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Part 1

Title, Authority, Purpose, Community Development Objectives

§101. Short Title.

This Chapter shall be known as and may be cited as the “Township of Conewago Zoning Ordinance.”

(Ord. 1985-1, 10/9/1985, §1)

§102. Authority.

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as amended, 53 P.S. §10101 et seq.

(Ord. 1985-1, 10/9/1985, §2)

§103. Purpose.

This Chapter is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.
- 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, flood, panic or other dangers. This Chapter is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for the particular uses and structures.
- C. To promote and to foster the community development goals and objectives as contained in the Conewago Township Comprehensive Plan, as adopted.

(Ord. 1985-1, 10/9/1985, §3)

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§104. Interpretation.

In interpreting and applying this Chapter, 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 Chapter shall conform with all regulations for the zoning district in which it is located and with all other pertinent regulations of this Chapter and other related ordinances. This Chapter 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 this Chapter imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this Chapter shall control.

(Ord. 1985-1, 10/9/1985, §4)

§105. Application.

The provisions, regulations, limitations and restrictions of this Chapter shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs. Nothing in this Chapter shall require any change in filed plans or existing construction of lawful use.

(Ord. 1985-1, 10/9/1985, §5)

Part 2

Definitions

§201. Definition of Terms.

1. The following words are defined in order to facilitate the interpretation of this Chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.
2. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.
3. Words used in the present tense include the future tense.
4. The singular includes the plural.
5. The term “shall” is always mandatory.
6. The words “used” or “occupied,” as applied to any land or building, shall be construed to include the words, “intended, arranged or designed to be used or occupied.”

ACCESS DRIVE — a paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING — a building subordinate to and detached from the principal building and located on the same lot with such principal use or principal building.

ACCESSORY BUILDING (MINOR) — a building subordinate to and detached from the principal building and located on the same lot with such principal building and which does not exceed 200 square feet in floor area and 12 feet in height.

ADULT BOOK STORE — an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

ADULT DRIVE-IN PICTURE THEATER — an area open to the air and not enclosed within any building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to “specified sexual activities,” or “specified anatomical areas,” (as defined in this Part) for observation by patrons therein, which patrons observe such material from a location within automobiles or other motor vehicles, seated in autos or other motor vehicles or on outdoor seats.

ADULT MINI MOTION-PICTURE THEATER — an enclosed building with a capacity for less than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” (as defined in this Part), for observation by patrons therein.

ADULT MOTION-PICTURE THEATER — an enclosed building with a capacity of 50 or more persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” (as defined in this Part), for observation by patrons therein.

ADULT WALK-IN PICTURE THEATER — an area neither enclosed nor open to the sky (e.g. a pavilion, tent, etc.) where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” (as defined below) for observation by patrons therein.

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AGRICULTURE — the cultivating of the soil, producing crops and raising livestock and, in varying degrees, the processing and marketing of products raised on the premises.

AIR RIGHTS — the right to use space above ground level.

ALLEY — a public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS — as applied to a building or structure, any change or rearrangement in the structural parts on in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

ANIMAL HOSPITAL — a building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

APARTMENT — a dwelling unit within a multifamily dwelling. This classification includes apartments in apartment houses, bachelor apartments, studio apartments and kitchenette apartments. Conversion apartments are not included in this classification.

APARTMENT (CONVERSION) — an existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

APARTMENT HOUSE — a building arranged, intended or designed to be occupied by three or more families living independently of each other.

APPLICANT — a landowner or developer who has filed an application for development, including the heirs, successors and assigns of such person.

APPLICATION FOR DEVELOPMENT — every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, an application for approval of a subdivision plat and an application for approval of a land development plat.

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

AREA, LOT — the area contained within the property lines of a lot, excluding space within any street or right-of-way, but including the area of any easement.

AUTO BODY SHOP — any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks or similar motor vehicles.

AUTOMOBILE GARAGE — a structure or building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

AUTOMOBILE and/or MOBILE HOME SALES GARAGE — a structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles, mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE and/or MOBILE HOME SALES LOT — an open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles or mobile homes and where minor and incidental repair work (other than body and fender) may be done.

AUTOMOBILE SERVICE STATION — any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE WASHING (CAR WASH) — a structure or building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services set forth herein for “automobile service stations.”

AUTOMOBILE WRECKING — the dismantling or wrecking of used automobiles, trucks, other similar motor vehicles or trailers, or the storage, sale or dumping of such dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BAFFLE — a freestanding randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one segment of one property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

BASEMENT — a story partly underground but having at least of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes, other than as a game or recreation room.

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BILLBOARD — see “Sign, off-premises.”

BLOCK — an area bounded by streets.

BOARD — any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications.

BOARDING HOUSE — a building arranged or used for the lodging, with or without meals, for compensation, by more than five but not more than 20 individuals.

BUILDING — any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches, bay windows and chimneys.

BUILDING, DETACHED — a building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF — the line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

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

BUILDING, MAIN — a building in which is conducted the principal use of the lot on which it is located.

BUILDING, NONCONFORMING — a building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

BUILDING PERMIT — written permission issued by the proper Township authority for the construction, repair, alteration or addition to a structure.

BUILDING, PRINCIPAL — a building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK LINE — the line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line.

CAMP — land, and any buildings thereon, used for an assembly of persons for what is commonly known as “day camp” purposes not for profit, whether occupied by adults or children, as individuals, families or groups.

CARPORT — a covered space, open on three sides, for the storage of one or more vehicles and accessory to a main or accessory building.

CARTWAY — that portion of a street or alley which is improved, designed or intended for vehicular use.

CELLAR — a story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

CLEAR-SIGHT TRIANGLE — an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets' center lines.

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.

COMMUNICATIONS ANTENNA — any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING — an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER — a structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support communications antennas.

COMMUNITY PROPANE SUPPLY — a temporary energy source until the extension of natural gas occurs to service a specific residential or nonresidential development. A "community propane supply" may consist of one propane tank or a series of tanks located in the specific residential or nonresidential development that it is intended to serve. The community propane supply shall be installed pursuant to the applicable regulations of this Chapter.

COMPREHENSIVE PLAN — a comprehensive long-range plan adopted as an official document to guide the growth and development of the Township. The plan includes analyses, recommendations, and proposals for the Township's population, economy, housing, transportation, community facilities and land uses.

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CONDITIONAL USE — a use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq.

CONDOMINIUM — real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

COURT — an unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER — a court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, provided that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER — a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE — that portion or percentage of the lot area covered by the building area, including impervious materials.

CUT — an excavation; the difference between a point on the original ground and a designated point of lower elevation on the final grade; also, the material removed in excavation.

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

DENSITY — the number of families, individuals, dwelling units or housing structures per unit of land.

DETERMINATION — final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The Board of Supervisors;
- (2) The Zoning Hearing Board; or,
- (3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordi-

nances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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 — any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

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 development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition.

DISTRICT, ZONING — a district includes all buildings, lots and surface areas within certain designated boundaries as indicated on the zoning map.

DOG KENNEL — a structure where three or more dogs that are more than six months old are kept for commercial purposes.

DRIVEWAY — a private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

DRUG PARAPHERNALIA — any objects, devices, instruments, apparatus or contrivances, whose primary and traditional use is involved with the illegal use of any and all controlled substances under the laws of Pennsylvania. “Drug paraphernalia” includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting or any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

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- (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
- (7) Separation gins and sifters used, intended for use, or designated for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (9) Capsules, balloon envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - (b) Water pipes.
 - (c) Carburetion tubes and devices.
 - (d) Smoking and carburetion masks.
 - (e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand.
 - (f) Miniature cocaine spoons and cocaine vials.
 - (g) Chamber pipes.
 - (h) Carburetor pipes.
 - (i) Electric pipes.

- (j) Air-driven pipes.
- (k) Chillums.
- (l) Bongs.
- (m) Ice pipes or chillers.

DRUG STORE — a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products are sold as well.

DUMP — a lot or land or part thereof used primarily for disposal by abandonment, dumping, burial or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING — a building or structure designed for living quarters for one or more families, including mobile homes which are supported either by a foundation or which are otherwise permanently attached to the land, but not including hotels, rooming houses or other accommodations used for transient occupancy.

DWELLING GROUP — a group of two or more single-family, two-family or multi-family dwellings occupying a lot that is owned by one person.

DWELLING, MULTIFAMILY — a building, including apartment houses, used by three or more families living independently of each other and doing their own cooking.

DWELLING, SINGLE-FAMILY, ATTACHED (ROW) — a building use for one family and having two party walls in common with other buildings (such as row house or townhouse).

DWELLING, SINGLE-FAMILY, DETACHED — a dwelling located on a separate lot which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling units by any means.

DWELLING, SINGLE-FAMILY, SEMI-DETACHED — a building use by one family, having one side yard, and one party wall in common with another building.

DWELLING, TWO-FAMILY, DETACHED — a building used by two families, having two dwelling units, one located above the other, and having two side yards.

DWELLING UNIT — a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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EASEMENT — a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ELECTRIC SUBSTATION — an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES — electric public utilities' transmission and distribution facilities, including substations.

ENGINEER — a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

ENGINEERING SPECIFICATIONS — the engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EROSION — the removal of surface materials by the action of natural elements.

EXCAVATION — any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

FACADE — the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY — one or more persons related by blood, marriage or adoption, or a group of not more than five persons, excluding servants, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

FARM — any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used, but excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE — Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line, when such structure is erected on or within two feet of any front, side or rear lot line; for the purpose of this Chapter, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Chapter when the term "lot line" is used in relation to fences it shall be synonymous with "rear yard lot lines," "side yard lot lines and "front yard lot lines."

FILL — any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; also the material used to make a fill.

FLOOD — a temporary inundation of normally dry land areas.

FLOOD, BASE (ONE-HUNDRED-YEAR FLOOD) — a flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

FLOOD FRINGE — that portion of the floodplain outside the floodway.

FLOODPLAIN —

- (1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING — any combination of structural and nonstructural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude without increasing the water surface elevation more than one foot at any point.

FLOOR AREA OF A BUILDING — the sum of the gross horizontal areas of the several floor of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE — the aggregate of the horizontal areas of all rooms used for habitation, such as living dining room, kitchen, bedroom, not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet

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and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

GARAGE, PRIVATE — an enclosed or covered space primarily used for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein.

GARAGE, PUBLIC — any garage, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

GARDENING — the cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GOVERNING BODY — the Board of Supervisors of Conewago Township, Dauphin County, Pennsylvania.

GRADE, ESTABLISHED — the elevation of the center line of the streets as officially established by the municipal authorities.

GRADE, FINISHED — the completed surfaces of lawns, walks and roads brought to grades as shown on official plan or design relating thereto.

GROUND FLOOR — the floor of a building nearest the mean grade of the front of the building.

HABITABLE SPACE — space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HEAD SHOP — any business, the operation of which involves the sale, lease, trade, gift or display of sale, or any and all types of drug paraphernalia.

HEIGHT OF BUILDING — the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, silos, tanks and similar projections.

HEIGHT OF COMMUNICATIONS TOWER — the vertical distance measured from the ground level to the highest point on a communication tower, including antennas mounted on the tower.

HOME OCCUPATION — any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing (1) the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, (2) the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and (3) no goods are publicly displayed on the premises, other than signs as permitted by this Chapter.

HOMEOWNERS ASSOCIATION — a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HOSPITALS — an institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as if an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

HOTEL — a facility offering transient lodging accommodations to the general public and which may provide additional accommodations such as restaurants, meeting rooms and recreation facilities.

HOUSEHOLD — a family living together in a single-dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

IMMEDIATE PRECURSOR — a substance which under the regulation of the Pennsylvania Department of Health, is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled substance.

INCINERATOR — an approved device in which combustible material, other than garbage, is burned to ashes.

INDUSTRY — the manufacturing, compounding, processing, assembly or treatment of materials, articles or merchandise.

JUNKYARD — a lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LAND DEVELOPMENT — any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) 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,
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occu-

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pants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

- (2) A subdivision of land.
- (3) “Land development” does not include development which involves:
 - (a) The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (b) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or,
 - (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LANDOWNER — the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions). A lessee having a remaining term of not less than 40 years or other person having a proprietary interest in land shall be deemed to be a landowner for purposes of this Chapter.

LAUNDERETTE — a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LIGHTING —

DIFFUSED – that form of lighting wherein the light passes from the source through a translucent cover or shade.

DIRECT or FLOOD – that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

INDIRECT – that form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING BERTH/SPACE — an off-street area, on the same lot with a building or on a lot contiguous to a group of buildings, for the temporary parking of a com-

mercial vehicle while loading or unloading merchandise or materials, which area abuts on a street or other appropriate means of access.

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, CORNER — a lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135° and the radius of the street line is less than 100 feet.

LOT, DEPTH OF — the average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE — an interior lot having frontage on two streets.

LOT, INTERIOR — a lot other than a corner lot.

LOT LINES — the lines bounding a lot as defined herein.

LOT, MINIMUM WIDTH — the minimum lot width at the building setback line.

LOT, NONCONFORMING — a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

LOT OF RECORD — a lot, the title to which has been recorded in the office of the Recorder of Deeds of Dauphin County, Pennsylvania, by a separate deed, or a lot which is shown on an approved, recorded subdivision plan.

LOT, REVERSE FRONTAGE — a lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT WIDTH — the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANUFACTURING — the processing and/or converting of raw unfinished or finished materials, or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MAJOR THOROUGHFARE — a street or highway designated as an existing or planned major thoroughfare.

MASSAGE — any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of

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the human body with the hands or with the aid of a mechanical/electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

MASSAGE PARLOR — any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person engages in or carries on the practice of massage.

MIXED OCCUPANCY — occupancy of a building or land for more than one use.

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 erection 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 with separate entrances and designed for year-round occupancy (primarily for transient automobile travelers) and providing for accessory offstreet parking facilities. The term “motel” includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.

MUNICIPAL AUTHORITY — a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authority Act of 1945.”

NURSERY, HORTICULTURE — any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING or CONVALESCENT HOME — a building with sleeping rooms where persons are housed or lodged, furnished with meals, and furnished with nursing

care for hire, which building is approved for such use by the Pennsylvania Department of Public Welfare.

OBSCENE MATERIALS — any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or printed matter which (1) depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; (2) taken as a whole, appeals to the prurient interest; and (3) taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION — any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, 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 is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY PERMIT — a required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

OFF-STREET PARKING SPACE — a temporary storage area for a motor vehicle that is directly accessible to an access drive, and which is not located within a dedicated street right-of-way.

OFFICE BUILDING — a building designed or used primarily for office purposes, no part of which is used for manufacturing.

OFFICE, PROFESSIONAL — a room or rooms used for the carrying on of a professional occupation.

OPEN SPACE — the unoccupied space open to the sky on the same lot with the building not including parking lots.

OUTDOOR STORAGE — the keeping of any goods, junk, material, merchandise, or motor vehicles in the same unroofed area for more than 24 hours.

PARKING LOT — any lot, municipally or privately owned, for offstreet parking facilities providing for the transient storage of motor vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE — the space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

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PARTY WALL — a common shared wall between two separate structures, buildings, or dwelling units.

PERMANENT COMMUNITY PROPANE SUPPLY — a permanent source of energy used in lieu of a natural gas system. A "permanent community propane supply" may consist of one propane tank or a series of tanks, and installed pursuant to the applicable regulations of this Chapter.

PERSON — any natural person or group of natural persons, partnership, association or corporation, including State and local governments and agencies.

PLANNING COMMISSION — the Conewago Township Planning Commission, appointed by the Board of Supervisors in accordance with the Second Class Township Code of Pennsylvania and the Municipalities Planning Code, Act No. 247.

PORCH — a covered area in excess of an area four feet by five feet or 20 square feet in area at a front, side or rear door.

PREMISES — any lot, parcel or tract of land and any building constructed thereon.

PRIVATE — not publicly owned, operated or controlled.

PRIVATE ROAD — a legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

PROFESSIONAL OCCUPATION — the practice of a profession which shall include, but not be limited to an attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, planner, accountant, real estate broker or insurance agent entitled to practice under the laws of the Commonwealth of Pennsylvania.

PRURIENT INTEREST — such interest as to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

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

PUBLIC AREAS — parks, playgrounds, trails, paths and other recreational areas and open spaces; scenic and historical sites; schools and other public buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

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,” 53 P.S. §§271 et seq.

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 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SEWER AND WATER — any system, other than an individual septic tank, tile field or individual well, that is operated by a municipality, governmental agency or public utility for the collection, treatment and disposal of wastes and furnishing of potable water.

PUBLIC UTILITY — a closely related enterprise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

PUBLIC UTILITY FACILITIES — buildings, structures and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer and public transit, to the public.

