shall be at least eight feet (8') wide and may be located contiguous to the cartway of streets or access drives.
- (F) Sidewalks shall include aprons for access by handicapped persons, according to standards contained within the latest version of the Americans With Disabilities Act.
- (G) Sidewalk planting strips may be replaced with ten foot (10') wide sidewalks at locations of passive pedestrian nodes (e.g., benches, fountains, public transit stops, and open space).

18. Perimeter Buffer

- (A) Adverse visual impacts between adjacent developments of differing intensities shall be mitigated through the use of landscape buffers, neighborhood-compatible architecture, building mass, building location, and building orientation.
- (B) No buildings, parking areas, street, access drives or alleys, except for perpendicular streets required to provide access to the development, shall be located within thirty five feet (35') of any perimeter boundary of the development.
- (C) No Townhouse Dwelling or Multi-Family Dwellings shall be located within fifty feet (50') of any perimeter boundary of the development.
- (D) Landscape buffers shall function as a semi-opaque screen from the ground to at least a height of six feet (6'). Vegetative material within this buffer shall meet the following criteria:
 - (1) Existing or planted deciduous trees shall attain a height at maturity of no less than forty feet (40'). Existing or planted evergreen trees shall attain a height at maturity of no less than ten feet (10').
 - (2) At least seventy-five percent (75%) of the required shrubs shall be evergreen species and all shrubs shall have been locally adapted to the area.

- (3) Tree spacing shall be no greater than fifty feet (50') on center for deciduous trees and no greater than twenty feet (20') on center for evergreen trees. Spacing distance may be increased when required for trees with a branch length that overlaps.
- (4) Perimeter buffer may include a wall, fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of the elements.
- (5) The requirement for a landscape buffer may be modified under Section 1938.15 in infill areas, in order to maintain the continuity of the community.
- (6) No single species type may make up more than twenty-five percent (25%) of the total plantings of that category (e.g. deciduous, evergreen or shrub).

19. Modifications of Design Standards

- (A) The Board of Supervisors may, by conditional use approval, permit the modification of the design standards of this Section, in order to encourage the use of innovative design.
- (B) Request for modification of design standards shall be submitted with the conditional use application for Optional Density Incentive. The Board of Supervisors shall consider both the Optional Density Incentive and modification of design standards simultaneously.
- (C) Modification of the design standards shall be subject to the following:
 - (1) Modifications of design standards shall better serve the intended purpose and intent of this District, as expressed in Section 1938.1.
 - (2) Modifications of design standards shall not result in greater adverse impact to adjoining properties nor future inhabitants within the District than the development would without the requested modifications.
 - (3) Modifications will not result in an increase in residential densities, beyond the maximum density permitted in Section 1938.8(A) and (B).

20. Conditional Use Site Plan Requirements and Effect of Conditional Use Site Plan Approval

(A) Each applicant under this Section 1938 shall present a conditional use site plan with the application for a conditional use. The conditional use site plan shall, at a minimum, contain the information identified in Section 1938. 20(G).

(B) Approval of the conditional use application shall make compliance with the conditional use site plan and any revisions thereto a part of the approval.

The applicant and future landowners shall develop the property in the manner set forth on the conditional use site plan and any revisions thereto when authorized in accordance with Section 1938. 20 (C) and (D).

(C) The applicant and future landowner may, during the subdivision and land development process, make minor revisions to the site plan as may be necessary to accommodate fully engineered storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design, as may be required by the Pennsylvania Department of Transportation, as part of a highway occupancy permit.

The Township, during the subdivision and land development process, shall determine whether the proposed changes to the approved conditional use site plan constitute minor revisions necessary to accommodate fully engineered storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design, as may be required by the Pennsylvania Department of Transportation, as part of a highway occupancy permit.

(D) Minor revisions to the approved conditional use site plan shall not:

- (1) Alter any of the items set forth in Section 1938.20(E),
- (2) Increase the number of dwelling units,
- (3) Change in the percentage or mix of each type of dwelling unit,
- (4) Change in the amount of nonresidential building area or land area to be devoted to nonresidential uses,
- (5) Change in the amount or location of open space areas,
- (6) Change in the minimum lot sizes for the residential dwellings, or
- (7) Result in lots or street systems that are impractical or detract from the appearance of the development.
- (8) Change in any improvement proposed to qualify for a density incentive.