RECREATION FACILITY, COMMERCIAL — a place operated as a business and designed for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATION VEHICLE — a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight feet and a body length of no more than 35 feet when factory equipped for the road, and licensed as such by the Commonwealth of Pennsylvania to include, but not be limited to, travel trailers, truck campers, camping trailers and self-propelled motorhomes.

RECREATIONAL VEHICLE PARK or CAMPGROUND — a parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or campground lots rented for such use, thereby constituting a “land development.”

RECREATIONAL VEHICLE PARK or CAMPGROUND LOT — a parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping or travel use.

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REPORT — any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RIDING ACADEMY — an establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY —

- (1) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.
- (2) Generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET — a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

ROW HOUSE — see “Dwelling, Single-Family Attached.”

RUNOFF — the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SANITARIUM — a private hospital, whether or not such facility is operated for profit.

SCHOOL — any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the laws of the Commonwealth of Pennsylvania.

SCHOOL, NURSERY — any place designed and operated to provide regular instruction and daytime care for two or more children under the age of elementary school, including day-care centers.

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

SEDIMENTATION — the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment.”

SHOPPING CENTER — a group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

SITE DEVELOPMENT PLAN — a scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for Township officials to determine compliance with this Chapter and appropriate provisions of other such ordinances as they may apply.

SIGN — a device for visual communication that is used to bring to the attention of the public, a product, service business or cause. Signs do include lettering, logos, trademarks or other symbols which are an integral part of the architectural design of 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; signs within a building which are obviously intended to be seen primarily within the building; flags of governments or government agencies; governmental signs; corporate flags and displays of merchandise behind store windows or outside.

SIGN, AGRICULTURAL PRODUCTS — a sign which identifies agricultural products used on the farm and/or agricultural services provided to the farm, such as seed suppliers, dairies, or similar products or services.

SIGN, BUILDING — a sign attached to or painted on a building which has a use in addition to supporting the sign, including wall signs and roof signs, and which 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.

SIGN, BUSINESS — A sign which directs attention to any business to any business, professional, commercial or industrial activity occurring on the premises on

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which the sign is located, but not including a home occupation sign. (Also see “center sign”)

SIGN, CENTER — a business sign which provides identification at the entrance to a center such as a shopping center, office complex or industrial park.

SIGN, CONTRACTOR — a temporary sign which carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.

SIGN, DEVELOPMENT — an identification sign at the entrance to a residential development. (Also see “identification sign.”)

SIGN, ELECTION — a temporary sign which directs attention to a candidate or candidates for public office, a political party or a ballot issue.

SIGN, FARM IDENTIFICATION — see “identification sign.”

SIGN, FREESTANDING — a sign not attached to or painted on a building.

SIGN, GARAGE/YARD SALE — a temporary sign which directs attention to the personal goods on the premises on which the sign is located.

SIGN, GOVERNMENT — an off-premises sign placed by a governmental unit, such as a traffic, directional, informational or street name sign, or an historical marker.

SIGN, HOME OCCUPATION — a sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.

SIGN, IDENTIFICATION — 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. Identification signs have been broken into two classifications, major and minor, based on their size and location. (Also see “development sign” and/or “public use signs.”)

SIGN, INCIDENTAL — an informational sign which displays a message such as “enter,” “open,” “telephone,” “restrooms,” “no hunting,” “no parking,” “no trespassing,” “warning,” a listing of hours when open, an onsite direction, or anything similar.

SIGN, NONCONFORMING — any sign lawfully existing on the effective date of this Chapter, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended chapter.

SIGN, NONPROFIT ORGANIZATION — an off-premises sign displaying information about a church, service club, or other organization which does not operate for the purpose of making a profit.

SIGN, OFF-PREMISES — a permanent sign which directs attention to a product, service, business, or cause which does not apply to the location at which it is displayed.

SIGN, OPEN HOUSE — a temporary sign which 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.

SIGN, PERMANENT — a sign intended to be displayed for an unlimited period of time.

SIGN, PUBLIC USE — 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.

SIGN, PUBLIC UTILITY — 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).

SIGN, REAL ESTATE — a temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sale, rental or property available for or in the process of development, but not including an open house sign.

SIGN, REAL ESTATE — a temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sale, rental, or property available for or in the process of development, but not including an open house sign.

SIGN, ROADSIDE STAND — a temporary sign which directs attention to a temporary roadside stand as permitted by this chapter.

SIGN, ROOF — a sign attached to or painted on a roof.

SIGN, SPECIAL EVENT — a temporary sign which carries information about a special event such as an auction, flea market, festival, carnival, meal or fundraising event, but not including any business sign, such as a “sale” sign at a store.

SIGN, TEMPORARY — a sign intended to be displayed for a defined period of time.

SIGN, WALL — a sign attached to or painted on the wall of a building.

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SIGHT DISTANCE — the length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SLOPE — the face of an embankment or cut section; and ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION — chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

SOLAR ACCESS — a property owner's right to have the sunlight shine on his land.

SOLAR SKYSPACE — the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

SOLAR SKYSPACE EASEMENT — a right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

SPECIAL EXCEPTION — a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq.

SPECIFIED ANATOMICAL AREAS —

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region.
 - (b) Buttock.
 - (c) Female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES —

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.

- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORAGE FACILITY — a structure intended for lease for the sole purpose of storing household goods, motor vehicles or recreational equipment.

STORY — that portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

STORY, HALF — a story under a gabled, hipped or gambreled roof, the wall plates of which on at least two opposite exterior walls are not over three feet above the finished floor of such story.

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

STREET, CUL-DE-SAC — a street intersecting another street at one end and terminating the other in a vehicular turn-around.

STREET GRADE — the officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE — the dividing line between the street and the lot, also known as the right-of-way line.

STRUCTURE — any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, NONCONFORMING — a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

STRUCTURE, TEMPORARY — a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDIO — a building or portion of a building used as a place of work by an artist, photographer or artisan, or used for radio or television broadcasting.

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STUDIO, DANCING or MUSIC — the use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with “dancing school,” and other similar expressions.

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

SUBSTANTIAL IMPROVEMENT — any repair, alteration, reconstruction or improvement of a structure, and/or use, the cost of which equals or exceeds 50% of its market value either (1) before improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred.

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 pursuant to the requirements of this Chapter) 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.

SURFACE DRAINAGE PLAN — a plan showing all present and proposed grades and facilities for stormwater management.

SWALE — a low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL — a portable or permanent structure designed to hold water for wading or swimming purposes beginning at a height of 24 inches or an area of 125 square feet or greater, and located above or recessed at ground level, shall for the purpose of this Chapter be defined as a swimming pool. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

THEATER — a building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

TOWNHOUSE — see “Dwelling, Single-Family Attached.”

TOWNSHIP — Conewago Township, Dauphin County, Pennsylvania.

TRANSFORMER SUBSTATION — an electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through

which electrical energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

UNDEVELOPED LAND — any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

USE, NONCONFORMING — a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation.

USE, PRINCIPAL — the primary or predominant use of any lot.

USE, TEMPORARY — a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE — relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

WAREHOUSE — a building used primarily for the storage of goods and materials.

WATERCOURSE — a stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

WHOLESALE TRADE — establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Lumber, plywood and millwork yards such as building materials establishments are generally classified as wholesale unless the primary operation involves street sales to the general public as opposed to builders. In such case, they are classified as retail operations.

WIND ENERGY CONVERSION SYSTEM (WECS) — a device which converts wind energy to mechanical or electrical energy.

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

WINDOW DISPLAY — an exhibit behind a window which is intended to draw attention to a product, service, business or cause.

ZONING

YARD — an unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.

YARD, BUFFER — a strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Chapter, and on which is placed (planted) year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a permissible wall.

YARD, EXTERIOR — an open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.

YARD, FRONT — an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line or right-of-way. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, INTERIOR — an open, unoccupied space between the buildings, of a dwelling group or its accessory buildings, not a front, side or rear yard.

YARD, MINIMUM REQUIRED — the area between the building setback line and the adjacent right-of-way or property line.

YARD, REAR — an open or unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the building and the rear lot line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a minimum required rear yard.

YARD SIDE — an open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extended from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. The depth of the side yard shall be measured between the side line of the building and the property line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a minimum required side yard.

ZONING OFFICER — the Conewago Township Zoning Officer appointed by the governing body in accordance with the Second Class Township Code of Pennsylvania and the Pennsylvania Municipalities Planning Code, Act No. 270.

ZONING HEARING BOARD — a group of three Township residents appointed by the governing body as required by the Pennsylvania Municipalities Planning Code, Act No. 247, following enactment of this Chapter.

ZONING MAP — the map setting forth the boundaries of the zoning districts of the Township which shall be part of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 2; as amended by Ord. 1997-1, 1/6/1997; by Ord. 1998-1, 11/11/1998, §§1-3; by Ord. 1998-3, 12/9/1998, §§1-3; by Ord. 2000-3, 5/10/2000, §1; by Ord. 2004-6, 11/10/2004, §1; and by Ord. 2005-2, 8/10/2005, §1)

Part 3

Designation of Districts

§301. Zoning Districts.

For the purpose of this Chapter, the Township is hereby divided into districts which shall be designated as follows:

- A. "A" Agricultural District.
- B. "R-C" Residential District: Country.
- C. "R-S" Residential District: Suburban.
- D. "R-M" Residential District: Multifamily.
- E. "C-G" Commercial District: General.
- F. "W-M" Wholesale-Manufacturing.
- G. "F-A" General Floodplain District.

(Ord. 1985-1, 10/9/1985, Art. 3)

§302. Zoning Map.

1. The boundaries of the A, R-C, R-S, R-M, C-G and W-M Districts shall be as shown upon the map attached to and made a part of this Chapter which shall be designated "Zoning Map." That map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein. The original of said map is on file in the Township office.
2. The boundaries of the F-A District shall serve as an overlay to the underlying districts as shown on the Zoning Map, and as specifically described on the Special Flood Hazard Area Map prepared for the Township by the Flood Insurance Administration dated December 27, 1974. That map and all notations, references and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein.

(Ord. 1985-1, 10/9/1985, Art. 3)

ZONING

§303. Boundaries Between the A, R-C, R-S, R-M, C-G and W-M Districts.

1. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.
2. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
3. Where district boundaries are not clearly fixed by the above methods they shall be determined by use of the scale of the Zoning Map.

(Ord. 1985-1, 10/9/1985, Art. 3)

§304. Interpretation of Boundaries.

When an A, R-C, R-S, R-M, C-G and W-M District boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 100 feet beyond the district boundary line.

(Ord. 1985-1, 10/9/1985, Art. 3)

Part 4

“A” – Agricultural District

§401. Intent.

Agricultural land is considered a special non-replaceable resource within the Township which, if lost, is not reclaimable once developed. Agricultural activities are an integral part of the culture and economy of Conewago Township and are therefore deserving of preservation. The Agricultural District is intended and designed to preserve and promote agricultural activities in areas of productive soils and active farming as an on-going and viable major component of the Township's economy and life-style. It is further intended to prevent adverse effects resulting from encroachment by guiding development types and intensities incompatible with agricultural operations into more appropriate zoning districts. In the Agricultural District, agricultural and related support activities are considered primary uses, with residential and other non-agricultural uses being secondary. Therefore, non-agricultural uses permitted to develop in this district must accept nuisances which are a normal adjunct to farming and related operations.

(Ord. 1985-1, 10/9/1985, Art. 4)

§402. Permitted Uses.

A building may be erected or used and a lot may be occupied for any of the following uses:

- A. Agriculture, horticulture and forestry uses, including the raising, breeding and grazing of animals.
- B. Nonresidential structures customarily accessory or incidental to permitted uses in this district.
- C. Churches and their related uses.
- D. Public utility service structures and facilities, communications antennas mounted on an existing public utility transmission tower, buildings or other structures, including existing communications towers and communications equipment buildings.
- E. Conservation areas and structures for the conservation of open space, water, soil, forest or wildlife resources.
- F. Municipal buildings.
- G. Public park and recreation areas.

ZONING

- H. Agriculturally oriented commercial establishments such as farm implement dealers, feed mills and similar businesses and support services.
- I. Grange halls and buildings for agricultural oriented groups.
- J. Veterinary offices and animal hospitals.
- K. Public and private schools.
- L. Riding academy.
- M. Saw mills.
- N. Kennels.
- O. Cemeteries.
- P. Camps.
- Q. Temporary roadside stands for the sale of agricultural products produced on the same property where offered for sale.
- R. Signs, when erected and maintained in accordance with Part 12 of this Chapter.
- S. Communications towers and equipment buildings.

(Ord. 1985-1, 10/9/1985, Art. 4; as amended by Ord. 1998-3, 12/9/1998, §4)

§403. Conditional Uses.

The following conditional uses may be allowed or denied by the Board of Supervisors, after recommendations by the Planning Commission, pursuant to standards and criteria set forth in this Part, as supplemented by Part 10 of this Chapter:

- A. Home occupations.
- B. Wind energy conversion systems (WECS).
- C. Single-family detached dwelling and accessory structures.
- D. Community propane supply.

(Ord. 1985-1, 10/9/1985, Art. 4; as amended by Ord. 2004-6, 11/10/2004 §2)

§404. Height Regulations.

The height of a building shall not exceed 50 feet.

(Ord. 1985-1, 10/9/1985, Art. 4)

§405. Area Regulations.

1. With the exception of single-family detached dwellings and accessory structures, the minimum permitted lot area shall be not less than 43,560 square feet (one acre).
2. For single-family detached dwellings and accessory structures, the minimum permitted lot area shall be not less than 1.5 acres and the maximum permitted lot area shall not exceed three acres.

(Ord. 1985-1, 10/9/1985, Art. 4; as amended by Ord. 2005-2, 8/10/2005, §1)

§406. Lot Width Standards.

The lot width measured at the minimum building setback line shall be not less than 150 feet, provided that the minimum lot width at the ultimate street right-of-way line shall be not less than 100 feet.

(Ord. 1985-1, 10/9/1985, Art. 4)

§407. Yard Regulations.

1. Front Yard. Each lot shall have a minimum front yard setback of 50 feet, as measured from the ultimate right-of-way of the street upon which it abuts.
2. Side Yards.
 - A. There shall be two side yards, each having a minimum width of 30 feet.
 - B. In the case of a corner lot, the minimum setback shall be as set forth in this subsection.
 - C. Rear Yard. There shall be a rear yard, having a minimum depth of 50 feet from the rear property line.

(Ord. 1985-1, 10/9/1985, Art. 4)

ZONING

§408. Coverage.

1. The total property coverage by all structures shall not exceed 25%.
2. To the greatest extent possible, soils of prime and Statewide significance, as defined and delineated by the USDA Soil Conservation Service, shall not be covered by structures or impervious materials.

(Ord. 1985-1, 10/9/1985, Art. 4)

§409. Off-Street Parking/Loading and Unloading.

Such facilities shall comply with standards set forth in part 13 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 4)

Part 5

“R-C” Residential Country

§501. Intent.

The purpose of the R-C District is to encourage the continued use of land for agricultural purposes, to permit low density residential development which will not require extensive public services or facilities and to otherwise create conditions conducive to carrying out the purposes of this Chapter and the Comprehensive Plan.

(Ord. 1985-1, 10/9/1985, Art. 5)

§502. Permitted Uses.

A building may be erected or used and a lot may be occupied for any of the following purposes:

- A. Agricultural, horticultural, and forestry uses, including the raising, breeding, and grazing of animals, when part of a farm.
- B. Single-family detached dwellings.
- C. The tilling of soil, raising of crops, fruits and vegetables.
- D. Greenhouses and nurseries.
- E. Cemeteries.
- F. Public and private schools, libraries and museums.
- G. Municipal buildings.
- H. Public parks, playgrounds and municipal recreation areas.
- I. Country clubs and golf courses.
- J. Public utility and communications buildings and structures where operation requirements necessitate locating within the district.
- K. Churches and their related uses.
- L. Uses which are customarily accessory and incidental to any of the uses provided for in this Section.

ZONING

- M. Temporary roadside stands for the sale of agricultural products produced on the same property where offered for sale.
- N. Signs, when erected and maintained in accordance with Part 12 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 5)

§503. Conditional Uses.

The following conditional uses may be allowed or denied by the Board of Supervisors after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 10 of this Chapter.

- A. Medical and dental clinics.
- B. Home occupations.
- C. Hospitals, sanitariums and nursing homes.
- D. Containment of large pets and farm animals, accessory to non-farming residential uses.
- E. Wind energy conversion systems (WECS).
- F. Riding academies.
- G. Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings.
- H. Communications towers and equipment buildings.
- I. Community propane supply.

(Ord. 1985-1, 10/9/1985, Art. 5; as amended by Ord. 1998-3, 12/9/1998, §5; and by Ord. 2004-6, 11/10/2004, §3)

§504. Height Regulations.