- (E) Minor revisions to the approved conditional use site plan shall:
 - (1) Conform to the design requirements of Section 1938.
 - (2) Generally enhance the development plan, or in any case not have an adverse impact on its physical, visual or spatial characteristics.
 - (3) Generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.
 - (4) Comply with the provisions of the Optional Density Incentive standards.
 - (5) Allow for equal or better results than the originally approved conditional use site plan and represent the minimum modification necessary.
- (F) Any change to an approved conditional use site plan which does not constitute a minor revision authorized by Section 1938.20(C) must be submitted as an application to amend the conditional use approval.
- (G) The conditional use site plan shall include, at a minimum, the following information:
 - (1) The project name or identifying title.
 - (2) The name and address of the landowner, applicant, and firm that prepared the plan.
 - (3) The file or project number assigned by the firm that prepared the plan, plan date, and dates of all plan revisions.
 - (4) A north arrow, graphic scale, and written scale.
 - (5) The entire tract boundary with bearings and distances, and identification of all corner markers.
 - (6) A location map at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries, and streams located within one thousand (1,000) feet of any part of the property.
 - (7) Existing adjacent land uses and lot lines within two hundred (200) feet of any part of the property, including the location of all public and private streets, drives or lanes, railroads, historic sites, and other significant natural or man-made features.
 - (8) Names of all immediately adjacent landowners, and names and plan book numbers of all previously recorded plans for adjacent projects.

- (9) Contours at vertical intervals of two (2) feet for land with average natural slope of twelve (12%) percent or less, and at vertical intervals of five (5) feet for more steeply sloping land; location of bench mark and datum used.
- (10) Areas subject to the one hundred (100) year flood, wetlands, water bodies, habitats of endangered species, caves, historic sites, archeological sites, and woodlands.
- (11) Soil types as indicated by the most recent U.S.D.A. Soil Conservation Service Soil Survey of Lancaster County.
- (12) Existing landmarks within the proposed development, including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.
- (13) Site data including, but not limited to, the following:
 - i) Total acreage of the tract,
 - ii) Zoning district,
 - iii) Proposed use of the land,
 - iv) Proposed gross area of the development,
 - v) Proposed gross residential density,
 - vi) Proposed number of dwelling units,
 - vii) Proposed mix of dwelling types,
 - viii) Proposed number of lots,
 - ix) Acreage and percentage of common open space,
 - x) Acreage and floor area of any commercial areas,
 - xi) Proposed number of parking spaces,
 - xii) Proposed design incentive, including the provision under which the incentive is authorized,
 - xiii) Total lot coverage, and
 - xiv) Total building coverage.
- (14) Location and surface materials of all streets access drives, parking compounds, sidewalks, bikeways, and curbing with approximate dimensions.
- (15) Location of all proposed lot lines with approximate dimensions.
- (16) Size of all lots, lot coverage and building coverage in square feet or acreage and by percentage.
- (17) Location, height and configuration of all buildings. Building configurations may be schematic. Each multi-family building shall identify the number of dwelling units within the building.
- (18) Location, size, and use of all common open space areas, structures, and recreation facilities.
- (19) Landscaping, buffering, screening, walls, and fences.

- (20) Phasing plan and development schedule, when applicable. When required, the phasing plan shall include timing and sequence of construction for all infrastructure provided by the developer. This schedule is subject to the approval of the Township.

Infrastructure includes but not necessarily limited to site improvements, landscaping, pedestrian accommodations, storm water management, sanitary sewerage, water supply, vehicular circulation, parking, and any off-site improvements as may be required as a condition of approval, including signalization or other improvements at the access points to the development.