1. The height of a building shall not exceed 35 feet. The height of a dwelling shall not be less than one story.
2. Permitted modifications are as contained in Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 5)

§505. Area Regulations.

1. The minimum permitted lot area for single-family detached dwellings shall not be less than the following:

	Lot Area/Dwelling Unit With Septic and Well	Lot Area/Dwelling Unit With Septic and Public Water	Lot Area/Dwelling Unit With Sewer and Well	Lot Area/Dwelling Unit With Sewer and Public Water
Single- family detached dwelling unit	1.5 acres	1.5 acres	1.5 acres	30,000 square feet

(Ord. 1985-1, 10/9/1985, Art. 5; as amended by Ord. 2005-2, 8/10/2005, §2)

§506. Width Regulations.

1. The lot width at the minimum building setback line shall be not less than 125 feet.
2. Corner lots shall have a lot width of not less than 150 feet.

(Ord. 1985-1, 10/9/1985, Art. 5)

§507. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

- A. Front-yard depth, 50 feet.
- B. Side yards – two – width, 20 feet each on an interior lot; on a corner lot the side yard abutting the street shall be not less than 50 feet.
- C. Rear yard-depth, 35 feet.

(Ord. 1985-1, 10/9/1985, Art. 5)

ZONING

§508. Coverage Regulations.

All buildings, including accessory structures, shall not cover more than 25% of the area of the lot, and at least 50% of each lot shall be maintained with a vegetative cover.

(Ord. 1985-1, 10/9/1985, Art. 5)

§509. Off-Street Parking, Loading and Unloading.

Parking and loading/unloading facilities shall be provided in accordance with the provisions of Part 13 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 5)

§510. Buffer Yards.

A buffer yard shall be provided between residential and non-residential uses in accordance with Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 5)

Part 6

“R-S” Residential Suburban

§601. Intent.

The purpose of the R-S District is to provide reasonable standards for the orderly expansion of suburban-type residential development to prevent the overcrowding of land, to exclude activities of a commercial or industrial nature which are incompatible with residential development, and to otherwise create conditions conducive to carrying out the purposes of this Chapter and the Comprehensive Plan.

(Ord. 1985-1, 10/9/1985, Art. 6)

§602. Permitted Uses.

A building may be erected or used and a lot may be occupied for any of the following purposes:

- A. Agricultural, horticultural, and forestry uses, including raising, breeding, and grazing of animals, when part of a farm.
- B. Single-family detached dwellings.
- C. Single-family semi-detached dwellings.
- D. Tilling of soil and raising of crops, fruits and vegetables.
- E. Public parks, playgrounds, and municipal recreation areas.
- F. Municipal buildings.
- G. Public and private schools.
- H. Public utility and communications buildings and structures where operation requirements necessitate locating within the District.
- I. Churches and their related uses.
- J. Signs, when erected and maintained in accordance with part 12 of this Chapter.
- K. Uses which are customarily accessory and incidental to any of the permitted uses provided for in this Part.

(Ord. 1985-1, 10/9/1985, Art. 6)

ZONING

§603. Conditional Uses.

Conditional uses may be allowed or denied by the Board of Supervisors after recommendations by the Planning Commission, pursuant to the express standard and criteria set forth in Part 10 of this Chapter:

- A. Libraries and museums.
- B. Greenhouses and nurseries.
- C. Hospitals, nursing homes, sanitariums and related housing and supportive facilities.
- D. Home occupations.
- E. Medical or dental clinics.
- F. Containment of large pets and farm animals accessory to non-farming residential uses.
- G. Wind energy conversion systems (WECS).
- H. Communications antennas mounted on an existing public utility transmission tower, buildings or other structure, including existing communications towers and communications equipment buildings.
- I. Communication towers and equipment buildings.
- J. Community propane supply.

(Ord. 1985-1, 10/9/1985, Art. 6; as amended by Ord. 1998-3, 12/9/1998, §6; and by Ord. 2004-6, 11/20/2004, §4)

§604. Height Regulations.

1. The height of a building shall not exceed 35 feet. The height of a dwelling shall not be less than one story.
2. Permitted modifications to height standards are as contained in Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 6)

§605. Area Regulations.

1. The lot area per dwelling unit for single family detached and single-family semidetached dwellings shall not be less than the following:

	Lot Area/Dwelling Unit With Septic and Well	Lot Area/Dwelling Unit With Septic and Public Water	Lot Area/Dwelling Unit With Sewer and Well	Lot Area/Dwelling Unit With Sewer and Public Water
Single-family detached dwelling unit	1.5 acres	1.0 acres	30,000 square feet	20,000 square feet
Single-family semi-detached dwelling unit	Not permitted	Not permitted	20,000 square feet	15,000 square feet

2. The minimum lot area for nonresidential uses shall be 30,000 square feet and shall be increased as determined on the basis of yard, off-street parking, loading and unloading, sewerage and coverage standards set forth in this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 6; as amended by Ord. 2005-2, 8/10/2005, §3)

§606. Lot Width Regulations.

1. The minimum lot width at the minimum building setback line for the single-family detached (sfd) and single-family semi-detached (sf-sd) dwellings shall be not less than the following:

	Interior Lot	Corner Lot
sfd	100 feet	125 feet
sf-sd	80 feet	100 feet

2. The minimum lot width at the minimum building setback line for nonresidential uses shall be 100 feet for interior lots and 125 feet for corner lots.

(Ord. 1985-1, 10/9/1985, Art. 6)

§607. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

ZONING

- A. Front yard-depth, 40 feet.
- B. Side yard – two – width, 15 feet each on an interior lot; on a corner lot, the side yard abutting the street shall be not less than 30 feet; only one side yard is required for single-family semi-detached dwellings.
- C. Rear yard depth, 30 feet.

(Ord. 1985-1, 10/9/1985, Art. 6)

§608. Coverage Regulations.

All buildings (including accessory buildings) shall not cover more than 30% of the lot area, and at least 50% of each lot shall be maintained with a vegetative cover.

(Ord. 1985-1, 10/9/1985, Art. 6)

§609. Off-Street Parking, Loading and Unloading.

Parking and loading/unloading facilities shall be provided in accordance with the provisions of Part 13 of this Chapter.

(Ord, 1985-1, 10/9/1985, Art. 6)

§610. Buffer Yards.

A buffer yard shall be provided between residential and nonresidential uses, in accordance with Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 6)

Part 7

“R-M” Residential Multifamily

§701. Intent.

The purpose of the R-M District is to provide for the orderly expansion of higher density residential development in areas where the location of community facilities is feasible; to provide for the public health and to prevent the overcrowding of land through the application of maximum residential densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; to exclude activities of a commercial or industrial nature and other activities not compatible with residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this Chapter and the Comprehensive Plan.

(Ord. 1985-1, 10/9/1985, Art. 7)

§702. Permitted Uses.

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

- A. Agricultural, horticultural, and forestry uses, including the raising, breeding, and grazing of animals, when part of a farm.
- B. Single-family detached dwellings.
- C. Single-family semi-detached dwellings.
- D. Two-family detached (duplex with one unit over another).
- E. Single-family attached dwellings (townhouses).
- F. Apartments with no more than 10 dwelling units per building and not more than two stories in height.
- G. Churches and their related uses.
- H. Public parks, playgrounds, municipal recreation areas.
- I. The tilling of soil and raising of crops.
- J. Municipal buildings.
- K. Public utility services and facilities.

ZONING

- L. Private parks and playgrounds when accessory and incidental to any of the permitted uses as provided for in this Part.

(Ord. 1985-1, 10/9/1985, Art. 7)

§703. Conditional Uses.

Conditional uses may be allowed or denied by the Board of Supervisors, after recommendations by the Planning Commission, pursuant to express standards and criteria set forth in Part 10 of this Chapter:

- A. Mobile home parks.
- B. Fraternal organizations, clubs and lodges.
- C. Wind energy conversion systems (WECS).
- D. Home occupations.
- E. Medical and dental clinics.
- F. Communications antennas mounted on existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings.
- G. Communications towers and equipment buildings.
- H. Community propane supply.

(Ord. 1985-1, 19/9/1985, Art. 7; as amended by Ord. 1998-3, 12/9/1998, §7; and by Ord. 2004-6, 11/10/2004, §5)

§704. Height Regulations.

1. The height of a building shall not be greater than 35 feet. The height of a dwelling shall be not less than one story.
2. Permitted modifications to height standards are as contained in Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 7)

§705. Lot Area and Width Regulations.

1. The following minimum standards shall apply to lots not served by community sewerage and water facilities (community being defined as a common system serving more than one family, the operator of which has been issued a permit by the Pennsylvania Department of Environmental Protection or some similar State or Federal agency to treat and distribute the water or to treat and discharge the sewage effluent):

A. Residential Lots.

Dwelling Type	Lot Area/Dwelling Unit With Septic and Well	Lot Width at Minimum Building Set-back Line (feet)
Single-family detached dwelling unit	1.5 acres	100
Single-family semi-detached dwelling unit	Not allowed	80 per d.u.
Two-family detached	Not permitted	125
Townhouse (single-family attached - first dwelling unit)	Not permitted	150
Townhouse (each additional dwelling above the first)	Not permitted	150
Apartments (first dwelling unit)	Not permitted	200
Apartments (each additional dwelling above the first)	Not permitted	200

- B. Nonresidential Lots. The minimum lot area for nonresidential uses shall be 30,000 square feet and minimum lot width shall be 100 feet measured at the minimum building setback line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading and coverage standards.

- C. Corner Lots. The minimum lot width for corner lots shall be increased accordingly to provide for street setback.

2. The following minimum standards shall apply to lots served by either community sewerage or water facilities (community being defined as a common system serving more than one family, the operator of which has been issued a permit by the Pennsylvania Department of Environmental Protection or some similar State or Federal agency to treat and distribute the water or to treat and discharge the sewage effluent):

ZONING

A. Residential Lots.

Dwelling Type	Lot Area/Dwelling Unit With Septic and Public Water	Lot Area/Dwelling Unit With Sewer and Well	Lot Width at Minimum Building Setback Line (feet)
Single-family detached dwelling unit	1.0 acres	30,000 square feet	90
Single-family semi-detached dwelling unit	Not allowed	20,000 square feet	70 per d.u.
Two-family detached	Not permitted	15,000 square feet	100
Townhouse (single-family attached - first dwelling unit)	Not permitted	Not permitted	125
Townhouse (each additional dwelling above the first)	Not permitted	Not permitted	125
Apartments (first dwelling unit)	Not permitted	Not permitted	200
Apartments (each additional dwelling above the first)	Not permitted	Not permitted	200

B. Nonresidential Lots. The minimum lot area for nonresidential uses shall be 20,000 square feet and minimum lot width shall be 100 feet measured at the minimum building setback line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading and coverage standards.

C. Corner Lots. The minimum lot width for corner lots shall be increased accordingly to provide for street setback.

3. The following standards shall apply to lots served by both community sewerage and water facilities (Community being defined as a common system serving more than one family, the operator of which has been issued a permit by the Pennsylvania Department of Environmental Protection or some similar State or Federal Agency to treat and distribute the water or to treat and discharge the sewage effluent):

A. Residential Lots.

Dwelling Type	Lot Area/Dwelling Unit With Sewer and Public Water	Lot Width at Minimum Building Setback Line (feet)
Single-family detached dwelling unit	20,000 square feet	90
Single-family semi-detached dwelling unit	15,000 square feet	70 per d.u.
Two-family detached	15,000 square feet	100
Townhouse (single-family attached - first dwelling unit)	20,000 square feet	125
Townhouse (each additional dwelling above the first)	10,000 square feet	125
Apartments (first dwelling unit)	20,000 square feet	200
Apartments (each additional dwelling above the first)	10,000 square feet	200

- B. Nonresidential Lots. The minimum lot area for nonresidential uses shall be 10,000 square feet and minimum lot width shall be 100 feet measured at the minimum building setback line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading and coverage standards.
 - C. Corner Lots. The minimum lot width for corner lots shall be increased accordingly to provide for street setback.
4. Maximum Density. The maximum density in this district shall not exceed eight dwelling units per acre.

(Ord. 1985-1, 10/9/1985, Art. 7; as amended by Ord. 1997-1, 1/6/1997; and by Ord. 2005-2, 8/10/2005, §4)

§706. Yard Regulations.

Each lot shall have front, side, and rear yards of not less than the width and depth indicated below:

- A. Front yard – 30 feet.

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- B. Side yards – 15 feet each on an interior lot; on a corner lot the side yard abutting the street shall be not less than 30 feet; only one side yard is required for single-family semi-detached dwellings.
- C. Rear yard – 25 feet.
- D. Two -story multifamily dwellings shall have a front yard, two side yards, and a rear yard each of not less than 25 feet in width. For land development situations, the front-to-front, side-to-side, and rear-to-rear distances between buildings shall be not less than 25 feet.

(Ord. 1985-1, 10/9/1985, Art. 7)

§707. Coverage Regulations.

The principal and accessory buildings on any lot shall not cover more than 40% of the lot area. At least 20% of the lot area shall be maintained with a vegetative cover.

(Ord. 1985-1, 10/9/1985, Art. 7)

§708. Off-Street Parking, Loading and Unloading.

Parking and loading/unloading facilities shall be provided in accordance with the provisions of Part 13 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 7)

§709. Buffer Yards.

A buffer yard shall be provided between residential and nonresidential uses in accordance with Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 7)

Part 8

“C-G” Commercial – General

§801. Intent.

The purpose of the C-G District is to provide reasonable standards for the development of a variety of commercially oriented uses in areas where such uses already exist, and where, due to the character of the undeveloped land, the establishment of such uses is feasible. The standards of this district are designed to minimize traffic congestion on the street, provide for public conveniences, and fulfill the purposes of this Chapter and the Comprehensive Plan.

(Ord. 1985-1, 10/9/1985, Art. 8)

§802. Permitted Uses.

1. A building may be erected or used, and a lot may be occupied for any of the following uses:
 - A. Agriculture, horticultural and forestry uses, including raising, breeding, and grazing of animals when part of a farm.
 - B. All nonresidential uses permitted in any residential district, provided that single-family residential use shall be permitted only when accessory and incidental to one or more of the following uses.
 - C. Amusement enterprises including theaters, bowling alleys, skating rinks or similar uses.
 - D. Department and variety stores and stores for the retailing of food, beverages, drugs, sundries, confectionary, hardware, bakery products, clothing, household appliances, furniture, sporting goods, hobbies, and toys, with minor manufacturing permitted.
 - E. Person service establishments including barber and beauty shops, tailors, dry cleaning, self-service laundries.
 - F. Banks, business and professional offices.
 - G. Restaurants, tea rooms, cafes and other similar places serving food or beverages.
 - H. Clubs and lodges.
 - I. Mortuary establishments.

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- J. Automobile sales and services, including auto body shops.
- K. Carpenter, cabinet making, furniture repair and upholstery, metal working, tinsmiths, welding and machine shops, and other similar minor fabricating and assembly businesses.
- L. Wholesale and warehouse businesses, including distribution activities.
- M. Manufacturing of pottery and other ceramic products.
- N. Printing and newspaper publishing.
- O. Laboratories.
- P. Hotels and motels.
- Q. Public utility service structures and facilities, communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communication towers and communications equipment buildings.
- R. Public and private schools.
- S. Medical and dental clinics and laboratories.
- T. Municipal buildings and uses.
- U. Accessory buildings and uses customarily incidental to permitted uses.
- V. Signs, when erected and maintained in accordance with Part 12 of this Chapter.
- W. Construction and farming materials and equipment storage, sales, and repair businesses, including lumber yards.
- X. Dance or music studios.
- Y. Recreational vehicle campgrounds.
- Z. Commercial recreation facilities.
- AA. Other uses similar to those enumerated above.
- AB. Communications towers and equipment buildings.

2. The uses provided for in this §802 are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration, refuse matter or other causes.

(Ord. 1985-1, 10/9/1985, Art. 8; as amended by Ord. 1998-3, 12/9/1998, §8)

§803. Conditional Uses.

All conditional uses permitted in any residential district, not otherwise provided for in §802 of this Part as a permitted use, may be allowed or denied by the Board of Supervisors, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 10 of this Chapter.

- A. Community propane supply.

(Ord. 1985-1, 10/9/1985, Art. 8; as amended by Ord. 2004-6, 11/10/2004, §6)

§804. Height Regulations.

The height of a building shall not exceed 40 feet.

(Ord. 1985-1, 10/9/1985, Art. 8)

§805. Lot Area.

1. The minimum permitted lot area for single-family detached dwellings shall not be less than the following:

	Lot Area/Dwelling Unit With Septic and Well	Lot Area/Dwelling Unit With Septic and Public Water	Lot Area/Dwelling Unit With Sewer and Well	Lot Area/Dwelling Unit With Sewer and Public Water
Single-family detached dwelling unit	1.5 acres	1.0 acres	1.0 acres	15,000 square feet

2. Community sewer and water, as defined in other sections of this Chapter, shall meet the requirement for public sewer and water.

(Ord. 1985-1, 10/9/1985, Art. 8; as amended by Ord. 2005-2, 8/10/2005, §5)

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§806. Lot Width.

The lot width at the minimum building setback line shall be not less than 125 feet for interior lots and 150 feet for corner lots.

(Ord. 1985-1, 10/8/1985, Art. 8)

§807. Coverage.

The principal and accessory buildings on any lot shall not cover more than 40% of the area of the lot. At least 20% of the lot area shall be maintained with a vegetative cover.

(Ord. 1985-1, 10/9/1985, Art. 8)

§808. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth and/or width indicated below:

- A. Front yard – depth, 50 feet.
- B. Side yard depth – 10 feet, provided that when adjoining property owners mutually agree in writing, no side yard shall be required where two or more commercial uses adjoin side to side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of a series of adjoining structures, abutting and paralleling a public right-of-way, an open and unobstructed passage of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.
- C. Rear yard – depth, 25 feet.

(Ord. 1985-1, 10/9/1985, Art. 8)

§809. Parking and Loading/Unloading.

Parking and loading/unloading shall be provided in accordance with Part 13 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 8)

§810. Buffer Yards.

A buffer yard shall be provided between residential and commercial uses in accordance with Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 8)

§811. Motor Vehicle Access.

Motor vehicle access shall be provided in accordance with Part 14 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 8)

Part 9

“W-M” Wholesale-Manufacturing

§901. Intent.

The purpose of the W-M District is to provide standards for manufacturing and wholesale uses of land. In promoting these and the general purposes of this Chapter, the specific intent of this District is:

- A. To encourage the establishment and continued use of the land for a variety of manufacturing and wholesale uses.
- B. To prohibit any use which would substantially interfere with the development, continuation or expansion of such uses within the district.
- C. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provisions of facilities and operation of industries to minimize air pollution, noise, glare, vibration and fire and safety hazards.

(Ord. 1985-1, 10/9/1985, Art. 9)

§902. Permitted Uses.

A building may be erected or used and a lot may be occupied for any of the following uses:

- A. Agricultural, horticultural, and forestry uses, including the raising, breeding, and grazing of animals, when part of a farm.
- B. A single-family dwelling only when accessory and incidental to one or more of the following permitted uses.
- C. Auto salvage yards, body shops, painting, tire retreading or recapping, welding shops and the like.
- D. Bottling works and bookbinding.
- E. Building materials storage and lumber yards.
- F. Machine shops.
- G. Metal fabrication and forging.
- H. Manufacture of metal dies and taps.

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- I. Distribution plants and other service industries.
 - J. Wholesale business, warehousing and other storage plants.
 - K. Carpenter, cabinet making, furniture repair and upholstery, electrician, tin-smith, plumbing and metal working shops.
 - L. The manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical, and food products, except vinegar, yeast, and the rendering or refining of fat and oils.
 - M. The manufacturing of pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas.
 - N. Printing and newspaper publishing.
 - O. Agricultural operations, nurseries, greenhouses, kennels, boarding stables, animal hospitals.
 - P. Freight and trucking terminals.
 - Q. Laboratories.
 - R. Public utility service structures and facilities, communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communication towers and communications equipment buildings.
 - S. Municipal buildings and uses.
 - T. Signs, when erected and maintained in accordance with Part 12 of this Chapter.
 - U. Accessory buildings, structures and uses customarily incidental to the permitted uses provided for in this §902.
 - V. All uses similar to the above and not otherwise prohibited by law.
 - W. Communications towers and equipment buildings.
2. The uses provided for in this §902 are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration, refuse matter or other causes.

(Ord. 1985-1, 10/9/1985, Art. 9; as amended by Ord. 1998-3, 12/9/1998; §9)

§903. Conditional Uses.

- A. Wind energy conversion system may be allowed or denied by the Board of Supervisors, after recommendation by the Planning Commission, pursuant to the express standards and criteria set forth in Part 10 of this Chapter.
- B. Sexually oriented business may be allowed or denied by the Board of Supervisors, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 10 of this Chapter, and the Conewago Township Sexually Oriented Business Licensing Ordinance.¹
- C. Community propane supply.
- D. Permanent community propane supply.

(Ord. 1985-1, 10/9/1985, Art. 9; as amended by Ord. 2004-5, 11/10/2004, §§1, 2; and by Ord. 2004-6, 11/10/2004, §7)

§904. Height Regulations.

The height of a building may not exceed 40 feet.

(Ord. 1985-1, 10/9/1985, Art. 9)

§905. Area Regulations.

- 1. The lot area for nonresidential uses shall be not less than one acre and shall be increased as determined on the basis of yard, off-street parking, loading and unloading and coverage standards.
- 2. The minimum permitted lot area for an accessory single-family dwelling using on-lot septic and well shall not be less 43,560 square feet (one acre).
- 3. Where public sewer and/or water are available, the minimum lot area for an accessory single-family dwelling shall be the same as required in the Residential Suburban District.

(Ord. 1985-1, 10/9/1985, Art. 9; as amended by Ord. 2005-2, 8/10/2005, §6)

¹ Editor's Note: See Ch. 13, Part 2.

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§906. Lot Width.

The lot width at the street right-of-way shall be not less than 125 feet for interior lots and 150 feet for corner lots.

(Ord. 1985-1, 10/9/1985, Art. 9)

§907. Coverage.

1. Coverage shall be no more than 50%.
2. At least 15% of the total lot area shall be maintained with vegetative material.

(Ord. 1985-1, 10/9/1985, Art. 9)

§908. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

- A. Front yard-depth of at least 50 feet.
- B. Side yards-two – width 20 feet each side of a principal building, provided that when adjoining property owners shall mutually agree in writing, no side yard shall be required where two or more uses abut side to side. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.
- C. Rear yard – depth of at least 40 feet.

(Ord. 1985-1, 10/9/1985, Art. 9)

§909. Off-Street Parking/Loading and Unloading.

Parking, loading and unloading shall be provided in accordance with the provisions of Part 13 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 9)

§910. Buffer Yards.

A buffer yard shall be provided between residential and nonresidential uses in accordance with Part 10 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 9)

§911. Motor Vehicle Access.

Motor vehicle access shall be provided in accordance with Part 14 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 9)

Part 10

General Provisions

§1001. Use Standards and Criteria.

1. Animals. In districts where permitted, other than in the Agricultural District, the following shall apply:
 - A. Storage of manure shall not be permitted within 50 feet of any lot line.
 - B. Buildings and structures in which animals are housed shall not be erected within 50 feet of any side or rear lot line, and shall be located no closer to a street than the minimum building setback line permitted for the district in which it is located.
2. Clubs, Lodges and Fraternal Organizations. Where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no permanent sign advertising the sale of food or beverages shall be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located. A planted buffer no less than five feet in depth shall be maintained along all lines abutting a residential use.
3. Medical or Dental Clinics. Where permitted, a building for such use may be erected or used subject to the following:
 - A. The building shall be occupied and used only by persons licensed to practice the healing arts in the Commonwealth of Pennsylvania and their staffs.
 - B. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than the minimum permitted lot area of the district in which it is located.
 - C. The minimum side and rear yard setbacks shall be no less than 25 feet, but in no case shall be less than required by the district in which located.
 - D. A planted buffer no less than five feet in depth shall be maintained along all property lines abutting a residential use.
4. Home Occupations. Where permitted, all dwelling units and accessory building(s) containing home occupations shall be subject to the following conditions:

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- A. The home occupation must be conducted entirely within the dwelling unit or accessory building (s) and clearly incidental to the use of the residential dwelling unit or accessory building.
- B. The person primarily responsible for the home occupation must be a full-time resident of the dwelling unit. No more than one non-resident may be employed.
- C. No more than the equivalent of 25% of the gross floor area of the principal dwelling unit, calculated as of the time of the initial application, may be used for a home occupation. Attics, attached garages, basements and accessory buildings may not be used to determine the gross floor area, but may be used to conduct the home occupation, subject to other State and local regulatory requirements, not to exceed the above limitation of total floor area usage. For example, if the floor area of the principal dwelling unit, as calculated above, contains 2,500 square feet, 625 feet of area may be used for the home occupation in the garage.
- D. There shall be no displays or change in the building facade, including the dwelling unit, and any accessory buildings, to indicate from the exterior that the dwelling unit or accessory building(s) is being used for purposes other than a dwelling unit. Storage of materials, products or machinery used for the home occupation must be completely enclosed by the dwelling unit, within the permissible floor area previously defined or accessory building(s), and shall not be visible from any adjacent lot or street. No goods displayed on the premises may be visible from any adjacent lot or street.
- E. An approved home occupation shall be limited to one, nonilluminated home occupation sign as set forth in the sign regulations.
- F. Deliveries shall not restrict traffic circulation, and shall not exceed traffic volumes normally expected in a residential district. The need for additional parking facilities will be determined by the Zoning Enforcement Officer as part of the conditional use application review process.
- G. The home occupation shall not produce noise, odors, vibrations, electrical, interference, light, glare, fumes, heat, humidity, smoke or particulate matter on any adjacent lots or streets that is not normal and not customary to a residential use.
- H. Articles sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceeds 25% of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted.

5. Greenhouses and Nurseries. Where permitted, these uses may be established subject to the following:
 - A. A minimum lot area of 20,000 square feet shall be provided in addition to the lot area required for other uses located on the same property; however, in no case shall the lot be less than the minimum lot area permitted in the district in which it is located.
 - B. No structure may be located closer than 40 feet to a side or rear property line, unless greater setbacks are required in the district in which it is located.
 - C. A planted buffer no less than five feet in depth shall be maintained along all property lines abutting a residential use.
6. Hospitals, Nursing Homes, and Sanitariums. Where permitted, these uses shall comply with the following:
 - A. The lot area shall be not less than five acres.
 - B. No buildings or structures shall be located within 75 feet of a property line or streets.
 - C. A planted buffer no less than five feet in depth shall be maintained along all property lines abutting a residential use.
 - D. At a minimum, a general development plan for the entire development shall be submitted for review and approval. The plan shall show the location of all structures and use areas, circulation and parking, loading and unloading, stormwater management, water distribution and sewage collection and treatment systems.
7. Cemeteries. Where permitted, cemeteries may be established subject to the following:
 - A. A cemetery shall not be located within 200 feet of a residential use; provided, however, that this restriction does not apply to a caretaker's residence.
 - B. A site development plan containing the following information shall be submitted for review and approval:
 - (1) Site location.
 - (2) Metes and bounds of tract.
 - (3) Location of all existing and proposed structures and identification of use.

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- (4) Layout of plots, vaults, etc.
 - (5) Location of utilities, access drives and parking.
 - (6) Existing and proposed contours.
 - (7) Proposed landscaping.
 - (8) Stormwater management plan.
 - C. All permits, licenses and approvals required by applicable Commonwealth of Pennsylvania agencies shall be obtained before issuance of local permits.
8. Mobile Homes (Other than in Mobile Home Parks). A mobile home shall be permitted to be used as a single-family detached dwelling in residential districts, subject to the following:
 - A. Only one mobile home is permitted on a lot and each such mobile home lot shall conform to residential standards for dwellings in the district in which it is located.
 - B. A mobile home shall meet the minimum habitable floor area requirements of a single-family detached dwelling as well as standards set forth by any Commonwealth of Pennsylvania agency.
 - C. The wheels and axles shall be removed, and the home shall be installed on and securely fastened to a frost-free foundation or footer; in no event shall it be erected on jacks, loose blocks or other temporary materials.
 - D. An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
9. Mobile Home Parks. Where permitted, mobile home parks shall comply with the standards and provisions of the Conewago Township Mobile Home Park Ordinance [Chapter 14] and applicable provisions of the Conewago Township Subdivision and Land Development Ordinance [Chapter 22].
10. Private Swimming Pools. Private pools may be erected as an accessory use in any district, provided they comply with the following:
 - A. The pool is used solely for the enjoyment of the occupants of the principal building use of the property on which it is located, including guests.
 - B. The pool structure, including perimeter walkway, shall not be located closer than 10 feet from any side or rear property line; nor closer to any street

than the minimum building setback line permitted for the district in which it is located.

- C. All permanent swimming pools now existing or hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four feet in height and shall be so constructed as not to have openings, mesh or gaps larger than four square inches in any direction, and if a picket fence is erected or maintained the horizontal dimension shall not exceed four inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use.
 - D. A dwelling or accessory building may be considered as part of the fence required under this §1001; however, the height requirements for a fence shall not apply to the building.
 - E. The provisions regulating fencing shall not apply to pools having sides extending four feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.
 - F. No private pool shall be used in such a manner as to create a nuisance to other property owners in the vicinity.
 - G. All materials used in the construction of private pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
 - H. Private pools shall not be connected to a sanitary sewerage system and all waters from the pool shall be discharged in such manner that another person's property is not damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street if proper drainage facilities are available and with the permission of the Board of Supervisors.
 - I. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
 - J. All existing permanent swimming pools shall be fenced within 180 days after the effective date of this Chapter.
11. Commercial and Industrial Uses. In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed commercial or industrial operation for conformity with the requirements of this Chapter, the following data shall be submitted with an application for a permit:

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- A. Plot plan.
 - B. Architectural building plan.
 - C. Description of operation.
 - D. Plans for water supply and sewage disposal.
 - E. Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, water pollution and traffic.
 - F. Proposed fuel.
 - G. Number of shifts and maximum employment per shift.
 - H. Additional pertinent data as may be required by the Zoning Officer.
 - I. Where two or more buildings are proposed as a land development, a plat shall be prepared and submitted in accordance with the requirements of the Township's Subdivision and Land Development Ordinance [Chapter 22] for action by the Board of Supervisors.
12. Solar collectors and solar related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.
 13. Private Yard and Garage Sales. Such activities may be permitted in all districts based on the following:
 - A. Such sales are limited to four per year per dwelling unit.
 - B. All activities are conducted in such a manner that no hazards or nuisances are created.
 - C. The duration of such a sale shall not exceed two consecutive days, and shall not commence prior to 9:00 a.m. nor continue after sunset.
 14. Wind Energy Conversion Systems. Windmills, windwheels or wind energy conversion systems (WECS) shall be permitted in all districts subject to the following conditions:
 - A. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height, plus 10 feet from any occupied dwelling, and shall not be more than 75 feet in height.
 - B. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.

- C. The minimum distance between grade and the lowest point of the rotor blade shall be 20 feet.
- D. All electric lines/utility wires shall be buried underground.
- E. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six-foot fence. The supporting structure shall also be enclosed by a six-foot fence, unless the base of the tower is not climbable for a distance of 12 feet.
- F. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet in area nor eight feet in height and must be located at the base of the supporting structure.
- G. In the R-S and R-M Districts, only one windmill, windwheel, or WECS shall be permitted per lot.
- H. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
- I. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within 60 days.
- J. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dB(A), measured at the property line.
 - (1) A “decibel” shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 times the common logarithm of this ratio.
 - (2) “A” weighted sound level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micro-pascals using the “A” weighted network (scale) at slow response. The unit measurement shall be defined as dB(A).

15. Public Utility Facilities.

- A. General. Public utility facilities, including electric transformer substations and distribution facilities, shall be permitted in any district.
- B. Buildings. Buildings or extensions thereof not used as electric transformer substations and distribution facilities shall be subject to all applicable provisions of this Chapter. However, these requirements shall not apply to any existing or proposed building or extension thereof where, as provided by

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§619 of the Municipalities Planning Code, 53 P.S. §10619, 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.

- C. Structures and Equipment. In the location and design of structures and equipment, not located in buildings, public utility corporations shall give consideration to:
 - (1) Complying with the applicable district front, side and rear yard regulations.
 - (2) Complying with the applicable district height requirements except as provided for in §1002 of this Part.
 - (3) Enclosing unhoued equipment with a chain link fence of at least six feet in height topped with barbed wire, or a masonry wall of at least eight feet in height.
 - (4) Providing screen planting around fences consisting of evergreen planting materials as approved by the Planning Commission.
16. Containment of Large Pets and Farm Animals. Such animals may be permitted when associated with a single-family residential use provided that:
- A. Such animals are owned by the property owner, or property lessee with written permission of the property owner.
 - B. The location and use of such animals on the property, unless otherwise permitted by this Chapter, is not for commercial purposes.
 - C. On properties of less than five acres, open pasture area (in addition to the minimum lot area required for the residential use) having a minimum of one acre shall be set aside for the following:
 - One equine (horse) per one acre.
 - One bovine (cattle) per one acre.and a minimum open pasture area of 1/2 acre for the following:
 - One – three ovine (sheep) per 1/2 acre.
 - One – three caprine (goat) per 1/2 acre.
 - One – 20 fowl or poultry per 1/2 acre.