21. **Conditional Use Impact Analysis**

Each applicant under this Section 1938 shall include the following:

- (A) A traffic impact study, prepared to the satisfaction of the Township. The study shall document the anticipated traffic condition that will be generated by the proposed development and identifying measures that mitigate negative impacts.
- (B) A public service impacts study on public services and facilities, such as public water, public sewerage, police protection, fire protection, schools, and recreation Township. The study shall document the anticipated condition that will be generated by the proposed development and identifying measures that mitigate negative impacts.

Section 4.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

Section 5.

The East Lampeter Township Zoning Ordinance is amended in no other way.

Section 6.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 7.

This ordinance shall become effective upon recording in the Ordinance Book of East Lampeter Township.

ADOPTED this 5th day of March, 2007.

ATTEST:

Secretary
(Seal)
Township

Glenn L. Eberly, Chairman
Board of Supervisors of East Lampeter

I, Ralph M. Hutchison, Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on March 5, 2007, at which meeting a quorum was present and voted in favor thereof.

Secretary

ARTICLE XX. ADMINISTRATION AND ENFORCEMENT

SECTION 2001. ZONING OFFICER

The provisions of the Zoning Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by, and be responsible to, the Board of Township Supervisors. He may be provided with the assistance of such persons as the Board of Township Supervisors may direct. The Zoning Officer shall not hold any elective office in the Township.

SECTION 2002. DUTIES AND RESPONSIBILITIES OF ZONING OFFICER

The Zoning Officer shall administer this Zoning 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 the Zoning Ordinance and to other applicable ordinances of the Township of East Lampeter and to the laws of the Commonwealth of Pennsylvania. The Zoning Officer shall have such duties and powers as are conferred on him by this Ordinance and shall include, but not be limited to, the following:

1. Application and Permits - The Zoning Officer shall receive applications and issue Permits and Certificates of Use and Occupancy as permitted by the terms of this Ordinance.
2. Inspections - Before issuing any Permit or Certificate of Use and Occupancy, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs or land and portions thereof for which an application has been filed for a Permit or a Certificate of Use and Occupancy. Thereafter, he may make such inspections during the completion of the work for which a Permit has been issued. Upon completion of such work and before issuing a Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans or Permit shall be noted and the holder of the Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
3. Registration of Non-conforming Uses, Buildings, Structures and Lots - To facilitate the administration of this Ordinance, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of non-conforming uses, buildings, structures and lots in all zoning districts, and for which no special exception or variance has been issued and which does not otherwise comply with all Sections of this Ordinance. Such a listing of non-conforming uses, buildings, structures and lots shall identify the reasons why the Zoning Officer identified them as non-conforming and shall be a matter of public record and shall constitute sufficient notice of the non-conforming status of said use, building, structure or

lot and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

4. Official Records - It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all Permits and Certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official zoning map, and all other pertinent information. The records of his office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy issued and violations and stop-work orders recommended or promulgated.
5. Violations - The Zoning Officer shall serve notice of violations on any person, firm, corporation or partnership responsible for violating any of the provisions of this Ordinance. He shall also be responsible for instituting civil enforcement proceedings as a means of enforcement when authorized by the Board of Township Supervisors pursuant to Section 2007 of this Ordinance.

SECTION 2003.

PERMITS

1. Requirements. It shall be unlawful to commence the excavation for or the construction or erection of any building or sign, including an accessory building or sign, or to commence the moving or alteration of any building or sign, including an accessory building or sign, or to change the use of any building, structure or land, until the Zoning Officer has issued a Permit for such work. Any excavation for or construction or erection of any building or sign, including an accessory building or sign, or the commencement of any moving or alteration of any building or sign, including any accessory building or sign, or the change of use of any building, structure or land, shall comply with all other provisions of this Ordinance and any other local, State or Federal regulations, ordinances, and/or laws. No permit shall be required for repairs to and maintenance of any building, structure, sign or land; provided that such repairs do not change the use, alter the exterior dimensions of the building, structure or sign, or otherwise violate the provisions of the Zoning Ordinance or other ordinances of the Township. (Amended 3/4/96 by Ordinance #181)
2. Form of Application. The application for a Permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed. Application for a Permit shall be made by a landowner or developer. The full names and addresses of the landowner or developer, and of

the responsible officers if the landowner or developer is a corporate body, shall be stated in the application.

3. Description of Work. The application shall contain a general description of the proposed work and/or use and occupancy of all parts of the building, structure, sign or land and such additional information as may be required by the Zoning Officer. The application for the Permit shall be accompanied by a plot plan of the proposed building, structure, sign or land drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines and street right of way lines. (Amended 3/4/96 by Ordinance #181)
4. Time limit for Application. An application for a Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless during that six (6) month period a Permit shall have been issued; provided, that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.
5. Issuance of Permit. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this Ordinance and all other pertinent laws and ordinances and that the Certificate of Use and Occupancy as required herein has been properly applied for, he shall issue a Permit therefore as soon as practical.
6. Expiration of Permit. The Permit shall expire one year from the date of issuance; provided, that the Permit may be extended by the Zoning Officer upon reasonable cause shown and at his discretion for one or two six (6) month periods not to exceed an additional one (1) year.
7. Revocation of Permit. The Zoning Officer may revoke a Permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the Permit or approval was based, or if it is found that the work performed or the use to which the property is put is not in conformance with the application, or for any other cause set forth in the Zoning Ordinance.
8. Posting of Permit. A true copy of the Permit shall be kept on the site of operations and open to inspection by the Zoning Officer during the entire time of prosecution of the work and until the completion of same as defined in the application.

SECTION 2004.

CONDITIONS OF PERMIT

1. Payment of Fees. No Permit shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to Resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said Permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law.
2. Compliance with Ordinance. The Permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance.
3. Compliance with Permit and Plot Plan. All work or use shall conform to the approved application and plans for which the Permit has been issued as well as the approved plot plan.

SECTION 2005.

CERTIFICATE OF USE AND OCCUPANCY

1. When Required. It shall be unlawful to use and/or occupy any structure, building, sign or land or portion thereof for which a Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue such Certificate unless he has inspected said structure, building, sign or land and has determined that all provisions of the Zoning Ordinance and other ordinances of the Township have been satisfied.
2. Form of Application. The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe, and shall be made at the same time as the application for a Permit is filed with the Zoning Officer.
3. Description of Use and Occupancy. The application shall contain a description of the intended use and occupancy of any structure, building, sign or land or portion thereof for which a Permit is required herein.
4. Action upon Application. The Zoning Officer shall inspect any structure, building or sign within seven (7) days after notification that the proposed work that was listed under the Permit has been completed. If he is satisfied that the work is in conformity and compliance with the work listed in the issued Permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the approved application.

If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his right of appeal to the Zoning Hearing Board.

5. Availability of Certificate. The Certificate of Use and Occupancy for non-conforming uses, or a true copy thereof, shall be kept available for inspection by the Zoning Officer at all times.
6. Temporary Certificate of Use and Occupancy - Upon request of a holder of a Permit, the Zoning Officer may issue a temporary Certificate of Use and Occupancy for a structure, building, sign or land or portion thereof before the entire work covered by the Permit shall have been completed; provided that such portion or portions may be used or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer may also issue a temporary Certificate of Use and Occupancy for such temporary structures as tents, trailers and construction related buildings when located on construction sites, or when intended for the use of religious or other public or semi-public purposes, or similar temporary uses or occupancy. Such temporary Certificates shall be for a period of time to be determined by the Zoning Officer, however in no case for a period exceeding six (6) months.

SECTION 2006.

ENFORCEMENT NOTICE

1. If it appears to the Township that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - (A) The name of the owner of record and any other person against whom the Township intends to take action.
 - (B) The location of the property in violation.
 - (C) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - (D) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- (E) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- (F) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 2007. CAUSES OF ACTION

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

SECTION 2008. ENFORCEMENT REMEDIES

1. District justices shall have initial jurisdiction over proceedings brought under this Section.
2. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or 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 the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the 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.

3. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
4. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 2009.