- D. The pasture area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all such animals. The pasture area shall not be permitted to encroach on any street right-of-way.
 - E. The storage of manure and location of animal shelter shall be located within the pasture area and no closer than 50 feet from any property line.
17. Single-Family Detached Dwelling in Agricultural District. Single-family detached dwellings may be permitted in the Agricultural District pursuant to the standards set forth in the Agricultural District, subject, however, to the following:

- A. The total number of residential lots subdivided or dwelling units constructed on a contiguous tract of land in single ownership shall not exceed the number of lots/dwelling units listed in the sliding scale below and further, for parcels of land containing more than 60 acres, the total property area represented by lots/dwellings permitted shall not exceed 10% of the total property area at the time of initial property subdivision or development occurring after the effective date of this Chapter:

Size of Parcel in Acres	Number of Lots/Dwelling Permitted
1 but less than 5	2
5 but less than 10	3
10 but less than 15	4
15 but less than 25	5
25 and over	6 for the first 25 acres plus one for each additional 25 acres

- B. Residential lots created through this process and occurring after the effective date of this Chapter shall not be further subdivided for residential purposes nor shall such residential lots be further developed to contain two or more dwellings. A statement to this effect shall be included in the property deed description as a covenant running with the land for so long as the land is in the Agricultural District, and a similar statement shall also be included on the recorded subdivision plan.
 - C. For properties of 60 acres and over, the total number of residential lots subdivided or dwelling units constructed, in compliance with subsection (A), so as to have direct access from the lot or lots to an abutting existing street shall not exceed six lots or consume 25% of the total property street frontage of the original tract, whichever is greater.
18. Automobile Service Stations and Other Drive-In Type Uses. such uses, where permitted, shall comply with the following:

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- A. No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:
 - (1) Within 500 feet of a lot line of any school, park or playground conducted for and attended by children, hospital, nursing home, or church.
 - (2) Within 100 feet of any dwelling or residential district boundary line.
 - B. No equipment for the service of motor vehicles shall be closer than 25 feet to any property line or street line.
 - C. No two driveways leading from a public street to such service station or other drive-in shall be within 25 feet of each other at their intersection with the curb or street line.
 - D. Parking and vehicle access shall be so arranged that there will be no need for vehicles to back over sidewalks or into streets.
19. Townhouses. Where permitted, townhouses (single-family attached dwellings) shall comply with the following:
- A. There shall be no more than 10 units in a row.
 - B. Individual units may be subdivided and contained on individual lots only when served by community sewerage and water facilities.
20. Motels. Where permitted, motels shall be subject to the following safeguards and regulations.
- A. Where two or more buildings are proposed as a land development, a plat shall be prepared and submitted to the Township in accordance with the requirements of the Township's Subdivision and Land Development Ordinance [Chapter 22].
 - B. No motel shall have a lot area of less than one acre.
 - C. Front, side and rear yards of the motel shall be permanently landscaped and maintained in good condition.
 - D. Off-street parking and loading spaces for facilities developed as part of the motel premises shall be provided as required by Part 13 of this Chapter.
 - E. Every unit shall be provided with running hot and cold water and separate toilet facilities.
 - F. Motel buildings or parts thereof shall be placed no closer to any side or rear lot line than 30 feet.

- G. The space between motel buildings shall be not less than 30 feet.
 - H. When the application for a permit is for a single motel building, a plan shall be submitted to the Zoning Officer showing the following:
 - (1) Extent and area of property.
 - (2) Entrance, exits, driveways, roads, parking areas and walks.
 - (3) Location of the main building(s) and accessory building(s).
 - (4) Plan for storm drainage.
 - (5) Plan for soil erosion and sedimentation control.
 - (6) Plan for supply of electricity, gas and other utilities.
21. Golf Courses and Country Clubs. Where permitted, the following standards shall also apply:
- A. A minimum of 10 acres shall be provided.
 - B. No building or structure shall be located closer than 75 feet from a side or rear lot line.
 - C. At least 70% of the lot area shall be maintained with a vegetative cover.
22. Riding Academy. Where permitted, the following standards shall also apply:
- A. A minimum of five acres shall be provided.
 - B. No building or manure storage area shall be located closer than 50 feet from any property line.
 - C. The paddock enclosure shall be located no closer than 25 feet from any property line.
 - D. All grazing areas shall be enclosed with a fence of suitable construction and shall not encroach on any street right-of-way.
23. Libraries and Museums. Where permitted, the following standards shall apply:
- A. A minimum of one acre shall be provided.
 - B. A five-foot planted buffer shall be maintained along each side and rear property line.

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- C. Maximum coverage shall not exceed 40% of the lot area, and at least 25% of the lot area shall be maintained with a vegetative cover.
24. Temporary Roadside Stands. Such a structure and use may be permitted, provided the following are complied with:
- A. A highway occupancy permit shall be obtained from the appropriate State or municipal authority for any access or pull-off areas.
 - B. Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.
 - C. No structure shall be located closer than 25 feet from the edge of cartway.
 - D. The structure shall be removed at the end of the growing and harvesting season of the products sold.
 - E. No hazards to pedestrians or vehicular traffic shall be created.
25. Sexually Oriented Businesses.
- A. Purpose.
 - (1) Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, cleanliness, comfort and safety of the citizens of Conewago Township, to regulate and inspect the use and occupancy of public buildings, to regulate places of public entertainment, amusement and recreation, and to prevent and prohibit public nuisances due to adverse secondary effects, Conewago Township has developed the following provisions to minimize and control the adverse secondary effects of sexually oriented businesses and thereby protect the health, safety and welfare of its citizens; protect the citizens' property values and character of surrounding neighborhoods; and deter the spread of blight.
 - (2) The Board of Supervisors has determined that the following provisions and associated licensing requirements are a legitimate and reasonable means of accountability to insure that operators of sexually oriented businesses comply with reasonable regulations and to insure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
 - (3) The Board of Supervisors does not intend the following provisions to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. It is not the intent of the Board in enacting this legislation to deny any person rights of speech pro-

tected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor is it the intent of the Board to impose, by this legislation, any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and other materials. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually oriented materials or conduct protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of sexually oriented may have to sell, distribute, or exhibit these materials.

B. Legislative Findings. The Board of Supervisors finds:

- (1) Law enforcement personnel have determined and statistics and studies performed in a substantial number of communities in this Commonwealth, and in the United States indicate that sexually oriented businesses have adverse secondary effects, including those specified and recognized at 68 Pa. C.S.A. § 5501(a), which secondary effects should be regulated to protect the public health, safety and welfare. These secondary effects include, but are not limited to, the spread of communicable diseases, performance of sexual acts in public places, presence of discarded sexually oriented materials on public and private property, sexual harassment, obscenity, prostitution and other illegal sexual activities, crime, decreased property values and neighborhood deterioration.
- (2) Based on evidence concerning the adverse secondary effects of adult uses on the community presented in depositions and hearings conducted by the United States District Court for the Middle District of Pennsylvania, Case No. 3:CV99-1801 (Judge Munley), and by the United States District Court for the Western District of Pennsylvania, Case No. 98-1140 (Judge Lancaster); and in reports made available to the Township and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Biloxi, Mississippi; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Township finds:
 - (a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is

presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

- (b) Certain employees of sexually oriented businesses defined in this engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (c) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. Furthermore, adult bookstores tend to attract homosexual men who engage in unprotected, high-risk sexual activities.
- (d) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (e) Persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (g) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (h) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (i) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (j) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

- (k) Numerous studies have indicated that sexually oriented businesses have a substantial negative impact on property values and cause neighborhood blight.
 - (l) The findings noted in paragraph (a) through (k) raise substantial governmental concerns.
- (3) Sexually oriented businesses have adverse secondary effects in the nature of a public nuisance, which secondary effects should be regulated to protect the public health, safety and welfare.
 - (4) Sexually oriented businesses have operational characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns.
 - (5) As an integrated part of this legislation, a reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented business. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
 - (6) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters and bookstores.
 - (7) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
 - (8) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
 - (9) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this subsection is designed to prevent or who are likely to be witnesses to such activity.

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- (10) The fact that an applicant for an adult or sexually oriented use license has been convicted of a sexually related crime leads to the rational assumption that the applicant is likely to engage in that conduct in contravention of this subsection.
 - (11) The barring of such individuals from the management of sexually oriented uses for a period of years serves as a deterrent to and prevents conduct, which leads to the transmission of sexually transmitted diseases.
 - (12) The general welfare, health and safety of the citizens of the Township will be promoted by the enactment of this subsection.
 - (13) The reasonable regulation and supervision of sexually oriented businesses tends to discourage sexual acts and prostitution and thereby promote the health, safety and welfare of patrons, clients and customers of these businesses.
 - (14) The continued unregulated operation of such sexually oriented businesses would be detrimental to the general health, safety and welfare of citizens of Conewago Township.
- C. Sexually oriented businesses may be established in the Wholesale-Manufacturing District as a conditional use subject to review and submission requirements as required in the Zoning Ordinance and specifically the following conditions:
- (1) Persons or owners who intend to open a sexually oriented business must obtain from the Township a permit, upon the effective date of adoption of a Licensing Ordinance, to operate such an enterprise and must pay a license fee as set by the resolution of the Supervisors of the Township.²
 - (2) Sexually oriented businesses cannot be located within the following separation distances:
 - (a) No sexually oriented business shall operate or be established within 1,000 feet of any religious institution, school, public or private park, or youth club or organization.
 - (3) The separation distance between a sexually oriented business and the above-referenced uses shall be measured in a straight line, without regard for intervening structures, from the property line associated with the identified use.

² Editor's Note: See Ch. 13, Part 2.

- (a) Sexually oriented businesses shall be fully screened from adjoining properties with suitable evergreen trees as to provide a complete visual barrier between the Sexually Oriented Use and adjoining property. Conewago Township Board of Supervisors shall approve the screening plan.

- 26. Conditional Use Criteria. The following general standards shall be used as guidelines by the Planning Commission and Board of supervisors in acting upon applications for conditional uses. In passing upon such applications the Commission and/or Board of Supervisors shall determine:
 - A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - B. The conditional use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - C. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - D. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and to facilitate the circulation and movement of pedestrian and vehicular traffic.
 - E. Adequate utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal, access roads and other necessary facilities have been or are being provided.
 - F. The intended purpose of the proposed use is not inconsistent with the planning policies of this Township as contained in the Comprehensive Plan and this Chapter.
 - G. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and of the Municipalities Planning Code. 53 P.S. §10101 et seq.

- 27. Prohibited Uses. The following uses are prohibited in all districts throughout the Township:
 - A. The incineration, reduction, or storage of garbage, offal, animals, fish, or refuse, unless by the authority of or under the supervision of the Township.
 - B. Dumps and dumping of any kind unless by the authority of or under the supervision of the Township.

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- C. Race tracks for stock cars, midget cars and other motorized vehicle racing.
 - D. Massage Parlor. The operation of any massage parlor in which any of the following activities are carried on:
 - (1) The treatment of any person, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police. The requirements of this provision shall not apply to treatments given in the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.
 - (2) The massage of or physical contact with the sexual or genital parts of one person by any other person.
 - (3) The failure to conceal with a fully opaque covering, the sexual or genital parts of the body of any person.
 - E. Head shops or any other businesses which involve, in whole or in part, the sale, lease, trade, gift, or display for sale of any and all types of drug paraphernalia, as defined Part 3 of this Chapter.
 - F. Any use or activity prohibited by §5903 of the Pennsylvania Crimes Code, 18 Pa. C.S. §5903, as amended and supplemented.
28. Uses Not Provided For. Whenever, in any district established under this Chapter, a use is neither permitted nor prohibited and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or prohibit the use. The use, however, may be permitted if it is similar to and compatible with permitted uses in the district and in no way conflicts with the general purpose and intent of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 10; as amended by Ord. 1998-1, 11/11/1998, §4; and by Ord. 2004-5, 11/10/2004, §§3, 4, 5)

§1002. Height Regulations.

- 1. The height of a building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation for the district in which the building is located; provided the total height does not exceed the maximum permitted height by more than 20%.

2. Height regulations shall not apply to spires, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary mechanical appurtenances.
3. For all residential uses accessory buildings shall not exceed 15 feet in height.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1003. Area Regulations.

1. On a lot held in single and separate ownership which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein.
2. The area, width and depth of lots shall provide adequate open space for off-street loading, unloading and/or parking space. When necessary, septic tanks and drain fields shall be provided with open space in addition to the open space required for off street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1004. Yard Regulations.

1. Yards shall be provided in accordance with the provisions of this Chapter and shall be planted with grass, sod, or other vegetative cover excepting in cases where walks, access drives, off-street parking, lots, patios or other types of surfaces are permitted. All yards shall be maintained and kept free of all debris and rubbish.
2. Setbacks.
 - A. All buildings or structures hereafter erected shall be set back from the street line not less than that specified.
 - B. Where the street right-of-way upon which the lot abuts is less than 50 feet in width, the front yard depth and the width of the side yard abutting the street shall be measured from the ultimate street right-of-way.
3. Adjustments to Meet Existing Setbacks in Front Yards.
 - A. When a vacant lot is situated between two lots, each occupied by a principal building within 25 feet of the side lot line of such vacant lot which extends

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into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of such two adjacent occupied lots.

- B. Where a vacant lot adjoins only one lot occupied by a principal building within 25 feet of the common side lot line which extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent lot and the front yard required for the district in which such vacant lot is located. However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.
 - C. Where the existing principal structure extends into the required front, side or rear building setback, private detached garages may be placed no closer to the street right-of-way or property line than the existing principal structure or 1/2 the required minimum setback distance, which ever provides the greater setback from the street right-of-way line or property line.
4. Side Yards/Rear Yards.
- A. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Chapter.
 - B. A carport, open on three sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Chapter; provided, the carport shall be not less than eight feet from the side lot line.
5. Accessory Uses and Structures.
- A. Accessory buildings shall comply with the setback and height requirements of this chapter for the principal building except that in agricultural and residential districts:
 - (1) Detached accessory buildings shall not be located within a floodplain.
 - (2) Accessory buildings (minor) are permitted in the rear and side yards but no closer to the rear and side property lines than the following:

DISTRICT	SIDE AND REAR SETBACK
Agricultural	15 Feet
Residential – Country*	10 Feet
Residential – Suburban	5 Feet

* Also includes lots in the Agricultural District with a total area of one acre or less.

- (3) No accessory building, including an accessory building (minor), may be placed within the front building setback.
- (4) Accessory buildings (minor) shall be limited to a total maximum floor area of 200 square feet or a maximum of two buildings having a combined maximum floor area of 200 square feet.
- (5) The length of an accessory building (minor) shall not exceed 2.5 times the width.

B. Detached private garages shall comply with the following:

- (1) Detached private garages shall comply with the rear, side and front yard set back requirements, except as provided for in §1004.

(Ord. 1985-1, 10/9/1985, Art. 10; as amended by Ord. 1998-1, 11/11/1998, §§5-7; and by Ord. 2000-3, 5/10/2000, §2)

§1005. Buffer Yards.

1. Unless otherwise provided for in this Chapter, where a commercial or manufacturing use adjoins a residential use or district, and where a residential use adjoins a limited access highway, a buffer yard of not less than 10 feet in depth shall be provided along the lot lines, in addition to the yards required for the district in which it is located.
2. All buffer yards shall be provided in accordance with the following:
 - A. All buffer yards shall be planted with grass or ground cover, and a dense screen planting. Buffer yards shall be maintained and kept free of all debris and rubbish.
 - B. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards; however, access roads, service drives, and utility easements not more than 35 feet in width are permitted to cross a buffer yard provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than 60°.
 - C. The parking of automobiles may be permitted in a portion of the buffer yard as determined by the Zoning Officer, upon review and recommendations by the Planning Commission.
 - D. Screen planting shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:
 - (1) Plant materials used in screen planting shall be at least four feet in height when planted, shall be planted no more than three feet apart,

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and be of such species as will produce, within three years, a complete year-round visual screen of at least six feet in height.

- (2) The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year.
- (3) The screen planting shall be so placed that at maturity it will be not closer than three feet from any ultimate right-of-way or property line.
- (4) A clear-sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets.
- (5) The screen planting shall be broken only at points of vehicular or pedestrian access.
- (6) Trees that shall not be used in planting of buffer yards are:
 - (a) Poplars – all varieties.
 - (b) Willows – all varieties.
 - (c) White or Silver Maple.
 - (d) Aspen – all varieties.
 - (e) Common Black Locust.
 - (f) Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangement of all of the buffer yards and the placement, species and size of all plant materials to be placed in such buffer yard. Said plan must be reviewed by the Planning Commission and approved by the Zoning officer before a building permit may be issued.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1006. Projections into Yards.