FINANCES AND EXPENDITURES

1. The Board of Township Supervisors may appropriate funds to finance the preparation of zoning ordinance amendments and shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board.
2. The Board of Township Supervisors shall make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board.
3. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the Township Solicitor. The Zoning Hearing Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the Board of Township Supervisors for this use.
4. For the same purposes, the Board of Township Supervisors may accept gifts and grants of money and services from private sources and from the County, State and Federal governments.
5. The Board of Township Supervisors may prescribe reasonable fees with respect to the administration of this Ordinance and with respect to hearings before the Zoning Hearing Board. Fees for these 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.

SECTION 2010.

SCHEDULE OF FEES, CHARGES AND EXPENSES

The Board of Township Supervisors shall establish, by resolution, a schedule of fees, charges and expenses and collection procedures for Permits, Certificates of Use and Occupancy, special exceptions, variances, and appeals and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Township Supervisors.

Until all application fees, charges and expenses have been paid in full, the application or appeal shall not be considered complete, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

SECTION 2011. EXEMPTIONS FOR PUBLIC UTILITY CORPORATIONS

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

SECTION 2012. COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

No authorization for a Permit or a Certificate of Use and Occupancy shall be granted by the Zoning Hearing Board or the Zoning Officer for any use, building, structure or sign unless evidence has been submitted to the Township that the applicant has complied with all applicable laws, rules and regulations of the State and Federal governments.

SECTION 2013. APPEALS

All appeals from all land use decisions rendered pursuant to Article XXI of this Ordinance shall be taken to the court of common pleas in accordance with the provisions of Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE XXI. ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

SECTION 2101. CREATION OF ZONING HEARING BOARD

The Board of Township Supervisors hereby create a Zoning Hearing Board, herein referred to as "Board", consisting of three (3) residents of the Township appointed by resolution by the Board of Township Supervisors.

SECTION 2102. MEMBERSHIP OF BOARD

One (1) member of the Board shall be designated to serve until the first day of January following the adoption of this Ordinance, one (1) member shall serve until the first day of the second January thereafter, and one (1) member shall serve until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve for a term of three (3) years. Members of the Board shall hold no other office in the Township.

SECTION 2103. REMOVAL OF BOARD MEMBERS

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the Board member shall request it in writing.

SECTION 2104. VACANCIES ON THE BOARD

The Board shall promptly notify the Board of Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

SECTION 2105. COMPENSATION AND EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Township Supervisors.

SECTION 2106.

ORGANIZATION OF BOARD

1. 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 2107.
2. Meetings and hearings of the Board shall be held at the call of the chairperson of the Board and at such other times as determined by the Board by majority vote,
3. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit an annual report of its activities to the Board of Township Supervisors.

SECTION 2107.

HEARINGS

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

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Township 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. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
2. The Board of Township Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
3. 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.
4. 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 or findings of the hearing officer as final.

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, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
6. The chairperson or the acting chairperson 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.
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.
8. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
9. 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.
10. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given opportunity to be present.
11. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall

be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, 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 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 Section, 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 hereinabove 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 Paragraph 1 of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Paragraph shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12. 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.
13. The burden of proof in all Zoning cases coming before the Zoning Hearing Board shall be upon the applicant to establish compliance with all requirements of the Ordinance pertaining to the matter before the Board. (Added 11/19/91 by Ordinance #145)
14. If the variance is granted, or the issuance of a permit is finally approved, or other action by the appellant is authorized, the necessary Permit shall be secured and the authorized action begun within three (3) months after the date when the variance is finally granted or the issuance of a Permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause, the Board may upon application in writing stating the reasons therefore, extend either the three (3) month or twelve (12) month period.

Should the appellant or applicant fail to obtain the necessary Permits within said three (3) month period, or having obtained the Permit should he fail to commence work thereunder within such three (3) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits to him granted shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said three (3) month period, but should he fail to complete such construction or alteration within said twelve (12) month period, the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance, or the issuance of the Permit, or Permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such twelve (12) month period, and if the Board further finds that conditions have so altered, or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified. (Added 11/19/91 by Ordinance #145)

SECTION 2108. MEDIATION OPTION

1. Parties to proceedings authorized in this Article and in Article X-A of the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. In proceedings before the Board, in no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article and Article X-A of the Pennsylvania Municipalities Planning Code, as amended, once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting the police powers of the Township or as modifying any principles of substantive law.
2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - (A) funding mediation;
 - (B) selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - (C) completing mediation, including time limits for such completion;