Solar collectors and unenclosed, ground-story, terraces, patios and porches may project into any required yard not more than 1/2 its required dimensions and not more than 10 feet in any case. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two feet into a required yard.

(Ord. 1985-1, 10/9/1985, Art 10)

§1007. Obstructions to Vision.

1. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees, or other plant material shall not be planted or maintained which may cause danger to traffic on a street or road by obstructing the view.
2. A clear-sight triangle of 75 feet, measured along the street lines of intersecting streets, shall be maintained; within the area of such triangle structures or planting shall be limited to a height of not more than three feet nor less than 10 feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of 10 feet above the street grade.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1008. Fences and Walls.

1. Fences and walls may be erected, altered and maintained within yards, provided that (A) any such fence or wall in the front yard shall not exceed three feet in height and (B) any fence or wall in the side or rear yard eight feet in height, provided that any fence or wall exceeding six feet in height shall contain openings therein equal to 50% of the area of that portion of the wall or fence exceeding six feet.
2. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.
3. If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior of the mesh.
4. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
5. No fence shall be constructed in any street or alley right-of-way.
6. All fences must meet the intersection visibility requirements set forth in §1007 of this Part.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1009. Habitable Space.

The minimum habitable floor area of a dwelling unit hereafter erected shall be 600 square feet. In the case of apartment houses, the minimum habitable floor area shall be not less than 300 square feet per apartment, except those apartments designed for and

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occupied exclusively by one person, which apartments shall each contain not less than 200 square feet of habitable floor area.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1010. Illumination.

Any illumination shall be arranged in such a manner that the light shall be shielded from any residential building and shall not fall within the right-of-way of any street or highway.

(Ord. 1985-1, 10/9/1985, Part 10)

§1011. Performance Standards.

Hereafter, all uses of land, buildings and structures or processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions. Uses may be permitted, except those specifically prohibited in the district regulations or general provisions, if safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement between the Board of Supervisors and the property owner, subject to the securing of a permit therefor and subject to the carrying out of such provisions, restrictions and safeguards.

(Ord. 1985-1, 10/8/1985, Art. 10)

§1012. Drainage Regulations.

1. Prior to obtaining a permit for any construction or earthmoving activities the applicant must submit an erosion and sedimentation control plan and surface water management plan for approval by the Board of Supervisors and the Township Engineer.
2. Such plans shall conform with those standards set forth in the Township Subdivision and Land Development Ordinance [Chapter 22], and any other applicable State, county and Township legislation or regulations, particularly the Pennsylvania Stormwater Management Act.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1013. Control of Traffic and Protection of Public Safety.

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a

driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1014. Reduction of Off-Lot Dimensions.

The area, width or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater, than prescribed herein.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1015. Courts.

Courts shall conform to the following:

- A. An open space in the form of an interior court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such rooms, the windows of which shall open in such court. (This §1015 shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.)
- B. Outer Court.
 - (1) The width of any outer court upon which windows open from a living room, bedroom or dining room shall be not less than the height of the wall opposite such windows.
 - (2) The depth of an outer court formed by walls on three sides shall be not greater than 1 1/2 times the width.
 - (3) The width of an outer court shall be not less than 2/3 the height of any opposing wall forming said court.
- C. Inner Court.
 - (1) Each dimension of an inner court shall be not less than the full height of the walls enclosing such court; provided, however, that not less than 50 feet for apartment buildings and not less than 10 feet for two-family dwellings.
 - (2) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area

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and headroom for the passage of firefighting equipment, and shall be continuous from the inner court to a yard or unobstructed open area with access to a street.

(Ord. 1985-1, 10/9/1985, Art. 10)

§1016. Communication Antennas and Communication Buildings.

1. General requirements.
 - A. Building mounted communications antennas shall not be located on any residential structure.
 - B. Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.
 - C. Directional or panel communications antennas shall not exceed five feet in height or width, with a minimum surface area of 15 square feet.
 - D. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - E. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer.
 - F. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment can be accomplished.
 - G. Communications antennas shall comply with all applicable standard established by the federal communications commission governing human exposure to electromagnetic radiation.
 - H. Communications antennas shall not cause radio frequency interference with other communications facilities located within the Township.
 - I. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory building.

- J. The owner and operator of communications antennas shall be licensed by the federal communications commission to operate such antennas and shall provide a copy of such license to the Township.

(Ord. 1985-1, 10/9/1985, Art. 10; as added by Ord. 1998-3, 12/9/1998, §10)

§1017. Communications Towers.

1. General Requirements.

- A. The applicant shall be required to submit the Township evidence of the need for the communications tower and that all alternatives have been exhausted to constructing the communications tower in a residential district. Applicants are required to prove need by:

- (1) Providing evidence, including coverage diagrams and technical reports that, in terms of location and construction, there are no existing towers, communications towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons.

- (a) Planned equipment would exceed the structural capacity of the communications towers, buildings or structures and existing communications towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent at a reasonable cost.

- (b) Planned equipment will cause interference with other existing or planned for that communications tower, building or structure and the interference cannot be prevented at a reasonable cost.

- (c) Existing or approved communications towers, buildings or structures do not have space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned.

- (d) Other reasons make it impractical to place the equipment by the applicant on existing and approved communications towers.

- B. All communications towers in Conewago Township shall be less than 200 feet in height. No signing or lighting shall be permitted on the communications towers except as required by the FCC or the FAA. Other lighting shall be permitted according to Part 10, §1010, of this Chapter.

- C. Communications towers may not be located on a lot that is listed on a historic register or in an officially designated State or Federal historic district.

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- D. Communications towers shall be no closer than 1,000 feet, such distance being measured as a horizontal distance from tower to tower.
- E. The applicant for a communications tower must execute an agreement with the Township, in a recorded instrument legally sufficient to the Township, reviewed by the Solicitor, requiring the removal of the communications tower within one year after the communications tower ceases to function as such. A bond of other acceptable form of security to guarantee the removal of the structure shall be submitted and accepted by the Township. Removal of the communications tower shall include the tower, all appurtenances or components thereof, including any associated buildings or structures.
- (1) Responsibility of Owner and Occupant of Premises for Removal. No person, firm, corporation owning or occupying any property within the Township shall permit, leave or cause to be left any communications tower, appurtenances or component parts thereof, including any associated buildings or structures on said property on and after the aforesaid one-year period. A communications tower, all appurtenances or component parts thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this Section.
 - (2) Notice to Conform. Conewago Township is hereby authorized and directed to give notice by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Part, and directing and requiring said owner or occupant to conform with the requirements of this Part within 30 days after the issuance of such notice.
 - (3) Violations and Penalties. In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Conewago Township may enter the premises and remove the communications tower, all appurtenances or component parts thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by the Township from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit.
- F. A security fence and gate, of approved design by the Township Engineer, of not less than eight feet, including barbed wire at the top, shall completely enclose the communications tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
- G. The applicant shall submit a landscaping plan. Landscaping requirements shall be as follows:

- (1) Part 10, §1005, of this Chapter. This requirement may be waived by the Township if there is existing acceptable vegetation along the property lines.
 - (2) Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in Part 10, §1005, of this Chapter.
- H. A minimum of one parking space shall be required. Spaces shall meet requirements in Part 13, §1304, of the Conewago Township Code of Ordinances. Parking spaces may be surfaced with a durable and dustless gravel surface and must be approved by the Township Engineer.
 - I. Access shall be provided to the communication tower and communications building by means of a public street or easement of 20 feet in width and shall be improved to a width of at least 10 feet.
 - J. Internal access to the communications tower shall be provided by a minimum ten-foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of 35 feet from the centerline of any public street. The length of the driveway beyond this 35 feet shall, at a minimum, be surfaced with a durable and dustless gravel.
 - K. Communication towers shall be fully automated and unattended on a daily basis. They shall be visited only for periodic maintenance.
 - L. The communications equipment building shall be identified as an accessory building, and the applicable regulations for the host zoning district shall apply.
 - M. Guy wires, if utilized, may not be anchored in any setback area of the host zoning district. Guy wires shall not cross or encroach any overhead telephone or electric power lines.
 - N. The applicant shall have control over any land on which the tower is to be erected. This control, submitted in writing, may be either in the form of ownership, lease or recorded easement, as reviewed by the Solicitor.
 - O. The applicant shall submit a copy of its current Federal Communications license, the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
 - P. No communications tower shall be located closer than 500 feet from existing structure, playground, ballfield or other area used for active recreation within a municipal park or school or residential structure.

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- Q. No more than 10,000 square feet of clear-cutting of wooded areas shall be allowed for the site area of the communications tower.
 - R. The applicant shall submit copies of the structural and foundation drawing and calculations to the Township. All plans, calculations and specifications shall be signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania and shall comply with applicable industry standards.
2. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Residential Districts. In addition to the conditions stated in subsection (1), the following conditions shall also apply:
- A. Setbacks shall be no less than 150 feet from adjacent property lines and public road right-of-way lines or the height of the tower which ever is greater. Such distance shall be in a straight line from the communications tower to the appropriate line.
3. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Agriculture, Commercial and Wholesale-Manufacturing Districts. In addition to the conditions stated in subsection (1), the following conditions shall also apply:
- A. Setbacks shall be no less than 150 feet from adjacent property lines and public road right-of-way lines or the height of the tower which ever is greater. Such distance shall be in a straight line from the communications tower to the appropriate line.

(Ord. 1985-1, 10/9/1985, Art. 10; as added by Ord. 1998-3, 12/9/1998, §10)

§1018. Co-Location of Facilities.

- 1. General Requirements.
 - A. The applicant for the co-location of facilities shall be required to submit a building permit application for approval.
 - (1) Data required with the application shall be as stipulated in Part 10, §1001(11), of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 10; as added by Ord. 1998-3, 12/9/1998, §10)

§1019. Community Propane Supply (CPS) and Permanent Community Propane Supply (PCPS).

1. CPS may be used in lieu of natural gas systems for a period of five years, or an agreed-upon time frame between the Township and developer, from the issuance of the first certificate of use and/or occupancy.
2. Individual propane systems, or secondary propane systems used to supplement another form of energy, when used in conjunction with a single-family detached dwelling or single nonresidential use shall be exempt from these regulations. The use of individual, secondary systems or uses other than for CPS or PCPS systems shall be installed pursuant to the Uniform Construction Code, if applicable.
3. When a CPS is proposed as part of a single-phase or multi-phase development, the CPS shall be located within the subdivision that it is serving and shall comply with the following standards:
 - A. A written agreement must be executed between the developer and natural gas company agreeing to the intent and capability of extending natural gas to the subdivision within the required time frame.
 - B. The CPS and natural gas system and extension thereof shall be bonded by the developer to secure the construction and operation of the natural gas system within the required time frame, and to ensure the removal of the temporary propane tanks and associated appurtenances, including but not limited to the berm, landscaping, and fencing.
 - C. All adjoining lot owners adjacent to the development shall be notified of the CPS and be provided with a location map showing its location in proximity to their property.
 - D. A setback of 250 feet shall be established around each tank or series of tanks used in a CPS from any dwelling.
 - E. When a CPS is completely or partially aboveground, the CPS shall be completely surrounded by a berm, with the exception of the point of entry, a minimum of six feet high with a berm slope of 3 to 1 or less steep. The top of the berm shall be a minimum eight feet wide and planted with a minimum six-foot-high trees or evergreens to provide a continuous buffer of at least 95% within two years of planting.
 - F. A ten-foot-high fence topped with barbed wire shall be located around a propane tank or series of propane tanks used in a CPS. The gate leading into the confined area shall be locked at all times when not being serviced.
 - G. A propane tank or series of tanks shall be installed pursuant to the Uniform Construction Code, if applicable.

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4. Permanent community propane supply (PCPS) shall comply with the following standards:
 - A. All adjoining lot owners adjacent to the property shall be notified of the PCPS and be provided with a location map showing its location in proximity to their property.
 - B. A buffer area of 500 feet shall be established around each tank or series of tanks used in a PCPS.
 - C. When a PCPS is completely or partially above ground, the PCPS shall be completely surrounded by a berm, a minimum of 6' high with a berm slope of 3 to 1 or less steep. The top of the berm shall be a minimum eight feet wide and planted with a minimum six-foot-high trees or evergreens to provide a continuous buffer of at least 95% within two years of planting.
 - D. A ten-foot-high fence topped with barbed wire shall be located around a propane tank or series of propane tanks used in a PCPS. The gate leading into the confined area shall be locked at all times when not being serviced.
 - E. A propane tank or series of tanks shall be installed pursuant to the Uniform Construction Code, if applicable.
5. Notification and Disclosure.
 - A. A disclosure shall be executed informing buyers of real estate in the development of the CPS and the requirement to convert to natural gas when made available. A copy of the disclosure shall be provided to the Township at the time when a building permit is applied for.
 - B. In the case of a speculation home or model home, the disclosure shall be executed between the developer or builder and purchaser of the real estate at the time of settlement.
6. General Restrictions and Prohibitions.
 - A. A CPS or PCPS shall not be permitted in a floodplain or wetland.
 - B. A CPS shall be setback a minimum of 250 feet from a public right-of-way.
 - C. A PCPS shall be setback a minimum of 500 feet from a public right-of-way.
 - D. A CPS or PCPS shall be located a minimum of 1,000 feet from a public or private park, or school.
 - E. A CPS or PCPS shall be setback a minimum of 1,000 feet from state gamelands, private hunting clubs, or a shooting range.

- F. A CPS cannot be offered to lots, dwellings, or nonresidential uses other than those located in the subdivision that it is intended to serve.

(Ord. 2004-6, 11/10/2004, §8)

Part 11

Nonconforming Buildings and Uses

§1101. Continuation.

The Zoning Officer shall identify and register all of the premises occupied by a lawful nonconforming use or building existing at the effective date of this Chapter and issue a certificate of nonconformance which shall be for the purpose of ensuring to the owner the right to continue a nonconforming use or building.

(Ord. 1985-1, 10/9/1985, Art. 11)

§1102. Alterations.

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, provided such alterations and repairs conform with regulations set forth in this Chapter and all other applicable codes and ordinances adopted by the Township.

(Ord. 1985-1, 10/9/1985, Art. 11)

§1103. Extension or Enlargements.

1. The types of extensions and enlargements listed below are permitted for nonconforming buildings and uses existing on the effective date of this Chapter:
 - A. The extension of a nonconforming use of land upon a lot occupied by such use.
 - B. The extension or enlargement of a conforming building occupied by a nonconforming use.
 - C. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
 - D. The extension or enlargement of a nonconforming building occupied by a conforming use.
2. The foregoing extensions or enlargements shall be subject to the following conditions:
 - A. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Extension or

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enlargement shall not exceed 50% of the area or building which is in non-conformity at the date of enactment of this Chapter.

- B. The entire building or use shall be provided with off-street parking and loading spaces as required by Part 13 of this Chapter.
- C. The extension or enlargement does not replace a conforming use.
- D. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Chapter where such vacant parcels have been recorded separately or acquired following the effective date of this Chapter.
- E. A nonconforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

(Ord. 1985-1, 10/9/1985, Art. 11)

§1104. Reconstruction.

A nonconforming building which is damaged by fire, explosion or an act of God may be rebuilt and used for the same purposes, provided that:

- A. The reconstruction of the building is commenced within one year from the date of the destroying of the building and is carried to completion without undue delay.
- B. The reconstructed building does not exceed in height, area, and volume the building destroyed.

(Ord. 1985-1, 10/9/1985, Art. 11)

§1105. Discontinuance.

If a nonconforming use of land or building ceases operations for a continuous period of more than two years, then such use and any subsequent use of land or building shall conform to the provisions of this Chapter, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

(Ord. 1985-1, 10/9/1985, Art. 11)

§1106. Nonconforming Signs.

Signs in existence at the effective date of this Chapter may be continued subject to the regulations contained in §1103 of this Part and in Part 12 of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 11)

Part 12

Signs

§1201. Sign Area and Height.

The following guidelines shall apply when interpreting area and height regulations in this Section:

- A. Area. The area of a sign shall be the area of the smallest geometric shape, such as a rectangle, triangle, or circle, that will encompass all elements of the sign, such as letters, figures, symbols, designs, logos or other displays.
 - (1) 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.
 - (2) 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.
 - (3) When a single structure has more than one face with the same message, and no two sign faces are more than three inches apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.

- B. 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.
 - (1) No sign shall be higher than the height limitation of the district in which it is located.
 - (2) The height of freestanding signs shall be controlled by the standard in Table 2.
 - (3) 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 and may not extend above the highest point of the roof.

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(Ord. 1985-1, 10/9/1985, Art. 12; as amended by Ord. 1998-1, 11/11/1998, §8)

§1202. General Regulations.

The following regulations shall apply to all signs, in addition to the specific regulations and supplemental regulations contained in the following provisions of this Part. Where the general regulations are contradicted by the specific or supplementary regulations, the specific or supplementary regulations shall control.

- A. All signs shall reflect the general character of the neighborhood.
- B. All signs shall be constructed of durable materials and maintained in good condition.
- C. 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.
- D. The areas surrounding all signs shall be maintained in a neat, clean and attractive condition.
- E. All signs shall be removed within 90 days if the purpose for which they were erected no longer exists.
- F. Each property which displays one or more permanent freestanding signs and which 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 which is easily identifiable and legible from moving traffic in a street at a distance of 100 feet three inches high lettering/numerals with a 3/4 inch stroke). The area taken up by the address does not count as part of the sign area. Center signs are exempt from this requirement if multiple addresses apply.
- G. No temporary signs shall be permitted except as authorized elsewhere in this Section.
- H. No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a nonprofit organization sign or another sign approved by the Board of Supervisors or the Pennsylvania Department of Transportation.
- I. No sign more than 30 inches high, other than a government sign, shall be located within the 75 feet clear sight triangle of any street intersection or in any other position where it could endanger vehicular or pedestrian traffic by obstructing vision.

- J. No signs shall be painted, pasted, nailed, stapled or otherwise attached to utility or other poles, trees, fences, fire hydrants or in any unauthorized manner to walls or odd us, except for “warning,” “no hunting,” “no trespassing” or similar signs.
- K. Any freestanding sign within a floodplain must receive approval as a special exception.
- L. No sign shall be placed so as to obstruct any door, stairway, window, fire escape or other means of egress or ingress.
- M. No sign shall be placed so as to obstruct ventilation or light from a building.
- N. No overhead sign shall have a clearance of less than eight feet between any pedestrian walk and the lowest part of the sign.
- O. No sign which is parallel to and attached to the face of a building shall project more than 18 inches over a public sidewalk.
- P. No sign which is perpendicular to and attached to the face of a building shall project over a public sidewalk nor extend beyond any property line.
- Q. No sign shall have lights or other illuminating devices which constitute a public safety or traffic hazard.
- R. No sign other than authorized governmental signs 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.”
 - (2) By including red, green or yellow lights.
- S. No sign or window display shall include revolving beam or beacon of light resembling an emergency vehicle or facility.
- T. No sign shall advertise activities or products which are illegal under Federal, State or local municipal laws or regulations.
- U. No signs shall include statements, words or pictures which are considered vulgar, obscene or pornographic.
- V. No streamers, banners, pennants, spinners, reflectors, ribbons, tinsel or similar materials shall be displayed outside a building.
- W. No animated, sequential, intermittent, flashing, rotating or oscillating signs shall be permitted except for time and temperature signs.

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- X. No sign shall emit smoke, visible vapors, particles, sound or odor.
- Y. No inflatable signs shall be permitted.
- Z. No open flames shall be permitted as part of a sign display.
- AA. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Part.
- BB. Any sign which has been authenticated as historically significant by the Pennsylvania Historical and Museum Commission, whether original or replica, shall be exempt from the regulations of this Section.
- CC. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights which are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- DD. 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.
 - (3) Any part of a building or property used for residential purposes.
- EE. No exposed neon tubing or strings of lights shall be permitted to outline buildings, structures or parts thereof used for commercial, home occupations, home businesses or industrial use. Customary holiday decorations, may be installed 45 days prior to and removed not later than 30 days after the holiday.
- FF. Business signs in other than commercial and manufacturing districts shall not be illuminated when the business is closed.
- GG. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc., and the latest edition of the National Electric Code.
- HH. The display of property address numbers only is not considered a sign under this Part and as such is not regulated. If the sign includes other information in addition to the property address number, it shall be regulated under the appropriate sign Section.

(Ord. 1985-1, 10/9/1985, Art. 12; as amended by Ord. 1998-1, 11/11/1998, §8)

§1203. Specific Regulations.

Tables 1 and 2 provide regulations for specific kinds of signs in each zoning district. Note that there are also supplemental regulations in §1204 which should be reviewed for most kinds of signs; these are referenced in the second column of Table 1 and Table 2.³

- A. Permitted Signs and Sign Permit Requirements. Table 1 indicates, for each zoning district, which kinds of signs are permitted and not permitted, and which kinds of signs require permits. In those parts, an “N” indicates that the sign is not permitted; an “A-P” indicates that the sign is allowed and a permit is required; an “A-N” indicates that the sign is allowed and a permit is not required.
- B. Permitted Number, Area, Height and Setback for Signs. Table 2 indicates, for each zoning district, information about the permitted number, maximum area, maximum height and minimum setback for each kind of sign.

(Ord. 1985-1. 10/9/1985, Art. 12; as amended by Ord. 1998-1, 11/11/1998, §8)

§1204. Supplemental Regulations.

In addition to the regulations contained elsewhere in this Section, the following shall apply to specific kinds of signs. The regulations in Tables 1 and 2⁴ apply in addition to the following supplemental regulations. Where the provisions in the supplemental regulations and Tables 1 and 2 are contradictory, the provisions contained in the supplemental regulations shall control.

- A. Business signs are generally regulated in accordance with Tables 1 and 2. Business signs for individual businesses which are permitted by Table 2 must be located so that they are identified with the individual business, i.e., rather than being at the street frontage of a large center, away from the business they are advertising.
- B. Center signs are allowed for centers such as shopping centers, office complexes and industrial parks which meet at least two of the following three minimums:
 - (1) Five commercial units.
 - (2) Twenty thousand square feet of building area.
 - (3) Five acres of land.

³ Editor's Note: Tables 1 and 2 are included at the end of this chapter.

⁴ Editor's Note: Tables 1 and 2 are included at the end of this chapter.

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- C. Contractor signs must be set back at least 10 feet from the right-of-way, may not be in the side yard setback and may not be illuminated. Contractor signs must be removed promptly upon completion of the construction. If there are four or more contractor signs on a single 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 six inches and the display may project a maximum of 12 inches from the wall if attached parallel to the building.
- D. Development signs are allowed for residential developments. They may include only the name of the development and may not include any commercial advertising.
- E. Election signs may be displayed no more than 14 days prior to the election and must be removed within seven days after the election.
- F. Garage/yard sale signs may be placed no more than 48 hours before the sale and must be removed before the end of the day of the sale.
- G. Government signs may only be placed by governmental units or with their approval. Size, location, etc., shall be subject to State or Federal regulations or as approved by the Township. No permit is required if sign is regulated by State or Federal regulations, otherwise a permit is required.
- H. Home occupation signs may include a name, an address, an occupation or activity and a logo or trademark. There may be no illumination, except that a sign for a medical office or emergency service may be illuminated when the business is open.
- I. Identification signs are broken into two classifications, major and minor, based on their size and location and are generally regulated in accordance with Tables 1 and 2. However, two special kinds of identification signs are specifically regulated in accordance with Tables 1 and 2: "development signs" and "public use signs."
- J. Incidental signs must have a setback of 10 feet from the right-of-way unless they are less than 30 inches in height, in which case no setback is required.
- K. Nonprofit organization signs may be placed in Township street rights-of-way with the approval of the Board of Supervisors. The Board of Supervisors may require that they be placed at designated entrances to the community or on common display panels.
- L. Off premises signs may be located in any district where such property is located along a Type 1 arterial street as defined in the Comprehensive Plan. For the purpose of this Part these streets are Elizabethtown Road (SR 0743), the Pennsylvania Turnpike and SR 0283. Signs must comply with applicable State and Federal regulations. A sign may have two surfaces

with a total of two messages, as long as the surfaces are back to back or at an angle of not more than 45°. Each surface may have an area of up to 300 square feet, whether or not the messages are the same. Each off premises sign structure must have setbacks of:

- (1) Fifty feet from any street right-of-way.
 - (2) The minimum building setback, whichever is greater, and at least 1,000 feet radius from any other off premises sign, regardless of which side of the road it is on. Each off premises sign must be at least 500 feet from any commercial or residential unit.
- M. Open house signs must include the words “open house,” the day and time of the open house and the name of the realtor. They may be displayed no more than three days in advance of the open house and must be removed within two hours of the end of the open house. The open house must be attended by the seller or his representative during the entire advertised time of the open house. There may be no more than two off premise open house signs for each open house, with no more than one sign per intersection. Open house signs shall be limited to use for six days per month per lot. The placement of open house signs may not interfere with pedestrian or vehicular traffic and must comply with all applicable general regulations in subsection (C).
- N. Public utility signs are subject to the requirements of identification signs except they may be placed in any district.
- O. Real estate signs must be removed within five days of settlement.
- P. Roadside stand signs are only permitted for a temporary roadside stand as determined by this Part. Signs may be displayed for a period of one hour before the stand opens and shall be removed one hour after the close of business on a daily basis. The signs shall be at least five feet off the shoulder of the road.
- Q. Special event signs for an event may be displayed no more than 21 days in advance. All special event signs must be removed within five days of the end of the event. Any special event signs which do not meet the standards of this Section must be approved by the Township.

(Ord. 1985-1, 10/9/1985, Art. 12; as amended by Ord. 1998-1, 11/11/1998, §8)

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§1205. Permitting Procedures and Fees.

Permits for the placement of signs are required as indicated by Table 1.⁵ Sign permit application requirements such as forms, plans, and fees shall be established by the Township.

- A. Fees for the erection of election signs shall be established by the Township Board of Supervisors. Fees paid will be held in escrow until all signs are removed. If the signs are not removed within the specified time after the election, the fee will be forfeited to the Township to cover the cost of the removal of the signs by the Township staff.

(Ord. 1985-1, 10/9/1985, Art. 12; as amended by Ord. 1998-1, 11/11/1998, §8)

§1206. Nonconforming Signs.

Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:

- A. There may be no expansion or increase in the nonconformity in any way.
- B. Maintenance and repair of the sign are permitted, if necessary, and its supporting structure may be replaced in the event of damage. Any such replacement must be completed within six months of the damage occurring.
- C. The sign must be brought into conformity if, for a period of at least three months, the message has no longer applied to an activity on the premises (this does not apply to off premises signs).

(Ord. 1985-1, 10/9/1985, Art. 12; as amended by Ord. 1998-1, 11/11/1998, §8)

⁵ Editor's Note: Table 1 is included at the end of this chapter.

Part 13

Off-Street Parking, Loading and Unloading

§1301. General Parking Regulations.

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required within shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term “parking space” includes either covered garage space or uncovered parking space located off the public right-of-way.
2. Outdoor parking space shall be deemed to be part of the open space of the lot on which it is located.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory or building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above any underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. All commercial, public and semi-public uses shall allocate a minimum of one handicapped parking space or 5% of the total parking spaces required, whichever is greater, as calculated pursuant to the other provisions of this Part. This handicapped parking space requirement shall be applicable to commercial, public and semi-public uses regardless of the zoning district in which such uses may be located. The design for such parking spaces shall be approved by the Township Engineer in accordance with the Americans With Disabilities Act of 1990, 42 U.S.C. §12101 et seq. (ADA), and any regulations as are adopted from time to time in accordance therewith.

(Ord. 1985-1, 10/9/1985, Art. 13; as amended by Ord. 1995-1, 12/13/1995, §1)

§1302. Facilities Required.

Any of the following buildings hereafter erected or enlarged and any building hereafter converted into one of the following buildings and any open area hereafter used shall be provided with not less than the minimum parking spaces as set forth below, together with adequate access ways, driveways or other means of circulation and access to and from a street.

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OFF-STREET PARKING SPACE REQUIREMENTS

USES	REQUIRED PARKING SPACES
1. Automobile wash	5 for each washing machine.
2. Automotive sales and service	1 parking space for each 300 sq. ft. of gross floor area devoted to service facilities or 2 spaces for each service bay, whichever is larger, plus 1 space for each 200 square feet or gross floor area devoted to sales facilities or usage plus 1 space for each full-time employee.
3. Banks or professional office	1 space for each 200 square feet of floor area.
4. Bowling alleys	5 spaces for each alley.
5. Schools	1 space for each faculty member and employee plus 1 space for each 17 classroom seats.
6. Places of public or private assembly (churches, community centers, theaters, or similar meeting and assembly uses)	1 space for every 4 seats or 1 space for each 100 square feet of floor area where no seats are provided.
7. Dance halls, swimming pools, roller rinks, clubs, lodges, and other similar places	1 space for each 100 square feet or floor area or of water area in a swimming pool.
8. Food markets and convenience stores	1 space for each 200 square feet of floor area.
9. Funeral homes	5 spaces for each 200 square feet of floor area.
10. Furniture or appliance stores	1 space for each 200 square feet of floor area.
11. Hospitals, nursing and convalescing homes	1 space for every 3 beds, plus 1 space for each 2 employees in the maximum working shift plus 1 space for each staff doctor.
12. Hotels, motels, tourist houses, boarding and lodging houses	1 space for each guest room plus 1 space for each 2 employees in the maximum working shift.
13. Industrial uses (mills, manufacturing or assembly plants, warehousing, laboratories, salvage yards, etc.)	1 space for each 1,000 square feet of floor area, plus 1 space for 2 employees in the maximum working shift. The total parking area shall not be less than 25% of the building floor area.
14. Medical and dental clinics offices	5 spaces for each practitioner.

OFF-STREET PARKING SPACE REQUIREMENTS

USES	REQUIRED PARKING SPACES
15. Municipal dwellings	1.5 spaces per dwelling unit.
16. Restaurants, cafes, and other similar places serving food or beverages	1 space for each 2 seats.
17. Retail stores and shops	1 space for each 120 square feet of floor area.
18. Single and two-family dwellings	2 spaces per dwelling unit.
19. Utility or communication station	1 space per vehicle normally required to service such facility.

(Ord. 1985-1, 10/9/1985, Art. 13)

§1303. Location of Parking Space.

1. Parking spaces for multiple dwelling buildings, commercial and industrial uses shall be readily accessible to and within a reasonable distance from the buildings served thereby. Such spaces shall be in the same zoning district as the principal building or open area, and conform to the following regulations:
 - A. The required parking spaces shall be located within 600 feet of the principal building or open space in question.
 - B. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Board of Supervisors, binding and obligating the owner and his heirs or assigns to maintain the number of parking spaces throughout the life of the principal use.

(Ord. 1985-1, 10/9/1985, Art. 13)

§1304. Design Standards.

The minimum dimensions of parking facilities to be provided shall be as follows:

- A. In all districts, parking space per vehicle shall be not less than 10 feet wide and 20 feet long.
- B. In all districts except for single-family dwellings, there shall be no less than 10 feet of open space between the curb line or edge of any parking area and the outside wall of any building. No parking area shall be located within a public right-of-way.

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- C. Parking lot dimensions shall be no less than those listed in the following table.

Angle of Parking	Parking Bay Width	Depth From (Curb)*	Aisle Width	
			One-Way	Two-Way
90°	10'	20'	24'	24'
60°	10'	22'	18	20'
45°	10'	21'	15'	20'
30°	10'	19'	12'	20'

* Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parked vehicles and not including any part of the drive.

- D. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- E. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- F. The width of entrance and exit drives shall be not less than 12 feet for one-way use only, or 20 feet for the two-way use; except where 90° parking is used in which case the minimum shall be not less than 24 feet at the edge of the paved cartway.
- G. Setback for parking areas shall be provided as follows:
- (1) All parking spaces and access drives shall be at least 10 feet from any multiple dwelling, industrial, or commercial building on the lot.
 - (2) All parking spaces and access drives shall be at least five feet from any exterior lot line, except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area, unless as otherwise permitted in this Chapter.
 - (3) Except at entrance and exit drives, parking areas shall be physically separated from any public and/or private strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.
 - (4) All off-street parking spaces shall be marked so as to indicate their location.
- H. Separate parking areas on a parcel or development shall be physically separated from one another by eight-foot planting strips.

- I. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street and from the ground level of adjoining residential districts.

(Ord. 1985-1, 10/9/1985, Art. 13)

§1305. Changes in Requirements.

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to these standards, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 13)

§1306. Continuing Obligation.

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total number of spaces or area after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change of parking spaces, such reduction is in conformity with the requirements of this Part. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. Such facilities shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

(Ord. 1985-1, 10/9/1985, Art. 13)

§1307. Drainage, Surfacing and Maintenance Standards.

1. The area of parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable stabilizing material, and drained to the satisfaction of the Board of Supervisors and the Township Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties.
2. Parking areas shall be kept clean and free from rubbish and debris.
3. In all cases, such drainage, surfacing and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Township.

(Ord. 1985-1, 10/9/1985, Art. 13)

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§1308. Lighting.

Any lighting used to illuminate off-street parking or loading areas shall be shielded from any residential district and confined to the property lines on which such parking or loading areas are situated.

(Ord. 1985-1, 10/9/1985, Art. 13)

§1309. Loading and Unloading Space.

1. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
2. If required in §1309(1), at least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed 10,000 square feet, one additional loading berth shall be provided for each additional 10,000 square feet or part thereof of gross floor area. The off-street loading berth shall be not less than 10 feet wide, 35 feet in length, and 14 feet in height.