- (D) suspending time limits otherwise authorized in this Ordinance and in the Pennsylvania Municipalities Planning Code, as amended, provided there is written consent by the mediating parties, and by the applicant or municipal decision making body if either is not a party to the mediation;
 - (E) identifying all parties and affording them the opportunity to participate;
 - (F) subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and
 - (G) assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Pennsylvania Municipalities Planning Code, as amended.
3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 2109. JURISDICTION OF ADJUDICATIONS

1. The Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (A) Substantive challenges to the validity of any land use ordinance, except those brought before the Supervisors pursuant to Section 2202 and Section 2117.1, Paragraph (B).
 - (B) 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.
 - (C) 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 therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - (D) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

- (E) Applications for variances from the terms of this Ordinance and the floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 2111.
 - (F) Applications for special exceptions under this Ordinance or floodplain or flood hazard ordinance or such other provisions within a land use ordinance, pursuant to Section 2112.
 - (G) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
 - (H) Appeals from the Zoning Officer's determination under Section 2118.
 - (I) 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 subdivisions and land developments or planned residential developments.
2. The Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (A) All applications for approvals of planned residential developments.
 - (B) All applications for approval of subdivisions or land developments.
 - (C) Applications for conditional use under the express provisions of this Ordinance.
 - (D) Applications for curative amendment to this Ordinance pursuant to Section 2202 and Section 2117.1, Paragraph (B).
 - (E) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 2201. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this Paragraph shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 - (F) Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for subdivisions and land developments or planned residential developments.

- (G) Applications for a special encroachment permit related to an adopted official map by the Township.

SECTION 2110. APPLICABILITY OF JUDICIAL REMEDIES

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

SECTION 2111. ZONING HEARING BOARD FUNCTIONS - VARIANCES

The Board shall hear requests for variances where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

SECTION 2112.

ZONING HEARING BOARD FUNCTIONS - SPECIAL EXCEPTIONS

Where the Board of Township Supervisors, in this Ordinance, have stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

When an application for a special exception has been filed with the Board and the subject matter of such application would ultimately constitute either a land development or a subdivision, no change or amendment of this Ordinance or any other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Board, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Board following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Section 508(1) through (4) of the Pennsylvania Municipalities Planning Code, as amended, and specifically to the time limitations of Section 508(4) which shall commence as of the date of filing such land development or subdivision plan.

SECTION 2113.

BOARD OF TOWNSHIP SUPERVISORS FUNCTIONS - CONDITIONAL USES

Where the Board of Township Supervisors, in this Ordinance, has stated conditional uses to be granted or denied by the Board of Township Supervisors pursuant to express standards and criteria, the Board of Township Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Township Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it deem necessary to implement the purposes of this Ordinance.

SECTION 2114.

PARTIES APPELLANT BEFORE THE BOARD

Appeals under Section 2109.1, Paragraphs (A), (B), (C), (D), (G), (H) and (I) of this Ordinance may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 2111 and for special exception under Section 2112 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

SECTION 2115.

TIME LIMITATIONS

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan for a planned residential development or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the zoning map pursuant to Section 2118 shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 2116.

STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in Section 2114 of this Ordinance and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond

shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

SECTION 2117. VALIDITY OF ORDINANCE; SUBSTANTIVE QUESTIONS

1. A landowner who, on substantive grounds, desires to challenge 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 shall submit the challenge either:
 - (A) to the Board under Section 2109.1; or
 - (B) to the Board of Township Supervisors under Section 2109.2, Paragraph (D), together with a request for a curative amendment under Section 2202.
2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Board for a decision thereon under Section 2109.1, Paragraph (A).
3. The submissions referred to in Paragraphs 1 and 2 of this Section shall be governed by the following:
 - (A) In challenges before the Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under Section 2202, his application to the Board of Township Supervisors shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