(Ord. 1985-1, 10/9/1985, Art. 13)

Part 14

Motor Vehicle Access

§1401. Driveways and Curbs.

Whenever motor vehicle access is provided from the street or private road onto a lot, access to the lot shall comply with the following:

- A. Property access shall be provided by not less than one nor more than two driveways for each 100 feet of street or private road frontage.
- B. No two of said driveways serving single or two-family residences shall be closer to each other than 12 feet, and no driveway shall be closer to a side or rear property line than three feet. No flare shall cross an extended side property line.
- C. Each driveway shall be properly stabilized and shall be not more than 35 feet in width, measured at right angles to the center line of driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
- D. Driveways shall not cross the street right-of-way line within 40 feet of the street right-of-way of an intersecting street and in no case less than 10 feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the Board of Supervisors, this dimension may be increased for driveways into shopping centers or other commercial, industrial, public, multifamily or institutional uses.
- E. For all multifamily, commercial, industrial or institutional uses, driveways shall not cross the street right-of-way within 20 feet of a property line unless two adjoining property owners agree, in a legally recorded instrument, to a common driveway.
- F. For other than single and two-family type uses, driveways shall not cross the street right-of-way within 40 feet of another driveway on the same lot, excepting in the case where dual access drives are deemed necessary to permit safe ingress and egress, the Board of Supervisors may permit these dimensions to be reduced to not less than 12 feet between two access drives.
- G. Driveways shall not cross the street right-of-way within 15 feet of a fire hydrant, or within five feet of a catch basin or drain inlet.
- H. For nondwelling uses where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two

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ends and street or private road side of each such island shall be constructed a concrete curb, the height, location, radii, approach angles and structural specifications of which shall be approved by the Township Engineer.

- I. For nondwelling uses, where there is no existing curb and gutter or sidewalk; a curb, fence or landscaping not less than eight inches and not more than two feet in height shall be constructed along the entire length of the property line, except in front of the permitted driveways.
- J. General Safety Requirements; Sight Distances. Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of 10% within 12 feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than 1/2 foot vertical to one-foot horizontal within 10 feet of the point the drive intersects with the right-of-way line.
- K. A scale drawing of proposed off-street parking and loading areas, access drives, and walkways shall be submitted as part of the required plot plan. Any plan requiring access to a State highway shall be approved by Pennsylvania Department of Transportation in addition to Township approval.

(Ord. 1985-1, 10/9/1985, Art. 14)

§1402. Location of Gasoline Service Equipment.

Gasoline pumps and all other service equipment shall be set back not less than 25 feet from any lot or right-of-way line and shall be so positioned that vehicles stopped for service will not extend over any such line.

(Ord. 1985-1, 10/9/1985, Art. 14)

Part 15

Floodplain Management

§1501. General Provisions.

1. The purpose of these provisions is to set forth, by separate Part, zoning related floodplain management regulations deemed necessary to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 - A. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
 - B. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
 - C. Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
 - D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
2. These provisions shall apply to all land within the jurisdiction of the Township and shown on the Zoning Map as being located within the boundaries of any identified floodplain district.
3. No structure or land shall hereafter be used and no structure shall be located, re-located, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.
4. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the identified floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages. Further, these provisions shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made hereunder.

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(Ord. 1985-1, 10/9/1985, Art. 15)

§1502. Establishment of Flood District.

1. Basis of Flood District. For the purposes of this Chapter, the Floodplain District shall include those areas identified as being subject to the one-hundred-year flood on the special Flood Hazard Map prepared for Conewago Township by the Federal Insurance Administration (FIA) dated December 17, 1974.
2. Delineation of Floodplain District.
 - A. The General Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided. Such areas are shown on the Flood Hazard Area Map prepared by the Federal Insurance Administration. In determining the necessary elevations for the purposes of this Chapter, other sources of data where available shall be used by the applicant such as:
 - (1) Corps of Engineers – Floodplain Information Report.
 - (2) U.S. Geological Survey – Floodprone Quadrangles.
 - (3) U.S.D.A., Soil Conservation Service – County Soil Surveys (Alluvial Soils).
 - (4) Known highwater marks from past floods.
 - (5) Other sources.
 - B. Where the specific one-hundred-year flood elevations cannot be determined from the above sources, the applicant shall determine the elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
3. Overlay Concept.
 - A. The General Floodplain District described above shall be an overlay to the existing underlying districts as shown on the Zoning Map, and as such, the provisions for the Floodplain District shall serve as a supplement to the underlying district provisions.

- B. Where a conflict between the provisions or requirements of the Floodplain District and those of any underlying zoning district arises, the more restrictive provisions shall apply.
 - C. Zoning Map. The boundaries of the General Floodplain District are established as incorporated into the Zoning Map. Refer to Part 3, §§301 and 302(2) of this Chapter.
4. Flood District Boundary Changes. The delineation of the General Floodplain District may be revised by the Board of Supervisors where natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Susquehanna River Basin Commission, or other qualified agency or person documents the need or possibility for such change, However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(Ord. 1985-1, 10/9/1985, Art. 15)

§1503. Flood District Provisions.

- 1. Introduction.
 - A. All uses, activities and development occurring within the floodplain district shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances such as the Township of Conewago Subdivision and Land Development Ordinance [Chapter 22].
 - B. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
 - C. Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the Township, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Pennsylvania Department of Community Affairs.
- 2. General Floodplain District.
 - A. Permitted Uses. In the General Floodplain District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.

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- B. Special Provisions for Certain Uses and Development. Section 1504(1) and (2) of this Chapter establish additional special requirements and procedures for certain kinds of development within the General Floodplain District.
- C. Setback Requirements from Watercourse. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.
- D. No buildings or accessory structures for residential use shall be allowed within the boundaries of any identified floodplain district.

(Ord. 1985-1, 10/9/1985, Art. 15; as amended by Ord. 1997-1, 1/6/1997; and by Ord. 2005-2, 8/10/2005, §7)

§1504. Special Provisions for Certain Kinds of Development Within the General Floodplain District.

- 1. Development Which May Endanger Human Life.
 - A. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by such Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises shall be subject to the provisions of this Section, in addition to all other applicable provisions:
 - (1) Acetone.
 - (2) Ammonia.
 - (3) Benzene.
 - (4) Calcium carbide.
 - (5) Carbon disulfide.
 - (6) Celluloid.
 - (7) Chlorine.
 - (8) Hydrochloric acid.
 - (9) Hydrocyanic acid.

- (10) Magnesium.
 - (11) Nitric acid and oxides or nitrogen.
 - (12) Petroleum products (gasoline, fuel oil, etc.).
 - (13) Phosphorus.
 - (14) Potassium.
 - (15) Sodium.
 - (16) Sulphur and sulphur products.
 - (17) Pesticides (including insecticides, fungicides and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps Of Engineers, June 1972) or with some other equivalent watertight standard.
2. Activities Requiring Special Permits.
- A. In accordance with the Pennsylvania Floodplain Management Act and regulations adopted by the Department of Community Affairs as required by such Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely within the identified floodplain district:
- (1) Hospitals – public or private.
 - (2) Nursing Homes – public or private.
 - (3) Jails.
 - (4) New mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.
 - (5) Facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, and evacuation and emergency medical centers.

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- B. Special Permit Application Requirements and Procedures. Such procedures are set forth in the Township of Conewago Building Permit Ordinance [Chapter 8].
 - C. Technical Requirements for Development Requiring a Special Permit. In addition to any other applicable requirements, the following provisions shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provisions, the more restrictive provisions shall apply:
 - (1) No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (a) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (i) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
 - (ii) The lowest floor elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.
 - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
 - (b) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
 - (2) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts.
3. Special Requirements for Mobile Homes. Where permitted within the General Floodplain District, all mobile homes and any additions thereto shall be:
 - A. Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA) No. 501A-1974 (ANSI A119, 3-1975)) as amended for Mobile Homes in Hurricane Zones, or the following:

- (1) Over-the-top ties shall be provided as each of the four corners of the mobile home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.
- (2) Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.
- (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

B. Elevated in accordance with the following requirements:

- (1) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be 1 1/2 feet or more above the elevation of the one-hundred-year flood.
- (2) Adequate surface drainage is provided.
- (3) Adequate access for a hauler is provided.
- (4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.
- (5) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.

(Ord. 1985-1, 10/9/1985, Art. 15)

§1505. Existing Structure in the General Floodplain District.

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

- A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure and/or use to any extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.

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- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure and/or use to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 1985-1, 10/9/1985, Art. 15)

§1506. Conditional Uses in the General Floodplain District.

1. Review Factors. In passing upon applications for conditional uses, the Planning Commission and Board of Supervisors shall consider all relevant factors and procedures specified in other Sections of this Chapter and:
 - A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - E. The importance of the services provided by the proposed facility to the community.
 - F. The requirements of the facility for a waterfront location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.
 - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - J. The safety of access of ordinary and emergency vehicles to the property in times of flood.
 - K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 - L. Such other factors which are relevant to the purposes of this Chapter.

2. Supplemental Technical Review. The Board of Supervisors may refer any application and accompanying documentation pertaining to any request for a conditional use to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
3. Conditions for Approving Conditional Uses. Conditional uses shall only be approved after the Board of Supervisors has determined that the granting of such will not result in (A) unacceptable or prohibit increases in flood heights, (B) additional threats to public safety, (C) extraordinary public expense, (D) the creation of nuisances, (E) any fraud or victimization of the public, or (F) any conflict with local or State laws or ordinances.

(Ord. 1985-1, 10/9/1985, Art. 15)

§1507. Variances Within Floodplain District.

1. General. If compliance with any of the requirements of this Part would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
2. Variance Procedures and Requirements. In passing upon applications for variances, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other Sections of this Chapter and:
 - A. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by “Development Which May Endanger Human” (§1504 of this Chapter) or by “Special Permit” (§1504 of this Chapter).
 - B. If granted, a variance shall involve only the least modification necessary to provide relief.
 - C. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Chapter.
 - D. Whenever a variance is granted, the Zoning Hearing 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 variances may increase the risks to life and property.

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- E. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
- (1) There is good and sufficient cause.
 - (2) Failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) The granting of the variance will not result in an unacceptable or prohibited increase in 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 local or State ordinance and regulations.
 - (4) Refer to criteria presented in §1506 of this Chapter.
 - (5) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.
- F. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

(Ord. 1985-1, 10/9/1985, Art. 15)

§1508. Permit.

A building and/or zoning permit shall be required for all construction and development within the General Floodplain District; which includes but is not limited to buildings or other structures, paving, filling, grading, excavation, dredging or drilling operations.

(Ord. 1985-1, 10/9/1985, Art. 15)

Part 16

Amendments

§1601. Enactment of Zoning Ordinance Amendments.

1. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.
2. Before voting on the enactment of an amendment, the Board of 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 Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
3. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.
6. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 1985-1, 10/9/1985, Art. 16; as amended by Ord. 1997-1, 1/6/1997)

§1602. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The

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curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. The Board of Supervisors, if it determines that a validity challenge has merit, 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 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 roads, 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 this Chapter or Zoning 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.

(Ord. 1985-1, 10/9/1985, Art. 16; as amended by Ord. 1997-1, 1/6/1997)

§1603. Procedure for Township Curative Amendments.

1. If the Township determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

- A. The Township shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days such declaration and proposal the Board of Supervisors shall:
- (1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which requires revision; or,
 - (c) Reference to this entire Chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.
3. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain or consider any landowner’s curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1) (A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.
4. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty 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 propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 1985-1, 10/9/1985, Art. 16; as amended by Ord. 1997-1, 1/6/1997)

Part 17

Administration and Government

§1701. Appointment and Powers of Zoning Officer.

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
2. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(Ord. 1985-1, 10/9/1985, Art. 17; as amended by Ord. 1997-1, 1/6/1997)

§1702. Enforcement.

It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require. Permits for construction and uses which are a special exception or a variance to requirements of this Chapter shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon approval of such conditional use by the Board of Supervisors.

(Ord. 1985-1, 10/9/1985, Art. 17)

§1703. Zoning Hearing Board.

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.
2. The membership of the Board shall consist of three residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for

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three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. 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 this Chapter.
5. 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 a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within the limits of funds appropriated by the Board of 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 Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(Ord. 1985-1, 10/9/1985, Art. 17; as added by Ord. 1997-1, 1/6/1997)

§1704. Jurisdiction.

1. The Zoning Hearing 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 Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.
 - 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 30 days after the effective

date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

- 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 therefore, 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 Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.
 - F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.
 - 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 Chapter.
 - H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.
 - 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 stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.
2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.
 - B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.
 - C. Applications for conditional use under the express provisions of this Chapter.

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- D. Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).
- E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.
- 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 stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 1985-1, 10/9/1985; as added by Ord. 1997-1, 1/6/1997)

§1705. Variances.

- 1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter 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:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the applicant.

- D. 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.
 - E. 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.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

(Ord. 1985-1, 10/9/1985; as added by Ord. 1997-1, 1/6/1997)

§1706. Special Exceptions.

Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing 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 Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

(Ord. 1985-1, 10/9/1985; as amended by Ord. 1997-1, 1/6/1997)

§1707. Conditional Uses.

Where the Board of Supervisors, in this Chapter, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of 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 Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

(Ord. 1985-1, 10/9/1985, Art. 17; as amended by Ord. 1997-1, 1/6/1997)

§1708. Parties Appellant Before the Board.

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of

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a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; 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; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(Ord. 1985-1, 10/9/1985; as added by Ord. 1997-1, 1/6/1997)

§1709. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the Township 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 or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

(Ord. 1985-1, 10/9/1985; as added by Ord. 1997-1, 1/6/1997)

§1710. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the 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.

2. 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.
3. 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.
4. 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.

(Ord. 1985-1, 10/9/1985; as added by Ord. 1997-1, 1/6/1997)

§1711. Permits.

1. Requirements of Permits. A building and/or zoning permit shall be required prior to:
 - A. Erection, addition or alteration of any building or portion thereof.
 - B. The use or change in use of a building or land.
 - C. The change or extension of a nonconforming use.

It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such building permit or zoning permit shall be required in case

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of normal maintenance activities, minor repairs and alterations which do not structurally change a building or structure.

2. **Application for Permits.** All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
3. **Issuance of Permits.** No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration complies with all the provisions of this Chapter, as well as the provisions of all other applicable ordinances. Construction shall commence within six months or shall become void. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.
4. **Temporary Permits.** A temporary permit may be authorized by the Board of Supervisors for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed one year, and may be renewed annually for an aggregate period not exceeding three years.

(Ord. 1985-1, 10/9/1985, Art. 17; as amended by Ord. 1997-1, 1/6/1997)

§1712. Certificate of Non-Conformance.

A certificate of nonconformance shall be issued by the Zoning Officer to the owner of any property which at the effective date of this Chapter is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certificates shall be registered in the records of the Township as follows:

- A. Such certificates of nonconformance shall be issued within 180 days after the effective date of this Chapter.
- B. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.

- C. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer.
- D. The certificate shall be for the purposes of insuring the owner, his heirs, successors and assigns the right to continue a nonconforming use in accordance with the regulations of this Chapter.

(Ord. 1985-1, 10/9/1985, Art. 17)

§1713. Fees.

- 1. The Board of Supervisors shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Zoning Officer.
- 2. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any applications or appeal.

(Ord. 1985-1, 10/9/1985, Art. 17)

§1714. Inspection by the Zoning Officer.

It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:

- A. **Beginning of Construction.** A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
- B. **Completion of Construction.** A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Chapter, and the option of the Zoning Officer in regard to the issuance of a certificate of use permit.

(Ord. 1985-1, 10/9/1985, Art. 17)

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§1715. Certificate of Use.

1. A certificate of use shall be a statement issued by the Zoning Officer setting forth that either a building, structure, parcel or use of land complies with the provisions of this Chapter.
2. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a certificate of use shall have been issued by the Zoning Officer.
3. A certificate of use for the use of occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within 15 days after a final inspection by the Zoning Officer.
4. A certificate of use for changing or extending a nonconforming use, existing at the effective date of this Chapter or of any amendment thereof, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.
5. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. 1985-1, 10/9/1985, Art. 17)

§1716. Enforcement Notice.

1. If it appears to the Township that a violation of this Chapter has occurred, the Township 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 Chapter.
- 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 period of 10 days.
- 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.

(Ord. 1985-1, 10/5/1985; as added by Ord. 1997-1, 1/6/1997)

§1717. 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 Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, 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 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

(Ord. 1985-1, 10/5/1985; as added by Ord. 1997-1, 1/6/1997)

§1718. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in

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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.

2. 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.
3. 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.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1985-1, 10/5/1985; as added by Ord. 1997-1, 1/6/1997)