- (B) If the submission is made by the landowner to the Board of Township Supervisors under Paragraph 1(B) of this Section, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
- (C) If the submission is made to the Board of Township Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in Section 2109.2, Paragraph (D).
- (D) The Board of Township Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
- (E) Based on the testimony presented at the hearing or hearings, the Board of Township Supervisors or the Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Township Supervisors is found to have merit, the Board of Township Supervisors shall proceed as provided in Section 2202. If a challenge heard by the Board is found to have merit, the decision of the Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (1) the impact of the proposal upon streets, sewer facilities, water supplies, schools and other public service facilities;
 - (2) if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance and map;
 - (3) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (4) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

- (5) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - (F) The Board of Township Supervisors or the Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 - (G) If the Board of Township Supervisors or the Board, as the case may be, fails to act on the landowner's request within the forty-five (45) days referred to in Paragraph (F) above, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
4. The Board or Board of Township Supervisors, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
5. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
6. The challenge shall be deemed denied when:
- (A) the Board or Board of Township Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in Section 2117.4.
 - (B) the Board of Township Supervisors notifies the landowner that it will not adopt the curative amendment;
 - (C) the Board of Township Supervisors adopts another curative amendment which is unacceptable to the landowner; or
 - (D) the board or Board of Township Supervisors, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Township.
7. Where, after the effective date of the Pennsylvania Municipalities Planning Code, as amended, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Township Supervisors pursuant to Section 2109.2, Paragraph (D) or a validity challenge is sustained by the Board pursuant to Section 2109.1, Paragraph (A), or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such

approval to file an application for the appropriate preliminary, final or tentative plan. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary, final or tentative plan, the provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code, as amended, shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

SECTION 2118. PROCEDURE TO OBTAIN PRELIMINARY OPINION

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposes to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 2115 by the following procedure:

1. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a zoning permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
3. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 2115 and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

ARTICLE XXII

AMENDMENTS

SECTION 2201.

ENACTMENT OF ZONING ORDINANCE AMENDMENTS

1. When requested by the Board of Township Supervisors, the Planning Commission shall prepare amendments to the Ordinance, including text and map amendments as well as all necessary studies and surveys preliminary thereto.
2. In preparing a proposed amendment, the Planning Commission shall hold at least one public meeting pursuant to public notice and may hold additional public meetings upon such notice as it shall determine to be advisable.
3. Upon completion of its work, the Planning Commission shall present to the Board of Township Supervisors the proposed amendment, together with recommendations and explanatory materials.
4. Before voting on the enactment of an amendment, the Board of Township Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Board of Township Supervisors 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.
5. In the case of an amendment other than that prepared by the Planning Commission, the Board of Township Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
6. 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 Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
7. At least thirty (30) days prior to the public hearing on the amendment by the Board of Township Supervisors, the Township shall submit the proposed amendment to the Lancaster County Planning Commission for recommendations.
8. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Section 2108.

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

SECTION 2202.

PROCEDURE FOR LANDOWNER CURATIVE
AMENDMENTS

1. A landowner who desires to challenge on substantive grounds the validity of the Ordinance or zoning map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 2117. The Board of Township Supervisors shall commence a hearing thereon within sixty (60) days of the request as provided in Section 2117. The curative amendment and challenge shall be referred to the Planning Commission and the Lancaster County Planning Commission as provided in Section 2201 and notice of the hearing thereon shall be given as provided in Section 2204 and in Section 2117.
2. The hearing shall be conducted in accordance with Section 2107 and all references therein to the Board shall for purposes of this Section be references to the Board of Township Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. If the Board of Township Supervisors determine that a validity challenge has merit, the Board of Township Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (A) the impact of the proposal upon streets, sewer facilities, water supplies, schools and other public service facilities;
 - (B) if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance and map;

- (C) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
- (D) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- (E) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

SECTION 2203. PROCEDURE FOR TOWNSHIP CURATIVE AMENDMENTS

If the Board of Township Supervisors determines that its Ordinance or any portion thereof is substantively invalid, it shall take the following actions:

1. The Board of Township Supervisors shall declare by formal action, that this Ordinance or portions thereof are substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Township Supervisors shall:
 - (A) by resolution, make specific findings setting forth the declared invalidity of the Ordinance which may include references to specific uses which are either not permitted or not permitted in sufficient quantity, reference to a class of use or uses which require revision, or reference to the entire Ordinance which requires revisions; and
 - (B) begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred and eighty (180) days from the date of the declaration and proposal, the Board of Township Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, its Ordinance pursuant to the provisions required by Section 2201 in order to cure the declared invalidity of the Ordinance.
3. Upon the initiation of the procedures, as set forth in Paragraph 1 of this Section, the Board of Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 2202 nor shall the Board of Township Supervisors be required to give a report requested under Section 2109 or Section 2117 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Paragraph 1,(A) of this Section. Upon completion of the procedures as set forth in Paragraph 1 and 2 of this Section, no rights to a cure

pursuant to the provisions of Section 2202 or Section 2117 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Ordinance for which there has been a curative amendment pursuant to this Section.

- 4. Having utilized the procedures as set forth in Paragraphs 1 and 2 of this Section, the Township may not again utilize said procedure for a thirty six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Ordinance, pursuant to Paragraph 2 of this Section; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation.

SECTION 2204. PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF AMENDMENTS

- 1. Proposed zoning amendments shall not be enacted unless notice of the 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 Township Supervisors shall publish the proposed amendment once in one 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 included:
 - (A) a copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published; and
 - (B) an attested copy of the proposed amendment shall be filed in the County law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said amendments.
- 2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Township Supervisors shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendment changes.

3. The Zoning Ordinance and any amendments thereto may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

SECTION 2205.

AUTHENTICATION OF OFFICIAL ZONING MAP

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

ARTICLE XXIII.

VALIDITY AND SEVERANCE

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in the Zoning Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Township Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

ARTICLE XXIV.

REPEALER

Any Resolution, Ordinance or part of any Resolution or Ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed except as provided for in this Ordinance; provided however, that the provisions of the East Lampeter Township Planned Residential Development Ordinance and the East Lampeter Township Subdivision and Land Development Ordinance, except those provisions in conflict with the provisions hereof, are not being repealed by the adoption of this Ordinance, it being the intent that this Ordinance shall be deemed compatible with said Ordinances and shall be read and construed in conjunction with the same. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to the effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part hereof, or to punish any violation which occurred under any prior zoning regulation or Ordinance. In the event any violation has occurred under any prior zoning regulation or Ordinance of East Lampeter Township, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulations or Ordinance, and the penalties provided in said prior zoning regulation or Ordinance shall remain effective as to said violation.

ARTICLE XXV.

EFFECTIVE DATE

This Revised Zoning Ordinance shall become effective five (5) days after its adoption by the Board of Township Supervisors of East Lampeter Township, County of Lancaster, Commonwealth of Pennsylvania.

Enacted and Ordained this 9th day of May, 1990.

BOARD OF TOWNSHIP COMMISSIONERS

BY: JAMES C. NOLT /S/
Chairman

ATTEST

IVAN C. MILLER /S/
Secretary

- Amended 08/21/90 by Ordinance #132
- Amended 12/03/90 by Ordinance #133
- Amended 12/03/90 by Ordinance #134
- Amended 08/20/91 by Ordinance #139
- Amended 09/09/91 by Ordinance #141
- Amended 11/19/91 by Ordinance #145
- Amended 09/14/92 by Ordinance #148
- Amended 10/05/92 by Ordinance #150
- Amended 08/17/93 by Ordinance #157
- Amended 01/03/94 by Ordinance #161
- Amended 03/04/96 by Ordinance #181
- Amended 12/17/96 by Ordinance #189
- Amended 12/17/96 by Ordinance #190
- Amended 03/18/97 by Ordinance #193
- Amended 06/02/97 by Ordinance #198
- Amended 10/06/97 by Ordinance #206
- Amended 10/06/97 by Ordinance #207
- Amended 11/02/98 by Ordinance #214
- Amended 10/16/01 by Ordinance #229
- Amended 07/14/02 by Ordinance #239
- Amended 11/18/03 by Ordinance #241
- Amended 03/05/09 by Ordinance #267